EMPOWERING THE EMPLOYEES' VOICE THROUGH TRANSFORMATIVE MEDIATION

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MANAGEMENT PRACTICE.

DECLARATION

I Okoro Oghenemazino Okiemute I hereby declare that this research is my original work and that it has never been presented to any institution or university for the award of degree or diploma. I have also reference correctly all the literature and sources used in this study and this work is fully compliant with the Dublin Business School's academic honesty policy.

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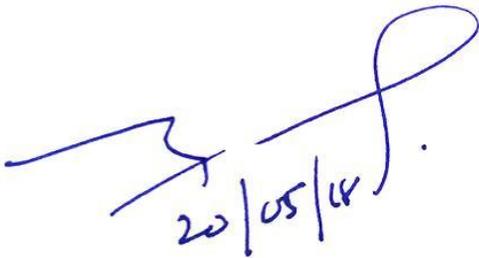
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 I thank my parents and siblings to whom I owe my motivation and determination and would finally think my friends who support and understanding have been enormous.

 To Aunty Joy,Uncle Pascal,Mr & Mrs Okoro,I dedicate this work.

Abstract

The level of productivity in organisations have oftentimes be undermined by conflict. With the high cost of litigation and the publicity that comes with it organisations have sought for ways of managing conflict the problem is the power imbalance that seem to suppress the employees voice in the several approach adopted

As it was putting it to find an approach to managing conflict of interest employees voice the study is designed to understand how transformative mediation empowers the employee resorting to conflict transformation and creating a pathway for Peace its purpose was to investigate implementation and interpretation of transformative mediation. This is qualitative research that is focused on mediators perception interpretation and knowledge of transformative mediation and how it results in empowerment and recognition in the workplace.

using a qualitative research methodology with a case study approach interviews were conducted and the findings from the very core of this research in a sat in the transformation position by its popularity could indeed resort and Conflict transformation and Power Ranger parties and giving them a voice in conflict resolution process

With little research literature available on applicability of transformative mediation, this research seeks to add to the body of literature and start a conversation on the possibility of cross pollination of the different Media short Styles which is open to further research

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CHAPTER 1 INTRODUCTION

Conflict is more or less a natural outcome of human interaction that begins when two or more social entities (i.e. individuals, groups and organization) come in contact with one another in attaining their objectives (Rahim 2010). Our diversity both as individuals in terms of our physiological sociological and psychological makeup and culture makes conflict inevitable. This is more so in an organization where there is a convergence of different people working together in meeting or achieving organizational goals.

It also results from progress and change and it can and should be used constructively (Armstrong & Taylor, 2014) This can only be achieved if a conflict is well managed. While organizations have over time adopted several methods in managing conflicts in the workplace, which in the course of this dissertation, I would refer to as 'workplace conflict', like; constructive confrontation, compromising, smoothing, forcing and avoiding (Mediators' Institute of Ireland, 2017), and creating ad-hoc dispute resolution committee, it has become clear that there are some conflicts whose wounds had cut deeper than what these stated methods could resolve . The effect of these was the open door to a more advanced way of handling workplace conflict, opening a floodgate for litigation as a viable option and resulting to spending a lot of money by organizations on civil courts and labour courts and tribunals alike. This damaged the relationship that existed between disputants as well as cost a lot of money in huge payoffs and damages. Mediation has been at the forefront of alternative dispute resolution mechanisms employed by organizations to manage conflict and its preference stems from the discretion that comes with it, and a preference for resolving conflict away from the media publicity that comes with litigation in open regular court.

Over the years, several models have been developed like the problem solving, facilitative, humanistic, and transformative model. The problem-solving framework has been the most widely known and practised approach to mediation. However, exploring the transformative framework as a probable option to this prevailing approach to practice would be necessary with the view of seeing the possibility of adopting same by organizations, Human resource departments, and

Mediation practitioners in resolving workplace conflicts. It is the objective of this research to explore how transformative mediation could indeed give voice to the employee in conflict situations. Thus helping them to be effectively involved in the management of conflict and to create a sustained framework of peace in the workplace. This research aims to answer the question;

Can Transformative mediation be a medium of empowering the employee's voice in a conflict situation, resulting in conflict transformation?

The **justification for this research** is born from an innate human propensity and desire to know. The body of existing knowledge about transformative mediation is not fixed, finite or exhaustive. Over time Mediation practitioners may find themselves with burning questions that can be answered with a research such as this.

This research has the potency to clarify, broaden and sometimes change our perspective .it would inform action by providing new ideas and approaches. In the same vein, this research can provide evidence of the effectiveness of transformative mediation which in turn can be used to canvass resources, highlighting its benefit and possible application to new types of disputes.

The research goal of this dissertation is to analyze the concept of transformative mediation and how it empowers the employee in a conflict situation resorting to conflict transformation by means of a literature review and qualitative research

Shestowsky, (2004) posited in her research that generally in conflict resolution process, there is a general preference for "control over outcome such that a neutral third party would help disputants reach a mutually satisfactory resolution,(b) control over process such that the disputants would relay information on their own behalf without the help of representatives, and (c) either substantive rules that dispute as could have agreed to before the resolution process or rules typically used in court" (Shestowsky, 2004).

The prevalent theme in the above is giving disputants control of how conflict is handled and resolved, presenting situations where the parties become entrenched in their positions. Transformative mediation by its transformative features looks to rebuild damaged relations for the future.

The **objective** of this research is to explore how transformative mediation gives the disputants in the workplace (employees), a greater say in how conflict process is conducted. This is seen to challenge the social power base of HR Managers in organisations who as agents of these organisations (employers) ultimately manage the traditional conflict management process in their interest (Bennett, 2013).

Ridley-Duff and Bennett (2011) asserted that "there is a difference between the equal treatment that maintains a commitment to a framework of pre-agreed standards (unitary and pluralist) and equality in a dispute resolution process that does not prejudge what the process or potential outcome will be". They claim that in the traditional set up the process and outcomes are decided by an unchallenged 'elite' and that elite group presides over hearings if a person is accused of breaking those set standards. (Ridley-Duff, 2011)

With mediation, such authority is given to the disputants to decide how their dispute can be best resolved and with transformative mediation, there is no pressure to achieve a resolution itself as long as both parties are able to express their misgivings and see the other party's perspective, creating a framework for lasting peace. The implication is presenting organisations and their HR department with a framework for conflict management that gives both parties a greater say in defining the reasons for the conflict and importantly deciding on a pathway to seeking it's resolution if possible.

The prevalence of workplace conflict as it's evolving nature coupled with my background in Law with more than seven years practice experience, I decided to take a critical overview of Conflict in the workplace and the concept of transformative mediation and it's huge role in Conflict Transformation. This resulted in a lengthy literature review. While it is impossible to review all the literature that has been written on Conflict in the workplace, the strand consistent in the views expressed by the authors and their works reviewed shows the current thought in this area.

This dissertation is divided into five chapters, the first of which is this introduction which gives an insight into what is discussed in each chapter.

Chapter 2 covers literature review which is divided into sections.

In section 2.1, an attempt is made to find an appropriate encompassing definition for conflict, identifying its types and how they affect organisational behaviour. It also contained a critical look at workplace conflict and it's components.

Section 2.2, considers conventional conflict management mechanisms adopted by HRM of organisations, the effect of culture, mindset, group Dynamics and organisational culture on conflict management

Section 2.3, reviews the several conflict strategies and management models with much attention to negotiation and it's models, and third-party intervention

Section 2.4, considers Alternative Dispute Resolution (ADR) and it's component and evolution. The debate on the effect of the 'somewhat' institutionalization of ADR processes which in some cases have continuously blurred the line of distinction between ADR processes and the legal judicial system was also covered.

Section 2.5, considers the integration of ADR into workplace conflict management with a review of ADR processes like arbitration Conciliation and mediation, with a critical examination of their features and challenges.

Section 2.6, reviews transformative mediation its concept growth and evolution. It critically analyzed the transformative effect of empowerment and recognition. The best practices and transformative mediation as espoused by Bush and Folger (1994) and Burgess (1998) was covered.

Section 2.7, reviewed conflict transformation which is the resultant effect of adapting the transformative approach to mediation.

Section 2.8 concludes the literature review highlighting the importance of transformative mediation to the overall conflict resolution process

Chapter 3 describes the methodology adopted for this research. This chapter commenced with a discussion of concepts like objectivism and subjectivism, it also considered the process, strengths, and weaknesses of using a grounded theory method or approach. Following that, the research objectives are identified and the challenges that emerged in finding the right participants was highlighted. Data collection and analysis and interviews were considered and discussed.

Chapter 4 included the result and analysis of the process of coding. With the first part dealing with what the participants said in connection with the Themes reviewed and the second part dealing with the analysis of what was said and what it could mean.

Chapter 5 included the grounded theory that came out of the interviews conducted. Using open coding in identifying the different themes and the corresponding grounded Theory. it also contains concluding comments providing an overview of the entire findings of this dissertation.

After which the reference section and appendices followed.

In the course of this study, I observed that most of the literature were more of expository and reviews than actual research This was corroborated by the librarian. As stated by Oore et al (2015) in their own review of successful responses to workplace mediation, The wrote "The uptake of workplace mediation programs is far outstripping the publication of studies showing evidence of the efficacy of the program...In our own experience conducting interventions and research incivility and conflict, it is indeed very difficult to publish organizational intervention studies in top-tier organizational psychology journals which tend to eschew cross-sectional correlational data and non-experimental approaches. The result is that applied wisdom about best practices and boundary conditions for conflict resolution interventions is not widely accessible to psychologist doing research or beginning an organizational intervention".

There is also a widespread understanding that the reason transformative mediation has not caught widespread use especially in the workplace and as such underused is that mediators lack the necessary knowledge and requisite on applying and implementing it. This dissertation hopes to bridge that gap and contribute the body of knowledge in the area of transformative mediation from a research point of view.

CHAPTER 2: LITERATURE REVIEW

SECTION 2.0: INTRODUCTION

This chapter contains the conceptual framework and empirical studies that is the bedrock on which the concept of the transformative approach would be discussed. It begins with a discussion on conflict and the evolution of the conflict resolution process as it relates to Alternative Dispute Resolution (ADR) and mediation in particular. The aim of this literature review is to investigate and synthesize the literature on transformative mediation. A wide range of literature is reviewed and organized around different aspects of conflict especially in the workplace, conflict management models, ADR and its components, transformative mediation and its implementation. This enabled the development of the building block for this research.

Katz and Flynn(2013) in their study which presents the results of their research of the perception, awareness and use of conflict management models and strategies, using a mixed method design, interviewing twenty-five managers and collecting data from 219 employees, defines workplace conflict as, "members engaging in activities that are incompatible with those of colleagues within their network, members of other collectivities, or unaffiliated individuals who utilize the services or products of the organization" (as cited in Katz & Flynn, 2013, p. 396). They observed that

When workplace conflict is not handled effectively it can have a devastating impact on the organization.

A lot has been mooted by writers on Alternative Dispute Resolution (Rahim 2002; Goldman & Lewis, 2011; Kirk Blackard, 2001). Alternative dispute resolution mechanisms have been advocated with mediation being at the forefront. Despite an initial tendency to assume that Mediation practice was monolithic, an important line of empirical research that focused on mediators' actual intervention practices demonstrated the wide range of approaches that mediators adopt in their work. The growing diversity of Mediation practice across the various sectors in which mediation is employed has resulted in obvious "growing pains" for a relatively young field (Folger 2008).

A lot of the research and development of this area of transformative mediation happened between 1994 (when the concept was first developed by Robert A. Baruch Bush and Joseph P. Folger in 1994 in their work; 'The Promise of Mediation') and 2010. Although very few research has been done between 2010 and now, studies like the one carried by Lisa Bigham (2012) of the Indiana University,USA ,whose article reviewed the result of the twelve- year longitudinal research program on transformative mediation of discrimination dispute at the United States Postal Service has been helpful in illustrating how organizational context shapes the effect of Mediation style and also helping to examine the transformative style.

The relevant literature would now be review these under the different themes as outlined below with the ultimate aim of adding my eventual study to the list of research resource in this unique mediation model as a probable tool in workplace dispute resolution mechanism.

SECTION 2.1: CONFLICT DEFINED

Conflict is pervasive within and between organizations leading to conclusions in some quarters that organizations without conflict do not exist (R.Pondy, 1967). De Dreu and Gelfand (2008) in their book 'The

Psychology of Conflict and Conflict Management', define conflict as a process that begins when an individual or group perceive differences and opposition between oneself and another individual or group about interests and resources, beliefs values or practices that matter to them. (De Dreu and Gelfand, 2008)

The problem with this definition is the assumption that conflict only exists where there are opposing interests. It did not take into consideration that parties with similar interests or goals often have conflict. It is important, therefore, to highlight at this stage the interdependence component of conflict which proposed that conflict exist when it is felt by psychologically at least one of the parties meaning that conflict can either be real or perceived (Masters, 2002). This definition of conflict resonates with authors like Wall,(1995) and De Dreu, (2008).

