

# 'Early Warning Systems' and Workplace Conflict Resolution

Every year 97% of active, civil cases settle at some point before trial, often at the eleventh hour. And this statistic holds true of lawsuits running the gamut from the simplest collection matters to the most complex actions. Given the small percentage of cases which actually make it to trial, we need to ask why it is that so many individuals and companies resort so often to argument, and sometimes to litigation. More importantly, we need to ask what businesses can do to develop an 'early warning system' which tracks workplace conflict before it escalates.

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Perhaps the most important reason which explains our dependence on argument, and often on litigation, lies in the way we are taught to deal with conflict. For those of us who have grown up in the west, we almost reflexively favour argument and rhetoric as the way to win. Why? Because, winning makes us feel powerful. In the real world, there are seldom any prizes for coming second. The only problem with winning is that for one to win, another has to lose. And where the game is predicated on 'win-lose', the underlying financial or psychological grievances which trigger conflict are neither addressed nor resolved. Winning and losing is no more than a game of appearances, and the winner is the one whose argument appears best to the decision maker who judges the quality of debate.

Conflict cannot be resolved in any real sense unless all of the parties to it are empowered to discuss honestly the grievances which bring them into disagreement. But more importantly, they need to be encouraged to work out their own solutions so that they feel validated by the process they follow, and committed to doing those things which they agree upon, in order to put their conflict to an end.

For owner/managers, here are a few suggestions which should help to deal with conflict before it has a chance to escalate. First, review your existing conflict resolution processes with a trained conflict resolution professional to see whether those processes are working well. One of the most important principles in conflict resolution requires all participants to be treated as 'stakeholders'. So if you have existing processes which staff are avoiding, or about which staff express dissatisfaction, it's time to go back to the drawing board and determine why they are not working well.

Remember, the best way of achieving effective conflict resolution is from the 'bottom up', not the 'top down'. What this means is that management has to work with staff to design processes that meet the reasonable needs of both. And that will necessarily involve negotiation, facilitated by a

trained professional, who is able to move the participants one step at a time towards designing processes which meet the needs of all of the stakeholders. Imposing a workplace conflict resolution process from the 'top down' without encouraging front line participation is analogous to a doctor diagnosing a patient without asking what is bothering him.

Surprisingly, some medium and large businesses have no structured workplace conflict resolution processes at all, and assign the task of conflict resolution *ad hoc* to managers whose authority rests one or more levels above that of those staff members in conflict. Without proper training in mediation, more often than not, the lack of process and of trained managers leads to escalation, leaving embittered staff with nowhere to go other than the most senior levels of management.

If senior management are similarly untrained in conflict resolution, the only remaining recourse for staff sometimes lies with the courts, or with union locals where collective agreements are in place, or to government tribunals which are empowered to deal with disputes involving human rights, labour or employment law.

So if your company is experiencing a proliferation of staff infighting, sick days, disability claims involving burnout, and frequent resignations, it is time to re-evaluate your conflict resolution processes. The dollars lost to workplace conflict go directly to the bottom line by jeopardizing efficient day-to-day operation.

It is important to track these problems because your data on workplace conflict constitutes your best 'early warning system'. If your 'early warning system' is telling you that workplace conflict is growing, it is time to think about a training program for management and staff which teaches them how to approach conflict resolution by negotiating their needs as stakeholders and not as adversaries. ■

