

A study of the role of external mediation in enhancing workplace productivity

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ABSTRACT

The upcoming Mediation Bill, due to be published and enacted towards the end of this year, further underlines the official recognition of mediation in Ireland as an effective and appropriate method of dispute resolution. However, despite a growing acknowledgement of mediation as an important option in the management of workplace conflict, there is a lack of empirical research in relation to the efficacy and quality of outcomes from external mediation. This is partly due to the inherent challenge in conducting research into what is, essentially, a confidential process.

The findings outlined in this article are derived from primary research, approved by the Ethics Committee of the Department of Education, Queens University Belfast, into the effectiveness of external mediation in resolving workplace disputes in the Irish context. While the findings indicate that external mediation *is* effective in resolving workplace conflict, analysis of the findings provides some insight into the quality of outcomes in terms of three, identified themes of *productivity*, *cohesion* and *innovation*. This article considers the findings in relation to *productivity*.

THE MOVE TOWARDS INTEREST-BASED DISPUTE RESOLUTION

Globalisation, new technology, changing demographics and increased employment legislation have dramatically reshaped the modern, industrialised labour market. The move during the latter stages of the 20th Century from traditional, low-skill, low-value manufacturing work to what is termed ‘advanced manufacturing’ – which entails highly-skilled, knowledge-intensive activity and high-performance, team-based work – necessitated a fundamental change in employment relationships from the adversarial, ‘power over’ relationship exemplified by the traditional collective bargaining approach,

to a more collaborative, 'power with' relationship, based on shared responsibility and common interest.

Also, increased employment legislation and the corresponding 'legalisation' of workplace conflict, particularly in the US, UK and Ireland, spurred organisations to establish more appropriate mechanisms for resolving workplace disputes.

An emerging view of conflict in the modern workplace as a naturally occurring phenomenon that requires effective management, rather than avoidance, precipitated a move towards interest-based processes.

The following section will consider the research findings in relation to the efficacy of external mediation in addressing workplace conflict and specifically the quality of outcomes in terms of enhanced productivity.

RESEARCH QUESTIONS

To examine the efficacy of external mediation in workplace conflict the researcher posed two specific research questions:

Question 1: Does external mediation result in satisfactory outcomes for the parties to mediation?

Question 2: What is the value and benefit of external mediation to the contracting organisation?

In approaching Question 1, the researcher used an anonymous questionnaire with yes/no answers to allow statistical information to be gathered, and areas for comment to enable a better understanding of the experience from the perspective of the individual parties to mediation.

Semi-structured interviews with human resources/case managers and external mediators were used to explore Question 2.

ANONYMOUS QUESTIONNAIRE FINDINGS AND DISCUSSION

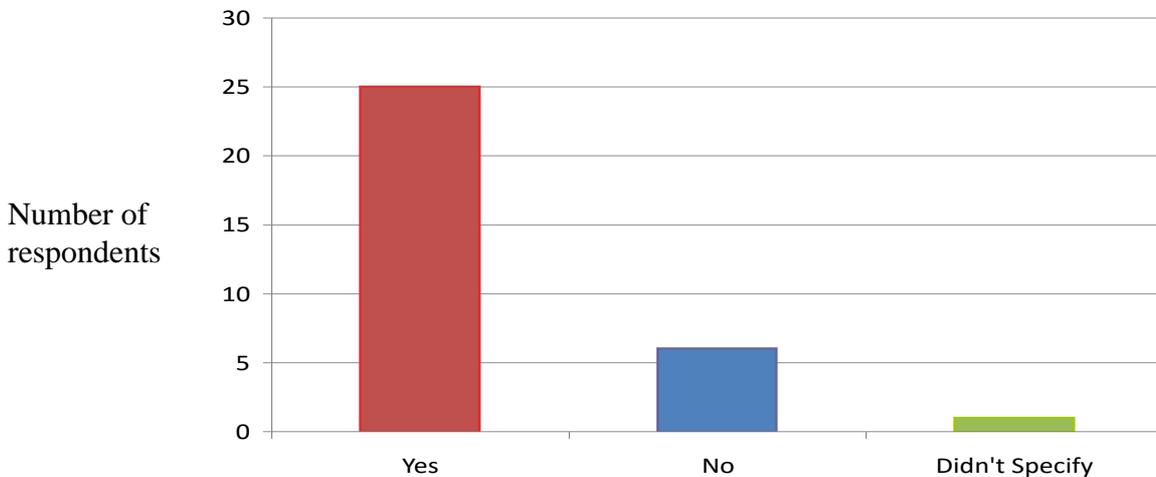
A total of 140 sets of questionnaire documentation were issued to parties who had directly taken part in an external mediation. Of the 140 sets of documentation issued, 32 completed questionnaires were returned by post directly to the researcher.

Question 1: Findings in relation to the outcomes for parties to mediation

The length of time that the individuals had been experiencing difficulties with their counterpart in the dispute ranged from three to four months, to seven years, with a mean of two years and two months.

