

and how best to resolve each stage

Marc Reid and Kathy Reid

Introduction

There's plenty of conflict in the workplace. Being a workplace mediator that's good for me. Actually I'd rather be unemployed, have nothing to do as everyone has somehow found a way to get on with everyone else. But that's not going to happen – we are human after all! As there will always be conflict to manage we'd better make sure we are well equipped to manage it.

So we need to get our ducks in a row, make sure we have the processes and tools in place. How are you doing in this regard? Got a grievance policy? I certainly hope so as that's a legal requirement. Many companies will stop there but there is lots more you could and should think about:



- Training for managers in managing conflict
- Values statements / policy on how employees should behave towards each other
- Staff training in communication skills, particularly having difficult conversations with each other
- Support for employees facing conflict Occupational Health, Employee Assistance Programme, Trade Unions
- One to one coaching
- Access to expert employment law advice and support
- Mediation skills training for HR professionals or even training proper internal mediators
- And of course access to professional external mediation services

Let's say you are the perfect organisation and everything is in place. There is still a problem, and it's one I come across frequently. In fact I end up mediating many cases as organisations have failed to answer this crucial question. And the question is this:

What is the best intervention at this point?

I've seen cases where employees who have experienced something relatively minor have approached their line manager or HR and asked what they can do and before they know it they are being encouraged along the grievance route. Equally other employees have repeatedly raised concerns and managers have told them to deal with it themselves and avoided their own involvement. The consequences can be disastrous either way.

So why are we failing to answer the crucial question correctly? The answer is because it is very difficult. The reason it is difficult is that in fact there are three sub-elements to the bigger question:

What point has the conflict reached?

What are the intervention options available?

Which is the most appropriate of the options available?

How does it work then? How do we find the answers to the 3 sub-elements? Typically we rely on line manager and HR experience and expertise. Which is fine if managers and HR have these qualities. If not it is little more than gut feel or guesswork.

But that doesn't feel comfortable. People in conflict are likely to be under stress, with consequential negative impact on their health and their performance. We owe it to them to apply greater rigour than relying on our instinct.

That's why I and my wife Kathy have developed this tool to help HR and line managers to give more informed guidance and support to their employees in conflict.

Marc Reid

Director, Mediation4

www.mediation4.co.uk

Copyright © 2018 by Mediation4 All rights reserved. This book or any portion thereof may not be reproduced or used in any manner whatsoever without the express written permission of the publisher except for the use of brief quotations.

PHOTO ATTRIBUTION – Thanks to the following for use of the images used:



Debbie - Images courtesy of David Castillo Dominici at FreeDigitalPhotos.net



Sanjay - Images courtesy of artur84 at FreeDigitalPhotos.net



Michael - Images courtesy of photostock at FreeDigitalPhotos.net

Conflict Resolution Stages

I've thought about the many cases I've been involved with and looked again at conflict escalation theory to try to identify recognisable stages. I've come up with 8 stages which are broadly sequential but don't have to be. Escalating conflicts may skip one or more stages but most will broadly follow this escalation path.

To help address the issue of identifying what point the conflict has reached, for each stage I have given a high level description and then detailed the typical features that might be perceived at that level. I've then suggested which of the intervention options might be most appropriate at that stage of escalation. That is not to say it is the only option. In fact most of the options I refer to in the 8 stages <u>can</u> be used at any point – but there is normally one that is more suited at each particular stage.

The 8 stages break down into 4 resolution categories:

- 1. Self Managed those involved address and resolve it themselves
- 2. Informal a third party supports those involved to resolve it informally
- 3. Formal a formal procedure is followed
- 4. Post Formal outcome of formal process guides resolution

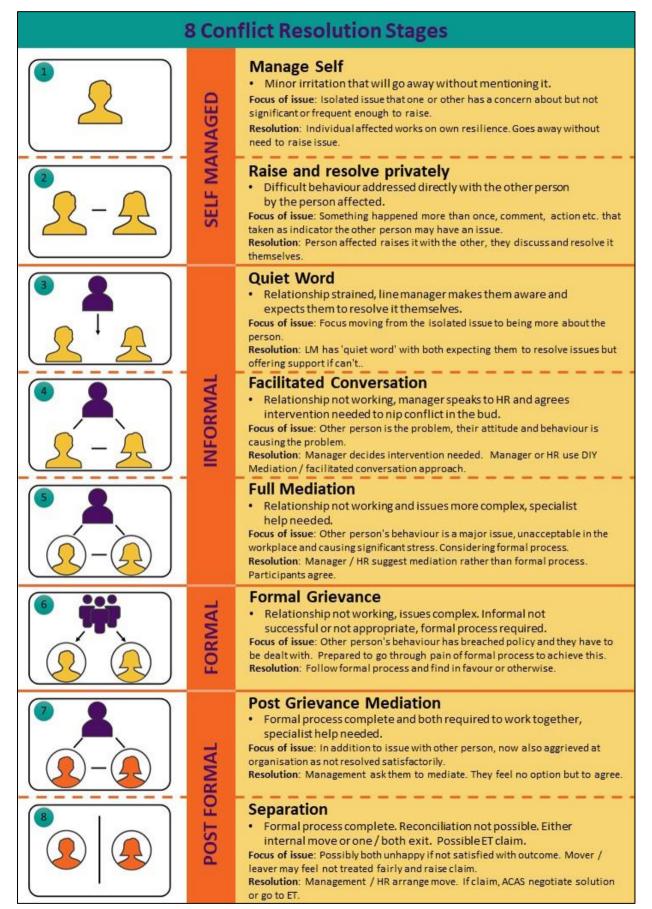
If like me you sometimes struggle with the pure theory and relate better to practical examples I've created a typical case study illustrating the conflict stages. We can see through the case study how the individuals involved are feeling and responding at each stage, what they might be thinking about the other person and how they might view the options open to them. We can also see the case from the perspective of their manager, the person who in the first instance has to deal with the situation. Each of the players in this scenario will bring their own set of assumptions, biases and beliefs. We can see how these impact positively or negatively in resolving the conflict.

I hope you find this resource helpful in managing conflict in your organisation. Remember that this is only a tool, it is not the answer. You will still need to form your own judgement about how best to manage a situation. Hopefully though, what the tool will do is support you in making a decision which is better informed and more structured.

