

**Technology Negotiations and Dispute
Resolution Systems
ESD.141 – Session 3**

**Dispute Resolution
Systems**

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Dispute Resolution Systems

- What are examples of dispute resolution processes in organizations?
- How are they inter-related with one another?
- Key principle: Multiple Redundant Systems

Layers in a System for Workplace Dispute Resolution

**External
adjudication**

**Grievance procedures
and other dispute resolution forums**

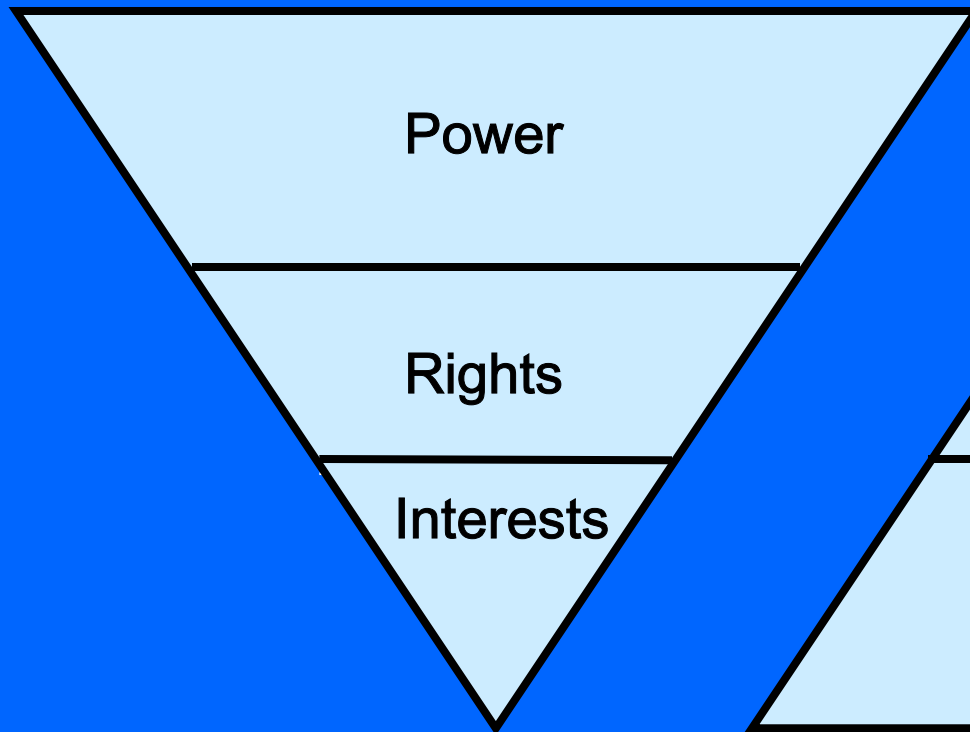
**Formal leadership efforts at all levels to
anticipate and prevent difficult situations**

**Informal efforts by co-workers, supervisors, union representatives
and others to address the issues in these difficult situations**

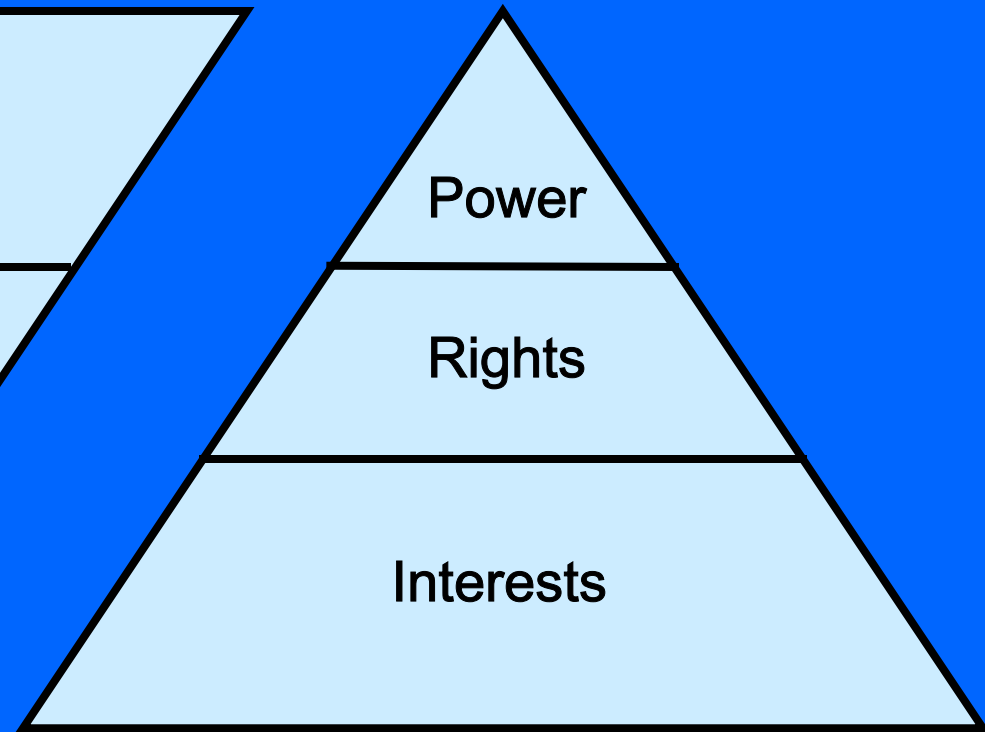
Countless inappropriate, disrespectful, complicated, and conflictual situations

