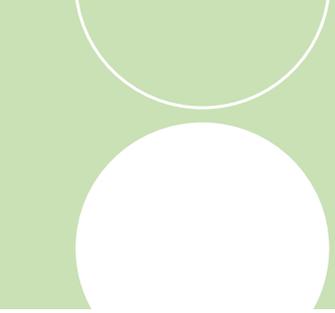


# Developing Conflict Resilient Workplaces

An implementation guide for Victorian public sector managers and teams



needs  
*interests*  
questioning  
problem-solving  
ASSESSING  
listening  
options



The Victorian Government has vested the State Services Authority with functions designed to foster the development of an efficient, integrated and responsive public sector which is highly ethical, accountable and professional in the ways it delivers services to the Victorian community.

The key functions of the Authority are to:

- identify opportunities to improve the delivery and integration of government services and report on service delivery outcomes and standards;
- promote high standards of integrity and conduct in the public sector;
- strengthen the professionalism and adaptability of the public sector; and
- promote high standards of governance, accountability and performance for public entities.

The Authority seeks to achieve its charter by working closely and collaboratively with public sector departments and agencies.

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# 1. Background

In 2008 the State Services Authority commenced a project '*Taking the heat out of workplace issues*' to collaboratively bring about positive change in the conflict resolution space. Much of the progress has come about through the generous work of the conflict resolution network. The network links more than 100 people across some 40 Victorian public sector organisations, many of whom are working on local change projects.

This guide captures some of their innovations to help organisations respond to, and reduce, internal conflict. Its purpose is to act as a handbook or reference manual for those people and teams who have been authorised by their senior managers to undertake work in the area.

The State Services Authority companion document '*Conflict Resilient Workplaces – a report for Victorian public sector leaders*' sets out the rationale for both the project and this guide. It provides the business case for changing the way that conflict is managed in the workplace. It also seeks the consideration of Victorian public sector leaders to help build workplaces where relationships are stronger through a practical commitment to improving open communication.

The guide describes the **features of a conflict resilient workplace** – one where conflict is managed well, and not allowed to escalate.

It supports you to **create a more positive workplace** by suggesting how to build commitment to change, review current practice, identify areas for improvement, present options for change and evaluate success.

Much of the guide is diagnostic: it encourages you to ask questions about your organisation's systems, values and behaviours to identify the most important issues to work on. As well, it gives practical tips for writing business cases and presenting options to senior management.

## 2. The conflict resilient workplace

A conflict resilient workplace is one where strong communications and relationships underpin the conflict management system.

It is one that integrates strong diagnosis ('what is the cause of the problem?') with appropriate decision making about the best response ('is this best managed through adjudication by a third party, or can we resolve this better through mediation, a courageous conversation or facilitation?').

A conflict resilient workplace does not rely solely on formal dispute processes, but emphasises positive relationships and strong communication so that conflict is managed early, at the lowest possible level, and with the most appropriate response.

### Conflict resilient workplaces share four features

<b>Promote</b>	They are proactive in building a culture of communication.
<b>Prevent</b>	They stop things going wrong.
<b>Respond</b>	They respond quickly and appropriately when things do go wrong.
<b>Comply</b>	They comply with relevant guidelines, rules, regulations and address principles of natural justice and procedural fairness.

This guide uses terms such as *grievance*, *conflict* and *dispute*. These terms are evolving in conflict management literature (and in law), and therefore different organisations might use the terms in different ways.

'Grievance' in particular can be problematic, and senior HR managers have said that many staff see 'grievance' as an inevitable end point, requiring a third party adjudicator. Rather than prescribe definitions here, we urge you to interpret the language and terms we use here in a way that is meaningful to your organisation. Conversation and debate about the language of conflict resolution – in particular, what 'conflict resilient' means to you – can be a valuable part of the process leading to change.

## Building an integrated conflict management model

Each workplace has its own culture, processes and traditions. This means that conflict management systems will inevitably look different in every organisation.

An *integrated* conflict management model should, however, link rights-based formal procedures with alternative dispute resolution models through strong interactive problem solving.

The people directly involved in the dispute should be actively encouraged and supported to take responsibility for managing their own issues.

As Figure 1 shows, an integrated model is underpinned by strong collaborative intake assessment (triage) when disputes are raised. It encourages alternative dispute resolution which has a strong focus on the interests and needs of the parties concerned.