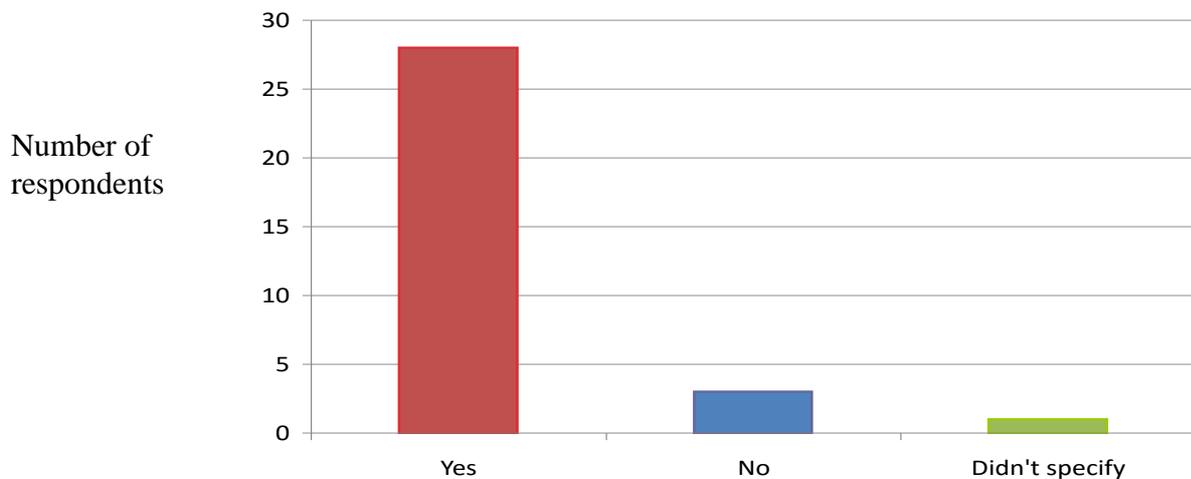
Of the total 32 respondents, 78.12% (25) stated that the mediation improved the situation, 18.75% (6) stated that the mediation did not improve the situation and 3.13 (1) did not specify (see Figure 1 below).

Figure 1: Did mediation improve the situation?



Of the 32 respondents, 87.5% (28) stated that they had reached a mediated agreement, 9.37% (3) stated that they had not reached agreement and 3.12% (1) did not specify (see Figure 2 below).

Figure 2: Was a mediated agreement reached?



That 87.5% of the respondents confirmed that the mediation they engaged in resulted in a mediated agreement – 75% of which were confirmed as still standing and only one confirmed as not standing at the time of response – indicates a high agreement level, comparable with available statistics for statutory-based, workplace mediation and industry-specific mediation (construction disputes), quoted as, respectively, 82% (Labour Relations Commission, 2004) and 81% (Construction Industry of Ireland figure cited in the Law Reform Commission Report, 2010).

Discussion of questionnaire findings in relation to productivity

If we accept that workplace conflict obstructs the achievement of goals, including specific task-related goals such as solving a problem, as well as more general goals such as being a competent and socially accepted person (Meier et. al, 2013: 145), the high settlement rate suggests that external mediation is effective in addressing workplace conflict. However, it is the narrative answers that provide an insight into the quality of outcome from the perspectives of the parties who engaged in external mediation.

As noted by Mayer (2004, p.xiii-xiv), conflicts are ‘immense sources of stress and pain’ that cannot fully be resolved without some understanding of our own role within the conflict. Mediation differs from other forms of conflict resolution processes in that it is a collaborative, interest-based process based on recognition, empowerment and understanding. It is not surprising therefore that the outcomes most frequently cited by

the respondents to the questionnaire were in relation to their improved working relationships achieved through new understandings. Comments from the respondents in response to the question ‘In your view, was the mediation helpful?’ included:

It helped me thinking about the larger picture and the hurt that was caused. (4b)

[To] Understand we were both part of the problem and we had the power to fix it. (4d)

Yes, we have a much ‘easier’ working relationship now. (4e)

We got to talk through the issues and to understand the other side. (4i)

Yes, mediation gave both of us the opportunity to raise issues that heretofore we found difficult to discuss or address. Having a trained and experienced mediator facilitate the process made a huge difference. It gave comfort that each was being heard and in our case this case resulted in better understanding of the other person’s perspective and allowed us to come to an accommodation that was workable. (4j)

It cleared the air between me and my work colleague. (4l)

It allowed us to work out a long series of difficulties. (4n)

Conflict can wreak havoc on relationships, individuals and organisations (Tjosvold, 2008:23), and generally, where other causes of conflict have not been identified, full responsibility and blame will be assigned to the conflict partner (Meier et. al, 2013: 146). However, where other causes of conflict are identified and understood, responsibility and blame will be reduced (Meier et. al, 2013: 146) allowing for a lessening of personal antagonism and more objective engagement in relation to task-related problems. This is clearly evidenced in the respondents’ comments above.