Dispute Resolution Systems: Functional and Dysfunctional Systems

A Dysfunctional System



A Functional System



Source: *Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict*, by William Ury, Jeanne Brett and Stephen Goldberg (Jossey-Bass, 1988)

Unconstructive Responses to Conflict

- Avoidance – denial or withdrawal
- Suppression – smoothing over
- Domination – imposing solutions by power
- Splitting the difference or other compromises that don't take into account key interests or concerns

Constructive Approaches to Conflict

- Conflict is natural
- Resolve conflict through openness and engagement
- Avoid getting stuck on positions, focus on interests
- Seek options and alternatives
- Focus on issues, not personalities
- Highlight areas of agreement
- Focus on the present and the future – not the past
- Conflict is a shared responsibility

Defining a Dispute Resolution System

- The Society for Professionals in Dispute Resolution (*SPIDR* – now the *Association for Conflict Resolution, ACR*) described an effective dispute resolution system as an integrated system designed to identify root causes of conflict and address them through systemic change.



Source: Society of Professionals in Dispute Resolution. *Designing Integrated Conflict Management Systems: Guidelines for Practitioners and Decision Makers in Organizations*. 2001.

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Characteristics of an Integrated Dispute Resolution System

- Contains options for preventing, identifying, and resolving issues; available to all types of employees for all types of problems;
- Promotes a culture that works to solve problems at the lowest level through direct negotiation;
- Allows multiple access points to the system, through supervisors, union stewards, HR, EAP, workplace leaders, and so forth ;
- Empowers employees to select from a range of options for addressing the conflict, including rights-based, interest-based, formal and informal;
- Contains effective structure and support to maintain options.