Case Study Background

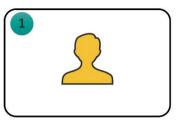
Travel Anywhere Company (TAC) is a global travel company specialising in adventure travel. It has two hundred stores around the world and the Headquarters is in London. Michael Douglas is the IT Director with five direct reports including Debbie Davis and Sanjay Shah. Debbie is the Information Systems (IS) Manager responsible for ensuring that the IS infrastructure is properly designed, tested, implemented and managed. She manages a team of ten IT Specialists and Engineers and joined TAC last year. Sanjay is the IT Service Desk Manager responsible for maintaining an efficient and effective IT service to the 200 stores in the UK and overseas. He manages a team of fifteen Help Desk Technicians and started as a TAC Technician himself over ten years ago. Debbie and Sanjay haven't really got on since she joined last year but neither have seen this as an issue as they've not had to deal much with each other.

The table below is a one page summary of the 8 Stages of Workplace Conflict and the resolution approach. Each stage is explained fully in the following section.



Stage 1 – Manage Self

Minor irritation – issue likely to go away without mentioning it.



Key Features of this stage:

Focus of Issue	Isolated issue that one or other has a concern about but not significant or frequent enough to raise.
Participants communication	Normal. Person with the issue has not raised it with the other.
Participants behaviours	Nothing abnormal
Participants emotions	Puzzled, confused
Participants view of outcome	Not a big issue, should go away.
Involvement of colleagues	None
Involvement of HR / manager / other	None

Most likely resolution path:

Who	The individual affected
How	Individual works on own resilience. Goes away without need to raise issue.
What	Do nothing / work on resilience

Case Study:

TAC's main income is from selling discount flights to its adventurous clients. As the existing IT system is outdated Michael Douglas has tasked Debbie to project manage the introduction of a new and improved flight booking system to be rolled out to all stores. Debbie has kicked off the project and is due to have a meeting with her team and other IT Specialists to discuss the tendering process in one of the HQ conference rooms. Before Debbie arrives the team are starting to gather for the meeting and Sanjay bumps into Josh, one of the IT Specialists, outside the conference room. Josh and Sanjay are friends and start talking. Josh innocently asks if Sanjay is joining the meeting and Sanjay says he isn't.

Sanjay asks what it is about and Josh explains. Sanjay looks puzzled but doesn't query it and says he has to get off to another meeting. Josh goes into the meeting room.

SANJAY

As the IT Service Desk Manager I'm surprised I was not invited to the meeting. Surely my input is critical to the development of the new flight booking system and I should be involved from the start of the project as it will affect everything the Help Desk does. It's annoying but not a major issue, I've got more important things to worry about just now as there's been a major unexplained crash of the system in our Bombay office and that's my priority.





DEBBIE

Josh mentioned he'd bumped into Sanjay who had asked about the meeting. I'll involve Help Desk when the time is right but at this early stage all we need to concentrate on is the broad sweep of the project. We don't need Sanjay's detailed input right now and I'll let him know when we do.

Analysis:

Sanjay is irritated that he hasn't been invited to the meeting. He's only heard about it from Josh as he bumped into him and has just got Josh's view of what the meeting is about. Based on this Sanjay has assumed he should have been invited. It's annoying but he doesn't see it as a big issue, he has more important and urgent issues to deal with. Even at this early stage assumptions are playing a part. A story is starting to build in Sanjay's mind.

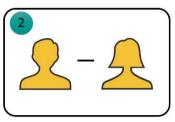
Resolution is through Sanjay deciding he doesn't need to say anything and he'll live with it. At this stage is it not an issue for Debbie as she is not aware that Sanjay has any concerns.

Comment:

Most issues in the workplace will be resolved in this way. Niggles like this are likely to happen all the time and we choose to ignore them and manage our own frustration. When they are one-off incidents this resolution approach is effective. It may be less effective when repeat incidents occur and assumptions go unchecked. This can escalate issues to stage 2.

Stage 2 – Raise and Resolve Privately

Difficult behaviour addressed directly with the other person by the person affected.



Key Features of this stage:

Focus of Issue	Something happened more than once, comment, action etc. that is taken as an indicator the other person may have an issue.
Participants communication	Becoming more difficult. Person with issue needs to raise it with other.
Participants behaviours	Awkward with the other person.
Participants emotions	Concerned, anxious.
Participants view of outcome	Doesn't seem to be a big issue but unlikely to go away so needs addressing
Involvement of colleagues	None
Involvement of HR / manager / other	None

Most likely resolution path:

Who	The individuals involved.
How	Person affected raises it with the other, they discuss and resolve.
What	Private discussion

Case Study:

A week has gone by and Sanjay hasn't thought about the project meeting again. Their weekly team meeting is drawing to a close and Sanjay asks as usual if anyone has anything they want to raise. Karen, who is married to TAC IT Engineer Andy, mentions she'd heard from her husband about a meeting the previous day with IBM, the systems supplier, concerning the new flight booking system. She asks Sanjay if he had any involvement or input into it. Sanjay replies that he knows nothing about a meeting with IBM but will go and find out from Debbie what's going on.

8 Stages of Workplace Conflict

SANJAY



To say I was annoyed is an understatement, though I didn't let it show to the team. If the new flight booking system project has got so far that they are meeting with IBM then I should definitely have been involved. Why would Debbie set up a meeting with IBM to discuss the project without any input from the Help Desk? I should have been at that meeting. It's really embarrassing to find out from Karen at the team meeting like that as it makes me look like a total fool. This is the second time I've not been asked to a meeting on this so it doesn't look as though it was an oversight the first time. I'm going to have to talk to Debbie.

DEBBIE

If Sanjay is annoyed I don't know anything about that and I don't know why either. Sanjay and the Help Desk will be involved in the new flight booking project at the appropriate time. I'm not keeping anything from him, it's still too early to involve the Help Desk team.



Analysis:

Sanjay can no longer regard this as a one-off incident. There has now been a second meeting which he feels he should definitely have been invited to so he is angry about this. His annoyance is compounded by the fact that it has come up in a team meeting, undermining his credibility with his team. He recognises that he now has to act.