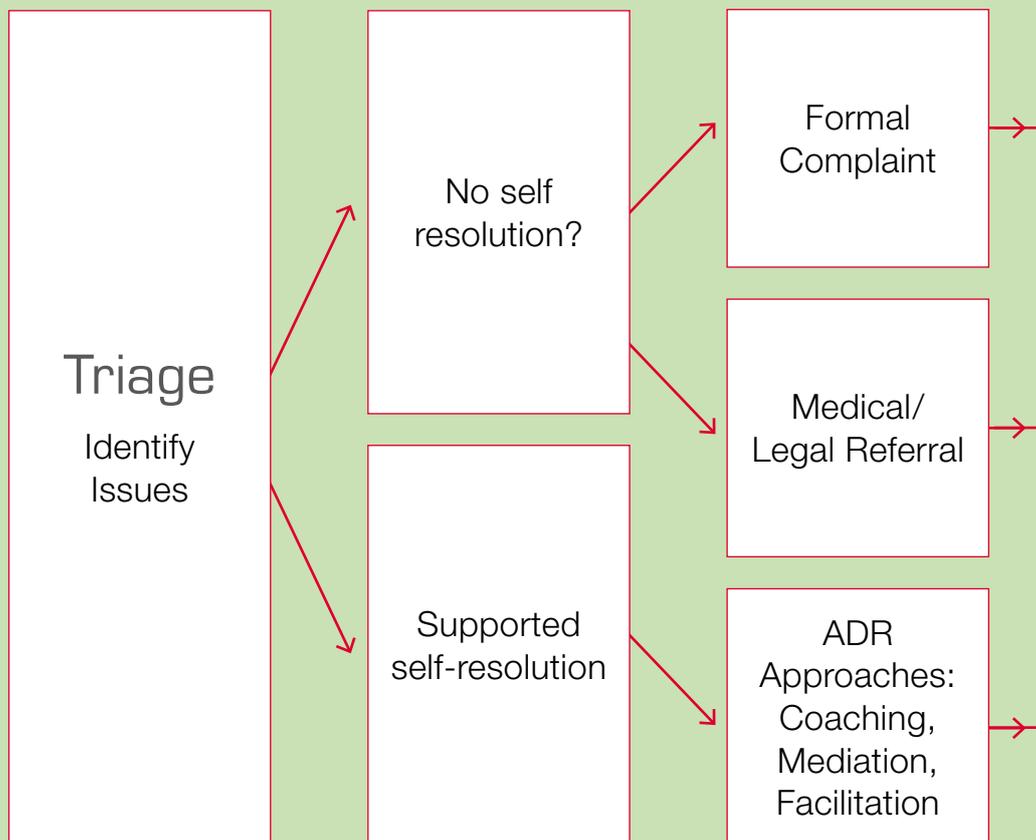
It has a place for formal grievance processes – but uses them for specific disputes suited to formal complaints, or as a safety net.

### Characteristics of an integrated conflict management model

- Provides early intervention through a **triage** or **collaborative intake assessment model** with **multiple entry points** for ease of access.
- Identifies **root causes** of problems in addition to symptoms, and shares this information to create change.
- Uses **alternative dispute resolution methods** (feedback, conversation, mediation, facilitation) that preserve workplace relationships by,
  - addressing the **needs and interests** of the people involved, not just formal rights; and
  - encouraging self resolution (with support), rather than emphasising a formal arm's length process.
- Incorporates preventative actions such as **training and awareness raising**.

Figure 1:

## Integrated conflict management model



## 2.1 Triage: 'What is the real issue?'

Organisations must have a strong intake assessment process for managing complaints and disputes. A triage system involves a skilled staff member (usually, but not necessarily from the Human Resources team) asking the right questions to determine:– the root cause of the conflict, who is involved and the desired outcome. This helps people make an informed choice about the best resolution option. This process often goes under different names including collaborative intake assessment or triage (see Figure 1).

Through a triage process, it will for example, become apparent that if someone is accused of doing something that by policy and law must formally be dealt with, and if the other person clearly disputes that accusation, the appropriate process will be a rights-based process of adjudication. Here, a formal complaint is usually warranted.

Alternatively, if a dispute seems to have arisen through lack of clarity about issues (for example, where a person perceives someone's behaviour as bullying), and if the dispute seems only to affect two parties, then mediation may be appropriate. If there is significant conflict, an intervention that transforms the conflict to the point where those affected are willing to cooperate would be appropriate.