In looking at the interdependence feature of conflict, there has been a consensus that this is a core aspect of conflict resolution (Brandon, 2007) (Ellis, 2005) (Wilmot, 2007).As Wilmot and Hocker (2007) in their book 'Interpersonal Conflict', puts it, if there was no interdependence there would be no conflict. For Ellis (2005), the level of interdependence decides or determines whether parties will compete or collaborate in resolving conflict thus making it a core variable on which conflict is based. This implies that the lower the level of interdependence, the lower the likelihood that parties will collaborate. "Interdependence occurs when those involved in a relationship characterized it as important and worth the effort to maintain (Cahn, 2007, p. 4). The problem with this view is that from their perspective conflict cannot occur between people who do not have a relationship that they consider to be important and worth the efforts to maintain. This more so because we have certainly experienced conflict with people we do not have relationships with.

Conflict is often seen and perceived as negative, however, the moment one party feels disagreement, a conflict exists. Although it is neither constructive (that is positive) nor destructive (that is negative) at this stage, it is how the parties choose to act or behave once they realize that there is a conflict that determines whether the conflict will be constructive or

destructive.The implication of this is that what happens after the conflict where friction is felt psychologically by one of the parties or both, is a result of the conflict rather than the Conflict itself. This point is aptly made (Tillett et al, 2006, p. 1) they wrote; "fighting and arguing should not be looked at as being conflict but as responses to or manifestation of conflict"

A plethora of authors have agreed that conflict is a normal part of life (Cahn, 2007) (Brandon, 2007) (Ellis, 2005) Some are of the opinion that conflict is an essential aspect of life with the potential to be positive as stated by (Tillett, 2006),conflict can encourage dialogue, assist with personal and professional growth provide opportunities for problems to be solved and prevent stagnation. Conflict can challenge complacency in a useful manner and is often an engine of Change (Eunson, 2007)

2.1.1. TYPES OF CONFLICT

Well, different social scientists have tried to differentiate and classify conflicts, I would look at a few whose point view I share.

Ellis and Anderson (2005), in their book Conflict Resolution ,claim that there are three types of conflict which include; interest conflict which stems from scarcity, value conflicts, which is a result of cultural differences and cognitive conflict which is a result of either disagreement and misunderstanding over facts and divergent worldviews or ideas about how to achieve results.

We can identify types of conflict on the basis of a relationship like family conflict, domestic relationship conflict, employment conflict, commercial conflict, consumer conflict, environmental conflict, multiparty conflict and international conflict (Tillett, 2006).

A different approach was adopted by Folger et al (2005) in their book Working through conflict., classified conflict based on the number of people involved identifying three types which include; conflict between individual's, between individuals and groups and between groups.It flows from the different approaches in classification that a lack of an accepted

theoretical explanation of conflict contributes to the lack of consensus regarding what types of conflict actually exist. Although De Dreu, & Gelfand (2008) admitted that the main Weakness in all the categories are arbitrary as it is impossible to say whether conceptualizing three types of conflict is better than five and there is no hard and fast rule when it comes to types of conflict.

 Conflict is not well understood even though it appears to be important for high-quality decisions. It is multidimensional, making it possible that one dimension of conflict enhances decision quality while another dimension attenuates consensus and effective acceptance (Amason, 1996). When functional, conflict is task oriented and has a Focus on judgmental differences about how to achieve common objectives.

 An explanation is offered by (Schwenk.C.R, 1990) that conflict in this form, contributes to decision quality because the synthesis that emerges from the contesting of the diverse perspectives is generally superior to the individual perspectives themselves. Evidently, as team members debate the perspectives, they exercise their voice in the overall decision process (Folger.R., 1997)

 On the other hand, Conflict could be dysfunctional this is characterized by a situation where conflict becomes emotional and focus on personal incapability or disputes (Prem.R, 1991). Amason & Schweiger (1994) call this type of conflict affective conflict.

This could result when a party perceives cognitive disagreement as personal criticism which could, in turn, translate into a full-scale emotional conflict. It is also possible that such criticism which was necessary for cognitive or functional conflict could be interpreted as political gamesmanship where one team member tries to gain influence at the expense of another (Finkelstein.S, 1992).This produces dysfunctional conflict fostering cynicism, avoidance or counter effort that could undermine consensus and jeopardize decision quality (Amason, 1996)

It has been proffered by many that the introduction of conflict will improve group effectiveness although the evidence to back this up has been

inconclusive. While in some cases conflict has been seen to improve decision quality it has also been seen to destroy group effect. It will be best then to recognize that conflict has at least two distinct but related forms. "To address one while ignoring the order is to invite trouble" (Amason, 1996)

2.1.2. CONFLICT IN THE WORKPLACE

Workplace conflict is a significant variable in workplace productivity, effectiveness and overall success (Katz and Flynn 2013). Although several opinions about the causes of workplace conflict abound, I would consider a few. De Dreu and Gelfand (2008), in their work claim that there are three sources of conflict between individual's in organization first was the conflict of interest and scarce resource this according to the results in resource conflict, secondly the need to maintain a positive view of self which results do identity conflict and thirdly, the existence of a consensually shared opinion and beliefs which results to social-cognitive conflict of understanding

The workplace is a ripe breeding ground for conflict that draws its source from several factors like the environment, organizational and individual (Masters, 2002) Jaffee (2008) in a more narrow view says workplace conflict originates from individual tensions. This exists because different individuals with unique abilities and personalities goals and objectives have to walk in the same organization to achieve the same goal this situation breeds a relationship characterized by natural tension (Jaffee 2008). He further highlights that the vertical and horizontal division of labour could result in Conflict

Since the sources identified by De Dreu and Gelfand (2008) are more extensive, it would be pertinent to look at the sources in some detail

2.1.3 Identity conflict

Personal identities are differentiating factors between individuals, they are unique. Social identity, on the other hand, differentiates one group from the

other. Social identity explains and links individual's identity, intergroup relations and group processes in social settings (Stets, 2000). Social identity is an important aspect of the conceptualization of identity for a proper understanding of intergroup conflict (De Dreu, 2008, Ashforth, 2008).Social identity is present in groups, teams, organizations and provides insight into processes involving the group and intergroup dynamics.

While it could be tempting to focus more on social rather than personal identities, it is important to note that individual's behaviours are usually the manifestation of the identities that they consider more important. The more important a particular identity is to an individual the more likely the individual will attempt to affirm that identity through his or her actions (Burke .P, 1991, Burke.P, 1980).

Conflict rooted in identity manifest in a collective or group level. It can also be seen in individual and intergroup level. according to De Dreu and Gelfand (2008) recent research has identified that the less stable the view of self is with people, the less able they are to understand criticism and negativity. Furthermore, they claim that people with an unstable view of self, are more likely to escalate conflict when compared to those with a stable view of self. The implication of this De Dreu and Gelfand (2008) explains is that in a bid to maintain a positive self, people either intentionally or inadvertently end up hurting the self-view of others. they also contend that people often take the inflated view of self into conflicts which makes them believe that they are more cooperative while the opposing party is more hostile which puts in to play Identity conflict base on a threatened self.(De Dreu & Gelfand 2008).

2.1.4 Resource conflict

The finite nature of resources within the organization results in an ongoing competition for them which in turn produces conflict at all three major levels of the organization. (De Dreu and Gelfand 2008). People within any social system depend on each other to achieve positive outcomes and avoid negative ones this creates a continuous conflict of interest situation as

there is a continual struggle with deciding the best way to act; selfishly for individual benefit or to cooperate for the overall benefit of the group (De Dreu and Gelfand 2008).

 When an individual is selfish, it is an example of individual rationality and working for the interests of the group is an example of collective rationality it, therefore, follows that individual rationality is collective irrationality and vice versa so people have to choose whether to be individually or collectively rational (De Dreu and Gelfand (2008)

2.1.5 SOCIAL COGNITIVE CONFLICT

More often than not workplace conflicts are about a mixture of opposing interests, clashing values and incompatible belief (De Dreu and Gelfand 2008)De Dreu and Gelfand (2008) in explaining this drew out three assumptions the first was that people always try to have an accurate perception of themselves secondly that the ability to be rational is limited by the restricted amount of information at their disposal. Finally that it is a source of conflict if others do not share the same beliefs with them

SECTION 2.2: CONFLICT MANAGEMENT

 Complete management has evolved into a major aspect of organizational behaviour. This highlights the extent of acceptance of conflict as an organizational phenomenon. "Both comparative and interactive aspect of conflict management across cultures is of paramount importance to the workings of an increasingly globalized work environment" (Kozan.M, 1997).

Conflict is associated with various emotions mostly negative which may also be felt and expressed differently. These emotions are associated with the behaviour of the parties

 Five distinct conflict Styles or modes can be gleaned from the following social scientists (Morton.J.S, 1964) (Rahim.MA, 1992) (Kozan.M, 1997), these include; competing (high in assertiveness), which involves the

use of power to ensure that one's position gets accepted, accommodation (high in cooperativeness), which involves one party trying to satisfy the older parties' wishes at the expense of its own, collaboration involves bringing pertinent issues and concerns out into the open and by that reaching a solution that integrates the different point of view. Avoiding as the name suggest shies away from its open discussion of the issue, compromise involves a situation where both parties give up something to find a middle ground (Kozan.M, 1997)

Three factors come to the fore in assessing the effectiveness of these modes or models these include procedural Justice, Distributive Justice and time Horizon. procedural Justice looks at the fairness of the procedure for arriving at a settlement and distributive justice is concerned with the fairness of the settlement in the party's eyes. these two, it has been noted are important in shaping the overall satisfaction of the parties although these may be valued or integrated differently across cultures (Cohen.R, 1991)With time Horizon, it has been noted that short-term approaches take a pragmatic stance and focus on coping with the immediate situation while long-term approach seeks to improve the condition and reduce likelihood of conflict reoccurring in the future (Cohen.R, 1991)

2.2.1. A PLATFORM FOR CULTURE

The Essential core of Culture consists of traditional ideas and their attached values Kroeber and Kluckhohn (1952). "Culture programs the collective mind" of it's of members (Hofstede.G., 1991). Since conflict can be described as interpreted behaviour, dispositions rooted in early experiences shapes a culture's Style of interaction with others and interpretation of behaviour (Ross 1993). Flowing from this it will be safe to say that organizational conflict gets affected by the particular interpretation members bring into the workplace.

Culture has been broadly used in three ways; firstly it is used to refer to special intellectual or artistic works, which is called high culture when used this respect. Secondly, it is used to identify the position of a society on a scale that ranges from savagery via barbarism to civilization (Avruch,

2009). The final application according to Avruch (2009), looks at both local culture with generic culture with local culture looking at diversity and variation and generic culture looking at Human Nature.

 Hofstede (1991) with a different view from the above stated that culture encompasses patterns of thinking. Being a collective phenomenon it is "the collective programming of the mind which distinguishes the members of one group from another" (Hofstede 1991 p5) although authors like Zartman(1993) have brushed aside the effect of Culture on conflict stating that it is too nebulous to be measured by predictive models of behavior he argued that since conflict resolution is a universal practice, cultural differences are just variation in language and style and as such its influences should not be seen as important until it is backed up with supporting evidence (Zartman 1993).

Authors like (Avruch, 2009), (Lulofs, 2000) (Folger, 2005) view cultural as an important influence on how people act in situations of conflict. They all agree that the thinking and reasoning of individuals are greatly influenced by their culture. According to (De Dreu, 2008), when you compare individualist and collective cultures, the effect of Culture on conflict becomes clear. The influence of Culture can be seen in the preference of conflict resolution Styles. For instance, while in individualist cultures there is a preference for forcing conflict resolution Styles and integrating interests the collective cultures, the strategies of avoidance and withdrawal is preferred. Another clear evidence of the impact of Culture on conflict behaviours is highlighted by James (2005), who in his book stated that facial expressions, the tone of voice and gestures are as important as the meaning of the words use in collective cultures. In such cultures, rather than talk directly about the issue in a direct confrontation, individuals expect the other person to know what the problem is.

2.2.2 MINDSET.

 In the works of (Kegan, 1982), three mindsets were identified. The first of these is instrumental. People with his mindset are unable to think abstractly or see another point of view as they have a concrete orientation to the

world. They are preoccupied with themselves. It will be unrealistic to expect people with this mindsets to act collaboratively in a Conflict situation

The second mindset is what he called affiliative. People with this mindset are more concerned with how they are viewed by others, they easily understand the perspective of orders and as such try not to offend others. The Self Authority mindset is the Third category. In discussing this category Kegan (1982) explained that a person with this mindset is not concerned about people's feelings rather they are concerned about their own integrity and competence in their own eyes and whether they are leaving after their own self-generated and self-imposed standards (McGuigan, 2007).They have the capacity to take others perspective, consider the strengths and weakness of the different perspectives and fuse the part that they consider useful into their own thinking. They do not replace their own thinking with others perspective but merely use them to inform their own.

The connection between this mindset and their relationship with conflict can be seen in their experience of conflict. The people with instrumental mindset experienced conflict exclusively externally. For the affiliative mindset, conflict is experienced exclusively internally and in the Self-authoring mindset, conflict can be experienced externally, internally or both (McGuigan, 2007).

2.2.3.GROUP DYNAMICS

Groups behaviour is important when it comes to predicting an upsurge of conflict in a group environment. Groups tend to escalate conflict than individuals (Pruitt 2008). In their work, they stated that the level of bonds that exist between groups is negatively correlated with the level of retaliation (Pruitt 2008). So it is safe to say that escalation between groups will be less likely to happen when there is a strong bond between members

of the various groups thus the more the group puts on a human face the less escalation is likely to occur.