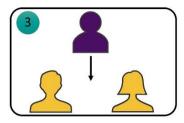
Resolution at this stage can be achieved by raising the concerns with Debbie, hearing each others different perspectives, clarifying reasoning and misunderstanding and agreeing a way forward.

Comment:

There is no reason why the issue cannot be resolved at this stage through Sanjay and Debbie having an open conversation. Sanjay is feeling angry but if he approaches Debbie assertively but not aggressively there is every chance they will be able to have a professional discussion. There will often be situations like this occurring in the workplace where someone makes a decision and someone else feels they are affected by that decision and needs to raise it with the other. When they meet they can share their reasons, listen to each other, discuss the issue and they should be able to find a way forward. Where things can often go wrong is when emotion comes into play and the discussion becomes more about the person rather than the issue. The situation can then escalate to stage 3 where it becomes necessary for someone else to become involved.

Stage 3 – Quiet Word

Relationship strained, line manager makes them aware and expects them to resolve it themselves.



Key Features of this stage:

Focus of Issue	Focus moving from the isolated issue to being about the person.
Participants communication	Strained communication. Only speaking with each other as necessary for job. Email communication professional, maybe terse.
Participants behaviours	Both aware there is an issue in the relationship but it is not resolved. Tendency to avoid / be unhelpful. On look out for actions which confirm suspicions.
Participants emotions	Frustrated, annoyed, anxious.
Participants view of outcome	Concerned as other one doesn't 'get it' but hopeful it can be resolved
Involvement of colleagues	They start mentioning other persons behaviour to other members of the team and sounding them out.
Involvement of HR / manager / other	Mention to line manager

Most likely resolution path:

Who	Line manager
How	Line manager has 'quiet word' with both expecting them to resolve issues but offering support if can't.
What	Line manager informal resolution

Case Study:

After his team meeting Sanjay immediately calls Debbie and asks to see her as a matter of urgency. Debbie replies that she has meetings all day but that she can see him briefly if he comes to her office straight away. Sanjay sees red at this as he feels Debbie is treating him like a member of her staff but he manages to stay calm and agrees to come round to her office. On the way over to Debbie's office however, Sanjay becomes increasingly angry at the way she has treated him. Sanjay enters Debbie's office as she is on the phone. She takes exception to this and intentionally drags out her call making him wait for a few minutes before talking to him. When Debbie is off the phone Sanjay demands to know why he hasn't

been involved in the project meetings. Debbie asks why he is raising his voice and they have an argument in which Sanjay wants to know why he wasn't invited and Debbie maintains that it isn't the right time to involve the Help Desk team. Sanjay realises he's not getting anywhere and leaves the office before things get even more heated. Michael's office is next door to Debbie's and having heard raised voices he later goes to speak to Debbie about what is going on. Finding out about the disagreement Michael tells Debbie that he trusts her to sort things out and that he will say the same to Sanjay. He makes it clear it is important that his team members work together so he will keep an eye on the situation and hopes it will not be necessary for him to get involved.

SANJAY

She's unbearable. Who does she think she is? I don't work for her you know. She's on the same level but she lords it over me like she's the boss. I mentioned it to my deputy Helen. She's had problems with Debbie too and apparently Debbie has been told more than once to watch her supercilious manner. I'm not putting up with this. She's disrespected me three times now. Michael wants us to sort it out ourselves but if she carries on like this I'm not putting up with it. Michael will have to deal with her himself.





DEBBIE

Oh my goodness! What is Sanjay's problem? Demanding an immediate meeting, storming into my office, raising his voice to me. How dare he treat me like that! I've never been so disrespected. Yes I did drag the phone call out to wind him up but I don't want him thinking he can demand to see me when it suits him. I don't have time to deal with his petty concerns. Like I've said time and time again, I will consult him when the time is right. Michael shouldn't need to get involved in this. It's just Sanjay being a drama king. I'll try to sort it out to put Michael's mind at rest.

MICHAEL

I was in my office when I overheard shouting coming from Debbie's office. Later I went round to see Debbie and ask what was going on and found out that Sanjay had come round shouting about why he hadn't been invited to the flight booking project. I was surprised Debbie hadn't involved him already but she assured me that the Help Desk would be involved when the time was right. I told her that I trusted her to sort this disagreement out with Sanjay and that I would be seeing him and saying the same to him. I don't want to get involved but I can't have those two at each others throats. I'll have to step in if they can't sort it out themselves.



Analysis:

The attempt to resolve the situation through private discussion has not worked. Sanjay is angry and this is exacerbated by Debbie making him wait. Their approach means that they are not able to listen to each other and hear the others perspective. They don't understand why the other is acting the way they are and assume it must be personal.

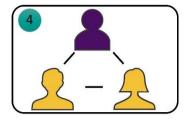
The situation at this stage can be resolved with the help of the manager, Michael. He has a 'quiet word' with both his team members making it clear he wants them to sort it out.

Comment:

Although the meeting between Debbie and Sanjay went badly they can still stop it escalating. Michael has made it clear what he wants. If they listen to their manager they could wait till they both feel calmer and hold another meeting to listen to each other. There is an incentive for them as they don't want their manager to think they can't sort out issues themselves, especially when he has made it clear that he doesn't want to get involved. Often this kind of managerial pressure will be enough to enable more productive communication and the situation can be resolved. But it will take both to make an effort to achieve resolution. If one or both is not willing to try then the situation can escalate to the point where additional support is needed. This could take a range of forms such as some guidance / coaching from HR for instance, though a good approach is the stage 4 resolution approach, a structured conversation facilitated by a third person. This would typically be the line manager.

Stage 4 – Facilitated Conversation

Relationship not working, manager speaks to HR and agrees intervention needed to nip conflict in the bud.



Key Features of this stage:

Focus of Issue	Other person is the problem, their attitude and behaviour is causing the problem.
Participants communication	Communication breaking down. Strained / emotional when speak and try to avoid each other if possible.
Participants behaviours	Physically avoid each other. Noticeable to others that there is an issue. Possible public incident, eg shouting match in office. Building case, noting incidents / behaviours.
Participants emotions	Stressed.
Participants view of outcome	Want it resolved. Want manager to 'sort it'.
Involvement of colleagues	Actively seeking to get colleagues 'on side'. Looking for third party confirmation of behaviour that is the issue.
Involvement of HR / manager / other	Line Manager / HR

Most likely resolution path:

Who	Line manager or HR
How	Manager decides intervention needed. Manager or HR facilitate a conversation using DIY Mediation approach or similar.
What	Informal resolution using DIY Mediation / facilitated conversation.

