Workplace Dispute Resolution
University of Technology Sydney

CONTAINING CONFLICT

Going To Work and Not To War

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> *The picture of the great corporation as a peaceful cooperative of its participants is more than highly improbable, it is extraordinarily fraudulent. It depended on the compelling commitment of all parties not to avoid dispute, conflict and hostility, but to keep them out of sight. The modern corporation is socially a theatre of all the conflicts that might be expected when hundred of thousands of highly charged, exceptionally self-motivated and more than normally, self-serving people work closely together.*
>
> **John Kenneth Galbraith**

From the perspective of those who lead organizations, *conflict* is a dirty word! It signals contention, dissatisfaction, and potential disruption[1]. But in reality, it is pervasive and inevitable fact of social interaction. Conflict is part of the routine of everyday life in organizations. Given that the social structure within which we operate and the open-endedness of most social interactions, the possibilities for conflict at work are seemingly infinite[2].

Disputes are embedded in the interactions between members as they go about their daily round of activities. Parties may appear to continue in a harmonious and positive working and social relationship, whilst deep down, there is an itch that cannot be scratched. Conflict may appear to have been resolved but whilst parties may have buried the hatchet, they remember where they buried it. Differences might be publicly aired, but most occur out of sight and in forms other than official negotiation and grievance processing[3].

One may not completely resolve conflict in the workplace, but one can contain, work with it, limit its impact upon working relationships and processes, and reduce its negative effects.

Work is a major part of our lives. Many of us spend up to and exceeding forty hours a week there. One third of our day is spent there, and another few hours are spent either getting to our workplace or returning home from it. Moreover, many people do not leave their work behind them when they leave the workplace.

People work for a variety of reasons, not all of them directly related to the pay packet (although this is a powerful motivator). If many or most of these needs are satisfied to a greater or lesser degree, one can expect the employee to be relatively complaisant and compliant with respect to an organization's rules, and generally accepting and conforming to its culture and mores[4]. But should these needs be frustrated, their achievement constrained and straitjacketed, if there is no safety valve, the pressure builds up, and something gives. Conflict is often the outcome.

It does not only come about when values or needs are actually, objectively incompatible, or when conflict is manifested in action. It exists when one of the parties perceives it to exist. Much conflict arises from assumptions about what might or will happen if or when one party does something. Much interpersonal hostility in relationships, for example, is a result of unspoken assumptions about the actions of the other, or the meaning of those actions[5].

Conflicts within organizations are basically to do with relationships, between individuals or between groups of individuals. The organization is comprised of people who come to it with established values, beliefs, personalities and desires. Influenced by the organization, they influence it. Conflicts tend to be coloured therefore by the behavioural characteristics of the individuals within it - how they view the organization's objectives and goals; how they view their own role within the organization; how they contribute to the decision-making processes within the organization. Influencing each of these are various interpersonal and motivational factors, objective and subjective

Often, the trigger relates to management policy. Some perceived or actual contradiction or injustice, some slight or rebuff, some open or subtle put-down, disappointment, rejection, or frustration. Often, it relates to relationships with colleagues, some disagreement over work or responsibilities, some breakdown in cooperation and collaboration, some failure to deliver or to provide. Often it is a combination of the two, where lines of responsibility and accountability are blurred or non-existent. And in many instances, the conflict may have been imported from outside the workplace. Some dysfunctional personality, some upset or trauma in the private life that spills over in the workplace in a welter of frustration and turmoil. In many cases, it is a question of the chicken and the egg. Tensions erupt and are exacerbated as they follow line of organizational fault lines, and expose organizational weaknesses[6].

In the workplace, where people coexist in close proximity, and often under stressful circumstances (be it through work pressures or interpersonal contretemps) people butt up to each other. Colleagues may conflict with each other, over work content, over their interdependency, over attitudes to work and workplace, over each others' style, behaviour, and mannerisms, even. There is also an amorphous 'undeclared conflict' between dissatisfied and nervous employees and the organization itself, as manifested by lethargy, working to rule, and a lack of commitment and care given to work. This is the hot house where grievances real and apparent, discontent latent and evident, and harassment perceived and actual, are nurtured and bloom.

Many things happen in the minds of employees during the working day. Pressures, needs and constraints, real or perceived, ebb and flow: the desires for self-esteem, recognition and being seen to be successful, values, limitations on time, resources, and options. Expectations and fears coexist and collide: what individuals hope to achieve, what they think they might achieve, what they fear they may loose, what others may gain at their expense or in their stead[7]. Because for many, work has got a personal and social significance far beyond being just a job, workplace conflict may be more intense and difficult to resolve - or may facilitate resolution through a commitment to the maintenance of the employment relationship.

This is a relationship in which people are brought together without freedom of choice, being forced to relate to and cooperate with one another regardless of personal likes and dislikes[8]. But people do not have to love each other to get on at work. Shared interests and values are not essential to a working relationship. People do not have to surrender their values or point of view. But they must learn to deal with differences.

In the workplace, individuals from different backgrounds intermingle, interact, and often, collide. So many differences[9], obvious, apparent, latent and hidden, that it is a wonder that conflict is the exception rather than the rule in most workplaces. In effect, an armed peace of a sort keeps the lid on rising expectations and unattained desires. The workplace is not an area of perpetual conflict, whether latent or actual, for several basic reasons. The question begging to be asked is just as much why does conflict occur in workplaces as why conflict does not occur more often in workplaces. And the answer may be that people simply desire a quiet, peaceful life.

This is often reason enough for not rocking the boat. Many people will put up with a lot rather than expose themselves to the public gaze, to possible humiliation, reprisal, and rejection. For, after all, the human being yearns for acceptance, approval, belonging to the group or community at large. There is too, the material imperative. The pay packet, the prospects of advancement (and a bigger pay packet), team spirit, peer group approbation, a sense of personal and professional commitment and achievement. Or on the downside, avoiding negative sanctions of admonition, peer group disapprobation, the threat of disciplinary action or the sack.