2.2.4.ORGANISATIONAL CULTURE

  While there appears to be a blend or fusion of organizational culture and Society culture (since the individuals in the organizations already have their own Societal values and practices acquired as a result of their socialization which they, in turn, brings into the organization that they eventually belong to), both Concepts are different. As (Zaheer, 1997) points out, organizational culture is not the same as a societal culture because of the differences in the different organizations within the Society. In other words, all the organizations within the society would have similar or the same culture if this was the case.

Societal culture evolves over a longer period of time than organizational culture. This evolution is unplanned unlike that of organizational culture that is carefully planned and implemented (Sinha, 2008) finally it is claimed that organizations are more open to Global influences than Societies (Sinha, 2008). It is for this reason that I choose to talk about organizational culture as distinct from societal culture.

A lot of people appear to overlook organizational culture even though as we would see, it is an important part of workplace conflict. Organizational culture is a major influence on how managers handle conflict situations (Morrill, 1995).

What then is organizational culture?

" it is the pattern of shared organizational values, basic underlining assumptions and informal norms that guide the way work is accomplished in organizations. It is the unwritten way that works gets done and does not necessarily align with formal policies and procedures" (Beyerlein, 1994).

In a varied definition, more in disagreement with the above definition, Authors like (Neuhauser et al, 2000) and (Morrill, 1995).believe that the

procedures and formal policies form part of the culture of an organization. Furthermore, Neuhauser et al (2000) claim that the core values that represent the core beliefs of an organization are usually written.

SECTION 2.3: CONFLICT STRATEGIES AND MANAGEMENT MODELS

Five conflict strategies have been mooted in the works of researchers like Wertheim et al (1998), Masters, (2002), Wilmot, (2007)and Cahn, (2007) these five strategies are; avoidance, accommodation, competition, compromise, and collaboration. The best way to explain these strategies is to see their implication and effect in Conflict Situations. According to Wertheim et al (1998), avoidance is a destructive conflict strategy and that conflicts never get resolved using it. It oftentimes results in the other party resorting to fighting in order to get any sort of response. Accommodation gives an impression of people trying to maintain the illusion of harmony (Cahn, 2007), it often leads to a build-up of negative emotions thus making it a destructive strategy (Wertheim, 1998). Competition offers an option high on an assertiveness and low on cooperativeness (Kilmann, 1974), it leaves the loser in an unhappy state in an outcome that strengthens the competitive behaviour of the Winner making it a more of a 'Win-lose' outcome (Wertheim, 1998). Compromise According to Cahn and Abigail (2007) delivers 'half win -half win' outcomes. ... (Wertheim, 1998)sees it as a constructive conflict strategy. Collaboration is seen as the best conflict strategy. This is because it employs "integrative behaviours, developing mutually satisfying agreement to solve the problem" (Cahn, 2007). It delivers a win-win outcome. Wilmot & Hocker (2007), Lulofs Cahn (2000), Wertheim et al (1998), see collaboration as the best conflict strategy as it offers a 'win-win' outcome needed to resolve the conflict. Collaboration is non-dualistic behaviour that requires the disputing parties to think of the best interest of both Sides rather than just their own interests (Cahn, 2007).

Constructive conflict management is, has been and always will be an answer to critical social problems when there is a conflict either between individuals groups or nations.Same can be managed in the following ways;

domination, a situation where one side attempts to impose its will on the other through physical or psychological means. Capitulation, where one side unilaterally cedes apparent victory to the other. Inaction, when one side to the conflict does nothing. Withdrawal, where one side refuses to continue participating in the conflict, Negotiation in which two or more parties to the conflict use the exchange of offers and ideas to create a mutually acceptable agreement and third-party intervention in which an individual or group distinguishable from the disputing party imposes itself in an effort to move them towards agreement ((Rubin, 1994) .

While each of the above offers an option for the management of conflict only two of them are truly constructive conflict management models this is because they take disputants preferences into account. They include Negotiation and third-party intervention.They thrive on mutual consent

2.3.1. NEGOTIATION

This is an ancient form of conflict management. For instant trade by barter which involves the exchange of commodities is an ancient form of negotiation. Negotiation only takes place when there is interdependence without which parties cannot be persuaded to negotiate. This gives rise to two models, the mutual gain model and the concession- convergence model

- *The Mutual Gain Model*

This model argues for the possibility of Solutions that all sides find acceptable (Rubin, 1994) the mutual gain model is based on experimental findings (Kirk et al. 2008), (Lewicki et al. 2002) which is aimed at an outcome that Protects the relationship and reputation of the parties. this is done in four steps; preparation, value creation, value distribution, and follow through.

By preparation, the focus is on the best alternative to a negotiated agreement. Both parties estimate and understand their interest and alternatives. When a party has a good alternative to the agreement on

offer, his power at the negotiating table increases. (Zatman, 2000).Based on the interest shared, parties then invent (value creation) a period where they advance options across options. Parties can in this process find other interests and options that they had not imagined and generate opportunities for joint gain by trading across issues they value differently (Bazerman M, 1992) Parties after inventing and creating value have to decide on a final agreement (value distribution) they can do this by finding objectives criteria that all the involved party can use as justification   for having a fair share of the value created (Fisher R, 1991).At the end of the process, it is important to create specific provisions in the final document that monitors the status of the commitment made by both negotiating party, this is called follow through. This may include keeping the door open for regular communication, resolving conflict or confusions that may arise in the long run. The agreement becomes more robust assisting parties to comply with its terms when these provisions are included (Susskind, 2006)

- *The Concession- Convergence Model*

 Negotiation often brings to mind an agreement in which two people (disputing parties) stand on opposite side of the divide giving up something in relation to their aspiration (Rubin, 1994) in this regard there is a premise that the negotiating parties will reach convergence through a series of stepwise concessions (Rubin, 1994). The Essential component of this approach is opposition, in which both sides negotiate with each other knowing they will give us something in relation to The aspiration (Kelleher, 2000)

 Rubin et al (1994) posited that the concession-convergence model might be just as appropriate under certain circumstances as a mutual gain model thus the issue is not to choose one and eschew the other but to employ the one that is appropriate or mix both models according to the situation (Rubin, 1994).

2.3.2. THIRD PARTY INTERVENTION

The second of the two constructive management models is the role of third parties in Conflict management. "By definition, third parties usually do not have a strong Partisan position on the substantive issues in dispute, rather they attempt (as their raison d' etre) to help parties reach a settlement whatever it's particulars maybe (Lewicki et al,2002)

These Third party could be appointed for the disputing parties or chosen by them, they could act formally or informally operate on behalf of some organization or constituency or individually, they could be more or less neutral, be directive in their actions or merely advisory.

A few of these third-party Styles and their accompanying social context in which they occur would be discussed in the subsequent section, however, it is noted that "the amount of control exercised by the third party in each stage permits differentiation of several third party Styles. Bargaining (Third party present but with little control over either the process stage or decision stage), mediation (third-party control over the process stage), arbitration (third-party control over the decision stage) autocratic (control over both the process stage and the decision stage). There are situations where for one reason or another disputants find themselves in need of outside assistance.

Rubin (1994), in explaining the possible forms of third-party intervention highlighted the following; mediation (in which adversary recommendations are made that need not be heeded by the disputants), conciliation (in which the focus is not the settlement of issues as much as the process by which the conflict is carried out), arbitration (in which the third parties recommendation for settlement or binding).The third-party intervention can be adopted in settings ranging from interpersonal, intergroup, and inter-organizational

While negotiation and third-party interventions have been discussed separately as two distinct conflict management models, both models are closely intertwined. Rubin et al (1994) claim that in order to prove helpful,

any third party will surely have to understand the workings of negotiation and any effective Negotiator would do well to understand the workings of third-party intervention.

SECTION 2.4 : ALTERNATIVE DISPUTE RESOLUTION (ADR)

An alternative set of the conflict management mechanism has emerged in recent years which offers a new and distinct approach to resolving a conflict. These are called the alternative dispute resolution or ADR practices.

While the conventional approaches to conflict management earlier discussed involved the use of power play between the parties concerned, where one parties' intention is to impose their will on the other or the use of procedures under organizational policy, collective agreement and even the law, ADR practices seek to resolve the conflict on the basis of the parties seeking to discover a mutual and acceptable means of pushing forward their interests (COSTANTINO, 1996)

The popularity of ADR back to 1980s when the HR manager in large companies started to search for ways to curb the increase in litigation on workplace issues (Goldberg et al 1985, Teague 2006)

Scimecca (1993) had a different view. According to him, ADR dates back to 1976 when the American Bar Association sponsored the National Conference on the causes of popular dissatisfaction with the administration of justice. The outcome of the conference was that the legal system could ease the pressure of congestion by utilizing alternative forms of dispute resolution the acronym 'ADR' quickly evolved after the conference becoming the key concepts of dispute resolution.

There has been move to expand the bandwidth of ADR to include what the US Department of Justice Ad hoc panel on Dispute resolution and public policy 1983 defined as "all methods, practices and techniques, formal and informal within and outside the court that are used to resolve conflicts (Administrative conference of the US 1987) it has been argued that the

ADR should be defined to cover the alternatives to the court systems rather than include court systems (Scimecca 1993). this view was supported by Chartterjee and Lecovitch (2008) who defined ADR as any none court method of settling disputes. However, there are some authors who agree that ADR should in general cover all options for settling conflicts or disputes including the use of the court. (Cahn, 2007, Riekert 1990, Mackie 1991, Lulofs, 2000)

 The Rational for this line of thought was given by Mackie (1991) he claims that many ADR processes are now being merged with Court procedures resulting in a blurred line between ADR processes and the courts thus making it difficult to separate both. This integration according to him makes it unnecessary to keep them separate.

 This debate has somewhat led to confusion about what represents ADR as the acronym ADR no longer reflect what ADR has now become. Authors like (Lipsky, 2003) use the term conflict management to describe the wide scope that is now covered by ADR.

According to Spirosky & Ristovska(2013) "the term Alternative Dispute Resolution is an umbrella term used to describe various methods of resolving the dispute outside of traditional methods such as litigation. Sometimes the 'A' in ADR is defined as 'appropriate' rather than alternative to emphasizing that ADR refers to finding the most appropriate way to resolve a dispute. Regardless of which acronym is indicated, the concept of ADR is based on expanding the tools available to resolve the disputes"

 What is clear is that the presumption that courts are the principal forum for dispute resolution continues to be eroded that through the proliferation of alternative forms of dispute resolution (ADR) both agreement based such as mediation and Conciliation and adjudicative such as arbitration (McGregor, 2015) over the years the court system has seen the integration of ADR into its procedures and has also enjoyed international support for instance the European Union have adopted a series of resolution on mediation (commission directory 2000/43) and is exploring the role that can be played by non-judicial processes through the fundamental right agency

under the theme of 'Justice in austerity' (fundamental right conference 2012). With the increasing institutionalization of dispute resolution process, many commentators prefer to refer to ADR as appropriate or proportionate dispute resolution (McGregor, 2015).

The two questions to be considered include the standard of Justice expected whether it was entered into voluntary or mandatorily and secondly whether the permissible circumstances in which the parties are required to use as a precondition to assess a court (Giuseppe de Palo et al (2014) or cost penalties that are imposed or threatened if parties fail to avail themselves of ADR which is aimed to motivate dispute tense to use ADR rather than litigate

The characteristics of ADR include consent, participation, empowerment, dignity, respect, empathy, and emotional catharsis, efficiency, equity, access, privacy and justice (Menkel –Meadow 1995). It advances self-determination and autonomy (Gunning 1995) and in some cases empowers the party to control the outcome (Allen 2009).

The relevance of ADR is built on the premise that the courts are not necessarily the optimal forum for all disputes and that every dispute does not need to have public value (Stern light 2005). "Litigation fulfils its public function if it is not called upon as the method of resolving every kind of dispute (Moffitt 2009). Another key component or substantive angle is that ADR increases the chance of preserving existing relationships (Cappelletti 1993, Luban 1988). The informal setting or nature of ADR proceedings is seen as a response to the "excesses of Adversarialism and formalism" of legal proceedings (Main 2005).

It has been argued that the strength of argument about creativity risk being undermined by the increasing standardization of agreements and adjudicative ADR especially where engagement is mandatory and not voluntary (Menkel-Meadow 2010)A typical example of this is the point made by Lisa Bernstein noting that part of the reason for the success of ADR is the consent of the parties to adopt same and that it would become

increasingly 'formal and complex' by the increased institutionalization of the process (Bernstein 1993)

With regard to mediation, Leonard Riskin and Nancy Welsh argued that the institutionalization of mediation has diminished some of its expansive potentials such as self-determination and participation due to the dominance of Lawyers(Relish 2009, Welsh 2004) who are only concerned about the settlement options of settling over risking litigation (Relis 2009)

 Some social scientists have argued that the agreement based on ADR are at risk of power imbalance and lack of equality of arms as parties are rarely equal. This is true especially in situations where there is an absence of legal representation which is a characteristic of types of dispute resolution that are less formal than those of conventional courts (McGregor 2015). It is further observed by commentators that in situations like that, the party may feel pressurized to settle for less favourable terms because of a pressing financial need or a lack of resources to proceed to litigation especially where legal aid is unavailable (Fiss 1984)

 The truth is that the landscape of disputing has indeed become more complex that outcomes can not be predicted with any degree of accuracy (Menkel-Meadow 1995 p4).However, like Moffit points out settlement like litigation has the potential to contribute far more than a mere resolution of disputes settlement like litigation also has the potential to undermine public and private interest (Moffit 2009 p4)

So it is not ADR per say that is problematic but the way in which it is conducted and potentially the choice over when and for what it should be used (McGregor 2015)

SECTION 2.5: WORKPLACE CONFLICT MANAGEMENT AND ADR

 Sometimes the harmful result of unresolved conflict can be measured in quality of service rather than money (Conbere, 2001). A strong consensus exists that if workplace conflict is not solved effectively the organization is likely to pay a high price (Ury et al 1988).