Case Study:

Having spoken to both Debbie and Sanjay, Michael is happy that they can sort out the disagreement between themselves. Whilst Sanjay is still very angry, feeling he was disrespected by Debbie, he's willing to do what Michael wants and try to sort it out with Debbie. She is still shocked at being spoken to in what felt like an aggressive manner but wants to resolve it without having to involve Michael again.

Debbie decides to send Sanjay an email inviting him along to the next project meeting. Sanjay is pleased to be invited but he wants his deputy Helen to come along too. Rather than emailing back he recognises he needs to build bridges with Debbie so decides to pop round to her office. Debbie sees Sanjay approaching and although she's working on something that has to be out by the end of the day she knows it will only make things worse if she asks him to come back. All is well as they exchange pleasantries and Sanjay thanks Debbie for inviting him to the meeting. Then Sanjay says Helen will be coming along as well. Debbie is taken aback – it's her meeting and it's up to her who needs to be there. It feels like this is Sanjay trying to assert himself because of what happened. However, she knows telling Sanjay that Helen can't come risks winding him up so she makes an excuse that she's only been able to book the small conference room so there is no room for Helen. She regrets it as soon as she's said it – it's a poor excuse and Sanjay sees right through it. For Sanjay it just proves he was right all along, she doesn't want him and his team involved and she's only invited him as Michael told her too. He sees red, stands up and in a raised voice tells her she's pathetic and should start acting professionally, and storms out slamming the door.

The whole scene has been seen and overheard by Debbie's team outside the office. Sanjay has had enough. Michael is out of the office so he goes straight to HR where he finds HR Manager, Emily. Sanjay tells Emily the whole story, calls Debbie a bully and wants to know what HR will do about it.

Emily arranges to meet Michael when he returns to the office. They discuss the situation and agree the best option at this point is for Michael to arrange a facilitated conversation.

DEBBIE

I tried to do what Michael wanted and invited Sanjay to the next project meeting. It wasn't a big deal, I was going to include him when the project reached the appropriate stage, I didn't want to waste his time at the start when we were dealing with the technical set up.





SANJAY

I'd tried to sort it out as Michael wanted. I went to Debbie's office to speak rather than just respond to her email. It was important that Helen comes to that meeting as I'm away on holiday for two weeks right in the middle of the project so she'll need to be up to speed. But Debbie making that ridiculous excuse about the size of the room, that shows just how petty she's being. I can't work with that. There's nothing I want to say to her. She's impossible to work with.



MICHAEL

Go and sort it out. That's what I told them both. And what happens? I'm out of the office for a couple of days and as soon as I get back Emily from HR needs an urgent meeting. She tells me Sanjay has been complaining to her about Debbie. She's happy to support but we agree this should be up to me in the first instance. Luckily I had the training about a month ago on managing a facilitated conversation so it's time to give that a try.

Analysis:

After the 'quiet word' from the manager both appear to want to move forward. But the trust has all but broken down between them and poor communication results in an escalation. Rather than explaining his plausible reason why Helen needs to attend the meeting, Sanjay has just said she will be there. Debbie interprets this as a show of strength and fights back by saying Helen can't attend but her excuse is weak, further damaging the trust between them.

Clearly they have now reached a point where they need support to be able to resolve their situation – they have failed to address it successfully themselves. The intervention by Michael of the 'facilitated conversation' approach will give them an opportunity to address their concerns with each informally.

Comment:

There are a number of options that could be pursued at this point. HR has become involved so one of the possibilities that Emily might suggest to Sanjay is the formal grievance route. It should be clear though to Emily that at this stage there has been a breakdown in communication between the two managers over this one project. It doesn't appear to be a long term issue and there is a good chance that if they are able to talk about it in a structured professional way they can find a solution.

This situation is ideal for the 'facilitated conversation' type of approach whereby someone, ideally the line manager, can bring the two people together and work with them to help them find their own way forward. It is a mediation style approach, so rather than telling them what to do the approach is to facilitate without judgement, allowing them to discuss the issue and find solutions that work for both of them. It is the type of approach that forms the basis of 'DIY Mediation' (see below).

It is important that whoever runs the meeting, typically line manager or HR professional, has been properly trained. This is because it demands an approach which is contrary to what is normally required. In the normal course of events we expect the manager or HR to problem solve, make a judgement, form a view as to who is right or wrong and tell them what they should be doing. The style needed for a mediation type approach is very different. It is challenging to 'change hats' in this way so training, guidance and support are essential. This approach is ideal for early stage relationship conflicts, to nip things in the bud. If the situation is more complex and the manager does not feel comfortable with this approach, using a mediator may be more appropriate. Also, by it's nature it is quite a low key, informal intervention, ideal for minor issues but may not be robust enough to be sustainable if further incidents occur. At this point the conflict could escalate to Stage 5.

What is DIY Mediation?

It's all very well to say 'have a facilitated conversation' but what does that mean? How should you structure the meeting What style should the manager adopt? What are the skills that might be needed? DIY Mediation is a structured practical approach which enables you to manage a facilitated conversation and nip low level conflict in the bud. It is a mediation style approach which combines key skills, a step by step process, the AGREE model, and support tools to facilitate delivery.

DIY Mediation evolved from the training we have been running for many years for HR and line managers in using simple mediation techniques to address low level employee conflict.

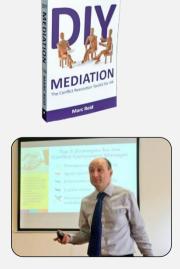


How can you learn DIY Mediation?

There are three ways you can learn the skills and process of DIY Mediation.



You can start learning today through our online learning series. This is a series of short learning videos – 15 bite sized chunks of learning with video demonstrations of the process in action.



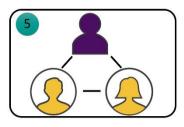
Our book '*DIY Mediation. The Conflict Resolution Toolkit for HR*' is a comprehensive guide to the process, skills and tools of DIY Mediation.

We run in-house and open DIY Mediation Masterclasses. These are 1 day workshops designed to train you in the techniques of DIY Mediation and practice them through roleplay.