In contexts where harmony and collaboration are prized, public expressions of conflict can be seen as antisocial and as detrimental to getting on with the work[10]. The workplace therefore is an arena of conscious and unconscious negotiation and compromise. People agree to get on with each other in relationships that they would not require nor tolerate in their private lives. They mix with people they have little in common with. They interact with these people. They cooperate with them. They even participate in close teamwork, in relative harmony with them. The end – interpreted as fulfilling one's duties, achieving one's objectives and deadlines, carrying out one's predefined procedures and

practices, requires a putting aside of differences in pursuit of the common goal, of playing their designated role, no matter how lowly, in achieving the goals of the organization.

The disparities of power and influence within an organization are such that conflicts are approached in different ways depending upon where in the organizational pyramid you are positioned. The common aim is the suppression of conflict by those in power, and avoidance and toleration by those without it[11]. Those with power can manipulate outcomes and impose solutions. Those with little of it must frequently tolerate their grievances and avoid conflict if they are not to be crushed. In Van Maanen's words, they must "lump it or duck it"[12]. A good deal of conflict is avoided or otherwise "lumped" or tolerated during the routine workaday encounters of organizational members and groups.

Conflict is in effect contained. It is neither avoided nor unilaterally crushed. Participants do something in between. They go "off line".

Disputes go underground. People talk, they gossip, they skirmish, they indulge in spite, and petty vengeances. They pursue hidden agendas, they obstruct, they ignore requests, they indulge in surveillance (gathering of information, watching, keeping tabs), and other forms of behavior that might be interpreted as "self help" a or in some circumstances, "passive resistance". They learn to live with colleagues' eccentricities or problems, and tacitly agree not to let "stupid things" around the office disturb their work. They may deal with differences through covert insults and veiled hostility, bitching and backstabbing. In one way or another, they try to negotiate settlements, which may or may not require a little help from their friends[13].

There is an implicit silent bargain not to escalate matters: private grievances are often pursued via the temporary curtailment of social interaction with colleagues or temporary avoidance: keeping out of their way until the dust settles, going underground for a while. And in the fullness of time, this often ends with a reestablishment of social relations. People are often, therefore, restrained in their grievance pursuit even when confronting one another. Rarely do interpersonal grievances escalate into conflicts and almost never to disputes, although there may be interpersonal recognition that whatever is at the basis of a grievance or conflict still exists[14].

The most prevalent example of such off-line interactions is the exchange of confidences between colleagues, the private "bitching session" in which views are expressed, feelings are vented, and temperatures lowered. Going off-line allows people to express their emotions about issues that may be very important to them. Gossip allows organizational members to hold forth and vent their feelings about superiors and to get support from their colleagues. It enables the participants to "cope" with the cause of the grievance, be it systemic or interpersonal. The mere naming of "the enemy", the shared experiences, the realization that "we are all in this boat together" may be sufficient to diffuse an otherwise incendiary situation. Such forms of conflict expression can therefore be therapeutic, and may serve to permit resolution of the conflict in private spaces and prevent it from erupting publicly[15].

This then is the realm of informal dispute resolution where interpersonal complaints and grievances have a low visibility to non-participants and are managed informally. In the public spaces of organizations, therefore, conflict is kept in check and masked through shared conventions that keep it from view. Conflict is private, covert, disguised within other activities, and often not labeled as "conflict" at all[16]. Meetings are marked by civil discourse; personal attacks are whispered behind closed doors. Members of an organization have incentive to engage in this 'masking' because it allows work to proceed according to customary decision-making roles, and will tend to preserve working relationships that more overt forms of disputing might threaten[17]. Indeed, the outwardly collaborative front of much of organizational life has this appearance primarily *because* of private, behind-the–scenes conflict-handling activities[18] which serve to contain conflict in the workplace.

Blessed Are the Peacemakers

A great deal of conflict containment is carried out privately and informally by individuals who do not have a mediation function or credentials, but have become involved because they feel compelled to do for some reason to aid in the resolution of disputes between their associates. Indeed, this is probably one of the most common form of conflict management within organizations. Such people may be the busybodies, the go-betweens, everybody's friend, ally or agony aunt. These are often the people who

relay information throughout the company, the informal messengers who carry “news” from the top to the bottom, from the bottom to the top, and across departmental boundaries - agents and activists of the organization’s informal channels of communication.

These “peacekeepers”[19] generally have a strong loyalty to the organization and care about the way it treats its members. Thus, they get involved and have in mind specific outcomes for a better workplace. Moreover, they often have access to important people, an access that is often based upon personal relationships and is generally unrelated to their formal roles or functions. From the perspective of those on top, they probably do not appear threatening[20]. They are insiders who generally have greater knowledge of their colleagues than an outsider could possibly have. Their expertise comes from their insider status, the fact that they understand the psychology of the situation, and the political realities of the systems within which they work[21].

Internal peacemakers are often privy to situations that develop when disputes go off-line, and indeed may be protagonists (the more uncharitable would call them gossip-mongers or “stirrers). Hence, there is a timeliness and immediacy to their involvement because they are accessible and available.

The peacemakers provide a valuable dispute resolution framework. They provide support by giving people the opportunity to voice grievances, to tell their story. They reframe people’s understandings of a situation and providing alternative explanations and choices. They translate peoples’ perceptions of each other, either directly through message carrying, or indirectly through responding; and orchestrating occasions for private conflicts to be made public.

The informal “go-between” allows people to vent their feelings, provides empathy, searches for common ground, and explores options; assists people to understand the others, acts as advocate for one or the other, and use the information as a basis for suggesting possible solutions to problems. Does this sound familiar? This is the traditional contribution of third parties![22]

Kolb argues that by facilitating the public expression of conflict, these peacemakers may make more of a contribution than those who actually resolve differences (mediators, facilitators and the like)[23]. The personal interest that motivates their participation can result in a smoothing and depoliticising of conflict that leave basic relationships intact: a safety valve, if you will

Time Out

Of particular interest in this discussion of “off line” dispute resolution, is the concept of organizational “time-outs”, in work hours, but behind closed doors and out of public view, which provide opportunities for the expressions of sentiments that cannot be voiced in public. Disputes over work and responsibility, issues that are otherwise avoided, are privately raised and discussed. Formal rules of communication and decorum are relaxed, and communication and interaction eased. For some, it is the absence of higher authority that frees disputants; for others, it is the absence of scrutiny by colleagues.