These are the types of circumstances that can be raised through a triage process. It provides a legitimate opportunity for people to describe their particular issue. A trained intake assessment officer is able to ask pertinent questions. Options for resolving the issue, including the objective the person is seeking, as well as the likely outcomes, can be discussed. This collaborative approach results in people being better informed about their choices. It also provides people with a high level of ownership and responsibility for managing their own issues.

In choosing to focus on interest-based processes, a person does not relinquish their rights. However, in choosing to lodge a formal complaint based on rights, a person does relinquish control, as the process is usually beyond their control, and is often driven by a third party. Often people who seek some kind of redress are not made aware of this.

### A triage process helps people to

- define the problem and separate the problem from the person;
- identify the roles and relationships that they have with each other and with the workplace;
- identify the issues – personal, workplace, organisational, other;
- identify interests, needs and concerns (not just rights);
- unpack perceptions, assumptions, interpretations and expectations;
- consider the impact of emotions on the process;
- consider their own and others skills and communication styles;
- identify the information needed;
- explore options and alternatives;
- communicate choices;
- use objective criteria; and
- commit to change.

### Multiple entry points

Ideally, the intake process will have multiple entry points. This encourages staff to act early and at an appropriate level when they have a concern. For example, they could:

- self manage a concern by approaching a colleague directly;
- seek internal advice from a supervisor, manager, human resources or elected Occupational Health and Safety representative;
- seek informal resolution with assistance from a supervisor, manager or human resources representative;
- seek formal resolution through a designated process (eg internal grievance); or
- seek external advice (eg from the Victorian Equal Opportunity and Human Rights Commission, or WorkSafe).

## 2.2 Alternative dispute resolution (ADR)

Alternative dispute resolution (ADR) processes – sometimes called appropriate dispute resolution processes – are an essential part of the integrated conflict management model.

They include approaches such as feedback, mediation, facilitation and conflict coaching – processes that can be used as an alternative to, or alongside, more formal, rights-based models. Figure 2 provides a list of some of the more commonly used approaches. These are described in more detail in Appendix A.

ADR processes and techniques are useful in managing a range of situations from individual performance to emotionally complex issues that can arise in working relationships. Recognising the best process for a given situation is critical and should be addressed early on, such as during the triage process. Figure 3 provides information on what approach might best fit a situation.

ADR methods are informal, voluntary and don't include litigation. While they are usually structured, they can be non-adjudicatory.

Importantly, they are based on four key tenets, that:

- The best decision makers in a dispute are usually the people directly involved.
- To effectively resolve a dispute, people need to hear and understand each other.
- Disputes are best resolved on the basis of the people's interests and needs.
- Disputes are best resolved at the earliest possible time and at the lowest possible level.

**Figure 2: Commonly used ADR approaches to promote constructive relationships**

<p><b>Feedback and interactive problem solving</b> Offering observations or helping someone to reflect.</p>
<p><b>Conversation</b> People talking to reach shared understanding and (possibly) commit to action.</p>
<p><b>Conflict coaching</b> Powerful questioning to help gain insights and encourage the concept of mutuality.</p>
<p><b>Mediation</b> A third party assisting the search for mutual understanding and optimal action.</p>
<p><b>Facilitation</b> A third party helping a group to achieve a collective goal. This could involve workplace conferencing or what is known as appreciative inquiry.</p>

Figure 3 distinguishes a range of different situations, and presents corresponding structured processes for responding constructively<sup>1 see over page</sup>

**Figure 3: Using the best process for the situation**

Situation	Appropriate processes
Disputed accusation	Investigation + adjudication
Managers needing to respond appropriately to disputes and conflicts	Conflict coaching and other managerial skills
Dispute between two parties	Mediation (assisted negotiation)
Dispute or potential dispute between several parties	Facilitation (problem-solving, strategic planning, appreciative inquiry)
Specific conflict with no dispute or many disputes	Group conferencing, transformative mediation
General conflict across an organisation	Managed change Training, coaching, mediation, facilitation

## Why use alternative dispute resolution?

In most workplaces, conflict develops through everyday misunderstandings. Differences in style and expectations generate resentment, avoidance, aggression and other destructive thoughts, feelings and behaviours. The most strongly negative feelings associated with interpersonal conflict are anger, fear and contempt, which predispose people to disengage, or to engage destructively.

Once they are in a state of conflict, people identify others as the problem, cling to their own fixed positions, feel that they can only win if the others lose and insist on their own subjective criteria.