There is lots more information about DIY Mediation and details about how you can learn it at our website <u>www.diymediation.com</u>.

Stage 5 – Full mediation

Relationship not working and issues more complex, specialist help needed.



Key Features of this stage:

Focus of Issue	Other person's behaviour is a major issue, unacceptable in the workplace and causing significant stress. Considering formal process.
Participants communication	Communication very limited or stopped.
Participants behaviours	Avoid interaction where possible. Where they do interact probable result is an angry / accusatory encounter.
Participants emotions	Stressed, angry, want justice
Participants view of outcome	Pessimistic it can be resolved. Want other person disciplined for behaviour.
Involvement of colleagues	Got 'team' behind them. Sides have formed. Got 'evidence' from others so not just a personal view.
Involvement of HR / manager / other	Line Manager / HR / mediator

Most likely resolution path:

Who	Mediator
How	Manager / HR suggest mediation rather than formal process. Participants agree.
What	Expert mediation

Case Study:

Michael arranges a convenient day and time for the following week to conduct a facilitated conversation with Sanjay and Debbie who are both fine with giving this approach a try. During the conversation Debbie acknowledges she was making an excuse for saying Helen couldn't attend the meeting and Sanjay recognised he overreacted and should have explained why he needed Helen there. Michael is relieved and after the meeting things seem to go back to normal with peace being restored between Debbie and Sanjay as well as between the IT Specialists and the Help Desk. Sanjay decides that he just needs to get on

with his job of supporting the Help Desk and Debbie is happy to forget about Sanjay for a few days.

In Sanjay's weekly team meeting he updates the team on the status of the new flight booking system project. He knows the team are aware of his recent difficulties with Debbie and to avoid the dangers of gossip and mixed messages getting back to Debbie, he asks that any communication with the IT specialists team about the project should go through him.

Debbie is chatting with her team member Andy who casually mentions that his partner Karen had joked that Sanjay had gone into 'Mr Control' mode, telling them they mustn't speak to anyone in Debbie's team. Debbie doesn't see the joke and asks Andy if he agrees that Sanjay is acting like a kid. Andy says he can see her point.

On reflection Debbie begins to think there must be more to Sanjay's behaviour than just being childish. There are rumours floating that due to the downturn in the market there could be cutbacks and normally IT is at the front of the queue when jobs need to go. Sanjay makes no secret of the fact he is ambitious and this whole issue could be him trying to muscle in on her area and also to make her look unprofessional, improving his chances against her if it comes to job reductions. She decides she needs to be careful in how she involves him.

The day before their next project meeting Sanjay is mistakenly copied in on an email regarding a planning meeting for another project in which it states that "at this stage we do not want to involve the Help Desk team as this would only complicate matters". Sanjay is livid and kicks his desk which shocks the members of his team. Karen asks him if he is OK and he can't help criticising Debbie, saying she's at it again, deliberately trying to exclude him. The team try to calm him but they are also annoyed at how their boss is being treated.

Sanjay decides he needs to sort this once and for all and storms into Debbie's office, puts the email on her desk and demands to know what it means. Having just heard that her mother has been taken into hospital Debbie is in no mood for more accusations from Sanjay and a shouting match ensues. Debbie accuses Sanjay of trying to undermine her and yells at him to 'grow up and stop behaving like a spoilt f*ing kid'. Sanjay tells Debbie where she can stick the facilitated conversation. Once again Michael next door can hear raised voices and he comes into Debbie's office to break up the argument. Sanjay leaves with the words "I'm raising a grievance" with Debbie shouting back "You're not the only one."

After meetings with Sanjay and Debbie, Emily discusses the situation with Michael. They both agree that this situation is about a breakdown in communication and personality clash so they agree to recommend to Sanjay and Debbie that they try mediation.

8 Stages of Workplace Conflict

SANJAY

This has gone beyond a joke. I can't believe what's she's done to me again. It's clear from that email this is a deliberate campaign to exclude me and the team. She probably wants to take over my team as well – we all know there are cuts ahead. The team are with me on this – they've heard that Debbie is always telling her lot that I'm just getting in the way. Well, she can stuff that facilitated conversation where the sun don't shine and find somebody else to help with the flight booking project. I'm raising a grievance. HR need to sort her out.





DEBBIE

What an ignorant brat. That's the second time he's dared to storm into my office. Nobody treats me with disrespect like that and it's totally against the company policy on being respectful to each other. OK so I shouldn't have lost my temper but I'm more convinced than ever he's trying to bully me out of my job and I'm not having it. I really don't need this especially after being told my Mum's gone to hospital. I'm not being treated like that. I'm raising a grievance. It's not fair and he can't get away with that kind of behaviour.

MICHAEL

This just gets worse and worse. They're both managers for Pete's sake yet they're acting like little kids. I tried my best but it looks like this is heading in a bad direction. I need some support from HR. They're going to have to sort this carnage out before it spreads and undermines the whole department. They reckoned that we might need a proper mediator if I couldn't sort it so I think that's the next step.



Analysis:

The situation has escalated now and we are looking at a series of incidents as opposed to an isolated occurrence. Both the managers have involved their teams, seeking to gain support for their position and both are feeling angry and stressed. They are also building arguments to support their view that the behaviour of the other is symptomatic of a wider strategy with a malevolent intention.

The 'facilitated conversation' approach had helped but the underlying tension was still there. It was fanned by rumour, further breaking down the trust between the managers. The further incident of Sanjay seeing an email he wasn't meant to see is an additional nail in the coffin. It could be that there was a good reason not to include Sanjay in the meeting but Sanjay sees it as confirming the story he has built up and he responds accordingly. For Debbie too, Sanjay's reaction seems over the top and reinforces her assumption that there is more to his behaviour. She is in a stressed state, not least due to pressures outside of work, so rather than explaining her email to Sanjay she responds with an angry outburst.

They have reached a stage where their relationship has broken down and professional help and support is required. Mediation looks to be the best option.

Comment:

Both Sanjay and Debbie feel they have a case to raise a formal grievance. Sanjay feels Debbie is deliberately excluding him and his team, and is treating him unprofessionally. Debbie feels Sanjay's behaviour is bullying. They both have a case for raising a grievance but the root of this issue is the relationship between the two of them. A grievance might or might not find that the behaviour of each of them was appropriate or not. What it won't do is address the cause of their unhappiness with each other and rather than helping them find a way forward, the process will further entrench their negativity towards the other.