Time outs act as release valves for organizational pressures, and often, as sounding boards and lighting rods for group opinions and interactions. They allow small groups the opportunity to either reinforce perceptions and shared communications, or tackle divisive issues. They manifest the desire for social support and confirmation of one’s perceptions and feelings, the testing for agreement and disagreement, the emergence of a collective “group mind” or group definition of the conflict, its causes, and the implications for action. If outsiders, the targets, are included in such gatherings, chances are conflict will be ameliorated. If they are excluded, chances are conflict will escalate as group members virtually goad each other on in entrenching perceptions and issues.

Von Maanen provides a perceptive and entertaining analysis of the time out concept in his study of London police detectives: *Drinking Our Troubles Away*[24]. More conventional time outs occur in the lunch-room, the kitchen, or the coffee shop around the corner.

Consider the latter. Two colleagues leave their workplace temporarily to discus in private how to cope with and communicate with a difficult superior. What motivates such a person? What do you do he just won’t communicate? How do you break down the barriers to communication? How do you go around

them? The go over their shared fears and prejudices, expound on their dreams and schemes. And in many ways, this actually entrenches perceptions of the conflict, and may even provoke or escalate it once they return to the office. But, if they were able to get the target of their intrigue into that coffee shop, there is a possibility that distanced from the pressure cooker work environment, cooler heads may prevail and reasonable negotiation of differences may ensue. But then again, maybe not. You can take a horse to water…

A common form of time-out that bears much resemblance to Maanen's study of “the old Bill”, and particularly his examination of the mechanics of the liquid lunch, is the lunch for a departing member of staff. Here is a situation in which members of an organization, often from all levels within that organization, are gathered in a ritualistic social occasion, a “Last Supper” scenario in which alcohol is imbibed, defenses lowered, and inhibitions released, albeit temporarily. The level of intoxication, and hence frankness of expression, depends on whether people have to return to work afterwards, or whether this is an evening event in which the only limits set on intake, apart from self-control and personal habits, is the random breath test.

This is often an opportunity for the outgoing employee to “download” his or her. This will inevitably trigger a response from those who must carry on. Often, the boss or other senior personnel, if present, are asked their opinions, “off the record". Often, the event serves as an opportunity for ideas to be communicated, seeds to be sown, pots to be stirred, and messages transmitted with the idea that they will be heard, considered, and passed on. In such situations, communications work all ways, up, down, and across levels of the organizations. Superiors pass on “messages” to their subordinates. Subordinates express their views to those above them. Different departments and divisions, if these are present, communicate with reach other in an environment of common intent.

There is an implicit understanding that whatever transpires at these occasions, whatever is said, whatever is relayed, does not form the basis for future retaliation or recrimination. People might take offense, or be surprised, or shocked, or a mixture of all three, but it is accepted that the time out is neutral ground, an organizational time warp in which rules and regulations relating to status, formality, and demeanor are temporality held in abeyance.

The concept of “networking” in an intra-organizational context is likewise an example of “time out”. The common example is this is the management conference held offsite over a number of days, in which work is intermingled with social occasions, generally the evening dinner. Again, the presence of alcohol and the lowering of inhibitions, and the consequent combination of relaxed rules, loose tongues and freed imaginations, provides for the interchange of opinions, the airing of differences, the expression of opinions that would not be so well received in the regular organizational context.

This is a charmed world where we are offered the chance to see a different side to our colleagues and peers. Some revelations will be enlightening, others embarrassing[25]. Maybe, careers will be terminated, promotions deferred, relationships ruined. But it is more likely that such occasions are viewed by all participants as neutral territory, an organizational value–free zone in which outbursts, frank expressions of opinion, and a certain degree of what would be during working hours deemed as institutionally inappropriate behavior, are tolerated.

But only for the duration of the time out. Come midnight, the ball is over and Cinders must return to the scullery, or the workstation or whatever.

Keeping the Lid On

As stated above, the disparities of power and influence within an organization are such that conflicts are approached in different ways depending upon where in the organizational pyramid you are positioned. To reiterate, the common aim is the suppression of conflict by those in power, and avoidance and toleration by those without it[26]. Those with power can manipulate outcomes and impose solutions. Those with little of it must frequently tolerate their grievances and avoid conflict if they are not to be crushed.

Management generally aims for either suppression, or its own vision of conflict management and/or resolution. Among managers, there is a tendency to treat conflict and potential disputes as problems that can be solved through better decision-making and improved communication[27]. Such an attitude is not

surprising in view the emphasis that has been given to the "top-down" analysis of conflict by generations of theorists. These have discerned the causes of conflict in organizations as deriving to a significant degree from the culture and structure, and from the effectiveness or otherwise of communications between the different levels of an organization[28]. Stemming from this is the belief therefore that the organization can handle conflict through institutionalized dispute resolution mechanisms.

It may well be that management does not wish to acknowledge that informal mechanisms operate effectively to limit the incidence of conflict in an organization. There may even be a view that if there is no outward manifestation of conflict in the workplace, then there obviously is none! Management does not want to hear about (informal) means that are outside their control To focus on less public forms of disputing is to acknowledge the pervasiveness and ubiquitous character of conflict, and the frequent taboos against its public expression[29]. Some managers may even find this sort of conflict resolution threatening, undermining managerial authority, and implying that employees ought to have some direct input into management decisions[30].

Management may belittle or dismiss the prevalence and importance of such informal mechanisms. They have, in their opinion, their own tried and trusted ways of "managing conflict"[31]. Management may indeed make it difficult for informal dispute resolution to take place in their personal bailiwicks. Hence directives against too much gossip, too much talking, and excessive intermingling.