People in conflict find it hard to engage constructively until they have acknowledged the sources of the conflict, and have begun to transform conflict into cooperation. ADR approaches facilitate this kind of change in thinking and behaviour.

## 2.3 Where does this leave formal grievance processes?

Putting resources into alternative dispute resolution models does not do away with the need for grievance structures.

For example, certain situations demand formal processes be used: allegations of criminal or serious misbehaviour; situations where there is a lack of good faith and people won't cooperate; situations where public policy, procedural or legal issues arise, or where the welfare of individuals is threatened.

There is widespread acceptance, and a legal requirement, that organisations must have fair and effective systems for handling grievances. If someone claims that a law or guideline has been breached, there must be an effective and fair system to test that claim. **If a grievance handling system is not perceived as procedurally fair, it will itself generate grievances and become part of the problem.**

A conflict resilient workplace uses adjudicated grievance processes when they are necessary but prevents conflict escalating into formal grievances when early resolution is possible.

<sup>1</sup> Adapted from D.B. Moore (2003) *David Williamson's Jack Manning Trilogy: A Study Guide*, Sydney: Currency Press.

### 3. Action steps and useful tools

This section identifies issues and some useful tools where managers and teams are seeking to develop a more conflict resilient workplace. It explains these against the background of the steps commonly used in any change management exercise (Figure 4).

In some organisations, work towards better conflict handling may already be underway – in which case this section may assist in reviewing progress to date and identifying next steps.

**Figure 4: Action Steps**

<b>Stage A</b>	<b>Create a cross functional team</b> to decide on project objectives and to conduct a review of current practices and future options
<b>Stage B</b>	<b>Assess the current situation.</b> The review will assess the costs (both dollars and human) of conflict and propose broad options for change
<b>Stage C</b>	<b>Identify areas for improvement.</b> Determine how well your organisation manages conflict. This will involve both diagnostic work and discussions
<b>Stage D</b>	<b>Develop options</b> for action and present them to decision makers
<b>Stage E</b>	<b>Develop a plan</b> for implementing improvements
<b>Stage F</b>	<b>Implement</b> the improvements
<b>Stage G</b>	<b>Evaluate the success</b> of interventions, including the extent of participant engagement. Provide feedback to management and staff

## Action steps: Stage A – Create a cross functional team

Cultural change cannot be achieved by one or two people.

You'll need to create a cross functional team to conduct a review of conflict management systems. The team should bring together knowledge from across the organisation. This collegiate approach will bring the right mix of skills and organisational understanding to the review.

It will also bring a 'whole of organisation' response to identifying issues and implementing change. This builds a sense of collective commitment to the project.

Finally, before you start work **it is crucial to confirm and clarify your mandate** from senior management and establish reporting lines.

### Some suggestions for forming a cross functional team

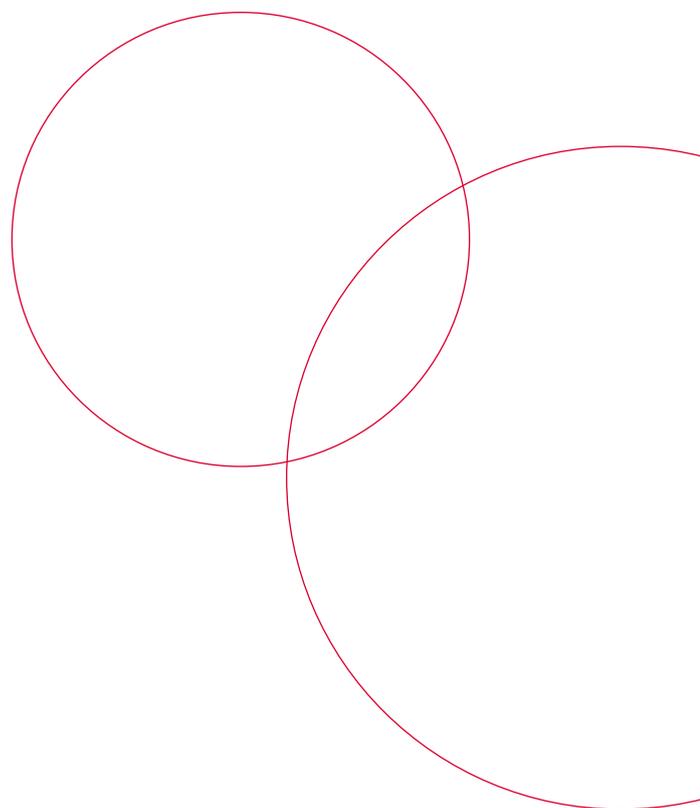
- Decide if you need to form a new team, or is there an existing team who can do the review?
- Invite a range of *internal people* with good organisational knowledge – for example, staff from human resources, industrial relations, organisational development, employee wellbeing, marketing and communications, legal and compliance, audit, operations, and IT.
- Seek to have a senior management group member sponsor the project.
- Invite influential people to join the team including those who you think may need to be convinced of the merits of possible change.
- Include people who have used the existing complaints system (both a manager and an employee) and your internal grievance officer (if you have one).
- Consider inviting *external people*, such as relevant unions to join the team.
- Estimate the time involved and check that those invited have time to dedicate to the review.