Both still need to work together going forward so if each of them are willing to try then mediation would appear to be the best next step. As mediation is voluntary they need to be open to giving it a try. It may therefore be helpful for them to meet personally with the proposed mediator so they can ensure they feel comfortable about being treated fairly and to hear about the process / ask any questions they have.

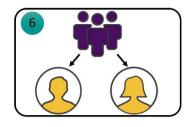
It is important at this stage that the participants can trust the mediator who needs to be sufficiently impartial and independent. This is easier if they are external to the company but fully trained internal mediators can be just as effective.

For HR at this point, it will be important to talk the situation through with both Sanjay and Debbie, to look at the options, to advise about mediation and help them to make a decision. It is important that Sanjay and Debbie know that if they try mediation and it doesn't work then they can still go down the formal route. They lose nothing by trying and potentially have much to gain.

The mediation can normally be arranged quickly. There are no fixed timescales as in a formal process. In most workplace mediations participants are able to reach an agreement. The important point for the participants is that the agreement is the starting point. They need to work at what they have agreed to ensure the relationship improves. They are likely to need support in this from their manager and / or HR. If they are not prepared to stick to the agreement and don't get support it is possible that the relationship does not improve and could escalate to Stage 6, a formal process.

Stage 6 – Formal grievance

Relationship not working, issues complex. Informal approach not successful or not appropriate, formal process required.



Key Features of this stage:

Focus of Issue	Other person's behaviour has breached policy and they have to be dealt with. Prepared to go through pain of formal process to achieve this.
Participants communication	Communication stopped for all but essential.
Participants behaviours	Possible one is off work with stress. Management limit interaction eg. by a temporary move if possible.
Participants emotions	Stressed, angry, want justice
Participants view of outcome	Relationship broken. Want other person to be disciplined. Won't work together again.
Involvement of colleagues	Colleagues are pulled in and their views sought by management.
Involvement of HR / manager / other	Higher management / HR / legal

Most likely resolution path:

Who	Management / HR
How	Follow formal process and find in favour or otherwise.
What	Formal grievance process

Case Study:

After speaking with Emily and Michael, Sanjay and Debbie both agree to try mediation. Emily arranges the mediation which is facilitated by an external mediator. The meeting enables them to talk through the issues they have been having with each other and by the end of the day they come to an agreement on how they work together going forward. Three of the key points they agree are:

- To meet jointly with Michael to decide on the involvement of the Help Desk at the flight booking system project meetings.
- Sanjay agrees to manage his behaviour particularly in relation to Debbie and her team.
- Debbie agrees to ensure that she keeps Sanjay and the Help Desk informed of any developments with the new flight booking system or any other new project.

Michael is relieved to hear that the mediation has gone well and books time to speak to Sanjay and Debbie together for the following Tuesday. However, coming back into the office on that Monday, the entire IT Department is shaken to its core to learn that late on Friday the MD and Finance Director had summoned the management team and announced an organisational redesign to realign the company to meet the demands of reduced market activity. A small number of senior managers had left TAC with immediate effect, including IT Director Michael Douglas. Michael's PA lets everybody know that he wishes them well with the re-organisation but, under the circumstances, didn't think it was appropriate to say this in person and had come in over the weekend to clear his desk.

Sanjay is particularly shaken by Michael's departure as they got on well. Sanjay always viewed him as a buffer against the ambitions of Debbie and Information Systems who he sees as wanting to swallow up the Help Desk into their department, getting rid of his job at the same time. Debbie is more resilient and sees the departure of the IT Director as an opportunity to impress the MD, although being without a manager does make her feel more exposed and she worries about her job stability.

With a general mood of shock and insecurity staff and managers wait for the arrival of MD John Joiner. He intends to speak to the IT Department about the re-organisation at 11am in the meeting area next to the Help Desk. Sanjay is very concerned about his team and their job security so when the IT department begins to gather and Debbie arrives with her team laughing and joking about how Michael Douglas didn't have the "Basic Instinct" to keep his job, Sanjay loses his temper. He tears into Debbie and manages to get right up into her face to tell her what he thinks before others can tear Sanjay away. Debbie has to leave the room and the MD's PA decides to rearrange the meeting for later in the day once everybody "has had a chance to cool down". Debbie is extremely embarrassed and angry at the incident and cannot tolerate Sanjay's behaviour which she perceives as completely unacceptable, especially given his commitment in the mediation. Debbie sees Emily in HR and raises a grievance against Sanjay for bullying. With all the pressure he is under, Sanjay does not realise how serious the situation is.

DEBBIE

That's it, I'm not working with that bully anymore. Within days of committing in the mediation to manage his behaviour he's completely lost it. Enough is enough and he has to go. Michael going has only made me realise how important it is that we all work well together and I can't work with that man, Lord knows I've tried.



8 Stages of Workplace Conflict



SANJAY

How dare she ridicule Michael like that? He'd hardly been gone and they're making jokes and laughing at him. It was disgusting. Somebody has to stand up for what's right. This place is going to pot and she's a large part of that by encouraging her team to ridicule people and take them down.

MICHAEL

No comment – I've signed a Settlement Agreement.



Analysis:

It appeared that the mediation had been successful and Sanjay and Debbie had agreed a way forward which addressed their behaviours towards each other. Without additional pressures it is quite feasible that this could have worked and over time they may have rebuilt their relationship. Unfortunately the reorganisation occurs at a bad time and just when they need the close support of their line manager, they lose him completely.

The circumstances conspire to trigger a further incident between the two and there is little option now but to pursue the formal route as both are pushing for this.

Comment:

In most cases where there is relationship conflict, using mediation is likely to be the most effective approach. As with Debbie and Sanjay, the problems between them were not black and white – they had each contributed to the escalation of the conflict. In mediation the participants have the chance to reflect on how they behaved, understand the perspective of the other and how their behaviour has affected the other. They are also able to clear up misunderstandings and miscommunication. Coming out of the mediation they have a clear way forward, written up in their agreement, but to make it successful requires both of them to stick to what they have agreed. To help them do this it is vital they have the ongoing support of their line manager and HR.

