REFRAMING RESOLUTION– MANAGING INDIVIDUAL WORKPLACE CONFLICT
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Experiencing the mediation process from the disputant’s perspective

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Introduction

- Acas sponsored research
- Investigate a little researched element of workplace mediation in the UK:
  ‘How is mediation experienced by the disputant?’
- Methodology adopted
- The key findings
- Summary and next steps
The focus of mediation research in the UK

- Alternative dispute resolution (Roche and Teague, 2012)
- Sectoral and thematic studies (Latreille, 2010, 2011; Latreille et al. 2012; Bennett, 2012)
- Case study (Saundry et al, 2011; Saundry and Wibberley, 2012).
- Conceptual model (Ridley–Duff and Bennett, 2011)
- Draw on the long–standing work in the US (Shapiro and Brett, 1993; Bingham and Pitts, 2002; Bingham, 2004; Lipksy and Seeber, 2001; Lipksy, 2007)
With the exception of Acas’s own evaluation of its services, (Fox, 2005; Seargeant, 2005; Acas 2011, 2012).

The ‘voice’ and experiences of disputants has not been explored.
The research aimed to extend our understanding of mediation in four key respects:

- Build on our knowledge of the mediation process by capturing the views and experiences of disputants.
- Explore the trajectory of individual disputes and the rationale underpinning individuals’ participation in mediation.
- Critically assess participants’ views as to their expectations of mediation, the effectiveness of mediation provision and sustainability of outcomes.
- Assess the impact of mediation in enhancing the overall efficacy of conflict management, and the employer/employee relationship.
Methodology

- **Sample**
  - Acas disputants
  - Private providers
    - In-house services
- 21 in total
- Participants were self-selecting
- Semi-structured face to face and telephone interviews, 30–90 minutes, 18 hours of data
- Sensitivity in the process
Background and benefits of workplace mediation

- Costs saving
- Repair and maintain relationships
- Greater sense of ownership for the disputants
- Non blame = ‘win–win’
- Alternative to potentially more damaging ‘traditional’ dispute resolution routes
- We use the facilitative model in the UK
The findings

- Nature of the disputants
  - Large organisation
  - Public sector
  - Majority Acas mediated
  - 40% male, 66% complainants, 50% bullying cases
  - Majority one disputant of the case interviewed

- Nature of the disputes
  - *Professional disagreements and personality clashes*
  - *Performance management, bullying and harassment*
  - *Discrimination and bullying – suitable for mediation?*
Referral, advice and support

- Initiating mediation – the key role of HR
- Mediation – a last resort?
- Advice and support – the problem of isolation

Attitudes to mediation

- Prior knowledge of mediation
- Positive views – resolution, safety and justice
- Scepticism and resistance
- A voluntary process?
Conduct of mediation

- The structure of mediation
- The role of the mediator – the importance of trust and rapport
- Facilitating settlement or transforming relationships?
- The impact on participants – power and perspective
- The importance of ‘administration’
- Following up mediation – unresolved issues
Mediation outcomes – a complex picture

- Success and failure
- Success and sustainability
- A source of voice and empowerment
- Confidentiality and sustainability

Mediation – transforming attitudes and conflict management?

- Changing attitudes to conflict – pragmatism and development.
- Impact on organisational approaches to conflict
Growing interest by government, practitioners and academics

However, better understanding the experiences of the disputants is critical

Findings suggest that mediation may have a wider application than previously thought

Research revealed that managers often felt under pressure to agree to mediation.

In some cases, a lack of enthusiasm for the process did not prevent a positive outcome
Advice and support would appear to be particularly important.

The findings also question whether mediation is used as a means of early dispute resolution.

Most interviewees felt that mediation would be more effective if used at an earlier point in the dispute but found going through mediation stressful.

The data provides key insights into the outcomes of mediation – i.e. degree of sustainability.

The benefits of mediation can extend beyond an agreement or settlement – even where there is little chance of a sustained resolution, the simple fact that individuals have an opportunity to voice their concerns and exert some control over their situation can help to maintain the employment relationship.
References

References contd.