## **Action steps: Stage B – Assess the current situation**

It is important to gain broad consensus about the need for change, as well as the direction in which you intend to head. This is in addition to working from the mandate of your senior leaders.

Information about current processes and their effectiveness against agreed objectives needs to be considered. This will stimulate discussion about objectives and assumptions that may need to be further explored. It should also form the business case for change.

Ideas for writing a business case (possibly one or 2 pages only) are below. This document should demonstrate that an organisation will save money and reduce risk if it spends appropriately on better conflict management systems.



## What to include in a business case

### Your goals

- These should be aligned to business goals – for example, to *improve workplace relations*; to *reduce the cost of workplace conflict*
- They should be specific and able to be measured

### The problem

- Include a short story (or stories) illustrating the main problem(s). This brings the issue ‘alive’ for your readers
- Summarise the problems and issues as you currently see them
- Give the tangible and intangible costs to the organisation of internal conflict (case study, Appendix B of the *Developing Conflict Resilient Workplaces* report suggests how to cost actual resources and potential risks)
- Identify disputes that pose a high risk to the organisation and how you will prevent or resolve them

### Solutions

- Identify projects or case studies from similar organisations that have led to positive change
- Outline the pros and cons of a list of prioritised proposed options
- Outline next steps (methodology)

### Communication

- Explain how you will report back to senior management

### Recommendations

- Be clear; are you asking for money? for other resources? for endorsement or agreement?

## What to do

Use the following two checklists (Checklist 1 and 2) as a conversation starter for your review. The first checklist asks if you have evidence that things need to change. The second asks you to assess how well complaints are being managed.

### Checklist 1: Do you have evidence of a need for change?

		YES	NO
<b>Is there evidence of staff disengagement?</b>	High levels of absenteeism or sick leave		
	High levels of presenteeism and disengagement		
	High levels of staff attrition		
	High number of external complaints about staff		
	Senior management don't understand why people are leaving and/or the implications of high staff turnover		
	Staff and/or senior management display inappropriate behaviour		
	A variety of external experts are engaged to resolve issues		
	Some grievance systems are <i>underused</i> : people perceive the system to be unfair, cumbersome or likely to bring negative consequences		
<b>High number of formal grievances (including bullying and harassment cases)</b>	Some grievance systems are <i>overused</i> leading to high levels of registered workplace grievances		
	Unresolved grievances are blocking the system		
	High numbers of grievances are referred to the Public Sector Standards Commissioner for review		
<b>Poor organisational response to conflict</b>	Disgruntled employees seek redress outside the public sector, for example, through the Courts, the Australian Industrial Relations Commission, the media or unions		
	Processes don't follow principles of natural justice and procedural fairness		
	Those who handle workplace complaints don't report to those with the authority to do something about it		
	HR carries the costs of conflict resolution and formal grievance procedures, rather than the business unit		
	Data on grievances is collected – but little or nothing is done with the information		
<b>No strategic thinking</b>	No quantifying of the risk of unresolved conflict		
	No analysis of the return on investment from better grievance handling		

## Checklist 2: How well are complaints being managed?

		YES	NO
<b>Conflicts get too big, too early</b>	Conflict is not always identified early enough		
	Informal discussions don't work (for whatever reason) and formal grievances are quickly lodged		
	People approach problems from the point of view it's their right to complain as opposed to articulating their concerns in terms of their interests and needs		
	A focus on entitlements (a rights-based approach) is stronger than a focus on the needs and interests of the parties (an interests-based approach)		
	People don't talk with each other to find out what their real concerns are		
	People take sides immediately and don't stop to think about what the issues are and the impact of those issues on the people involved		
	Issues are being escalated unnecessarily		
<b>Claimants aren't satisfied</b>	The underlying issues in individual complaints are not being adequately addressed		
	People who use the system are not satisfied with the process for handling disputes		
<b>Claimants aren't engaged</b>	The people involved are not engaged in the process (for example, relying on unions to represent them, without 'speaking' themselves)		
	People want to 'hand over' their issues for someone else, such as HR, to manage		

### Points to consider:

- Is there evidence of a need to improve conflict management?
- If you had to choose three main areas for improvement (your three biggest problems), which would they be?
- Are they related to promoting, preventing or responding to conflict?