But in reality, all workplaces have informal mechanisms for dispute resolution. One cannot ignore the interplay between informal, interpersonal networks and the formal, official social structures[32]. To reframe an earlier argument in Kolb's words:

*Unlike those in the public arena, private disputes occur as covert or hidden conflict, often confused with other activities. Consequently they are rarely labeled or authorized as disputes. Indeed, they may be seen as sabotage and disloyalty. The preferred modes of conflict in the private sphere include avoidance, accommodation, tolerance, or "behind the scenes" coalition-building. Disputants choose to ignore one another or forget about the grievance**. They may think they cannot change the system; hence they rely on private grievances as the primary mode of conflict management*** (my emphasis)[33].

Sometimes, dispute resolution is incorporated into the mainstream of management without any special policy or procedures. In some organizations, there may be specific internal processes for handling grievances and resolving conflict. But to a significant degree, the average employee is on his or her own when it comes to conflict in the workplace and to grievances. Managers are often "too busy" to deal with the micro issues of interpersonal grievances even though the origins of these may indeed be structural or systemic. Hence, the employee is perforce to rely on toleration and self help.

In reality, conflict in the workplace is most effectively and permanently resolved if it is done quickly and at the lowest possible level. For example, the resolution of a dispute between two employees attempted first at their own level, then perhaps by their supervisor, and only being referred up to middle or senior management as a last resort. The primary reason for this is that managers are not natural mediators[34]. They are held accountable for certain decisions. They are concerned about precedent and discipline. They personalize the bases of disagreement, and are more likely to adopt adjudicative or inquisitorial approaches to dispute resolution[35]. Conflict management by superiors often, therefore, looks more like the exercise of authority than third party facilitation[36].

But whether or not they take advantage of informal mechanisms and encourage the use of such mechanisms, managers should be prepared to harness these mechanisms, to listen to the rumblings and mumblings, to tap into the grapevine. At the end of the day, there is no substitute for a good whinge in a sympathetic ear. The higher up the ladder that ear is, the better the employee feels, hopes that action be taken, or, at least, that they have got their views across

The role of the Contact Officers or *Managerial Third Persons* can be instrumental here. There has been considerable debate about the role of such third parties in dispute resolution, and this has centered quite reasonably on the issues of neutrality and power. This is not, however, the subject of this paper, apart from acknowledging that the third party's neutrality may indeed be an ideal rather than a reality, and that power imbalances relate not only just to those between the disputing parties, but also between these

parties and the third party intervener[37]. Contact Officers also play a vital part in linking informal and formal mechanisms for conflict management insofar as they may serve as sounding boards, and provide employees with an opportunity to come to someone for mentoring and for advice. This may be in the form of advice on managing difficult situations and people, on improving communications with colleagues, a reassuring offer to pass on ideas, opinions, or information, or simply promise to keep an eye on things[38].

In an ideal world, managers would learn to identify the symptoms and preempt conflict. Where this is not possible, for example when external influences impact, or where concealed needs and desires break loose, the manager should or could learn to read the signs, take the pulse, to identify and then address potential conflict situations. Nor should management be deterred from encouraging an organizational environment that supports effective dispute resolution, whether formal or informal[39].

Keeping Control

As the Bard wrote, *Take but order away and hark what discord follows.*

Kolb identifies a dichotomy in the position of the peacemaker relative to the people, he or she helps, and how their activities aid organizational function and process[40]. By keeping dispute out of sight and by fostering the resolution of some, peacemaking serves an important integrating function that has been overlooked in much organizational theory. Peacemakers serve as "integrators", as agents of information flow, carrying it up and down the chain of command. Peacemakers are also an important in linking informal mechanisms for conflict management and those that are formally designated. Through their activities, some conflicts are channeled into official systems and others become focussed such that outsiders can join the process.

But peacemakers may also act in ways that extend authority within their organizations. They may reinforce and extend the existing authority structure. Their activities rarely challenge the existing power structures [41], and do not pose much of a threat to them. Moreover, peacemakers who may have access to important people, an access that is often based upon personal relationships, can serve a more insidious function insofar as they may operate (albeit unknowingly) as spies and rapporteurs, providing feedback and intelligence back up the line to management. By keeping conflicts out of sight a providing an outlet for individuals, peacemakers may dampen the impetus for significant change[42]. Behind the scenes peacemakers become an instrument of social control in organizations.

Kolb expresses the view that informal conflict resolution can actually support the status quo. They can, to quote one of her case studies[43]: "keep a bad system alive". But this is the perpetual dilemma of "ethical managers". As Frederick the Great said of Catherine the Great (those were great times), regarding the Partition of Poland, "she weeps as she takes". Or, to be blunt, "What are you going to do about it? There is an old West African proverb: nobody spits out a tasty morsel. The peacekeepers in Kolb's study (managers all) may keep treading over the same ground: "I keep going over and over the same issues with same people". But this organizational déjà vu is a common perception. Haven't we all felt that we have been here before? More over, just like Kolb's peacemakers, don't we feel sometimes that in ways we perpetuate some of the problems that we identify? [44] Moreover, there is a limit to how far managers can go in encouraging dispute resolution when this may interfere with and conflict with management perception of company policy and objectives, and the corporate perception of appropriate behaviour and performance. There are certain lines that cannot be crossed, particularly management's perception of the corporate interest, and also of the power and authority structure behind it!

Nor is this paradox confined to peacemakers. Any mechanism for harnessing the power of the grapevine (information is strength, and strength is power) can extend and reinforce management control. It is as if informal mechanisms act as a safety valve, releasing pent-up pressures that would otherwise erupt into open and destructive grievance and conflict, with dire consequences for the organization's operations: disruption of workflow, absenteeism, working to rule, high staff turnover, low morale and the rest.

Such mechanisms actually serve to reinforce authority structures and established formal procedures. Moreover, where change is a necessity within an organization, informal and private mechanisms can actually impede attempts at change and thereby, organizational improvement. Participants are likely to focus on personal issues to the neglect of structural ones. To the degree that disputes are personalized,

their organizational and societal origins are minimized or ignored, and serious challenge to existing systems and structures is unlikely[45].