Teague et al (2015), noted that disharmony at the workplace may even impede an organisation from creating adaptable structures to succeed in today's challenging business environment and as such "organisation have to recognise the inevitability of workplace conflict and to develop a range of innovative practices to manage conflict (Rowe and Bendersky 2003). However, many personnel managers consider workplace conflict as sometimes necessary and even healthy as it allows the air to be cleared between managers and employees (Lewin, 2001)

As noted by Teague et al (2015),"The Burgeoning literature on strategic human resource management has had relatively little to say about the management of workplace conflict, especially those that focus in-depth on the efficacy of mediation in the workplace (Bennett, 2013)

The term ADR to the Human Resource Manager (HRM) in relation tool the workplace denotes procedures and mechanisms for resolving conflicts that provide an alternative to litigation or other tribunal established under statutes like mediation, arbitration or ombudsman (Teague 2015).The growth of diverse kind of ADR mechanisms for handling individual conflict has been greatly influenced by the advent of HRM as an influential paradigm.

Organizations are more susceptible to adopting ADR. The logic behind this was explained by (Stitt 1998) he argues that all organizations have a goal of dealing with conflict constructively he claims that successful organizations manage conflict in a way that improves relationships and results in everyone being satisfied with the process adopted in resolving the conflict even if they do not agree with the end product or agreement reached.The problem with this is the lack of explanation on the possibility of a party to be satisfied with an agreement they do not agree with.

Another reason for the trend was provided by (Masters, 2002) they claim that the increase in the number of workplace conflict in court and all the state-controlled venues also resort to an increase in Risk and cost accruing to the organizations and they lose control over managing the process and outcome. The frequency of this led to organizations responding by turning

to ADR. The implication of this is that ADR is adopted by an organization so they can disempower their employees According to Lipsky (2003) four factors have led to the trend they include the following; first dissatisfaction with the Legal system so that it is viewed with dislike. This seemed to be contradictory with the findings of (Masters, 2002) that saw the legal system as increasingly protecting the interests of employees;

 Secondly the date of the Union movement. Thirdly, the desire by organizations to reduce the level of destructive conflict has prompted them to adopt ADR in managing conflict. Finally, they claim that organizations have realized that efficient workplaces offer them a competitive advantage and as such their desire for improved performance have resulted in organisations introducing ADR systems (Lipsky et al 2003)

 Although (Masters, 2002) did not agree with this view. They claim that ADR has failed to reduce the levels of destructive conflict

However, ADR schemes which usually use a third party such as arbitrator, mediator or an ombudsman help the disputing parties reach a solution to the dispute. Almost all the ADR systems use one or more of the same basic resolution techniques of conciliation, arbitration and mediation (Hodges 2012)

2.5.1 ARBITRATION

 The use of arbitration is the oldest known method of Settlement of dispute between men (Mc Amis vs Panhandle pipeline 1954). King Solomon was an arbitrator (Holy Bible undated). Arbitration was also used in ancient Greece for the resolution of the private commercial dispute (Born 2009).Roman law permitted citizens to opt out of the legal process and agree to refer a matter to an arbiter (Born 2009) and the process where parties are bound and could be penalized if the arbiter's ward was disobeyed.During the middle ages, several forms of arbitration were used to resolve private law and commercial disputes in Europe (Born 2009).

This is a process where a neutral third party listens to both parties in a dispute and makes a ruling or decision which is binding on them. This ruling is usually known as an award. The advantages of this dispute resolution mechanism are that it can deliver quick decisions and the parties have some degree of control over the process (Pitch Forth 2007) They can decide who the arbitrator is and also decide where and when the arbitration would take place.The finality of the decision means disputes usually ends with the arbitration. Another advantage is that it is really cheap

Goldberg et al (1999) describe arbitration as an adjudicatory process in which a third party neutral simply decides the dispute. it very well resembles the public trial but differs substantially as the preceding is informal rather than formal and is not bound by evidence and procedure, a characteristic of the public trial in regular courts. Arbitrators generally are not constrained by substantive law in either the standards they adopt or the procedures by which they resolve disputes (Elkouri &Elkouri 1985) Arbitration is one of the expanded dispute resolution mechanism other than trial by the ADR movement.

While the privacy of arbitration as with other ADR models can be an advantage and as earlier discussed, is a key reason why big organizations who are repeat players prefer this dispute resolution mechanism, it can also downplay participation values.

 Indeed the diminishment of the public realm in dispute resolution has been argued as a basis for rejecting alternative means of resolving dispute altogether (Simon 1985). The larger organizations or institutional repeat players by this means to avoid a sense of community conscience that a public trial brings to the resolution of disputes especially in the form of punitive damages (Carrighton & Haagen 1996). Another problem can be seen in the arbitration selection process as parties in arbitration could on the basis of factors or grounds that would be inappropriate in a regular trial such as race or gender discredit an arbitrator. It permits parties to exclude an entire class of 'would be' arbitrators which diminish participation (Reuben 2004)

Accountability is a problem associated with arbitration (Reuben 2004) as the final decision or award is not subject to any kind of substantive review as is obtained with decisions obtained from a regular court (Hayford 1998), instead review is restricted to areas of misconduct on the part of the arbitrator or the case of procedural defect. (Reuben 2004)

Transparency is a concern when arbitration is concerned. This stems from the fact that arbitrators are generally not required to put the reason for the decision in writing in form of an opinion (Reuben 2000) Although recent trends have seen a move towards a set standard among arbitrators where such opinions would be provided on request(CAR 2003) However the common situation is a position where they arbitrary award consists of the award itself with no formal   written reasoned opinion. Since these proceedings are conducted on a confidential basis it is not subject to public oversight (Lisk 2000)

The laxity of arbitrators to exercise a wide discretion to decide matters on grounds other than those that may be required by a rule of law is seen as a problem.This is because those grounds may be arbitrary or volatile to parties or observers who are not familiar with the practices or custom within an industry or entity (Reuben 2000).

On the other hand, this could be seen as the strength of the arbitration process as it permits dispute to be resolved according to the unique facts and circumstances that may be most relevant to the parties rather than according to a more remote general rule of law (Reuben 2000).

Menkel-Meadow(2002) observe that arbitration has "moved from its primary historical form as a method of consensual dispute resolution between repeat player commercial parties to contractual mandated forms of decision-making in disputes" He continued, "what began as a consensual and private process to avoid Court and litigation has migrated to the courts were both state and some federal courts now require parties to go to court-annexed arbitration before they will be allowed a trial before either a judge or jury.

The issue of Choice, consent and coercion has blighted the use of arbitration as a conflict resolution mechanism. We see arbitration been mandated in situations where parties to a contract or parties to a dispute in court being compelled to use arbitration because of a contract clause that the parties probably did not fully understand or agree to (Menkel-Meadow 2002) Since consent is the motivating factor behind arbitration like other ADR mechanisms, it is argued that it would be wrong and somewhat unethical to enforce these arbitration clauses on parties who did not submit to them (Menkel-Meadow 2002)

The use of arbitration where it is not consented to but rather "coerced" by an adhesion contract clause is highly problematic ethically (Menkel-Meadow 2002) There have been concerns about arbitrators conflict of interest especially where they are chosen by parties and as such must satisfy or please the party that has chosen them.

Lulof and Cahn (2000) describe arbitration results as an outcome that is more in the nature of conflict management and conflict resolution.

2.5.2 CONCILIATION

In a Conciliation process, the conciliator appointed by the parties makes a non-binding recommendation of finding that often concerns factual or legal issues in dispute including what he considers to be the appropriate resolution of the dispute (Shane 1995)

It is similar to mediation but while in Mediation, the process is more of facilitative. the process of Conciliation is seen as evaluative. This is seen when the parties fail to reach an agreement the conciliator puts forward his evaluation in form of a recommendation which the parties can accept or reject

Douling Hussey (2009) in identifying the blurred line between Conciliation and mediation noted that "the conflicting and contradictory definitions which are used in this too distinct areas tend to create some degree of uncertainty as to what precisely is meant by the phrase. Logic would suggest that both

users and practitioners are less likely to make use of or recommend something that they do not fully understand because of the confusion" (Hussey 2009)

Conciliation is different from mediation. It was defined by the law review commission as an advisory consensual and confidential process in which parties to the dispute select in neutral and independent third-party to assist them in reaching a mutually negotiated agreement (LLC p2008)

The difference can be seen in the degree of involvement by the third party neutral in both processors while in Conciliation the third party May advice and issue a formal recommendation and settlement proposal while the third party in mediation deals with the process only,and facilitate the parties in reaching an agreement that is mutually acceptable. The conciliator is more active intervener actively influencing the likely terms of an agreement and also to encourage the parties to settle.

Bunni (2008) define Conciliation as a more formal process than mediation and it could generally involve the engagement of legal representatives thus making it more expensive process than mediation This is, however, the added advantage that should no amicable solution be reached the conciliator has a duty to attempt to persuade the differing parties to accept his own solution to the dispute.

2.5.3 MEDIATION

Tony Bennett in his research that draws on a cross-sectional sample of 60 respondents from over 40 organisations in the north of England of which a majority were practicing mediators and a number of HR professionals, claims that appropriate Mediation can potentially be more democratic than other dispute resolution mechanism in the sense of giving parties to the dispute a greater say in terms of how the process is conducted (Bennett 2013) The questions or challenges the HR department is faced with according to Bennett include; what type of workplace disputes are referred to mediation? Secondly, to what degree does mediation give disputants

greater control over the process and outcomes of dispute resolution in the workplace? And when is workplace mediation not appropriate? (Bennett 2013). From the analysis carried out, the main reasons for disputes referred to mediation where problems associated with relationships like poor communication and poorly perceived management styles and practice (Bennett 2013). Evidence from the study shows that mediation does present an effective and alternative approach to conflict resolution when parties understand its strength (Bennett 2013).

In other to understand what mediation represents it would be appropriate to look at its operational Futures this is because of the difficulty in defining the term mediation as a result of the broad diversity in the Way it is practised

Kruk (2002) explains some of these futures to include; first, there can be no mediation without a conflict secondly mediation as a process has an internal structure and distinct stages in which the role of the mediator is spelt out which is to establish the framework and control the negotiation process.Thirdly, there is a presupposition that both parties will behave in a balanced and respectful manner towards each other

The mediator's role is to assist in negotiation between both parties he must remain neutral and impartial. In Mediation both parties are empowered by the process to make their own decisions and to bear responsibility for the outcome it is important to note that the mediator does not have the power to even make recommendations. It involves both parties mutually agreeing on the outcome without any form of coercion.

With this in mind, a preferred definition for mediation is that espoused by Kruk 2000; "Mediation is a collaborative conflict resolution process in which two or more parties in dispute assisted in the negotiation by a neutral and impartial third party and empowered to voluntarily reached their own mutually acceptable settlement of the issue in dispute. The mediator structures and facilitates the process by which the parties make their own decision and determine the outcome in a way that satisfies the interests of all the parties in the dispute

Mediation has become a popular choice amongst the several ADR dispute resolution mechanism especially in the workplace this is because of the need for an ongoing relationship after the dispute, the need for Speedy settlement, the need to keep expenses under control and the need to keep the dispute confidential (Goldman et al 2008)

Usually, the goal of mediation is limited to resolving the issues in which the mediation is based on a time limitation. The mediator is an active facilitator whose role extends to proposing options (Kelly 1983)

Mediation is relevant for use in workplaces for different issues where there are ongoing working relationships including resolving interpersonal disputes (Mayer, 2004) or at a relatively early stage, progressing grievances in a less confrontational manner, expressing feelings in a relatively safe and secure environment (Sulzner, 2003), dealing with problems that are not appropriate to resolution through formal procedures (CIPD 2011) and after more formal processes to facilitate a return to people working together. When mediation is done early may be useful in resolving disputes that could develop into cases where formal sanctions would be unavoidable (Stallworth et al, 2001).

With very key elements like confidentiality, voluntarism, and informality coupled with the nature of Mediation in that it emphasizes the importance of seeking a jointly agreed resolution, make it a more satisfying method for parties than the traditional methods and are more likely to uphold any agreement reached (Reynolds, 2000).