## Action steps: Stage C – Identify areas for improvement

Is your workplace operating at its optimal level? What does it do to **promote** strong communication? How does it **prevent** conflict? How well is your workplace managing conflict? How does it **respond** when things go wrong?

### What to do

- Use the checklist at the end of Stage B (Checklist 2) as a conversation starter for this stage. The checklist asks you to assess how well complaints are being managed. Answering 'yes' to a majority of the points, may indicate high levels of workplace conflict and a conflict resolution system that is under strain.
- Use Checklist 3 at the end of Stage G to do a further 'big picture' check.
- Look at other relevant data such as organisational climate surveys, the SSA's People Matter Survey<sup>2</sup> and the results of other self assessment tools. Useful tools that the SSA has in this area are listed at Appendix B.
- Find out if processes are already in place to assess how well your organisation is functioning.

Checklist 3 (at the end of Stage G) is a detailed list of the attributes of a conflict resilient workplace. The list is broken into three parts:

- Promoting a culture of communication so that things go right (Checklist 3A)
- Preventing things from going wrong (Checklist 3B)
- Responding well when things do go wrong (Checklist 3C)

Your review team might want to use this checklist to conduct a 'big picture' check to find out if your workplace is performing at its optimal level.

Alternatively, you might want to complete the Checklists 1 and 2 and then consider which attributes of the third checklist are most needed: promoting, preventing or responding. This can then guide your decisions about where to focus action.

<sup>2</sup> People Matter Survey reports available at: [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

## Planning the work resulting from the assessment

### **Revisit the project goals** (outlined in your business case)

- Once agreed, the project goals should be revisited regularly. It is common for goals to change over the course of the project, so you should anticipate that too!

### **Decide on options for action**

- Allow time for discussions. For example, the team might need a few hours of uninterrupted time to discuss whether the organisation is functioning at its optimal best, to discuss their individual conclusions, and to debate different views.
- Distribute this guide as appropriate, to support discussions.

### **Allocate roles**

- Decide on the roles required as part of the review. These might include organising meetings, chairing meetings, or doing research.
- Consider whether team leaders should come from Human Resources or from another part of the business.
- Have someone facilitate team meetings. This needn't be an expert, but the facilitator must be prepared. They should start each meeting with a discussion to get agreement on the meeting objectives. They should also set ground rules for the meeting and be given a mandate to enforce them.

## Action steps: Stage D – Develop options

Having identified your three key areas for improvement, you need to develop options.

The objective here is to move towards a best practice conflict management model – described earlier as the conflict resilient workplace which promotes a positive culture of communication, prevents things from going wrong, and responds well when things do go wrong.

### What to do

- Identify a range of options for dealing with your three main areas of concern:
  - read through the various attributes of a conflict resilient workplace listed in Checklist 3 for ideas.
  - read the case study in the SSA report for Victorian public sector leaders: *Developing Conflict Resilient Workplaces*.
  - use the resources listed at Appendix C of this guide.
- List the advantages and disadvantages of each option. Think about budget constraints, time constraints, other relevant projects, and the culture of your particular organisation.
- Decide on those options you think will make a reasonably significant difference, and are feasible.
- Find out what you need to do to get support for your ideas. Will you need some informal conversations with other staff or management before presenting a formal written proposal?
- Develop a paper for senior management that outlines your preferred options, and seeks approval.

### A word of caution

Any options you develop should take into account:

- processes prescribed in industrial awards and agreements for resolving grievances and disputes; and
- your organisation's internal policies and procedures.

## Action steps: Stage E – Develop a plan

Once you have the go-ahead to introduce specific change, you will need a plan. Your review team might be responsible for developing the implementation plan, or a new team might be needed to do this work.

### Timing

- When will new interventions be introduced?
- Which interventions are priorities?
- How often will you meet?
- When will you report to senior management?

