

Jane Simms, 26 July 2017

# There's more than one way to solve a dispute

## **Resolving workplace differences is a fine art – and many businesses have been getting it dramatically wrong**

Put down the franking machine and step away from your annoying colleague: the first rule of resolving conflict at work is to stop thinking of it as a problem. We see confrontation and disagreement as negative, damaging and to be avoided at all costs. We think that talking about a problem will be uncomfortable, or even make things worse, so we walk away and ignore it.

But we couldn't be more wrong, say conflict resolution experts. "Conflict is healthy and constructive – an indispensable element of good management," says organisational psychologist Amir Kfir. He knows a bit about the topic; not only has he helped companies around the world transform themselves, he has also facilitated peace forums between Israelis and Arabs, and Greeks and Turks. "It is through diversity and difference that we grow – if two people agree on everything, one of them is unnecessary," says Kfir. "If people say 'there is no conflict here' they are either blind or lying. What's important is how we manage conflict."

Mike Talbot, psychotherapist, mediator and founder and CEO of UK Mediation, agrees: "Conflict is not only a fact of life, it's also positive – it helps you come up with new ideas, integrate people's different skills and abilities, and find a 'third way' to do things, which leads to innovation and creativity."

In certain industries, such as advertising and the media, the correct calibration of conflict can be crucial to ensuring creativity isn't constrained. In others, conflict is glossed over or handled punitively, so its root causes are never examined. HR is the vital social glue that ensures conflict is handled healthily. But few, HR included, can say they are on top of the issue.

Most organisations manage conflict through formal procedures – disciplinaries, grievances, employment tribunals and the like – which are, of course, prime HR responsibilities. There are two problems with this approach. First, such procedures typically kick in when the conflict has escalated, and the longer it goes on the more difficult it is to resolve. Second, HR professionals and others are often guilty of 'hiding behind' the procedures and failing to address the low-level conflict that rumbles on all the time.

Richard Saundry, professor of human resource management and employee relations at Plymouth University, defines this as "a general sense of disengagement and unhappiness", which is, he says, the very opposite of the engagement businesses say they are so keen to foster.

In 2009, the Acas Code of Practice on Disciplinary and Grievance Procedures was simplified and a new emphasis placed on early informal resolution. Since 2014, employees have been strongly encouraged to demonstrate that they have attempted early conciliation before going to tribunal. This often means mediation, by either in-house or external trained mediators, or less formal facilitated conversations with line managers. The fact that we have seen what Saundry describes as “only sporadic changes” in practice over the past eight years is down to three key factors, which add up to what he terms a ‘resolution gap’.

First, there are fewer employee representatives in organisations these days, “and they are an important conduit for resolving difficult situations”, says Saundry. Second, HR, as it has specialised and reorganised, has become in some cases more distant from operations – and although HR business partners are, arguably, very close to the business, they don’t see conflict resolution as sufficiently strategic to merit their attention. And finally, line managers lack the confidence, competence and time to have the kind of conversations with team members that would help nip disputes in the bud and prevent them from escalating.

Jonny Gifford, senior adviser for organisational behaviour at the CIPD, says we need to see a similar shift in attitude towards conflict resolution as we did to coaching a decade ago. “Mediation-type skills need to be a core part of what it takes to be a good line manager, just as coaching skills now are,” he says. “It’s concerning that HR often sees conflict management as a non-strategic issue. Our research shows that it is the number one leadership challenge and one of the areas where HR is seen to add the most specialist value. This should be a wake-up call for HR – employee relations should not be treated as the ‘poor relation’. Conflict resolution expertise is hugely valuable to the organisation, which is looking to HR for support.”

Just how valuable conflict resolution skills are is evident from US research that suggests employees spend an average of 2.7 hours a week in conflict at work – which equates to around 7 per cent of payroll and billions of dollars in ‘lost’ time. This should rouse leaders who, says Gifford, often treat conflict as ‘pathological’ rather than normal: “We need to embrace mediation and similar approaches that aim to genuinely resolve conflict. These methods can be uncomfortable if they legitimise the concerns of more junior people and reduce leaders’ power, but the outcomes are worth it.

“HR has to realise that conflict management is a strategic issue that needs tackling, and they then need to get the business to recognise it as normal and deal with it in a healthy way.”

However, Gifford recognises that for most organisations this represents a cultural challenge: “You can’t achieve win-win solutions by just bolting on a mediation service.”

James Traeger, director at organisational development consultancy Mayvin, agrees. Mayvin has developed an approach to conflict resolution called ‘Restorative HR’, which brings together HR and OD with restorative justice (an approach used in the criminal justice system that sees victims of crime work with offenders to determine how to ‘make good’ the damage). “Restorative practice is much more about culture change than it is about technique,” says Traeger. “It’s ‘this is what we do’ and ‘leaning in’ to challenges and difficulties to head off conflict. At the heart of it is an ancient Chinese philosophy: ‘Confronting the difficult while it is still easy.’”