As the alternative dispute resolution field matures, there is an increasing recognition that not all Mediation practice is the same (Folger 2008) The dispute resolution field has largely accepted three models of mediation: evaluative, facilitative, and transformative (Bush, 2004). It is obvious that each of these models has its own underlying philosophy, which has resulted in the general disagreement in the field about how to differentiate among the approaches and delineate the mediator strategies and behaviours associated with each one (Nabatchi et al 2010)

SECTION 2.6: TRANSFORMATIVE MEDIATION

The term and approach of transformative mediation were brought to the fore by the publication of Baruch Bush and Joseph Folger's book The Promise of Mediation in 1994. In this book, they contrast two different approaches to mediation: problem-solving and transformative. A proper understanding of this unique model is seen in the mediator's behaviour and approach towards mediation

The transformative approach to mediation does not seek resolution of the immediate problem, but rather, seeks the empowerment and mutual recognition of the parties involved. While for Bush and Folger Empowerment means helping the parties to define their own issues and to find solutions on their own, Recognition means enabling the parties to see and understand the other person's point of view and to understand how they define the problem and why they seek the solution that they do (Folger and Bush, 1994).

Bush & Pope (2002) explained that the transformative approach to meditation practice takes an essentially social/communicative view of the human conflict. According to this model, a conflict represents first and foremost a crisis in some human interaction that is, "an interactional crisis with a common and predictable character"(Bush & Pope 2002). They continued "This is because of the occurrence of conflict specifically, tends to destabilize the parties' experience of both self and other so that the parties interact in ways that are both more vulnerable and more self-absorbed than they did before the conflict. Furthermore, these negative dynamics often feed into each other on all sides as the parties interact, in a vicious circle that intensifies each party's sense of weakness and self-absorption. The result of this is that the interaction between the parties quickly degenerates and assumes a mutually destructive, alienating, and dehumanizing character. This according to transformative theory is the most significant negative impact of conflict." (Bush & Pope 2002).

However, as the transformative model posits, despite the potential destructive impact of conflict on the way people interact, people have the

capacity to change the quality of their interactions in such a way that it reflects relative personal strength which is more of empowerment and an openness or responsiveness to the other which is more of recognition. The marriage of both empowerment and recognition could make the interaction regenerate and assume a connecting, constructive, and humanizing character. This transformation of the interaction itself, the transformative model assumes, is what matters most to parties in conflict – even more than a settlement on favourable terms. Therefore, the model defines the mediator's focus as helping the parties to identify opportunities for empowerment and recognition shifts as they come up in the parties' conversation, to choose whether and how to act upon these opportunities, and thus to change their interaction from destructive to constructive (Bush & Pope, 2002).

The goal of transformative mediation is to foster opportunities for the disputants to experience empowerment and recognition and not to settle. According to Robert Bush and Joseph Folger in 'the promise of mediation' published in 1994, "The mediation process contains within it a unique potential for transforming conflict interaction and as a result, changing the mindset of people who are involved in the process. This transformative potential stems from mediation's capacity to generate two important dynamic effects empowerment and recognition... [E]mpowerment means the restoration to individuals of a sense of their value and strength and their own capacity to make decisions and handle life's problems. Recognition means the evocation in individuals, of acknowledgement, understanding or empathy for the situation and the views of others (Bush and Folger 1994 p 22).

This approach centres on the potential of mediation to transform the negative interaction of conflict into something positive being the most organic of all the other forms of mediation (Stock, 2008). A hallmark of the transformative approach session is seen in the open-ended questions employed by the mediator to help the parties become engaged with one another. Its focus is on empowering the parties and encouraging engagement (Stock 2008). In the case of 'the eminent domain dispute' from which Eric Stock (2008) based his article, he observes that empowerment

and engagement arguably contain the power to help property owners, so often members of neighborhood lacking in political power, to 'gain a voice' in the dispute where they might otherwise have none. (Stock 2008)

Lisa Bingham from her work, a review of transformative mediation at the United States Postal Service, which was the results of a 12-year longitudinal research programme on the implementation of transformative mediation of employment discrimination complaint, Illustrated the organisational context that shapes the effect of immediate or Style emphasizing the goals of dispute empowerment. In her findings, an evaluative and facilitative mediator used interest-based negotiation strategies like active listening and communication skills like reframing. They saw the primary goal as a settlement.

" in contrast, transformative Mediators sought to Foster communication between the dispute and, empower them, and help them recognize each other's perspectives. Settlements were merely a by-product. A transformative mediator might help disputant identify resources and help them to get the information needed to make decisions. Transformative mediators, if practising appropriately in the style, would never evaluate the merits of a claim or its legal strengths and weakness nor give an opinion on the Likely outcome before an administrative law judge or in court " (Bigham, 2012)

She observed that in the traditional adversary process, The USPS (United States Postal Service) prevailed in more than 95% of all complaints against it. This meant that in most cases a mediator in his opinion would probably tell complainants that they had a weak case. It was observed that mediators with 80% or higher settlement rate were sought by federal agencies, an incentive is created for mediators to press employees to drop their cases so as to achieve a high personal settlement rate and get more businesses from the agencies as the repeat player paying the bills. Employees had the impression that mediators who expressed opinions on case merits were biased in favour of USPS. As such the system failed in its chief goal to help employees and supervisors learn how to manage conflict (Bingham 2012). Transformative mediators, on the other hand, are ethically

prohibited from opening on the merits of a claim even when the party's ask them to they were prohibited from telling parties who had the stronger or weaker case (Bingham 2012).

In a research carried out by Nabatchi et al (2010) , with a survey of over 3000 mediators on the initial USPS roaster the mediators were asked to identify statements that reflected a more or less transformative mediation section." mediators agreed that these statements reflected transformative practice; "I learned something new about the other person's point of view " (99.1%), "the other person listened to my views" (99.7%), and "The mediator helped me understand the other person's point of view" (84.8%). This was in contrast with what they agreed reflected evaluative approach; "the mediator told me who would win the case if we were in court" (93.5%) " the mediator pressed me to accept a resolution I was uncomfortable with" (95.6%) and "the mediator told me the strength and weakness of the case" (90.1%) (Nabatchi, 2010)

Furthermore, the actions were taken by the mediator also correspond with the model. For instance actions like " asking the parties what should be done"(93.9%) or "what the next step should be" (90.9%) or "allow the parties to decide who should begin" (95.6%), are more in-line with transformative practice, unlike actions like "expressing a personal opinion about the dispute" (91.6%) pressuring Parties to settle" (90.7%) "telling parties when to speak" (90.2%) and "try to direct the conversation to another subject " (89.1%). These were categorized as evaluative (Nabatchi et al 2010).

The transformative style differ from other styles in that the mediator's role is suppressed in relation to the participants (Brett 2000) The research by Nabatchi et al (2007), in a field test of REDRESS, the USPS employment mediation program which uses transformative mediation using large longitudinal dataset from an internationally recognised workplace mediation program, suggest that mediation using the transformative style may enhance disputant-disputant and interpersonal Justice." The case for the transformative approach rests on whether people believe in the values that drive it (Bush and Folger 1994 p 229)

In a mediation quarterly of 1996, dedicated to a discussion of the possibilities of implementing the transformative approach to mediation, Joseph Folger and Robert Bush reiterated the very principles espoused in their work "the promise of mediation", first published in 1994 explaining that mediators who adopt The transformative approach share a common theme. They all described sessions that saw visible changes in the way the disputants related to each other and also their situations. Parties who came in as 'sworn enemies' reluctant to even talk to one another at some point began to relate differently to each other. The party who has never been able to speak up to the other party seemed to 'find his voice' and made some effective statement that brought about enlightenment (Folger & Bush 1996), The transformative approach according to Forger and Bush is based on setting premises about both the effect and the dynamics of intervention. One of those premises is that the process has the potential to generate transformative effects and such effects are valuable for both to disputing parties and for Society (Bush and Folger 1994). For instance, it can strengthen people's capacity to see and consider the perspective of others thus helping them develop "a higher degree of both self-determination and responsiveness to others while they explore solutions to specific issues (Folger and Bush 1994). Secondly that the transformative effect is only seen when the mediators have a mindset and a practice that concentrates on the opportunity that comes up during the process of the empowerment and recognition between parties. (Folger & Bush 1996).

2.6.1. THE DEBATE

Bruce Mckinney (1997) in his critical analysis of transformative mediation wrote, that while transformative mediation may have some merit, it seriously undermines the practice of mediation. First ignoring the documented success of mediation. Secondly, it assumes that the mediation as it is currently practised fails to empower and recognize the parties in dispute. Finally, it throws mediation into a realm of what many call psychotherapy the implication of which is morally and legally dangerous and as such problematic at best in mediation training (McKinney, 1997)

It has been claimed by supporters of this model that the problem-solving mediation leaves both parties unsatisfied or satisfies one at the expense of the other (Bush & Folger 1994)

Bush and Folger in their work drew the conclusion that cast blame on the problem-solving method rather than on the mediators. However, they did not cite the substantial body of research that documents the successes of mediation (McKinney 1997)

McKinney (1997) went on to ask "if the process of problem-solving mediation is so dissatisfying, why the high compliance rate? "The very nature of mediation which allows both disputing parties to come to a consensual agreement plays a big role in its success rate.Mediation research published in Mediation quarterly have documented successful mediation including victim-offender mediation (Benjamin & Irving 1995, Neget& Paddock 1995).However, he continues, that mediation is a part of the alternative dispute resolution which seeks ways of conflict resolution outside of formal legalistic methods in which citizens are disempowered (McKinney 1997)

The 'R' in ADR means that it is an attempt to reach some type of resolution, not a transformation which seeks a greater moral development which is more like asking mediators to perform a form of therapy or counselling. Moreover, how will a mediator determine when this higher development has been achieved? How is such state defined? (McKinney 1997).

McKinney (1997) argues that a mediator is there to facilitate the disputant's growth in creating their own solutions to their problems. If he leaves that goal, he leaves the field of ADR and delves into the field of Self -help.

(Umbreit, 1995) observed that " if the field of mediation becomes driven by the desire to reach settlements in the quickest way possible, at the expense of understanding and addressing the emotional context of the conflict, it may evolve into little more than another impersonal, mechanical and routine social service"

2.6.2. BEST PRACTICES IN TRANSFORMATIVE MEDIATION

Bush and Folger (1994) believe that the focus of the mediation process should be on empowerment of the parties and recognition of each by the other. The aim of a transformative mediator is to see a much-improved person and not necessarily a much-improved situation. Two years after the publication of "the promise of mediation, Bush, and Folger in an article in the mediation quarterly in 1996 explained ten hallmarks of transformative mediation which makes it different from other forms of intervention mechanisms, they include;

1.   In the opening statement, the mediators explain your role and objective as based on empowerment and recognition

2.   Transformative mediators leave responsibility for outcomes with the disputing parties

3.   Transformative mediators refrain from being judgmental about the parties views and decisions

4.   The transformative mediator of Believe that the parties have what it takes, having an optimistic view of the competence and motives of the parties

5.   The transformative mediators allow parties to express their emotions believing that there are facts in the feelings expressed

6.   The transformative mediators explore a party's uncertainty believing that clarity emerges from confusion

7.   Transformative mediators limit their focus on what is happening in the room

8.   Transformative mediators are responsive to parties recalling past events

9.   Transformative mediators realize that conflict is long-term and see their intervention as a step in a larger continuum of the conflict interaction

10. Transformative mediators recognize when empowerment and recognition occurs even in small degrees and feel a sense of success

(Bush and Folger 1996).

The transformative approach was born and promoted out of concern, In their work "the promise of mediation", Bush and Folger (1994) wrote; "mediators are willing to take strange measures to influence the outcome of a case based on their own sense of what would be a good solution and they are willing to do so even if it means challenging and redirecting the parties own view" (Bush and Folger 1994 p.39). They continued, "contrary to the prevailing view, the strong likelihood is that continuing in the present direction of the mediation movement will mean gaining something of questionable value while losing something of great importance (Bush and Folger 1994 page 53)

The two tools Central to transformative mediation or empowerment and recognition. Empowerment according to Bush and Folger (1994) is the restoration to the individuals, a sense of their own value and strengths and their own capacity to handle life's problems. "Empowerment occurs in transformative mediation where the mediator watches for opportunities to increase to Parties clarity about or skill in these areas but does so in a way that the parties maintained control of both the process and the substance of the discussion. Unlike problem-solving mediators, transformative mediators are careful to take a secondary role rather than a leading role in the process. They follow the parties around and let them decide where they want to go" (Burgess, 1998)

Burgess continues," given the importance of empowerment, however, transformative mediators allow the parties to choose how much they want to recognise the view of the opponent. They may do so to the points that complete reconciliation takes place or they may do so to the much lesser extent, just momentarily being willing to let go of their interest in themselves and focus on the other person as a human being with their own legitimate situation and concerns. (Burgess 1998)

In contrast, the purpose served by problem-solving theory is conservative since it aims to solve the problems arising in various parts of a complex whole, in order to smooth the functioning of the whole (Cox, 1981).

Burgess in his article 'transformative mediation' explains; "the goal of problem-solving mediation is generating a mutually acceptable settlement of the immediate dispute. problem-solving mediators are often high directive in their attempt to reach their goal. They control not only the process but also the substance of the discussion focusing on areas of consensus and resolvable issues while avoiding areas of disagreement where consensus is less likely. Although all decisions are in theory left in the hands of the disputants, problem-solving mediators often play a large role in crafting settlement terms and obtaining the parties agreement." (Burgess, 1997) He continued "The transformative approach to mediation does not seek resolution of the immediate problem but rather seeks the empowerment and mutual recognition of the parties Involved" (Burgess, 1997)

SECTION 2.7: CONFLICT TRANSFORMATION

Conflict can have destructive consequences it can also produce consequences that can be modified or transformed so that relationships, self-images, and social structures can be improved as a result of conflict as opposed to being harmed by conflict. (Burgess 1997).Mutual understanding can be improved by effective conflict transformation. People have different needs values and interests, Progress would have been made if each group relatively understood each other even if their values needs and interests are non-reconcilable (Burgess, 1997).

