
GLOBAL WORKPLACE CONFLICT RESOLUTION: MEDIATION, 3-R MODEL, AND STRATEGIES

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ABSTRACT

The article is an exploration into workplace conflict resolution, highlighting the importance of third-party interventions and mediation services in resolving conflicts between employers and employees. It examines global collective labour conflicts and their social and economic consequences, highlighting the growing preference for mediation due to its cost-efficiency and prompt results. The research differentiates between individual and group labor conflicts, emphasizing the importance of understanding conflicts of interest and rights. The diverse methodologies of mediation in different countries and its differentiation from arbitration are highlighted. The 3-R model approach provides a systematic analysis of rules, roles, and relations in successful conflict management. The Netherlands' mediation procedures serve as a realistic case study, demonstrating the use of facilitative techniques. The article concludes by discussing the inevitable nature of collective labour disputes, the global shift towards alternative conflict resolution methods, and the current deficiencies in academic empirical research.

Keywords: Workplace Conflict Resolution, Collective Labour Disputes, Mediation Services, 3-R Model, Alternative Dispute Resolution

Introduction

Employer-employee disputes often arise at significant expense, necessitating the involvement of third-party interventions and mediation services. The European Commission fosters projects within the legislative framework of social discourse in Europe.¹ Research indicates the need for fostering innovation in the fields of industrial relations and social dialogue, particularly in providing assistance to social partners during impasses in negotiations, failure to achieve agreements, or violations of rights.² Nevertheless, there exists a dearth of understanding about the functioning of conflict resolution systems and the methods to effectively foster growth.

Global Strategies for Collective Conflict Management

Organisations often experience collective labour disputes, which arise when tensions between workers, management, and owners reach damaging proportions. In order to address these problems, societies establish legal frameworks in which the involvement of third parties plays a vital role.³ Conventional methods include parties resorting to litigation to assert their rights against each other, with the labour court issuing the ultimate verdict. Nevertheless, this strategy might result in continuous bargaining and significant social expenses.⁴

Organisational disputes may incur significant expenses for both the company and its stakeholders, including workers, customers, users, and society at large. For instance, the strike carried out by Lufthansa caused inconveniences for individuals such as patients, students, clients, and consumers, as well as affected communities.⁵ In nations characterised by a tumultuous past and significant power disparity between employers and workers, such as those in South America and Africa, incidents of violence against individuals are very infrequent.

¹ Bollen, K., Euwema, M., & Munduate, L. (2016). *Advancing workplace mediation through integration of theory and practice*. The Netherlands: Springer International Publishing

² Weltz, C. (2008). *The European social dialogue under Articles 138 and 139 of the EC treaty*. Amsterdam: Kluwer Law International.

³ Brown, W. (2014). Third party processes in employment disputes. In W. K. Roche, P. Teague, & A. J. S. Colvin (Eds.), *The Oxford Handbook of Conflict Management in Organizations* (pp. 135–149). Oxford: Oxford University Press.

⁴ Warneck, W. (2007). *Strike rules in the EU27 and beyond: A comparative overview*. Brussels: European Trade Union Institute.

⁵ Budd, J. W., & Colvin, A. J. (2008). Improved metrics for workplace dispute resolution procedures: Efficiency, equity, and voice. *Industrial Relations: A Journal of Economy and Society*, 47(3), 460–479.

Collective conflict management is extensively governed on a worldwide scale, with the majority of nations enacting labour laws that protect the rights of workers to form unions and work councils. Workers possess the entitlement to engage in strikes in order to safeguard shared interests. However, in several nations, the right to strike is restricted or non-existent for some occupations that have significant social consequences. Strikes and other forms of collective action incur significant expenses, so they are only permissible when orchestrated by officially recognised entities, such as labour unions.⁶

States promote the use of mediation as a means of handling labour disputes, as the legal system may be expensive for both parties and the government, and its rulings may not effectively address the root causes of the problems. Consequently, there has been a transformation in the function of labour unions and a decline in the occurrence of work stoppages.

Both domestic and international governments have actively advocated for the establishment of quasi-judicial mechanisms, including organisations that provide conciliation or mediation services, to enable the settlement of collective problems prior to the occurrence of strikes.⁷ These procedures may be categorised as either judiciary or non-legal professionals, with some nations shifting towards a more voluntary approach while others lean towards a less judicial one.

Voluntary conciliation, mediation, and arbitration processes are preferred throughout Europe for resolving disputes owing to their cost-effectiveness and expeditious outcomes.⁸ Third parties involved in collective disagreements might assume several functions, such as arbitrators, mediators, and facilitators.⁹ Considering the significant consequences at hand, it is crucial to analyse the structure of conflict management systems in connection to these group disputes and investigate the actions and efficacy of these third parties.

⁶ Wall, J., & Dunne, T. (2012). Mediation research: A current review. *Negotiation Journal*, 28, 217–244.

⁷ Bush, R. A. B. (2002). Substituting mediation for arbitration: The growing market for evaluative mediation, and what it means for the ADR field. *Pepperdine Dispute Resolution Law Journal*, 3, 111–117.