Even then, some parts of the organisation were less receptive to the approach than others. Millar, now a restorative practice expert, says: “We piloted the approach very successfully in Children’s Services, where there are lots of social workers who are predisposed to this sort of mindset. We had less success in other parts of the council where people prefer processes, systems and technologies to actually talking to people.

“You can’t introduce this as some kind of revolution; it only works in organisations that are values-based, engage staff and have a good culture. In very competitive, shape-up-or-ship-out environments, people just won’t get it.”

Naturally, businesses that have strong cultures are in less need of new approaches. However, Saundry has seen new conflict management approaches transform toxic cultures, “not through training a few mediators or taking something off the peg, but as a core strategic imperative with high-level support”. NHS organisations are a case in point, he says, and Northumbria Healthcare NHS Foundation Trust (NHFT) is an exemplar.

NHFT introduced what it describes as an ‘integrated conflict management system’, which combines both formal processes and informal conversations, to resolve conflict at an early stage through a collaborative approach. Personality clashes and performance management were the principal causes of conflict, which not only wasted staff and management time but also affected performance and wellbeing, with potential implications for patient care.

Interventions included stress risk assessments, mediation, team facilitation and conflict coaching and training, but the key to success, says Saundry, was HR’s recognition that conflict management is a strategic issue, and involving senior management as coaches and mediators. “If you’re going to invest in a strategic approach, you shouldn’t just locate it in HR,” he says.

NHFT also spent, and still spends, a lot of time training its managers in basic conflict resolution skills. This lies at the heart of being able to nip conflict in the bud, obviating the need to constantly tug at HR’s sleeves, saving money and management time and, ultimately, keeping people happier.

In essence, conflict resolution skills are only an extension of the normal ‘dialogue’ managers should be having with their teams. Talbot says that when he is asked to conduct a structured mediation, “at the end of the process you often find the individuals themselves saying ‘why didn’t we do this six months ago? All we needed was a chat.’” It is, he says, “a big miss” by companies – particularly those that prevent people seeing or speaking to each other until the grievance procedure is concluded.

But most people need training in conflict management skills to make them both competent and confident. “Some people are natural mediators, but most have to learn it, and the key skills are listening and resisting offering solutions,” says Talbot.

It’s also worth remembering that a lot of conflict arises from poor or non-existent communication. Alex Efthymiades, director at workplace mediation specialists Consensio, cites an example from her work with a financial services client. “Someone was regularly coming into work late, and her boss thought she was either lazy or not interested. In fact, her father was ill, and she was taking him for treatment. Her manager didn’t ask her what was going on and, because trust had broken down between them and she thought he wouldn’t understand, she didn’t feel she could explain.”

Everyone is human and inevitably brings personal issues into work, says Efthymiades: “Organisations and individuals often seem to forget this and can’t empathise, and it is often because policies and procedures get in the way.”

Resolving conflict, whoever does it, shouldn’t be a binary process – one that frames the conflict as a struggle between a perpetrator and a victim – but the longer the conflict is allowed to fester, the more entrenched people’s positions become.

“It shouldn’t be about who’s right and who’s wrong; who’s going to win and lose,” says Talbot, whose approach is to get people to forget about what’s happened and focus on finding a solution both sides are happy with. Efthymiades agrees: “Facts are largely irrelevant in conflict resolution; it’s about finding out what people feel, their perceptions of themselves and each other, and what a realistic solution might look like.”

One technique some believe can help focus on the here and now is mindfulness, and coach Julia Carden uses it in the work she does with teams and individuals in conflict to help them explore their emotions, make sense of their anger or hurt and become more aware of their behaviour and the impact it has on others.

She uses other tools too that are also aimed at building self-awareness as a precursor to being able to make a mental or emotional shift, including the ‘metamirror’ and the ‘empty chair’ exercise, which is part of Gestalt therapy. While these techniques are valuable in their own right, says Carden, they work best in a conflict resolution context when combined with mediation, and she often works in partnership with a mediator colleague.

The ultimate aim of conflict resolution should be to find Talbot’s ‘third way’, because, as he says, “that’s where the learning opportunity is”. Kfir describes it as ‘co-creation’ – a jointly crafted solution, which, because it is in everyone’s interests, is likely to last.

The benefits are there for the taking, but it takes courage to embark on what is a very different path for most businesses. “Formal procedures are a nervous response, and should only be a last resort,” says Talbot. “Instead, organisations need to be braver and walk towards conflict.”