Chupp (1991) in his article 'when mediation is not enough' published in 1991 in the Conciliation quarterly noted that the problem-solving model is not sufficient to bring to an end the conflict when there is a large power imbalance between the parties as the Justice is left untouched (Chupp, 1991).He continues, that the mediator goal should include helping the parties to opt for the process that gives an opportunity to determine their

future. He stated that since conflict is often rooted in the system of the society, conflict transformation should be staged on both the larger social problems and specific dispute level which results in "a transformation of the individual's relationships and Systems" (Chupp, 1991).In the transformative model, mediation in itself stops being the goal but instead is seen as a moral framework for sustained peace.

SECTION 2.8: CONCLUSION

This literature review began with a discussion on conflict and the several management mechanisms for managing conflict. It also discussed the influence of ADR in the several conflict management efforts adopted by HRM in dealing with workplace conflict. Furthermore, an extensive discussion was done on Transformative Mediation and its unique features which present a platform where employees are able to express their views, emotions, opinions and perception on the conflict and the parties involved. The literature review also discussed how this approach to mediation differs from the tradition problem-solving approach.

The distinction or distinguishing Factor in practice is around where the focus of the process should be especially on where that of mediators should lie. While transformative mediators believe that the focus should lie primarily on the relationship, problem-solving mediators contend that sometimes the parties are not willing or able to focus on the relationship. According to transformative mediators, the focus should be taken away from the problem and placed on the relationship. Folger (1994) claims that relationship is the core, with all other things like the roles, objectives, and motivations of the mediator secondary.

d'Estree (2009) wrote that in the area of mediation more generally, problem-solving approaches have come to be applied to the style and school of mediation that stresses a focus on identifying underlining interests and reaching integrative agreements. This is contrasted by authors such as Bush and Folger with other mediation approaches such as transformative approaches where the emphasis is not on reaching an

agreement but rather on changing the participants and their way of relating (d'Estree 2009). With this in mind, it is now time to consider the research aspect of this Dissertation.

CHAPTER 3: METHODOLOGY

3.1 INTRODUCTION

Research problems and ways of investigating them are knotted somewhat and as was observed by (Glatthorn, 2005)" the identification of the problem and the choice of methodology may be seen as an interactive process with each influence in the other".

The overall purpose of this research influenced my choice between qualitative and quantitative approach. In the course of this research, there emerged a general abstract theory of process and interaction grounded in the views expressed by the participants. I sought to better understand how these mediators appreciated, employed and implemented transformative mediation in their practice. This is with the general assumption that a better understanding of this concept would enable it to be replicated in resolving workplace conflict.

 I adopted the Quantitative research approach because it is useful for researchers who intend to collect an in-depth understanding of human behaviour. As I performed this study, it was obvious that a minor but focused sample was needed. Disciplines like sociology, political science, and anthropology traditionally prefer qualitative methods of research, unlike disciplines like economics that tend to rely on quantitative research methods.

 Justification for adopting this approach is because this research is exploratory in nature and lacks theories and variables to test the

phenomenon. Since its purpose is to clarify, describe and explain the human phenomenon (Polkingbourne, 2005)

In this method, interaction between participant and the researcher is needed to generate data. The researchers' perceptions and interpretations, as a result, become part of the research. This method encompasses different approaches which could be adopted based on the aim of the study.

3.2 RESEARCH PHILOSOPHY

SAUNDERS (2015) defined research philosophy as the set of beliefs that explains why choices are made by the researcher and in the process exploring the perspectives of the researcher. This helps the readers to understand and accept the researcher's decision.

There are five major philosophies in business and management research, they include; Positivism, critical realism, interpretivism, postmodernism and pragmatism.

While Positivism entails working with an observable social reality to produce a law-like generalization (Neuman, 2006) It is focused on "the scientific empiricist method designed to yield pure data and facts uninfluenced by human interpretation or bias" (Neuman, 2006). And as such was not suitable for this research.

Critical realism focuses on explaining what the researcher sees and experience and this he does in relation to the underlying structures of reality that shapes the observable events. I did not find it suitable for this research. Postmodernism focus on the role played by language and power relations in seeking to question generally recognised and acceptable ways of thinking and to give a voice to the marginalized views.

Pragmatism, however, strive to reconcile both objectivism and subjectivism, rigorous and accurate knowledge, and different contextualized experiences. "it does this by considering theories, concepts, ideas,

hypothesis and research findings and actions and in terms of their practical consequences in a specific contest" (Neuman, 2006)

For a pragmatist, research begins with a problem, with an aim to contribute practical solutions that would reflect future practice. A pragmatist is more interested in practical outcomes than abstract distinctions. They have different ways of interpreting the world and undertaking research. However, this does not mean that they use multiple methods, they adopt and use the "method that enables credible, well-founded, reliable and relevant data to be collected that advance research (Kelemen, 2008).

The purpose of a researcher employing Interpretivism is to create a new understanding and interpretations of social world and contest (Neuman, 2006). The interpretivist emphasize how important language, culture and history is in the shaping of the interpretations and experience of the organisational and social world. Interpretivism is explicitly subjectivist (Neuman, 2006).

I have tried to avoid being monolithic in this research as I believed that focusing on one method would have been an obstacle to covering the whole research question. After a careful analysis of the characteristics and implications of every choice which if employed would have directed this study one way or another, I decided to use the last two philosophies.

I have chosen to adopt the pragmatic philosophy because the driving force for my research design and strategy, is the research problem/question that I am trying to address emphasizing practical outcomes. The findings of this study aim to contribute to the future of how organization deal with workplace conflict, I believe that the Ideas would trigger practical implications. The nature of the elements studied makes this study a value-driven research. This study was initiated by the researchers' doubts and beliefs on how transformative mediation empowers the employee's voice in conflict situations resulting in conflict transformation.

I also decided to adopt interpretivism because of my needs to make sense of this subjective and socially constructed meanings that exist in the area being researched. I have made inductive inference developed deductive ones which were tested repeatedly throughout this research. My research is based on individual experience, memories and expectations of participants (mediators in active practice) their behaviours and perceptions.

3.3 Research Strategy

The essence of a research strategy is to "achieve a reasonable level of coherence" in your research design which would enable the researcher to answer the research question (Neuman, 2006). There are several strategies that could be employed which include; experiment, survey, ethnography, grounded theory and narrative inquiry. But I have elected to employ case study which is the study of a case within its real-life setting. It is a research strategy that sets out to understand the dynamics of the topic being studied (Eisenhardt, 2007)."This is largely based on a positivist criticisms if using small samples and more generally about using interpretive, qualitative research (Neuman, 2006)This was more appropriate for me because as an interpretivist researcher, it enabled me to work inductively collecting, analyzing data, highlighting themes and patterns.it also enables me to locate these themes in existing literature and subsequently generate a theory.

It was essential in implementing this strategy to conduct interviews which enabled me to explore and mine the insight of current practitioners while providing a better understanding from the point of view of those practising mediators.

3.4 Research Approach

My intention was to adopt an approach that was guided by the themes arising from the literature review in order to draw a conclusion, I decided to lean towards an inductive approach than a deductive one. This is because this approach allows the researcher to exercise flexibility in his quest to find special meaning in and between the data and the participants in the study (Saunders et al 2015)

It is important to state that I employed a deductive dimension in designing the instrument for data collection, but adopted the inductive approach because this study is an exploratory one that involved collecting data, analyzing it to find issues and themes which could be the bedrock for further investigation.

3.5 Sampling - Selecting Respondents

I employed the non-random/ non-probability sampling technique as against the random/probability or mixed sampling technique because of my research strategy and objective. Participants were selected based on their practical experience of Mediation. They were mediators whose practice reflected the different mediation models and to a great extent the stream of thoughts in these areas. For the purpose of anonymity, the names of the interviewees and the institutions they work for have been removed.

It is both logical and more efficient to adopt this type with the aim to cover all existing relevant varieties of the phenomenon. The sample depended on the type and degree of diversity that I adjudged as relevant. This was also helped by the nature of my research which is centred on a particular field,

3.6 Data Collection, Coding and Reliability

3.6.1 Data collection

Data collection is described by (Creswell, 2007) as a "series of interrelated activities aimed at gathering good information to answer emerging research questions". Data in this dissertation were collected through face-to-face interviews with audio recordings for accuracy.

This approach offered me the opportunity to "clarify or restate questions that the respondent did not first understand" (Singleton, 2005) It also helped me to gather as much information as possible from the participant's perspective one of the reasons I adopted his approach is because of the response rate. The proportion of people in the sample from home completed interviews are obtained is typically high approximately 80% (Singleton, 2005).

In qualitative research as this one, data collection is non-standardized so that questions may alter and change, with new ones emerging during the process of the research. I understood that my role as a researcher adopting this approach is dependent not only on gaining physical access to participants but also in developing a rapport with them in order to understand the data they would provide.

 The data analysis process is more like a reflection process interacting with the data obtained from the participants and subsequently extracting themes or concepts from the interview process. To do this I summarized carefully the transcribed interviews to get an accurate understanding, then I arranged them under the different themes that arose from my literature review and during the interview process.

The analytical process began which transcription of the raw data but also included the validation of data through cross verification to support the data.

3.6.2 Data Coding

This is a systematic process employed to develop a theoretical conceptualization from the gathered data it is the process of forming themes that could be marked and used for comparisons and analysis.

In this research after transcribing, I listen to the audio files for come on strands (themes) that run through the different participants, these themes were then separated and allocated to the themes generated from the literature review and consequently the research questions. The essence of this dissertation is to answer the research question. The interviews formed the basis that showed how the findings were linked to the Research questions to show how the employee's voice can be empowered through transformative mediation.

3.6.3 Data reliability

It is important to note that when evaluating the research it has to be specific to the interpretation of the participants. Reliability is the extent to which findings of this research is replicated. A good guideline for doing case studies was to conduct the research so that an auditor could in principle repeat the procedures and arrive at the same result (Yin, 2009)

For this research, I used case study protocol which acted as a guide to enable me to maintain the predetermined method of data collection and analysis. Data was sourced from individual interviews in this dissertation. A data collection instrument was designed and use for the interviews, the findings were validated through the participation of selected mediators and the use of different sources of data related to transformative mediation. The findings will now be discussed in the next section.

3.7 Ethical Issues and Procedure

As stated by Berry (2004), a researcher conduct maybe exposed to competing and conflicting ethical positions. However, this research was

carried out while adhering to ethical standards of high degree. Some criteria with which was followed in this study include

- Following the ethical codes of Dublin Business School

    - Full disclosure of the researcher's role and status and purpose of the study

    - Gaining informed consent to participate

    - Respecting participants need for anonymity and confidentiality

    - Maintaining objectivity during data collection, analysis and report stage

After the interviewee agreed to participate, a consent form was issued (just before the interview) which required the interviewee to review and sign. A proper explanation of the consent provision was explained and sought from those interviews that took place via Skype and Zoom also.

3.8 Time horizon

Time horizons are needed for the research design. This is irrespective of the research methodology used. There are two types of time horizons namely Longitudinal and Cross-sectional. This study is cross-sectional because it is limited to a specific time frame, unlike the longitudinal studies that are for an extended period.

CHAPTER 4- FINDINGS AND DISCUSSION

4.0 INTRODUCTION

In this chapter, the findings of the interviews are presented. An inductive analysis was employed in which the examination of the data generated are examined using the bottom-up approach noting themes as the text is read through (Creswell 2007)These themes are used to understand the data.

I conducted interviews with four mediators who were based in Ireland, Netherland, UK and Belfast. For the purpose of the study, the participants would be identified as M1, M2, M3 and M4 respectively to protect their identities. For this study, it was paramount to interview mediators who had knowledge and experience. In other words, the experience was the criterion for selecting the participants.

In a research as this being qualitative, the major tool for inquiry is the researcher. The interviews were transcribed and interpreted based on the recordings made during the interview.Geertz (1973) asserts that recording, analyzing and reviewing data collected is the bedrock for broad description.

The coding process included reading all the interview transcript and assigning codes to groups of sentences using words as codes like Communication, empowerment, recognition, needs, relationships and problem solving and applying same to the data from the different participants.

I then applied the CCM (constant comparative method) to review the assigned codes for similarities and differences to find the major categories for each question and putting them under identified themes.Let us now discuss the findings.

4.1 On the Notion of Conflict

All the participants agreed that conflict is normal, and while the first instinct is to avoid conflict, by its very nature it is inevitable. This is one strand that cuts through the views of the participants

According to M3, a full-time professional in dispute resolution. Accredited by the Centre for Effective Dispute Resolution (CEDR),.

