



The role of mediation in resolving workplace relationship conflict



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ARTICLE INFO

Available online 3 February 2015

Keywords:

Mediation
Therapeutic jurisprudence
Workplace conflict
Alternative dispute resolution

ABSTRACT

Stress triggered by workplace-based interpersonal conflict can result in damaged relationships, loss of productivity, diminished job satisfaction and increasingly, workers' compensation claims for psychological injury. This paper examined the literature on the role and effectiveness of mediation, as the most common method of Alternative Dispute Resolution, in resolving workplace relationship conflict. Available evidence suggests that mediation is most effective when supported by organisational commitment to ADR strategies, policies and processes, and conducted by independent, experienced and qualified mediators. The United States Postal Service program REDRESS™ is described as an illustration of the successful use of mediation to resolve conflict in the workplace.

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1. Introduction

A psychologically healthy and safe workplace has been defined as one in which organisational support exists for the physical, social, personal and developmental needs of employees (Kelloway & Day, 2005). Despite the existence of Occupational Health and Safety legislation designed to protect workers, and the abundance of guidance available to employers and employees on how to combat it, the modern workplace is increasingly characterised by stress. Stress is defined here as the emotional or mental condition experienced by someone in response to a perceived threat (stressor) in their environment. In this instance, the stressor is interpersonal conflict and the environment is the workplace. A number of theories exist for why workers experience stress in the workplace but most recognize that it is to do with either the work environment or job factors rather than individual personalities (Dollard & Knott, 2004). In Australia, workers experiencing ill health as a result of stress to which their workplace or employment has significantly contributed are entitled to submit a claim for workers' compensation. Although the cost to organisations and workers' compensation schemes, prevalence of stress claims, and relevant legislation varies between states, nationally the number of claims continues to rise (Dollard & Knott, 2004). These claims are also expensive due to the often lengthy periods of absence and complicated medical care characteristic of this type of injury (Cotton, 2008; Guthrie, Ciccarelli, & Babic, 2010). Such is the increasing number of psychological injury claims in Australia, a range of legislative amendments has been implemented in all jurisdictions (Cotton, 2008; Guthrie et al., 2010). Yet, as Cotton (2008, p.8) notes, the situation has not been able to be legislated away. Moreover, compensable stress-related claims

continue to grow, along with their associated expenses (Guthrie et al., 2010). Research also suggests that available statistics under-estimate the extent of workplace stress, as many people neither report it nor file a compensation claim (Caulfield, Chang, Dollard, & Elshaug, 2004, p.149). This finding although concerning is not unexpected since, as Dollard and Knott (2004, p.355) observe, "workers typically regret making a claim, find the process very stressful, and experience it as a form of social suicide." What is more, involvement in the compensation process can be an additional stressor for already injured workers (Lippel, 2007; Roberts-Yates, 2003).

The focus of workers' compensation systems in many jurisdictions is on injury (rather than claim) management with an emphasis on a return to work (King & Guthrie, 2007). This is in keeping with a recent systematic review that found that in a variety of populations, times and settings, there are health benefits for injured workers in returning to work (Rueda et al., 2012). However, as Roberts-Yates (2003) notes, recovery from any injury can be strongly influenced by treating medical experts, the nature and severity of the injury, the emotional and psychological fragility of the injured worker and the culture of the workplace. MacEachen, Clarke, Franche, and Irvin's (2006) systematic review of qualitative literature on return to work found that goodwill (where the employee feels attached to their workplace), trust and overarching conditions are central to successful return to work arrangements. In addition, there are often social and communication barriers to return to work and intermediary players (such as managers) have the potential to play a key role in facilitating this process. For those suffering a psychological injury, even if they return to the same workplace, this process can be complex and prolonged.

In the past, most return to work policies and programs took a "top down" approach with employers having the responsibility to establish a return to work program as opposed to involving the injured worker in formulating a program in conjunction with the approval and support of the employer (King & Guthrie, 2007, p.40). But this requires a good

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relationship to exist between employer and employee, a key factor in a successful return to work for workers' compensation claimants.

The term workplace relationship generally refers to all interpersonal relationships which individuals form whilst performing their jobs and can range from supervisor/subordinate to romantic (Sias, 2009). Workplace interpersonal conflict is frequently identified as a source of stress which, in some circumstances, may lead to a workers' compensation claim for psychological injury. Conflict in the workplace can result in damaged relationships, loss of productivity and job satisfaction (Kidder, 2007) for the individual. This also has consequences for employers and society in general. Researchers of organisational behaviour and industrial relations have long recognised the importance of a procedure for resolving employment disputes. Many studies draw on theories such as procedural justice and social accounts theory that suggest opportunities for people to have their concerns heard and taken seriously, and perceptions of fairness, will be associated with positive outcomes (Bingham & Novac, 2001). However, Elshaug, Knott, and Mellington (2004) emphasise that any solution needs to be examined in different ways: individually, in terms of a person's psychological and physical well-being; organisationally with regard to issues associated with loss of productivity and absenteeism; and at a societal level in relation to costs associated with mental health and family well-being.

This article is based on a "Snapshot Evidence Review" undertaken by the Institute for Safety, Compensation and Recovery Research (ISCRR) on behalf of WorkSafe Victoria. It examined a selection of the literature on the role and effectiveness of mediation in resolving cases of workplace relationship conflict¹ expanded to more emphasise ADR processes in general in the context of the principles of therapeutic jurisprudence.