Avoidance and toleration lead to reinforcement and replication of existing modes of operating rather than to evaluation, modification, or replacement of those structures. The off-line activities described by Maanen and Kolb provide opportunities for people to deal with differences within the system in a way that reinforces the system. Such containment of conflicts therefore tends to reinforce already established power and authority relationships. Many challenges to justice, fairness, and impartiality in organizations are resolved in a way that deals with the specific problem but leaves unaffected the underlying systemic causes of the unfairness.

Also, when third parties are involved, as peacemakers or as mediators, the chances are that the conflict will be resolved unilaterally within the established hierarchy. Power relationships, therefore, remain unchanged when disputes are settled by informal means[46]. Bartunek argues that change is particularly unlikely to occur if the conduct of conflict is primarily private and informal, leading to modes of conflict handling that emphasize avoidance, toleration, and private grievances. By keeping the disputes out of sight and managing them off-line, social relations and norms of the workplace may be subtly redefined but in ways that support existing structural arrangements. [47]

The conservative effects of conflict containment have implications for the way diversity plays out in organizations. Differences will be translated into daily work problems, personalized and avoided publicly, and managed primarily in the private spheres. These tendencies make it less likely that, without another kind of intervention, most diversity-related conflicts will lead to any significant changes in the way organizations adapt to a work force that is becoming increasingly diverse[48].

Where modes of conflict handling emphasize avoidance, toleration, and private grievances, participants are likely to focus on personal issues to the neglect of structural ones. Many challenges to justice, fairness, and impartiality in organizations are resolved in a way that deals with the specific problem but leaves unaffected the underlying systemic causes of the unfairness. To the degree that disputes are personalized, their organizational and societal origins are therefore minimized or ignored. Hence serious challenges to existing systems and structures are unlikely.

In Conclusion

Conflict is part of the routine of everyday life in organizations whilst the outcomes of most conflicts are other conflicts with only temporary respites in between. But whereas one may not completely resolve conflict in the workplace, one can contain, work with it, and limit its impact upon working relationships and processes.

The study of conflict in the workplace has often tended to view it from an executive vantage point rather than viewing from the lower levels of an organization. Taking the work of Kolb, Bartunek, et al. as its inspiration, this paper has looked at the underside of the organization. It has examined the informal, almost subliminal influences work to prevent conflict in the workplace, to resolve conflict once it emerges, to minimize it if it cannot be resolved, and hence, to contain it.

It has noted that in the workplace, where people coexist in close proximity and often under stressful circumstances, people butt up to each other. Tensions erupt and are exacerbated as they follow organizational fault lines, and expose organizational weaknesses. Because for many, work has got a significance far beyond being just a job, workplace conflict may be more intense and difficult to resolve. And yet, this may facilitate resolution through a commitment to the maintenance of the employment relationship.

We have noted that conflicts are approached in different ways depending upon where in the organizational pyramid the parties are positioned. . The common aim is the suppression of conflict by those in power, and avoidance and toleration by those without it. Those with power can manipulate outcomes and impose solutions. Those with little of it must frequently tolerate their grievances and avoid conflict. Conflict is in effect contained, disputes going underground.

In the public spaces of organizations, therefore, conflict is often kept in check and masked through shared conventions that keep it from view. It is private, covert, disguised within other activities, permitting work to proceed, and preserving working relationships that more overt forms of disputing might threaten. The outwardly collaborative front of much of organizational life may have this appearance primarily *because* of private, behind-the–scenes conflict-handling activities such as going ”off-line”, organizational “time outs”, and the activities of go-betweens and “peacemakers”.

Footnotes:

[1] It is argued that not all conflict is bad. There is a view that “Functional Conflict” can assist productivity and help in the achievement of an organisation’s goals. In short, the axiom: “we have no problems, only opportunities (Robert Bolton. People Skills. Simon and Schuster, Australia 1987 at 208. Healthy conflict is said to prevent stagnation, stimulate interest, and foster creativity. There is an old Russian saying: “that which stops growing begins to rot”. Conflict can be seen then as an agent of change. It can overcome complacency and apathy. It can generate intimacy, understanding, and empathy. It can encourage personal and intellectual growth and, spur technological development (id.,at 215). Catharsis can be said to have a stabilising, integrative function. Using conflict as an outlet for immediate and direct expression of rival claims, the system can re-adjust its structure by eliminating sources of dissatisfactions.

Conflict may engender positive consequences within groups: increased cohesiveness and solidarity, increased focus on tasks, increased effort to meet challenges. This is particularly so in response to external threats and challenges. But in organisations, where much conflict is between groups, the benefits are dubious. Conflict diverts the attention of employees from performance and goal attainment. Continued conflict inflicts a psychological toll as a creator of stress and anxiety. It engenders neurotic (in the clinical sense of self-defeating) behaviour such as: whingeing, jeremiads, negativity, cynicism, and, directly affecting the organisation, passive resistance and even sabotage. Conflict can produce negative attitudes and hostility that linger long after it is over. It can create distorted perceptions and negative stereotyping, eg. emphasising one’s own contribution and de-emphasising or belittling the contribution of the other group. It can mean decreased or non-existent cooperation where output and objectives overlap and are interdependent. Decreased communications heighten the conflict, rendering resolution that much more difficult. Accordingly, it is preferable to prevent, manage and resolve conflict than to encourage it. Management action to achieve a swift and satisfactory resolution is vital. Failure leaves the probability that current conflicts will escalate and that new conflicts will emerge.

[2] Kolb, D & Bartunek, J.M.(eds.) Hidden Conflict In Organizations, Sage Publications 1992. at 65

[3] id., at 2.

