When to Utilise Independent Conflict Resolution Processes by Francis Portisford

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Disputes arise all the time and in every imaginable context. Some of these are insignificant whilst others can be extremely serious. In the context of the workplace, it is an important management skill to be able to tell the difference between a short-lived dispute that will have little lasting impact on the performance of the business and an entrenched conflict that must be dealt with swiftly and severely before the business suffers.

There are no hard and fast rules for determining the level of seriousness of a given conflict. Intuition and experience both play a part in this evaluative process and neither of these can be taught, although there are some useful guidelines that will help to get you thinking along the right lines and asking the right questions to determine whether you need to seek outside assistance in managing the conflict at hand.

First and foremost, you will need to carry out some basic research into the conflict. Questions that should concern any manager include: how long has the dispute been going on and what is the nature of the problem? Is the dispute affecting the work of either employee concerned?

The second step will be to advise the employees in question that they must set aside their personal differences in the name of professional conduct and continue to work as an effective team or further action may be taken. Once the employees concerned have been given the opportunity to resolve the matter between themselves, they should be allowed a short period within which to enact this resolution - this could be a matter of days or a couple of weeks although it should not be allowed to extend for too long. It is worth mentioning that this is not always appropriate: in cases where there are accusations of sexual harassment, physical violence or discrimination, it may be better to skip directly to step three.

Step three will be to inform the employees concerned that you have decided to involve an expert in independent conflict resolution to help them resolve their differences. The mediation process relies on the consent of its participants so it is important to explain the benefits of mediation to your employees at the same time. It is also important to explain the nature of the mediation process and what it entails. Perhaps the most important aspects of mediation are that it is confidential (except under extremely limited circumstances), it is impartial, and it is collaborative rather than adversarial.

Although it is almost unthinkable, the fourth step would be to refer a given case to a tribunal. This is only appropriate in very serious disputes of a specific nature when other methods of resolution have proved ineffective. The scope of employment tribunals is limited and these can only deal with certain types of cases, so it is important to be clear on exactly what is being claimed before going down this path.

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