Question 2: Findings in relation to outcomes from the perspective of the organisations:

The HR/case managers interviewed confirmed the number of external mediation cases as ranging from one to six, and the settlement rate of those cases – qualified as ‘the resolution of the identified issues in dispute at the time of the mediation’ – as ranging from 50% to 100% as indicated in Table 1 below:

Table 1: Settlement rate of external mediation cited by the HR/case managers			
HR/case manager	No. of cases in last five years	Identified issues resolved	% success rate (cited)
HR/case manager #1	6	4 (plus one partially resolved)	60%
HR/case manager #2	6	3	50%
HR/case manager #3	3	3	100%
HR/case manager #4	1	1	100%

The mean success rate of 77.5% cited by the HR/case managers is significantly less than the 87.5% of respondents to the anonymous questionnaire who confirmed that external mediation had improved the situation, but compares closely to the 78.12% of respondents who confirmed that a mediated agreement had been reached. The disparity between these figures may be due to a number of factors including the potential for mediation to deliver benefits to the parties, even where a mediated agreement is not achieved.

While this information was not sought through the anonymous questionnaires, a number of the HR/case managers identified beneficial outcomes, even where full resolution was not achieved through external mediation:

... a partial resolution of the matter is still a tangible benefit. (HRM #1:f)

...if people got to a stage where they identified that there were things happening which neither of them had any direct responsibility for but they both were reacting to the environment, if that resulted in clarifying exactly what that meant and how you might articulate that, that would be a positive outcome in itself for the two people involved. (HRM #2:m)

I suppose there is an element of success there. And that might have even assisted that individual in terms of the pieces that they have been able to let go of and move on from and the other pieces that have remained. (HRM #4:s)

Workplace conflicts may be task-related – the way that we do the job – and/or relational – about the people in conflict, their values and individuality. The voluntary and confidential nature of mediation allows for a quality of dialogue that is problem-solving

rather than blaming and collaborative rather than adversarial. Instead of focusing on the simplistic dualities of conflict – right/wrong, good/bad, victim/perpetrator – mediation supports the parties in gaining an understanding of what happened, and why, and what can change, and how, so that viable and appropriate outcomes can be achieved for both the individuals in conflict and their organisation.

The HR managers/case managers, while not party to the mediated discussions, were clear in their understanding of the importance of *how* the mediated discussions had taken place, and the value of this to their organisation:

...the parties [in mediation] have to construct that outcome which reflects the reality of their working relationship and hopefully interdependence on each other (HRM #2:c)

... I suppose the biggest quality was that, eh, faces were saved which did enable people to get working together again and put the conflict behind them. (HRM #3:a)

The quality of the working relationship where a mediation succeeds are likely to be far more functioning than following on from other processes... (HRM #4:i)

De Drew (2008) questions whether the increased individual self-efficacy and satisfaction, reduced probability of future conflict, economic value and harmony associated with interest-based transactions is applicable to interest-based interventions to workplace conflict. These outcomes, which can reasonably be linked to productivity in high performance teams, were identified throughout the HR/case manager interviews:

... improved employee relations. (HRM #1:i)

... the feedback from external mediation would not be just about the set of issues at hand but also about what might have led to them and what's likely to need to change in order for prevention of subsequent occurrences. (HRM #1:q)

... I suppose the biggest quality was that, eh, faces were saved which did enable people to get working together again and put the conflict behind them. (HRM #3:a)

The quality of the working relationship where a mediation succeeds are likely to be far more functioning than following on from other processes... (HRM #4:i)

In addition, increased capacity to effectively manage workplace conflict was identified by the HR/case Managers:

... a perceived or actual acknowledgement of the deficit in-house to facilitate the complexity of a particular issue or set of issues (HRM #1a)

...the lag between the learning that can derive from these, eh, issues which can better inform how to address similar or other issues that arise in the future which may not be directly recognisable at the time (HRM #1g)

... an intangible benefit would be that, yeah, it [external mediation] helps the organisation reflect and, eh, approach matters of conflicts hopefully in a more appropriate way. (HRM #1h)

CONCLUSION

There is a growing awareness of the complex relationship between workplace conflict and employee performance and wellbeing. Inappropriately managed workplace conflict, particularly where there is an interpersonal aspect to the conflict, can wreak havoc on the relationships and negatively impact the delivery of organisational goals.

The findings from this limited research indicate a high settlement rate to workplace conflict through external mediation (87.5% of respondents to the questionnaire), and support the contention that external mediation *is* an effective and appropriate conflict management process that can result in significant benefits to the organisation in terms of improved productivity.

Further and more in-depth research is required into the efficacy of external mediation in workplace conflict, and its potential role in emerging conflict management practice.

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