"conflict is completely normal if there is no conflict there's probably something wrong because in most situations people have different interests and are interdependent". They also agreed that conflict could have positive benefits and like two sides of a coin it could have negative or positive results as M1 puts it "It could be both constructive and destructive and we know that it is the way people handle conflict that determines whether it is constructive or destructive when conflict becomes a resolved and unmanaged it becomes destructive".M2 agreed saying "Conflict in itself can be learnt from. Conflict is worthwhile. It is the way in which you handle it that determines if you learn from it or not. It may not be helpful in itself but dealing with it effectively is."

4.2 On Effect of Culture on Conflict

When asked about the influence of culture, the participants opined that culture influenced how conflict is seen and handled. M1 says " I think organisational culture plays a big part especially in the way conflict is seen and how it is dealt with. Organisations try to avoid conflict completely". When pressed on the role of individual culture, she continued "With individuals, their habits and patterns which have been influenced by the country's culture (societal culture) also play a part in how conflict is seen and dealt with."

M2 says "I think conflict is influenced by culture and especially the organisational culture. Some organisations have an open culture, where people are able to talk about their experiences and some organisation don't provide that environment. I think that affects the way they deal with conflict.

When it is an open culture dealing with conflict would be easier than an organisation that does not provide the opportunity to do so."

In support, M3 explains " I think culture has an effect on conflict. I am originally from South Africa and because we come from a background and tradition of Settlement rather than adjudication and in South Africa because of the way the political settlement was negotiated people are more in tune with a settlement. I suppose cultural does play a role but it is not the deep culture (individual culture) but more of the organisational culture. I think workplace and particular is more influenced by organisational culture and this affects the way in which conflict is resolved."

4.3. On The Debate between 'Appropriate' and Alternative in ADR

The debate on what the proper acronym of ADR should entail has been a subject in the meditation circle and as one of the themes of this research, it also came up in the interviews. Some insisted that the term 'Alternative 'be retained for instance M1 says "I prefer 'alternative', I also think people should be able to make informed choices. ADR is an alternative to the much more formal time-consuming energy draining Court process. I think there is a value in the law, but it should be the last resort when the alternative has been explored." She emphasized that care should be taken to ensure that it remains an alternative to the more formal judicial route. In a similar vein, M2 says " If you say appropriate dispute resolution then it means the Court would be included. Using the term 'appropriate' is too broad as it would include all the ways in which conflict could be resolved even when it involves having a good fight or employing the use of a mediator but if you say alternative, which is the way it started then you are referring to a system that does not include putting your conflict in the hands of somebody else (a third person) who would decide for you what is right, who is right and who is wrong, Who gets what, who needs to pay and all that which takes the conflict out of the hand of the disputing parties." The idea of ADR according to her is to have an alternative to giving a third party control over the entire conflict resolution process as in court systems.

"It makes the distinction between both systems more clear to refer to it as 'alternative' she concludes.

In a different view, M3 canvassed for those who are of the opinion that the term 'alternative' does not represent the scope now covered by ADR. She stated, "The problem I have with ADR is that it implies that going to court is a bad option and that anything other than the court is an alternative to court and is better." She explains "What we need to understand is that there is a continuum of dispute resolution options and it really depends on the nature of the dispute, the stage of the dispute, and what parties want as to what they should do." For her, The right base options like litigation are just as legitimate as the consensus-based options like mediation. She concludes that "It is not as an alternative to litigation or vice versa but it is an option that is opened to the disputants. So I agree the word 'appropriate' would be best to describe ADR.".

4.4 On the Institutionalization of ADR

 While the institutionalization of ADR is like a wave sweeping through several legal systems in different climes, it was important to know what the mediators thought of it. While they all think it was the right thing to do, they also had concerns. M2 says "I think it is helpful to institutionalize ADR, as in the integration of ADR processes like meditation into the court system, although I cannot measure the effectiveness of that".Her concern on the effectiveness of such system when parties are mandated to explore ADR. This view is supported by M3 who says " I think the institutionalization of mediation is a good thing. I think if it is integrated into the court systems that people will take it more seriously. Even though I think mediation should be voluntary. Integrating it into the court system would make disputants more inclined to consider mediation as they venture forth in their litigation process, and judges would encourage people to employ mediation first before resorting to court." Although she emphasized that she does not think that it should be made mandatory.

M3 further explained that an important consideration would be how developed the society is, she asserts "A factor to consider is how developed the polity is. In developing countries for instance where disputants are poor and have no money to get a legal representative or less literate if you have a system that forces the employers to mediate. then it is a good way of ensuring the employee gets his voice heard and have their say. Often it is not really about Justice as we might expect but it is about being heard, sort of having your day in court and being taken seriously."Summing up her thoughts she agreed that this may not be the case in a commercial dispute or civil dispute. She opines " in this case I think the disputants should have the option to choose from, on how they want their dispute resolved."

For M1 institutionalization is not a problem as long as it retains its attribute as an alternative.

4.5. On the Nature of Transformative Mediation

In answering the question on what the nature of transformative mediation was, M1 explained that transformative mediation "is really about having trust in the parties' ability to work their way to an understanding and recognition of where each of them is within the conflict, and creating a space where, in the first instance they understand what has been happening for each of them and begin to look at what they need coming out of that." She emphasized that in this approach," the mediator doesn't have to focus on having a solution as transformative mediation works on a premise that the transformation is in the engagement between the people themselves and the quality of the interaction. So it is not about pushing people to solve their problems".In a similar explanation, M2 opined "It begins with how you look at the world. While some people have individual worldview others have community worldview. When people start to lose the balance (being focused on themselves and losing focus on others), it results in a destructive conversation. In that case, a conflict is bound to occur as there is a temporary break in constructive communication. So the

aim of transformative mediation is to help people turn a destructive conversation into a constructive conversation".

The other two participants shared this view but to the extent that transformative mediation contain elements that could be adopted by mediators in their work, but not solely as the only approach.M3 thinks that a mediator must be flexible, She says "I don't think it is helpful to box people's style of practice of Mediation. I think it is more of a Continuum, I think Mediators should have the option of using any style depending on the case.". This opinion was shared by M4 who opined that "Mediators should not go into a process saying they want to use this approach or that approach because a situation could change rapidly and as a mediator, you would need to be flexible… They should be knowledgeable of a number of models and be able to select the appropriate one."

4.6 How Transformative Mediation brings empowerment and recognition

 For Folger and Bush, the two key elements of Transformative mediation are 'empowerment 'and 'recognition'. And I asked how this is achieved in practice. In explaining this, M1 says "Empowerment is believing that people can find a solution that would be workable, that they can have the conversation that they need to have. Empowerment comes from 'holding space' making sure that they have time to speak, listen and think. It is not about pushing people to get a solution in the next three hours or seven hours but about building space which allows people to go away and come back to think through and tease through   so that they can actually engage with one another and feel more strengthened in themselves to be able to have the conversations which may be very difficult."

This is seen in the way they engage in the communication between them according to M1, these are " Conversations which are really important to them but which they have not felt safe enough or able enough to say."

She continued, "Recognition really about being heard and being important enough to have your voice in that space, in a society where people are

blind to what the reality of an experience is for someone else". With this understanding, M2 writes "as a mediator you are looking at how to create an environment for a shift from disempowerment to empowerment and from 'out of connection' to recognition again and this is what distinguishes us from problem-solving".

4.7 Best practices of Transformative Mediation

All the participants agreed that transformative mediation in its purest form leaves the process and outcome in the hands of the disputing parties. All the mediator does in this approach is facilitates and follow the conversation.M2 in explaining this says "transformative mediation leaves the process with the people. We as mediators just follow the conversation." She claims that it is not psychotherapy but that they use instruments like reflections. According to her " I use reflection to make the party clarify what they actually want to say, this gives the party the opportunity to hear what the other person is saying. By reflecting the party is given the opportunity to state more clearly what he really wants and where he stands. For the other party, it brings recognition as he now knows why the other party was really angry or what the problem actually was."

The approach is also different as transformative mediators are not focused on what the parties agree on because that is not why there is a conflict, they are more concerned with what the differences are.M2 explains " We asked process questions like 'what other things do you want to talk about' and 'how do you want to have this conversation?' " The essence of this approach is to ensure that the disputants are allowed to tell their story. She concludes, "The mediator must believe that the parties are able to make their own decisions and then let them know that the entire conversation and how it goes, is up to them and whether they get the problem resolved or not depends on them."

4.8 On Conflict transformation

 Some may argue on whether conflict transformation really occurs after the transformative mediation session. The transformative mediator always hopes that's this happens.M1 explains " What transforms is when people go from thinking with your head to thinking with your heart when people hear what the experiences of the other person have been like, when they do not hear it as an attack on them and sit together". M2 shares this view, saying "Conflict transformation happens and lots of times at the start you see parties who barely spoke to each other begin to speak to each other at the end they start talking and listening to each other and having a conversation that shows a transformation of the conflict so it is not about whether the problem was resolved but as long as both parties are able to get into a constructive conversation"

This point of view is not shared by M3 who says that "You cannot change people's attitudes by waving a magic wand or a conversation, it has to be a behavioural change. That is why I think that an agreement is pertinent that models their subsequent behaviour." She leans more towards the problem-solving approach. She concludes " I have seen Parties say "I can't be friends with him again but we can work together". It is a gradual shift in behavioural patterns which I think would happen if there is an agreement which acts as a guide. it becomes a problem if nothing was written down, in that case, they would have to rely on the memories or feelings which I think is subjective."

4.9 On Power Imbalance

In a workplace where there is an obvious power imbalance, I wanted to find out how the mediators handle this power imbalance. M1 asserts "power imbalance is a reality, there are differences between people and as a mediator, it is your job to balance power. Both need to be heard, both need to hear and to have a voice in the room." She, however, observed that

there were times where it was difficult to know where the power lies. According to her," There are times where you have a supervisor and a subordinate in the room and the power is not with the supervisor. So the question to answer is who has the power?" This view is shared by M2, she observed "says "We don't do anything about the power imbalance we cannot solve that in one hour of mediation because we'll have to ask who has the power? it is very hard to decide who has the power"

But for the transformative mediator his goal as encapsulated by M1 is to have " the key awareness to empower both sides especially one who is adjudged weaker to have a say."

4.10 On The applicability of Transformative mediation in the workplace.

 While Mediation has been popular with organizations, the applicability of transformative mediation in the workplace has been argued. The diverse opinion was also canvassed by the participants.

M4 strongly believe that Transformative mediation cannot be applied in workplace mediation. According to her "Transformative mediation does not lend itself to the workplace. The workplace is not a place where people have relationships they have a working relationship but not a personal relationship so it may not be tenable to use the transformative mediation, the problem-solving mediation would be the best approach". Lending a voice to this view, M3 opines; "I don't see a Transformative meditation on its own working in a workplace, where there needs to be some sort of agreement which could be reduced to a contract, or in big commercial disputes in which they need to be a memorandum of understanding.". Explaining further M4 states " I think transformative mediation is very empowering but I think often times in the workplace setting people would leave and move on. Therefore it is not a long-term relationship setting so the contest is different and this is important in assessing the use of mediation in the first instance".

However, M2 says Transformative mediation can be applied in workplace conflict and gives an example " I have mediated in senior rules where the parties did not want to work with each other after the mediation a clear example would be a case involving a woman and her manager in a company after the mediation the lady said she did not want to work with him anymore but said it in a positive light. Without rancour or bitterness but that going forward she did not see herself working there anymore so the conversation now she rode in on how she could successfully go away. For her, the 'outcome' is not success but every step that the parties take towards recognition and empowerment." She continued "The solution could be that the problem is resolved and parties continue to work together or that parties decide they don't want to work together anymore. Signing an agreement at the end of the mediation does not mean the grievance is over. A long-lasting solution is better than a temporary fix.". She countered the argument that transformative mediation does not arrive at a solution. She wondered what they meant by a solution. A solution according to her does not have to be a resolution of the conflict, according to her " deciding not to work together anymore may in itself be a solution."

4.11 Conclusion

These findings are reliable because of the experience of the participant in the field of mediation reliability is whether what was found at consistent with the data collected "it lies in others concurring that given the data collected, the result makes sense; they are consistent and dependable (Merriam 2002 p27). I adopted other strategies like triangulation or the use of multiple sources of data to improve the reliability of this thesis. In the analysis, I observed the causal links related to the themes most common among the interviews.

4,11.1.Researcher bias...

A research of this nature is liable to influence and bias of the researcher. To reduce this bias specific data analysis protocols with the use of constant comprising method can be applied. (Merriam 2002) it is against this backdrop that I sought for participants, conducted and collected data with their consent. The interviews were recorded and transcribed. Being exclusively responsible for the collection analysis of the data for this research prompted my discuss on research bias.

I was objective at all times although I had my own personal reflections and kept a record of same, they only acted as a guide on how the collection and analysis may have been carried out. It also helps that none of the participants was known to me prior to this study

This research was designed as a case study to respond to the Research question that guided it. The mediators that were the bedrock of this study represents the different approach to mediation employed in Ireland and around the world as such the findings from this research should be applicable to mediators regardless of where they are. In chapter five, my interpretation of the findings would be discussed.

CHAPTER 5 DISCUSSION

5.1 INTRODUCTION

This chapter will discuss and interpret the findings from the preceding chapter and answer the main research question of this study. This chapter would compare the implication of the findings to the literature review. To sustain a structural flow, I would discuss them under the different themes.