⁸ Valdés Dal-Ré, F. (2003). Synthesis report on labour conciliation, mediation and arbitration in the European Union countries. In *Labour conciliation, mediation and arbitration in European Union countries*. Madrid: Ministerio de Trabajo y Asuntos Sociales.

⁹ Costantino, C. A., & Merchant, C. S. (1996). *Designing conflict management systems: A guide to creating productive and healthy organizations*. London: Jossey-Bass.

Layers of Workplace Conflict: From Individuals to Organizations

Conflict arises at several levels within the workplace, including people, teams, departments, and organisations.¹⁰ Collective labour disputes, which often revolve around the rights and interests of management and employee groups, primarily include disagreements between these groups. These conflicts are distinct from individual labour disputes, which occur within the context of the relationship between an individual employee and their employer. Labour disputes may arise at many levels: inside organisations, sectoral levels, national levels, and international levels.¹¹

The ILO's definition of labour conflict generally pertains to the employer-employee dynamic; however, there are other types of disputes, such as interpersonal conflicts among coworkers occupying different hierarchical positions. For instance, a schoolteacher's discord with a team leader on a syllabus does not constitute a dispute with the employer but rather with the department of natural sciences concerning the allocation of resources.¹² The research on addressing interpersonal and intragroup disputes in companies is frequently different from the literature on intergroup conflicts and labour conflicts, which focuses on legal analysis, formal laws, social structures, collective bargaining, and the role of unions.¹³

Interests, Rights, and Solutions

This section specifically examines the phenomenon of collective labour conflict, which pertains to the interactions and dynamics between workers and employers. Collective labour disputes may be categorised into two types: conflicts over interests and conflicts over rights. Disputes concerning interests pertain to the endeavour of parties to alter or replace the terms of an existing agreement, while disputes concerning rights involve the interpretation and implementation of established regulations.¹⁴ The efficacy of negotiation varies across the two kinds of conflicts, with conflicts of

¹⁰ Roche, W. K., Teague, P., & Colvin, A. J. (Eds.). (2014). *The Oxford handbook of conflict management in organizations*. Oxford University Press.

¹¹ Cletcher-Gershenfeld, J., Kochan, T., & Calhoun Wells, J. (2001). In whose interest? A first look at national survey data on interest-based bargaining in labor relations. *Industrial Relations: A Journal of Economy and Society*, 40(1), 1–21.

¹² Rahim, M. A. (2017). *Managing conflict in organizations*. Oxford: Routledge

¹³ De Dreu, C. K., & Gelfand, M. J. (Eds.). (2008). *The psychology of conflict and conflict management in organizations*. New York: Lawrence Erlbaum Associates

¹⁴ Pel, M. (2008). *Referral to mediation: a practical guide for an effective mediation proposal*. Amsterdam: Sdu Uitgever

interest being more readily resolved compared to legal issues.

Remarkably, research on collective labour disputes is restricted to conflicts of interest. It is important to have a profound comprehension of these conflicts due to their significant societal repercussions.¹⁵ Conflicting parties may exhibit significant diversity, such as first-line supervisors competing for working hours, school directors competing for sports facilities, bank managers competing for incentives, or top management competing for working conditions.

Unions and work councils are the two primary institutional players that represent workers in most nations.¹⁶ Unions in the EU possess the legal entitlement to initiate strikes; however, prior to resorting to such social action, it is often necessary to make efforts to resolve the dispute via conciliation or mediation. Work councils are official forums for communication between management and elected employee representatives.¹⁷

In most European Commission member states, organisations are required to provide information, seek input, and get consent from the council before making decisions that affect workers, such as implementing restructuring measures.¹⁸ The Netherlands and Denmark provide structured and complimentary external support.

Resolving Conflicts with Neutrality

This article explores the concept of mediation, which refers to the involvement of a neutral third party in order to avoid the escalation of conflicts, bring them to a resolution, and facilitate the discovery of mutually agreed-upon solutions. The phrase might differ depending on the society, culture, and degree of escalation. Official mediation in some countries has similarities to arbitration and often follows a formal process where representatives of opposing parties engage in negotiations to reach resolutions.¹⁹ This diverges from the conciliation method advocated by the

¹⁵ Della Noce, D. J. (2009). Evaluative mediation: In search of practice competencies. *Conflict Resolution Quarterly*, 27(2), 193–214.

¹⁶ Munduate, L., Euwema, M., & Elgoibar, P. (2012). *Ten steps for empowering employee representatives in the new European industrial relations*. Madrid: McGraw Hill.

¹⁷ Dix, G., & Barber, S. B. (2015). The changing face of work: insights from ACAS. *Employee Relations*, 37, 670–682.

¹⁸ Martinez-Pecino, R., Munduate, L., Medina, F. J., & Euwema, M. (2008). Effectiveness of mediation strategies in collective bargaining. *Industrial Relations: A Journal of Economy and Society*, 47, 480–495.