[4] **Abraham Maslow** identified a hierarchy of human needs, an individual moving from the most basic needs (e.g. food, shelter, clothing) to higher levels as the lower needs are satisfied (Motivation and Personality. Harper & Bros., New York, 1954). **Frederick Herzberg** took this further: today’s society reasonably guaranteed the satisfaction of our lowest and basic needs. Factors within an organizational environment that removed job dissatisfaction, but did not create positive job satisfaction, he called hygiene factors. These included company

policies and administration, supervision, conditions, interpersonal relations and money, status and security. Factors which related to the job itself and could be seen as having a potentially positive effect on job satisfaction, thereby increasing the employee's total output capacity (qualitatively and quantitatively) he called motivation factors e.g. achievement, increased responsibility, challenging work, recognition of achievement, growth and development (Work and the Nature of Man, Staples Press 1996). **D.McClelland** identified three basic needs. Firstly, the need for power: a necessary requirement for success especially when combined with the need for achievement. Power and control flow from having the right information which to work and/or manage. Secondly, the need for achievement: people with a high need will seek personal responsibility, moderate and calculated risks, and feedback on how they are doing. Thirdly, the need for affiliation: those with a high need for affiliation are more concerned with relationships than with decision-making. **D. McGregor** postulated two opposing images of human nature. Theory X assumes that most people find work inherently distasteful and will avoid it if they can; they were unambitious and preferred to be directed, that they were uncreative, disinterested, and could only be motivated by 'stick and carrot', ie. they had to be controlled in order to achieve. Theory Y assumes that work can be pleasurable if conditions are favourable; that people are keen to be creative and work and self directed to achieving targets; that people can learn to accept and seek responsibility; and that employees can be motivated at the levels of social, ego and self-fulfilment needs as well as basic and security levels. ie. commitment to objectives depended on the rewards. A manager who operated from the basis of Theory Y would develop staff and encourage them to solve problems and take on increasing responsibility. **Ouchi** has introduced Theory Z: people must create trust because distrust lowers productivity; people need subtle human relationships to maintain productivity; people need intimacy and caring to encourage human relationships; and people need a management style and organisation that has roots in society. (D McClelland, J Atkinson et al. The Achievement Motive. Appleton. New York, 1953.D.McGregor, Human Side of Enterprise, McGraw Hill, New York, 1960). From: Management Accounting, Australian Society of Accountants Continuing Professional Development Programme, 1989, and: Organizational Behaviour, Open Training and Education Network (OTAN), 1996.

[5] Tillett, op cit., at 8. Some additional definitions:

Conflict is the process which begins when one person perceives that the other has frustrated or is about to frustrate, some concern of his. (Kenneth Thomas "Conflict and Conflict Management" in M.D Dunnette (ed): Handbook of Industrial and Organizational Psychology. Chicago: Rand McNally 1976 at 891).

…conflict lies not in objective reality but in people's heads. Truth is simply one more argument-perhaps a good one, perhaps not-for dealing with the difference. The difference itself exists in their thinking. Fears, even if ill-founded, are real fears and need to be dealt with. (Roger Fisher and William Uri, Getting to Yes. Arrow Books 1997 at 23)

*Conflict is often a performance to which different audiences attach different meaning. People take action to create and maintain their versions of reality. Parties often comprehend the same apparent events in varying ways. Moreover, they may e unaware that their interpretations differ from others (*Kolb, D & Bartunek, J.M. op.cit., at 218).

[6] Crawley, J. Constructive Conflict Management, Nicholas Bealey Publishing, London 1992, and Toporov, B. The Complete Idiot's Guide To Getting Along With Difficult People, Alpha Books 1997, provide relevant and entertaining vignettes and scenarios with respect to dealing with conflicting interests and personalities.

[7] For example, we had a series of resignations and pregnancies. Management was considering contingencies and opportunities. Should we put in place new positions, new roles? Should we enhance present positions? Should we take the opportunity to enlarge roles and provide opportunities for personnel already in place? The mere hint of change prompted staff to position themselves for change and to volunteer themselves for preferment and advancement. Those with professional ambitions put themselves forward for promotion and opportunity, for more "meat on the plate" so to speak: a "bigger job". Those who needed more money put themselves forward for more "work". Unspoken fears and desires come forward, often in emotional outpourings that ranged between tears and "if I do not get this recognition, I will consider resigning (even if I haven't a position to go to!)". Such is the stuff that hopes are made of. But the process of consultation and information was such that the manager was able to pursue his own course but with regard to the opinions and feelings of those with whom he would have to cooperate. Hence, he was able to craft a job specification for the new recruit whilst at the same time, provide enhanced responsibilities and recognition for existing personnel.

[8] Tillett, op cit., at 24

[9] . Different social and economic classes. Different races. Differing political allegiances and ideologies. Different religions and belief systems. Different moralities and outlooks. Different work ethics, different notions of professionalism, of quality and taste. Different personalities, physiologies, psychologies. Different appearances.

Different preferences, tastes and predilections. Different genders and sexualities. Different senses of seriousness and humour. Different abilities and disabilities.

[10] Kolb, D & Bartunek, J.M. op.cit., at 6.

[11] id., at 10

[12] id., at 34: John Von Mannen, *Drinking Our Troubles Away*.

[13] The phrase is Kolb's. It illustrates aptly the "social" nature of the contemporay workplace environment as outlined on pages 2-3.

[14] Kolb, D & Bartunek, J.M. op.cit., at 98: Calvin Morrill, *The Private Ordering of Professional Relations*.

[15] id., at 216

[16] id., at 213

[17] id., at12

[18] Bartunek , Kolb and Lewicki have identified four stages of informal dispute resolution: Naming (defining what the dispute is about); blaming (assigning responsibility to certain individuals or events for "causing" the dispute); explaining (collectively defining and rationalizing the event so that particular courses of action may be more likely to occur); and taking action. Private conflict-handling procedures permit these to occur in a free and unfettered form. Parties can react to the dispute both intellectually and emotionally, rationally and irrationally, with hard data and with intuition; they can be biased and subjective as they please, and share their views with others without fear of criticism and disapproval, because they are "among friends". id., at 222

[19] . The Peacekeeper concept is examined in detail in Kolb's article, *Women's Work.*

[20] id., at 79

[21] The go-between can allay fears and uncertainties with a pledge or a promise: "I will keep an eye on things"; "I'll keep my ear to the ground'; 'I'll have quiet word in the ear of…"

[22] Being available for people to vent their feelings often gives rise to a form of mediation that has been labeled "therapeutic". It involves more than just a "sympathetic ear". Kolb, id., at 80 -81

[23] id., at 83.