The situation between them is likely to remain fragile as they rebuild so any major knocks can easily put the delicate relationship at risk. The following are examples of situations which could throw the intended rebuilding of the relationship off course:

- Participants don't get a chance to practice what they have agreed as they are distanced from each other (eg. One of them moves off onto a project)
- Line manager is not interested in supporting
- Something happens to one of the participants in their personal life which means they cannot focus on the work relationship
- An organisational change occurs which creates uncertainty and stress (as in Debbie and Sanjay's case)

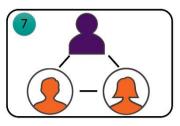
As previously mentioned, one of the attractions of using mediation is that it doesn't prevent the participants reverting to the formal processes if they feel they need to – in that sense, it is often 'worth a try'. Also, any information that is shared in the mediation remains confidential, so could not be used in a formal process – meaning the participants can speak openly with each other.

What we see with Sanjay and Debbie is that a further incident has occurred and they both are fully entitled to instigate the grievance process, which Debbie chooses to do. She feels she has been bullied so the process will investigate what has happened and make a decision to uphold or not, with potential disciplinary action resulting. The issue with addressing relationship disputes through the formal process is the different perceptions of behaviour. Where do you draw the line between 'strong exchanges' and unacceptable aggression – different people can have different views.

In the end the formal process will reach a decision and it will be communicated. Further issues can occur if the two people involved still need to work together. Going through a divisive grievance process is unlikely to have increased their fondness for each other, so finding a way to enable them to work together professionally can be challenging. This is where post grievance mediation can be helpful – Stage 7. It provides an opportunity to leave behind the past and focus on the future, accepting that they have exhausted the formal route and that they have a choice of accepting that they need to work together or making their own choice to take a different route.

Stage 7 – Post grievance mediation

Formal process complete and both required to work together, specialist help needed.



Key Features of this stage:

Focus of Issue	In addition to issue with other person, now also aggrieved at organisation as not resolved satisfactorily.
Participants communication	No direct communication
Participants behaviours	One or both unhappy at outcome of grievance but required to continue working together. Neither want to do this.
Participants emotions	Stressed, afraid, angry
Participants view of outcome	Don't believe they can work together again.
Involvement of colleagues	Colleagues remain 'on side' or distance themselves to avoid getting 'caught up'
Involvement of HR / manager / other	Legal / HR / senior management

Most likely resolution path:

Who	Mediator
How	Management ask them to mediate. They feel no option but to agree.
What	Expert mediation

Case Study:

After an extended time for full investigation Debbie's grievance is not upheld. It is recognised that there were mitigating circumstances for Sanjay's behaviour, but even so, on occasions it was clearly too strong and he is asked to go on a course on managing emotions at work and resilience. It is also recognised that Debbie's behaviour towards Sanjay was also inappropriate thereby contributing to his response so she is asked to undertake one-to-one coaching sessions. No formal action is therefore taken and neither of them are happy about this. After what Sanjay has put her through Debbie cannot understand why he hasn't been disciplined and is left feeling hurt, let down and unprotected by HR and TAC's Senior Management. As a result Debbie loses a lot of her legendary drive and determination for her

job which is noticed by her team who become even more demotivated. Sanjay is unhappy with the grievance process as he considers it a total over-reaction as well as an insult. He believes Debbie should have been suspended for this as well as for her general behaviour towards him.

Unfortunately whilst the reorganisation is taking place Debbie and Sanjay report directly through to the MD who has little time to deal with their issues. As such, it becomes even more important for Sanjay and Debbie to work together for the benefit of the whole IT Department. Both of them find it almost impossible to talk to one another, and much of the time they use the people in their team to convey messages to the other. This puts strain on both teams as they struggle with the challenge of supporting their manager but keeping the essential interaction going. Sanjay and Debbie's communication issue is witnessed first-hand by John Joiner at a strategy meeting when they make excuses rather than respond to what the other has said. John asks the HR Department to hold a further mediation to help build a better working relationship between the two of them.



DEBBIE

How the heck did he get away with it? They've not disciplined him at all! Some stupid course that's all he's got to do. It's not right. They've let me down, the whole lot of them. They've got no idea what it's like working with him, or should I say trying to work with him, he's a waste of space. And a bully. I don't care what their stupid investigation says he is the biggest bully I've ever had the displeasure of meeting. How can I carry on doing a good job here when they won't protect me from that? With Michael going I'm left to carry everything and with this over me.... Well I just feel so stressed and exhausted.

SANJAY

I don't need any course on managing emotions at work. Emotions don't play any part at work. She's the one that's emotional. She's the one who is overreacting and making my working life a misery. She's the one that needs to go on a course, not me. All I'm trying to do is a good job and she's making that impossible. How am I meant to carry on after Michael's gone when I have to keep dealing with her every day? She hates me and has never made a pretence at hiding that either.



Analysis:

The adversarial nature of a grievance process inevitably results in increased division between Sanjay and Debbie. They still need to work together though but practically this is impossible, meaning their teams become more involved. On top of their issues with each other, they are now both aggrieved with the organisation as they feel they have been let down and unhappy with the outcome of the process. Had the grievance been upheld and Sanjay disciplined, Debbie may have felt justice had been done; had the grievance been dismissed completely with no follow up actions Sanjay equally may have felt satisfied. Either way, it would have been very difficult for them to work together without additional support. As the business needs them to work together, mediation at this point can be helpful to work out how they can start to rebuild. It is more challenging than prior to the grievance but if both of them recognise they need to have a professional working relationship, there is a good chance it can help.

Comment:

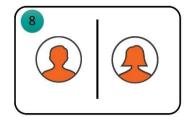
Whilst a formal process is unlikely to help those involved find a way forward with their relationship, it does bring things to a head and allow people to 'have their day in court'. It enables them to have their concerns investigated and judged fairly and objectively. So it will bring resolution in one sense in that the organisation will give its view one way of the other on the complaint made. What it can't do is resolve the relationship issues between the people involved.

Often therefore mediation can be helpful at this stage. There may be alternatives – for instance in larger companies it could be possible to have organisational changes such that the two people do not have to work together. Normally though people are doing jobs as the company believes they are the best person for the job, so moving them is not an optimal solution. It can also feel like avoiding the problem – everyone is left with a feeling of unresolved issues. Although challenging, it can be better for all involved if the relationship can be rebuilt. The company benefits from the best people for the job staying in those jobs and the people involved learning from the experience about themselves and how they can manage difficult relationships.