### Cost

- Have you estimated budgets?

### Consultation

- Who needs to be consulted before you start?

### Objectives

- Do these match your original project objectives? If not, why not?

### Who

- Who will carry out the implementation?
- Will you need external experts?
- Who will you need to report to?

### Evaluate

- How will you measure progress?
- How will you measure success?
- How will you learn from mistakes?

### Points to consider

- Are the people being asked to change involved in planning?
- Have people's concerns with change been articulated and addressed?

## Action steps: Stage F – Implement the improvements

This stage of the cycle is where all the team's hard work comes together. Having worked in an open, collaborative and methodical style as suggested in this guide, implementation should not be overwhelming – although remember something you didn't expect is likely to happen!

Most importantly, top level commitment, a cross functional team and careful analysis of the existing systems, will mean that you are working from a solid base.

### Points to consider

- Has your communication for the planned changes been rigorous? Does everyone know and understand what's happening, when it's taking place and why improvements are being made?
- Have the concerns of people who will be instrumental in making the changes, as well as people 'up and down stream' been comprehensively addressed?

## Action steps: Stage G – Evaluate your success

Your review (or implementation) team should assess the success of their interventions. This is a critical part of the action learning model described earlier in this guide. It sets up the learning for the next stage of reflection, planning and change.

### What to do

#### Ask yourself:

- What empirical evidence is there that the project goals were met?
- Are there other factors (not just empirical evidence) to suggest success?
- How much did the project cost? Did it exceed budget? Why?
- In hindsight, would you have done anything differently?
- What feedback will you give to management and staff?

#### Also measure how engaged participants were in the project by asking:

- What did you learn by being part of this project?
- In hindsight, would you have done anything differently?

The following Checklists (3A, 3B, 3C) may be of assistance here, as well as the data that was gathered in developing the original business cases for the changes.

Do you promote a culture of communication to help things go right?

**Checklist 3A: How conflict resilient is your workplace?**

Attribute	<i>Mark on a scale of 1 to 5 where '5' is 'just like us' and '1' is 'not at all like us'</i>	1	2	3	4	5
<b>Collaborative problem solving is integrated into corporate culture</b>	Decisions are made by staff and managers					
	Management does not mandate answers or solutions without consultation					
<b>Constructive communications are promoted</b>	People listen and seek to understand before they seek to be understood					
	Constructive criticism is welcomed					
	Staff are trained in communications and conflict resolution					
	Relationships between areas are supportive and cooperative					
	Organisation seeks to learn from its mistakes					
	Interest-based (not rights-based) language and behaviour is everyday practice					
<b>Different styles of work behaviour are accepted and tolerated</b>						
<b>Leaders 'walk the talk'</b>	They practise open and honest communications					
	They separate the problem from the person					
	They seek early resolution of conflict					
	They champion effective conflict management (and are sincere)					
<b>Corporate mission, vision and values are consistent with a conflict management philosophy</b>	Organisation has taken steps to ensure its systems and structures will minimise conflict					

- Which activities should your organisation be doing more of to help things go right?
- What else can your organisation do to promote a culture of communication?

## Do you prevent things from going wrong?

### Checklist 3B: How conflict resilient is your workplace?

Attribute	Mark on a scale of 1 to 5 where '5' is 'just like us' and '1' is 'not at all like us'	1	2	3	4	5
<b>We do things to address conflict before it escalates</b>	Train staff and managers on how to respond appropriately in first instance to complaints and issues					
	Collect feedback about issues					
	Expect interaction between managers and staff (not waiting until performance review time before giving or getting feedback)					
<b>An intake assessment (triage) process helps determine the best way to resolve the dispute: conflict coaching, mediation, adjudication or another approach</b>	There is a good understanding of which alternative dispute resolution approach suits particular issues					
	Cases are referred to a dispute resolution process only once. The intake assessment information is analysed and the best process agreed					
	People are given enough information about options to make an informed choice					
<b>Organisational culture supports the airing of grievances</b>	Conflict can be safely raised; privacy is respected					
	Staff are encouraged to voice concerns and constructive dissent early					
	People feel confident that they will be heard, respected, and their concerns acted upon					
	Staff are encouraged to resolve their own issues and are supported in their choice of resolution option					
	Staff are given reasons for decisions about grievances – in writing and orally					
	Conflict management is a separate core competency					
	Natural justice and procedural fairness are applied					
<b>The right data is collected, analysed and used</b>	A cross disciplinary team conducts root cause analysis and makes recommendations to stop issues from recurring					
	This information is shared broadly and used to make decisions – for example, about training needs					
<b>Senior management take an interest in grievances (for example, reading reports, discussing resolution options)</b>						

- Which activities should your organisation be doing more of?
- What else can your organisation do to prevent things going wrong?