Theme 1

Conflict is a normal part of life and as such cannot be avoided. Cahn (2007), Brandon (2007) and Ellis (2005) all agreed that conflict is normal. This was a view that was shared by M1, M2, M3 and M4. However negative and destructive it may appear to be.Tillet(2006)asserts that it is a positive part of conflict as it encourages dialogue and results in professional growth. Like M2 says " conflict in itself can be learnt from" it can be constructive or destructive depending on how it is handled (Interview with M1 10/5/2018)

Theme 2

Culture plays a huge role in how conflict is seen and handed like M1 explained, individuals have habits and patterns which have been influenced by the country's culture (societal culture) which plays a big part in how conflict is seen and dealt with. This is in consonance with Avrush (2009)who Lulof(2000) and Folger(2005) who all saw culture as an important influence on how people act in conflict situations. They all agree that individual perception and thinking are influenced by culture. M3 explain that people who were from background and tradition of settlements like in South Africa would be more in tune with settling than litigation.This was in tune with De Dreu(2008) who opined that they are the individualist and collectivist cultures that influenced the preferences of resolution styles. While individualist cultures prefer forcing conflict resolution styles, the collective cultures prefer to adopt avoidance strategies. Moril (1995) asserts that organisational culture is a major influence on how managers handle conflict. This is an opinion shared by M2, who explained that in an organisation with open culture people are able to talk about their experiences, unlike some other organisations that don't. This affects the way they deal with conflict.

Theme 3

While ADR began as an alternative to the traditional method of litigation, however, the broad scope now covered by ADR and its integration into the court system has resulted in the debate on what it really entails.Theorist like Cahn (2007), Mackie (1991)and Lulof (2001) all agree that ADR should cover all options for settling conflicts including the courts.

This view was shared by M3 who says that the term 'alternative' does not represent the scope now covered by ADR and explained that ADR is an option in the conflict resolution Continuum just as litigation so the term 'appropriate' would best describe ADR. On the other side of the argument hotels like Scimecca(1993) and Spirosky & Ristovska(2013) asserts that ADR must remain an alternative to the court. M1 in the agreement says "ADR is an alternative to the much formal, time-consuming... Court process" and emphasize that ADR must remain an alternative to the former route.

Theme 4.

The current wave of integration of ADR processes like mediation into the court system has been a cause for concern as observed by Relish(2009) and Welch (2004), the institutionalisation of mediation has reduced some of its expansive potentials such as participation. However as the findings from this study revealed, the participants saw this development as a good thing.M2 saw it as helpful,M3 says "it's a good thing" as it would help in making people take it more seriously. They raised concern, however, that the consent factor may be lost to increased institutionalisation. A view expressed by Menkel - Meadow(2010)and Lisa Bernstein(1993). For M1 institutionalisation is not a problem as long as it retains its attributes as an alternative.

Theme 5

The entire transformative approach hinges on the two concepts of empowerment and recognition M1 explain that it's about the mediators having trust in the parties' ability to work their way to an understanding and

recognition as espoused by Bush and Folger (1994) the transformative approach stem from the capacity to generate empowerment and recognition. M2 agrees with Bush and Pope 2002 that the focus of transformative mediation is on the interaction saying the aim is to help turn a destructive conversation into a constructive conversation. This point was also made by M1 in agreement with Bigham (2012) who says the aim of the mediator is to Foster communication between the disputants and empower them to recognise each other perspectives.

On the role of the mediator. M1 says that the mediator just 'follows' the conversation leaving the process entirely to the parties. This was in consonance with Brett (2000) who claims that transformative style differs from the other styles in that the mediator's role is suppressed in relation to the participants. This empowers the parties to take charge of the process and encourage engagement. As observed by Stock (2008) this helps give a voice to those who might otherwise have none.M1 concurs saying, the parties feel more strengthened in themselves to be able to have the difficult conversations that they were unable to or felt safe to .M3 & M4 although agree that it has some merit, argued that it should not undermine the other models of mediation. This was a view shared by my McKenny (...) in his critical review of transformative mediation.

Theme 6 & 7

An interesting feature that was consistent with the participants, as well as the literature reviewed, is that transformative mediation is not focused on reaching a resolution. Bush and Folger (1994) explained that it's aim is to seek a much-improved person and not necessarily a much-improved situation thus the mediator watches for the opportunity to increase parties clarity of the issues and does this in a way that it results to empowerment and recognition. M1 in agreement stressed, that empowerment comes from believing that both parties have the ability to find a solution and making sure that they can speak, listen and think and not to push for a solution. Recognition is about be heard, and as M2 in agreement with Burgess(1998) puts it "the transformative approach creates an environment

for a shift from being out of connection to a recognition of the other persons as a human being with legitimate concerns.

Theme 8 & 9

The goal of transformative mediation is to experience conflict transformation at some point. M1 and M2 both agree that conflict transformation happens for instance when at the start of the mediation parties barely spoke to each other and at the end begin to speak and listen to each other. This is in sync with Burgess(1997) who said that conflict transformation happens when Parties relatively understand each other even if their value needs and interests are non-reconcilable. This is evident when there is a transformation of their relationship (d'Estree 2009).M1 and M2 slightly disagree. They say the focus is not to transform the relationship but the interaction(relations). That way the parties are then in a better position to determine if they want to continue their relationship or not.

Theme 10

Bigham(2012) and Nabatchi et al (2007) in their findings on the application of transformative mediation in the workplace agreed that mediation using the transformative style may enhance disputants-disputants and interpersonal justice. M3 and M4 do not share this view. M4 says that transformative mediation does not lend itself to the workplace because in the work environment, the emphasis is on working relationships and personal relationship.M3 adds that the need for a resolution in workplace mediation makes the problem-solving approach more tenable.

However, M2 in agreement with Bingham 2012 says the transformative mediation can be employed in the workplace. for her, the 'outcome' is not success but every step that the parties take towards recognition and empowerment.

CHAPTER 6 CONCLUSION

6.1 Limitation of the study

In this research, I contemplated using the multiple case study approach which provides a better theory "grounded and more accurate and more generalizable by comparing and contrasting the emergent themes from different cases which improves the validity"(Eisienhardt and Graebner 2007).

I was constrained by cost and the time needed to complete this dissertation to adopt a single case-study approach. However, this research is valid and reliable as noted in section 3.6.3 (Data reliability)

Secondly, the population of my sample was small. this again was due to the constraints as mentioned above and also to the nature of this research, its strategy and methodology. However, the quality of the participants and their experiences in the field made up of the numbers.

6.2 Answer to The Aim and Objectives of the Study

The workplace is peculiar because of his diversity in coaches and personalities it is seen as a breeding ground for conflict while there are lot of options in the confidence resolution Continuum I have considered the transformative approach in a rigorous research that and come past a robust data to review and by way of qualitative research methodology have been able to find that transformative mediation because of its attributes and ideals give more opportunities for the employee to take charge of a conflict situation. It was also my findings that the transformative mediation approach, at its best, empowers the employees' voice in a conflict situation.

This is because of its peculiarity in giving employees' the opportunity to make decisions, it empowers them by giving them a voice and a choice. In

the process, they are in a better place to recognise the experience of the other person.

 What the employees talk about, how they talk about it, and the entire process is up to them. Once they begin to feel a sense of their own strength which happens as a result of the ability to make decisions on their behalf in the conflict resolution process, they begin to open up a bit more to consider the other person and what they might need. The overall result is helping employees develop their own capacity to walk through their conflict on their own, creating a healthy work environment and resulting in more productivity, creating a framework for sustain to peace.

 However there is much to be desired with regards to in-depth research in this area as observed by Gaynier (2005), several years since the publication of the promise of mediation " we are yet to see a rigorous research response at the empirical level to measure the effect of transformative approach in practice"(Gaynier 2005). This is more so today, as more of the literature available have been more expository than in-depth research on the effectiveness of transformative mediation in practice The aim of this dissertation is to bridge the gap and add to the body of knowledge of the impact of transformative mediation and its applicability in the workplace to empower the employee and to create a pathway for sustainable peace resulting in Conflict Transformation.

6.3 Areas for Further Research

 This study has advocated for the use of the transformative approach, however, I have in the course of this study discovered that there is a place for problem-solving elements that could be useful to a mediator. So I ask if there is a possibility of it cross-pollination of both models? how would such model look like?

I found out that some mediators in practice oftentimes pick and choose from different options in the mediation conflict resolution process depending on the circumstance. Some mediators think "it is not helpful to

box people's style of practice of meditation" and "a mediator should have the option to use any style depending on the case(Interview with M3)

"Mediators need to be skilful and knowledgeable in a number of models and be able to select the appropriate ones " (Interview with M4)

I am of the opinion that a mediator must be flexible, however, how much liberty do they have in exercising the knowledge they have of the different models in the instant case before them? Can a mediator employ both transformative mediation and problem-solving approach in one mediation case? This in my view is an area that can be examined only by in-depth research.

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Appendix A

INTERVIEW QUESTIONS

1. What is your notion of conflict generally?

- would you agree that conflict occurs the moment a party feels friction rather than at the moment he expresses such feeling or friction?

2, in your experience would you classify conflict as constructive or destructive or both

3. Do you consider workplace conflict as a peculiar class of conflict as distinct from the other types of conflicts you have encountered

4. What are your take on identity conflict resource conflict and social cognitive conflict?

5. Are you aware of the conflict management systems that HRM of organisations employ and trying to resolve conflict?

6. What is your take on the influence of Culture on conflict?

- is there any connection between culture and workplace conflict?

7. What influence does individual mindset have in conflict

8.Do you think group Dynamics have any role to play in the evolution of conflict and workplace conflict in particular?

9.What are the effects of organisational culture on workplace conflict situations if any?

10.Would you agree that organisational culture is a major influence on how managers handle conflict situations?

11.What do you think of workplace conflict management systems?

12.Organisations have adopted the five conflict management strategies of avoidance, accommodation, competition, compromise, and collaboration. How effective are the above strategies?

13.Which of them have you employed in handling conflict?

14.Do you think negotiation gives the employee more 'voice' than third party intervention like mediation, arbitration, and Conciliation?

15.Tell me about your perception of ADR?

16.Which of these do you agree with relating to the historical development of ADR

   -That it dates back to the 1980s when the HR managers in large companies started to search for

   ways to solve the increase in litigation

   Or

   Scimecca's view that it dates back to 1976 when the American Bar Association sponsored the National Conference on the causes of popular decisive dissatisfaction with the administration of justice?

16. There's this debate about the acronym ADR do you think that 'A' in the ADR should be changed to 'Appropriate' rather than 'alternative'

17.Do you think that there should continue to be a dichotomy between ADR and the regular court judicial system or do you support the school that believes that both must be kept separate?

in other words, do we separate ADR from Regular Court systems or make it all inclusive of the court? (integrating ADR into the court systems)

18.Do you think the institutionalization of ADR systems is a problem?

19. One of the key components of ADR is 'consent'. Do you think that with the mandatory nature of some ADR system like Court impose arbitration or the arbitration clauses included in contracts takes away the consent factor in ADR?

20.Do you think the adoption of ADR by organisations has indeed reduced the level of destructive conflict?

21. what is your take on arbitration and Conciliation?

22.What age has mediation over these two?

23.Why do you think an organization would prefer mediation to the order ADR mechanisms?

24.What are the features of mediation?

25.What is transformative mediation?

26. Bush and Folger in their 'book The Promise of mediation' emphasized

 Empowerment and recognition as the main goal of transformative mediation. How is this achieved?

27.in the mediation process what key elements of transformative mediation that makes it distant from the conventional problem-solving model?

 28.If the process of problem-solving mediation is so dissatisfying, why the high compliance rate?

29.The 'R' in ADR means an attempt to reach some types of resolution. Don't you think that transformative mediation in seeking a greater moral development moves it towards therapy?

 30.How will the mediator know when the higher development has been achieved?

 31.How do you distinguish transformative mediation from self help?

 32.Is it possible for a mediator who claims to be practicing the 'problem-solving' approach end up employing the transformative approach without knowing it?

33. Does transformative approach really lead to conflict transformation?

 34.How does a transformative mediator handle the power imbalance between parties in a workplace conflict?

35.what would you say is 'best practice' in transformative mediation model?

36. it appears to me that transformative mediation is more concerned about how the parties relate to themselves after the conflict?

37.Can you tell me about conflict transformation?

38.How would you describe the outcome of the transformative approach a 'win win', 'lose -lose' or a 'win-lose'.

39.Don't you think there are times when a resolution needs to be achieved, like circumstances where a mediator needs to lean towards the problem-solving approach?

40.Which is more important to the organisation; resolving the conflict for which the mediator was called or improving the relationship of the disputant?

41.What does the mediator do when the parties fail to reach an agreement?

42.Would you say that transformative mediation provides a better pedestal for an employee's 'voice' to be heard in a conflict situation?

43.How can that be achieved?

44.What is your personal perception of transformative mediation in practice?

45.Is there a possibility of cross-pollination of both the transformative approach and problem-solving approach?

46. there have been yearning for a hybrid model of mediation would you say such yearning lacks merit

47.Have you in practice attempted both approaches in one case?

48. would you recommend transformative mediation for resolving workplace conflict?

49.what in your opinion are the challenges that have hampered the implementation of this model and in-depth research in the practicability the transformative model

50.what are closing thoughts

NOTE

THE INTERVIEW WAS SEMI STRUCTURED AND OPEN ENDED ,