[24] John Von Mannen, *Drinking Our Troubles Away.*

[25] Common post mortem phrases and expressions would be those like" did you see so and so…" or "did you hear what x said to y?" Many people no doubt wake up in the morning thinking "did I really say that to so and so", or "I hope that it wasn't taken the wrong way".

[26] Kolb op.cit., at p10

[27] id., at 11

[28] Eugene Litwak claims that the potential for conflict tends to be greater in centralized, bureaucratic organizations than in organizations where there is less centralized control (Bolton op.cit,at 211) Likert asserts that more rigid institutions have less effective communications and are less adept at managing conflict than are organizations with less hierarchical, more open structures of authority, and communication. id., at 212.

Theorists have argued that an effective strategy for preempting and minimising the potential for conflict, and resolving it when it occurs, is to change the culture that inhibits dispute resolution, removing many of the elements that create conflict, and to improve lines of communication and flows of information. Rigid hierarchical structures become both a source of conflict and a hindrance to change, and particularly to the flows of information that enable an organisation to respond rapidly and effectively to challenges from the market place of from within its own structure. It is no coincidence therefore that programs aimed at managing change approach organisational transformation from the perspective of cultures, structure and communication.

Management Theory has been particularly concerned with the ways and means of changing organisations' structures to enable them to better adapt to their environments. The importance of information and with it, Information Technology (IT), as a means of improving organisational performance in times of uncertainly, has been the main feature of programs for organisational change during the past two decades.

Earlier change mechanisms, which have aimed at a more participatory approach to the management of organizations (as iluustrated in footnote 9, aboie), have been complemented by the realization that change applied as much to information flows as to the people that are linked by them. The emphasis in more recent, IT linked, approaches to organisational transformation has been on pushing decision making down the organisation chain, closer to the activity, closer in effect to the individuals at lower levels of the organisation. The aim has been to make structures less hierarchical, less inflexible: 'delayering', streamlining the structure by 'flattening the pyramid'. Moreover, as information flows and availability change, so do relationships within and between organizations.

This has been the driving force behind such concepts as Re-engineering, Empowerment, Management by Objectives, Team Building, and the various manifestations of Total Quality Management, World's Best Practice, and Benchmarking. Encapsulated within these are the inculcation of the corporate ethos and the focus on shared, 'owned' corporate goals and objectives; stable, well-structured and meaningful tasks, activities clearly defined, understood and accepted; clear lines of authority and responsibility; the facilitation of inter-group communication – increasing open and continuous dialogue and shared information. The aim is to avoid the misinterpretation of goals and motivations of others; to minimize turf wars and jurisdictional disputes; to increase peoples' understanding of their roles and their place in the organisation, and also of that of their colleagues; to diminish suspicions, increase cooperation and trust, achieve improved personal and organisational effectiveness, and hence, overall organisational objectives.

Reference: Management Accounting, Australian Society of Accountants Continuing Professional Development Programme, 1989, and: Information Technology, Australian Society of Accountants Continuing Professional Development Programme, 1995.

[29] Kolb op.cit., at 67.

[30] Tillett op.cit.,at 126

[31] By way of an insight into such a mindset, in a conversation with senior mangers, my peers, I deliberately asked questions that pertained to their staff and how they manage them. From their perspective, they are "good managers". They believe that they enabke their staff to express their needs and desires, that there is no management problem, no "us and them" hurdle to be surmounted. But I am aware that they only know half of it. I am told that I am merely playing the devil's advocate, but I feel that I am indeed reporting the view from the other side. I report this to my boss, who is well aware of these individuals' managerial shortcomings. He tells me that he has heard of this conversation from one of the managers in question. It seems that he was informed that I was telling them that there was a problem with morale. He tells me that people low down the ladder are never really fully satisfied, and that no matter how well we may try to treat them, nice environment, subsidized cafeteria, Christmas parties etcetera, they will always gripe because they either have to work too hard, or don't get paid enough, or are not appreciated, or a hundred and one other crimes and misdemeanors. He may be right. But it is still the duty of management to go some short distance to try and meet these unexpressed and unfulfilled desires and aspirations.

[32] Kolb op. cit., at 68.

[33] id., at *19*

[34] My reading and my own experience indicates this. See Appendix 1: *The Tale of Jack and Jill*.

[35] Kolb op.cit., at 12-13. See also Appendix 1: *The Tale of Jack & Jill.*

[36] Individual managers may attempt to resolve disputes through various ADR mechanisms, including third party facilitation, conciliation, counseling and arbitration (although often, there is no formal company policy with respect to dispute resolution, nor are there the resources, procedures or guidelines for managers to follow in the event of conflict should they wish to pursue a pro-active strategy, or training). Mechanisms range from assisting parties to reach consensual agreement to more authoritarian outcomes which include ultimatums and official warning letters. The use of such mechanisms often depends upon individual managers' initiative whilst their effectiveness depends on the style and experience of the managers involved. It is only as good as the manager who drives it, and moreover, only as good as the willingness of the parties, the employees, to use the mechanism on offer and their attitude to the manager and to management in general. Many a good initiative falls by the wayside owing to a lack

of will on the part of management and staff, on a failure to follow through, and to follow up and implement solutions generated.