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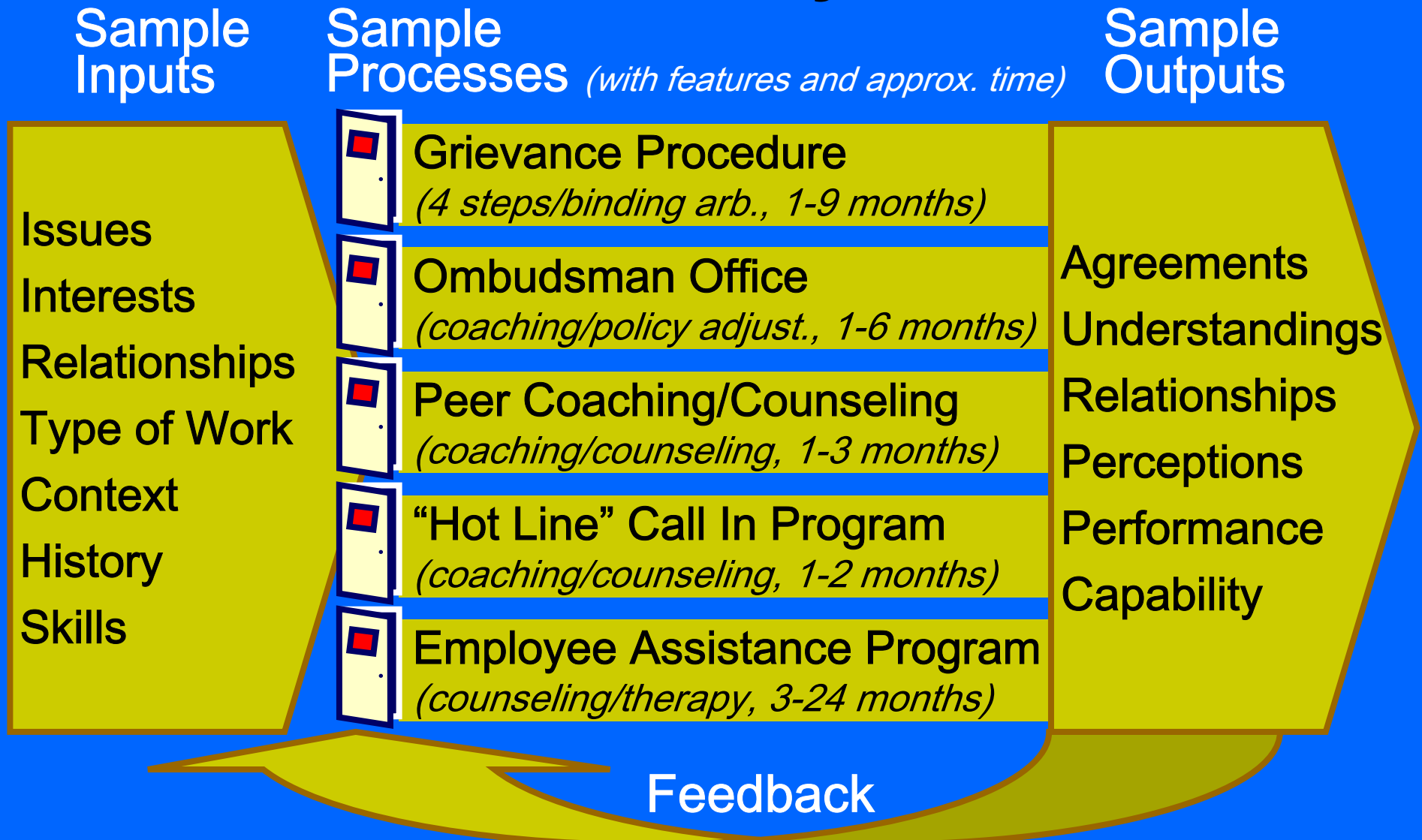
Ten Elements Needed to Build and Sustain an Integrated Dispute Resolution System

- Leadership support: workplace/union leaders, senior management
- An oversight body composed of representative of all stakeholder groups
- Evaluation process
- Training/conflict competency
- A central coordinator
- Alignment of the “philosophy of conflict competency” with the mission, vision, values, and policies of the organization
- Institutionalized incentives for effective operation
- A communication strategy
- Incentives for early resolution
- Adequate resources for the system to function properly

Source: Society of Professionals in Dispute Resolution. *Designing Integrated Conflict Management Systems: Guidelines for Practitioners and Decision Makers in Organizations*. 2001.

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Sample elements of a dispute resolution system



An Unfair Discharge?

Susan Warner, a Press Machine Operator, has been working for the Coatings Company for eleven years. She is on the 10 PM to 6 AM night shift. Approximately one year ago, another employee whom she knew slightly, Matthew Roberts, came to her work area around 2 AM and opened his pants to show his private parts to her. He then left rapidly without a word.

Ms. Warner reported the matter to the company. It made an investigation and could find no substantiation of her accusation. A couple of months later, the incident was repeated, and Ms. Warner again reported the incident. The company checked other employees, and, finding no other support for her accusation or other such behavior in the past by Mr. Roberts, decided not to pursue the matter further.

A month went by and another of the same type of incident occurred. Ms. Warner decided not to report the matter to the company, but she started carrying a camera to work. When Mr. Roberts showed himself again, Ms. Warner took his picture and had the roll developed. Two days later, she brought the picture in and showed it to company officials. They fired Roberts and then told Warner she was also being dismissed.

The Company has a secret production process, and a company rule is that no pictures may be taken on company property. Their concern is that the production process is secret, and photos may provide competitors with information which they should not have. The Company asks that the discharge be upheld and notes that there were other prior instances where employees took pictures and in each case they were dismissed. In neither case were the individuals later reinstated. One case went to arbitration, and the grievance was denied.

The Union argues that Ms. Warner's well being was threatened, and she tried to cooperate with the Company. They point out that the pictures were not shown to anyone before the company saw them. They argue that she was aware of the rule and took the pictures reluctantly when there was no other way to prove her case. The union asks that she be restored to duty with all back pay and benefits.

The Head Scarf Exercise

- Discussion:
 - Identify clearly the problem/interests from the perspective of each of the four stakeholders (one at a time):
 - *Supervisor, Jimmy*
 - *Union Steward, Pat*
 - *Muslim Woman, Amina*
 - *Christian Woman, Terry*
 - What challenges does the problem present for the organizations involved?
 - What opportunities does the problem present for those organizations?