¹⁹ Medina, F. J. (2016). Conflicts that increase their intensity. In F. Palací (Ed.), *Work Psychology [Psicología del Trabajo]*. Madrid: Sanz y Torres

ILO, which is recognised as both conciliation and mediation. The conciliator should refrain from providing subjective viewpoints.²⁰

The 3-R Model Perspective

The 3-R model of workplace mediation, derived from Budd and Colvin's 'geometry of dispute resolution methods', is a three-dimensional pyramid that emphasises three key dimensions: regulations, roles, and relations.²¹ The structure is composed of many levels, with the larger backdrop forming the foundation and specialised third-party methods positioned at the top.

The availability and use of mediation for a particular collective workplace dispute are determined by the context, which encompasses several factors such as conflict management practices, organisational conflict culture, the presence of third-party mediators, the structure of mediation processes, as well as the specific styles, techniques, and tactics employed during mediation.²² The uppermost layer signifies the organisation of mediation, including mediation styles, techniques, and tactics used to achieve a certain mediation outcome.

The structure of mediation centres on the individuals who serve as mediators, whether they operate as regulated teams or work independently. Mediation styles range from evaluative and directive to transformational and facilitative.²³ The mediator strategy is a comprehensive approach that determines the necessary activities to accomplish certain goals in conflict situations.

In the Netherlands, the Social Economic Council offers complimentary mediation services for collective disputes, with three distinct committees dedicated to various industries.²⁴ The official mediation approach is facilitative, with joint sessions being the norm for promoting productive

²⁰ Elgoibar, P., Euwema, M., & Munduate, L. (2016). Building trust and constructive conflict management in organizations. The Netherlands: Springer International.

²¹ Euwema, M., Munduate, L., Elgoibar, P., Garcia, A., & Pender, E. (2015). Promoting social dialogue in European organizations. Human Resources management and constructive conflict behaviour. The Netherlands: Springer.

²² Macneil, J., & Bray, M. (2013). Third party facilitators in interest-based negotiation: An Australian case study. *Journal of Industrial Relations*, 55, 699–722.

²³ Foley, K., & Cronin, M. (2015). Professional conciliation in collective labour disputes. Retrieved from: http://ilo.ch/wcmsp5/groups/public/europe/rogeneva/sro-budapest/documents/publication/wcms_486213.pdf.

²⁴ García, A. B., Pender, E., & Elgoibar, P. (2016). The state of art: Trust and conflict management in organizational industrial relations. In Building trust and constructive conflict management in organizations (pp. 29–51). Cham: Springer.

communication. Mediation tactics include the precise methods and tools used by the mediator to achieve certain goals via communication.

The three aspects of mediation include regulations, roles, and relations.²⁵ Regulations include the social, sectoral, and organisational structures that govern the management of conflicts, such as labour laws, negotiated agreements, and the legal rights of employers, unions, and works councils. Roles cover the anticipated behaviours and obligations of opposing parties and any prospective third parties engaged in the dispute. Cultural norms might have an impact on the acceptability of mediation as a useful resource.

Roles also examines the participation of diverse third parties in the management of collective disputes, including arbitrators, legal advisors, union representatives, judges, mentors, and instructors. Leaders might assume the role of mediators, particularly when the argument escalates into a social crisis.

Relations include the attributes of the connections between opposing parties and their interaction with the mediator. The effectiveness of mediation or other interventions depends on a number of variables, including formal and informal power structures, the needs of the parties involved, and expectations for outside assistance.²⁶ Parties often engage in self-representation, which generates distinct dynamics and influences interpersonal connections.

The 3-R model of mediation facilitates the analysis of mediation within its context by comprehending the frequency of mediation utilisation, the structure and operation of the mediation entry process, the selection of mediation styles, strategies, and tactics guided by regulations, roles, and relationships, and the particular results achieved through mediation.²⁷

Concluding Remarks

Collective labour disputes are an unavoidable aspect of labour relations. These disputes may occur

²⁵ Folger, J. P., & Bush, R. A. B. (1996). Transformative mediation and third-party intervention: Ten hallmarks of a transformative approach to practice. *Conflict Resolution Quarterly*, 13, 263–278.

²⁶ García, A., Munduate, L., Elgoibar, P., Wendt, H., & Euwema, M. (2017). Competent or competitive? How employee representatives gain influence in organizational decision-making. *Negotiation and Conflict Management Research Journal*, 10, 107–125.

²⁷ Martinez-Lucio, M. M. (Ed.). (2013). *International human resource management: An employment relations perspective*. London: Sage.

at many levels, ranging from individual workplaces and organisations to whole sectors and nations. Global organisations are likely to encounter cross-border conflicts. Globally, there is a decrease in the occurrence of intensified conflicts, especially in relation to industrial activities like strikes. Furthermore, on a global scale, alternative dispute resolution (ADR) is actively encouraged, namely in the form of conciliation and mediation. Several nations, together with the European Commission, advocate for the effective handling of collective labour disputes via the implementation of laws, societal discussions, and mediation. Presently, there is a notable deficiency in academic empirical study about the following aspects of mediation and conciliation in collective labour conflicts: the various configurations for third parties, the perception and expectations of the parties involved, and the level of efficacy.