Whilst managers endeavour to effect conciliation or counseling, their judgement can to a degree be coloured by such issues as neutrality and power. There is a tendency for the well-intentioned manager to resort to his or her formal authority to resolve an impasse. Also, there is a temptation to get caught up in the issues of the dispute. This may occur in an organizational sense, insofar as the manager is, like the employee, a member of the same organization, and indeed, may be in the same department of that organization. Or in an emotional sense insofar as the manager's value system may come into play and with it prejudices and preferences that colour his or her perception of the facts of the case. The manager may take sides or play favourites, or merely be perceived as doing so. Impatience and frustration on the part of a manager attempting to reconcile two or more employees, or a particularly recalcitrant employee, may result in an authoritarian solution that fails to resolve the matter. The needs of the conflicting party or parties will nor be met; they may feel that decisions are being made without their consultation or consent. (For further discussion on this subject, refer to Appendix 1: *The Tale of Jack and Jill.)*

In day-to-day interactions, interpersonal relations are generally conducted on a power-level, relating to authority and status/position within the corporate structures, and a rights level: position and function as defined by job specifications and performance criteria. There is a limit to how far management will go in encouraging dispute resolution at the interests level where this may interfere with and conflict with management perception of company policy and objectives, and management perception of appropriate behaviour and performance. There are certain lines that cannot be crossed, particularly management's perception of the corporate interest, and also of the power and authority structure behind it. If management gave too free a rein to the philosophy and processes of ADR, these could create obstacles to the organization's effective operation.

Boule has noted that disputes can be dealt with on three levels. There is the power level, essentially a contest of strength in which victory generally goes to the strongest. There is the rights level, wherein parties in conflict can present their dispute to an authoritative institution or individual to make a decision as to which party is in the right. And lastly, the interests level wherein parties in conflict, either on their own or with varying degrees of assistance, negotiate their way to an agreed settlement. He notes that where a dispute resolution focuses on interests, there is more likely to be a greater satisfaction with outcomes, less strain on relationships, and a lower likelihood of the dispute recurring .Boule, L, Mediation – Principles, Process, Practice, Butterworths 1996, at 65-66.

[37]Appendix 1, *The Tale of Jack and Jill* provides a more detailed discussion of these issues.

[38] The Contact Officer's role is generally much wider than that of handling the grievances that expose the Company to "vicarious liability": incidences of harassment and discrimination as defined by State and Commonwealth legislation. See: Appendix 2: *The BookMaster Project* for a practical example of this.

[39] For example:

- Establishing formal dispute resolution and grievance handling procedures, which may or may not incorporate some formal procedure for facilitation ands mediation.
- Appointing Contact Officers or *Managerial Third Persons* who may act as sounding boards and lightning rods. This gives employees the opportunity to come to someone for mentoring and for advice.
- Training Managers to identify and handle conflict, and, where this is not possible, for example when external influences impact, or where concealed needs and desires break loose, to learn to read the signs, take the pulse, to identify and then address potential conflict situations.
- Training employees to cope with conflict, to deal more effectively with conflict.
- Education (as a way of preventing disputes from developing in the first place), and Accessibility: Simple and accessible mechanisms that are not weighed down by rules, protocols and procedures.
- Procedural certainty and a degree of uniformity, confidentiality, and impartiality, all employees being treated equally.

Such a regime requires a commitment on the part of management to make it work, a willingness to establish guidelines and procedures, to provide resources and facilities, and also to train managers to operate the processes. It also demands willingness on the part of employees to use the dispute resolution processes as a means of resolving interpersonal conflict and disagreements between themselves and the organization itself. The dispute resolution regime would thus acquire legitimacy and credibility in the eyes of all stakeholders, management and employees alike. A positive approach to resolving workplace conflict not only encourages effective resolution, but also promotes good workplace morale, and encourages employees to take a positive view of management.

The willingness or ability of employees to appeal to or use formal dispute resolution processes is proportionate to their perception of what will happen if they do so.

- Will they get satisfaction? Justice? A Fair hearing? Equity?
- Will they invite reprisal and retaliation? Victimization? Demotion or transfer? The dilemma of the whistleblower is an example of this natural reticence to come forward.
- Will it all be pointless, a shadow play, a waste of time, emotion and energy?
- Will it make any difference to the culture of the organization?
- Will it make it a better place to work in?
- What will your peers, superiors and subordinates think?
- What will it do for your self-esteem, your reputation, your career, your future, and the *significant others* that will experience the fall out if there are negative repercussions? And remember, many of us take our work problems home with us and inflict them on our nearest and dearest!

Many will avoid workplace negotiation, therefore. Some will avoid or go around conflict by seeking lateral transfer or getting out altogether. This is particularly the case with women (although women in senior management are less likely to cut and run than employees lower down the ladder). If employees perceive that it is not worth it, they will either:

- put up with it, with all its dysfunctional effects,
- get a transfer - and this has implications because you carry the baggage away with you: reputation is portable and follows you around; or
- get out. And of so course, getting rid of the person does not necessarily mean getting rid of the problem, particularly if the causes of the conflict remains, and particularly if these are systemic rather that interpersonal. All conflicts that end this way, unresolved and irresolvable, will always leave a bitter legacy in the organization.

Parties must be sufficiently motivated to use the procedures within the system.

- Information on the *hows* and *whys* and *whens* must be readily and simply available in a non-intimidatory form.
- The procedures must be understandable and credible.
- They it must be supported and sanctioned by all levels of the management structure, right to the top of the pyramid.
- They might also incorporate a set of binding "rules" of conflict that differentiate legitimate and non-legitimate power tactics for enforcing system outcomes: a bit like a policeman restraining the, school bullies. (Are we talking about some interpersonal "code of conduct", a "managerial code of conduct" or even "organizational etiquette"?)

A system must not only be fair, impartial and supportive, confidential etc, it must be seen to be so. Yet, how do you communicate the effectiveness of a process without breaching the privacy and confidentiality of the process? If you cannot broadcast its successes - or its failures - how do you let the people know that the system is in place, that it is working, that it is effective, and that it is fair? See the conclusion to *The Tale of Jack and Jill*.

[40] Kolb, op.cit., at 86.

[41] ibid.

[42] id., at 87

[43] id., at 85

[44] ibid.

[45] id., at 223. Bartunek , Kolb and Lewicki consider the structural and cultural dimensions of conflict and the relationship between conflict and change. id., at 220-223

[46] id., at 14.

[47] id., at 224.

[48] id., at 225.

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