2. Method

An initial systematic search of health and social science databases was conducted to identify relevant peer-reviewed literature published in English between 1990 and 2012. Searches used combinations of the terms: mediation; workplace mediation; psychological injury; stress; workplace stress; workplace relationships; and return to work. Databases consulted were Expanded Academic, PsychInfo, PubMed, Medline, CINAHL, ABI/Inform Complete, Current Contents, Proquest, SCIRUS and Google Scholar. Abstracts of potential papers were read and full text versions obtained of relevant references. Further references were identified from reference lists of these papers as well as a search of grey literature from relevant government bodies and other institutions. This article is a revised version of the ISCRR report. In addition to the original search, an additional limited search was undertaken using the terms alternative dispute resolution and therapeutic jurisprudence and the inclusion of the year 2013.

2.1. Relationship conflict in the workplace

The emotional dimension of work relationships is important. Workplace or professional behaviour is often very different from customary, societal, forms of emotional behaviour. Workplace relationship conflict can vary from minor disagreements between co-workers to aggression and organisational violence; it may be overt or covert, intentional or unintentional, but all conflict will be characterised by negative emotions (Kidder, 2007). For example, Struthers, Dupuis, and Eaton (2005, p.305) argue that co-worker relationships, increasingly recognised as one of the most meaningful interpersonal relationships that people will have at work, require a particular kind of "emotional labour". But due to the public nature of the workplace, emotions such as distress

may have to be disguised, attraction suppressed, or annoyance left unspoken (Fineman, 2000, p.2). As Lutgen-Sandvik (2006, p.426) notes, "...communication at work...is always social and public." Waldron (2000) argues that the experience of emotion at work is influenced by the unique contextual features of work relationships and is an integral part of relational conflict. Moreover, the role of emotion and feelings of alienation in protracted workplace conflict impairs communication by producing intense emotions, especially shame and anger (Retzinger & Scheff, 2000).

Poor interpersonal relationships in the workplace are frequently identified as a source (as opposed to a predictor) of stress. There are some indicators such as taking frequent leave or absenteeism that point to workers suffering from workplace stress. When taken together, high levels of distress and low job satisfaction have been identified as precursors to stress claims (Dollard & Knott, 2004, p.350). Conflict, as an emotional experience, has psychological and physical consequences; psychological injury claims are therefore likely to also have corporeal outcomes (Dollard & Knott, 2004; Elshaug et al., 2004). Dollard and Knott (2004, p.353) point out that workplace psychological injury, including interpersonal conflict, "...tends to have a poor prognosis in terms of claim duration [and] return to work outcomes." They, like Roberts-Yates and MacEachen et al., argue that organisational culture, and support for injured workers, as well as beliefs and attitudes about psychological injury, impact negatively on these outcomes.

Although causes and conditions of sickness absence are not well documented or understood this can be an indicator of a more serious problem such as bullying or harassment. Although some workers find that sickness absence and disconnecting from the work environment can provide short term relief, they often find that the problem remains. In these instances organisations need to address interpersonal issues if workers are to be able to successfully return to work. For example, studies on bullying in the workplace have found that changes in working conditions that remove or interrupt bullying are important indicators of returning to work (O'Donnell, MacIntosh, & Wuest, 2010). In O'Donnell et al.'s (2010, p.448) study of women affected by workplace bullying, they found that "adjusting was influenced by working conditions and organisational support." But the viability of this depended upon not just the willingness of the workplace to change, but its ability to change. For example, many small businesses may be too small and unable to reorganise their workplace whereas others may simply be unwilling to do so.

When it comes to workplace disputes, interpersonal conflict is most often considered to be an occupational health and safety (OH&S) rather than industrial relations issue. OH&S models often treat stress as an individual reaction to external conditions (Kelloway, Teed, & Kelley, 2008) so that strategies and interventions relating to work stress occur at three possible levels: primary, secondary and tertiary. Most interventions occur at either the secondary level (individual/organisational interface) with a focus on altering the way that individuals respond to stressors at work and improving their coping mechanisms; or the tertiary (individually-focussed) level that aims to minimise the effects of stress-related problems once they have occurred (Elshaug et al., 2004; Lamontagne, Keegel, Louie, Ostry, & Landsbergis, 2007). Workplace dispute resolution procedures are likely to be tertiary level interventions.

Workplace psychological injury/conflict is both individual and collective as it occurs within the context of an organisation. There also tends to be a higher degree of reporting delay with psychological injuries than with other workplace injuries (Elshaug et al., 2004, p.529), often exacerbated by the stress of the claim process itself (Winefield, Saebel, & Winefield, 2010). But why some people go on to submit a workers' compensation claim for psychological injury whilst others do not, is not able to be accurately predicted (Haines, Williams, & Carson, 2004; Haines, Williams, & Carson, 2006; Winefield et al., 2010). Only one study found suggested that psychological injury claims could be predicted; the indicator being worker perceptions of workplace unfairness (Winefield et al., 2010).

¹ Snapshot evidence reviews have a short turnaround time and so are unable to provide definitive answers or exhaustive analyses based on all existing evidence. Due to short time frames, searches are also likely to be limited to a small number of databases and search terms.

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