Ultimately it is possible that the relationship is beyond repair, or it is simply not worth the effort on the part of the company. Equally the people involved may get to the point where they cannot continue if it means working with the other person. In these type of situations the final stage of resolution, separation, remains the only possibility.

Stage 8 – Separation

Formal process complete. Reconciliation not possible. Either internal move or one / both exit. Possible Employment Tribunal claim.



Key Features of this stage:

Focus of Issue	One at least unhappy as forced to move / leave. Possibly both unhappy if 'winner' not satisfied with outcome. Leaver may feel not treated fairly and raise claim.
Participants communication	No direct communication. Communication with company through lawyer.
Participants behaviours	No need for further interaction due to move / exit. One may have issue with company.
Participants emotions	Angry or relieved. If forced to leave may be vengeful.
Participants view of outcome	Won't work together again. If exit, may want 'justice' against company.
Involvement of colleagues	Colleagues may be negatively impacted by move. If claim raised, involved in preparation for case.
Involvement of HR / manager / other	Legal / HR / senior management

Most likely resolution path:

Who	Management / HR / possibly lawyers
How	Management / HR arrange move. If claim, ACAS negotiate solution or go to Employment Tribunal.
What	Internal move or exit and potential claim process.

Case Study:

Debbie and Sanjay are reluctant to attend a second mediation. But John makes it clear that at the moment there is no other organisational option. There may be alternatives in the future as the new organisation evolves but for now they need to be professional and find a way to work together. They attend the mediation during which the atmosphere is very strained and feelings run high. Initially Debbie is reluctant to open up as she does not want to share her thoughts or feelings with Sanjay who is struggling to contain his anger at the situation. Fortunately the mediator works with them to encourage them to open up and to see the other's viewpoint and focus on what they both need to make it work. They reach agreement on the following key points:

- Both agree to keep the lines of communication open and to work constructively together
- Both agree to treat the other person with professionalism and respect
- Both agree to put the past behind them and to work together to ensure the success of TAC's IT Department for the future

Both Sanjay and Debbie are pleased that an agreement is reached but neither of them are fully convinced that it will work still believing that the other has wronged them. However, both are committed to "giving it a try".

A few weeks after the mediation Sanjay learns there is likely to be a new Head of IT position and rumours are going round that Debbie has been talking to John Joiner about being promoted into the role. The following week, much to the surprise of his Help Desk team Sanjay gathers them together to let them know he is to leave TAC as he's been headhunted for a position at a lower level in a more prestigious travel company. The Help Desk team cannot believe that Sanjay would leave as he had been so dedicated to the company. Sanjay says he is sorry to go but feels it is best for everyone to make a fresh start. It turns out that the rumours about Debbie's promotion were unfounded and she stays on at TAC doing the same job.

SANJAY



I can't deny that this has been one of the most difficult decisions of my life but I can't take this pressure anymore. I've always loved this company and have enjoyed working here for many years but recently I find it intolerable and I think you know the main reason why. Hearing that I could end up working for Debbie was the final straw. To be honest since the reorganisation announcement and Michael leaving I've been keeping my eyes out for other opportunities, it wasn't the same company anymore. So when I got the call about a job with Global Travel I decided it was time to make a move. We all needed a fresh start.

DEBBIE

I'm not sad to see Sanjay go. I think we could have made it work but it would have taken a while and I'd never trust him fully. I hope the Help Desk now get a better manager, one who's easier to work with. So I'm pleased but this has all been such a waste of time and has definitely coloured my view of TAC. Don't tell anybody but I'm on the lookout for a new job.



Analysis:

It is quite possible that had they both continued in the same roles the agreement they reached in the mediation could have helped Sanjay and Debbie gradually rebuild a relationship sufficient for them to be effective in their roles. But having had such a major issue with each other there is always going to be an element of mistrust and for Sanjay the possibility that rather than working alongside Debbie he would have to work for her is the prompt for him to make the move. Ironically Debbie does not get the job and it is possible a new supportive manager may have been just what they needed to make things work – we'll never know!

Comment:

A number of scenarios are possible at this stage. Having mediation enables the fresh start post grievance for the people involved. With the necessary support and willingness of those involved to make it work, there is no reason why this should not be successful. Often though separation in some form will be the result. The organisation may decide that an internal move is feasible and preferable to potential future issues between the two. The risk is that unless the behaviours that caused the original issue are addressed, the same kind of issues could reoccur for either of the people in their new role.

Another option is that at least one of those involved leaves the company. This could be a simple resignation as in the case of Sanjay but if the individual is particularly aggrieved with the company, a Settlement Agreement may have to be considered, or risk the person leaving and lodging a claim, potentially taking the case to an Employment Tribunal.

And Finally

I hope the case study has been helpful to illustrate how a conflict can develop and demonstrate what interventions could be possible at each stage. It is important to remember that the case study conflict could have been resolved at any of the eight stages given the willingness of the people involved, the appropriate resolution approach, the necessary support from line and HR – and some good fortune!

When you encounter relationship issues, look at the features of the situation and use them to assess at which stage the conflict might be. The tool should then help you to identify which intervention is most appropriate. Good luck!

Workplace Mediation from Mediation4

Mediation4 is run by Marc Reid, an experienced workplace mediator, accredited by CEDR and and CMC registered. He has mediated many cases across a wide range of business sectors and is author of the book "*DIY Mediation. The Conflict Resolution Toolkit for HR*." Mediation4 is based in Berkshire in the Thames Valley and supplies mediation services to the whole of the UK.

We offer professional workplace mediation to help restore working relationships, resolve harmful disputes and avoid the damaging costs that conflict can cause.

Often these conflicts are within a team or between an employee and their line manager. Mediation can be used as an alternative to, or alongside formal grievance or disciplinary processes and can address a wide range of issues. It is particularly effective when the conflict revolves around breakdown in a working relationship.

If you have a situation which you think could benefit from mediation, please don't hesitate to get in touch. Full details are on our website at <u>www.mediation4.co.uk</u>.



Finediation4

supporting you to resolve workplace conflict