## Do you respond well when things go wrong?

### Checklist 3C: How conflict resilient is your workplace?

Attribute	Mark on a scale of 1 to 5 where '5' is 'just like us' and '1' is 'not at all like us'	1	2	3	4	5
<b>There is a defined and documented process for responding to workplace grievances</b>	There are <b>informal</b> process options to resolve conflict at a local level (these emphasise listening and understanding)					
	There are <b>formal</b> process options for resolving disputes					
	Formal processes should not generally be accessed until informal processes have been used					
	There is a multiple entry and coordinated intake assessment system					
	The dispute resolution procedures are organised in a low to high cost sequence and based on a risk assessment process					
<b>Employees know how to use the process</b>	Employees know how and where to communicate their problem/s					
	Options for ascertaining legal rights and addressing underlying interests are available					
	Appeal rights to other organisations are made clear					
	The outcomes of decisions are made clear to employees, including reasons for the decision – in writing and orally					
<b>Clear roles and responsibilities are allocated and communicated</b>	A central coordinator exists for conflict management and this person reports to senior management					
	In larger organisations, this is a dedicated person or office					
	A senior person in the organisation has overarching responsibility for conflict management with direct access to executive management					
<b>Conflict management systems, policies and procedures are consistent with wider organisational practice</b>	They are consistent with: <ul style="list-style-type: none"> <li>• each other</li> <li>• policy and legislation</li> <li>• industrial provisions and agreements</li> <li>• key terms are used consistently</li> </ul>					

- Which of these activities should your organisation be doing more of?
- What else can your organisation do when things go wrong?

# Appendix A: Summary of key alternative dispute resolution methods

## Feedback

**Offering observations or helping someone to reflect.**

### Coaching

Coaching approaches to managing conflict, particularly asking ‘what’ and ‘how’ questions (rather than ‘why’ questions) can help a person understand a situation and interact more effectively with colleagues. A trained coach helps a person to *reflect* on a situation, to *analyse* interactions, and then to *identify* and *practice* alternative responses. When a similar situation occurs, the person will react with greater insight.

### Supervisory/performance coaching

Managers coach staff regularly as a core part of their job. This coaching helps to align the work staff are doing with the work they should be doing. How a manager provides coaching feedback can significantly affect staff motivation – both positively and negatively. Coaching is now a recognised profession, with training standards and accreditation bodies. A coach can help a person to articulate aspirations, then clarify and achieve goals. Key techniques include open questioning, provocation, and assisting with analysis (rather than advising or directing).

### Mentoring

Many organisations run formal mentoring programs. This allows a more experienced colleague to provide advice and serve as an example. Mentors can be internal or external. An effective mentor combines skills of coaching and reflective conversation.

## Conversation

**People talking to reach shared understanding and (possibly) to commit to action.**

Basic conversational skills can be strengthened with programs that help people to practise mindful listening, questioning, and narration. Strategic negotiation theory can be widely applied in workplaces and involves negotiating a shared understanding and a plan of action to meet each party’s needs.

## Mediation

### **A third party assisting the search for mutual understanding and optimal action.**

Mediation has been the alternative dispute resolution flagship – and there are many different mediation formats, distinguished in terms of guiding principles, process, outcomes and type of program. For example, a distinction between *evaluative* and *facilitative* mediation is partly a distinction between programs, partly a distinction between processes, partly a distinction between outcomes, and partly a distinction based on the principle of self-determination.

*Evaluative mediation* focuses on the parties' legal rights. The mediator assesses what an adjudicator might decide if the case were brought to court, then seeks some resolution consistent with these legal standards.

*Facilitative mediation* focuses on the parties' interests and options and seeks to resolve disputes by meeting those interests. The facilitative mediator encourages the disputing parties to control much of the process and to make the key decisions.

*Transformative mediation* focuses more generally on helping the parties to understand each other's values and interests to repair relationships. Accordingly, transformative mediation is often used for disputes involving interpersonal conflicts.

Despite these differences, mediation can be understood as assisted negotiation. It is (i) a generic process in which (ii) a third party assists the people directly involved (iii) to negotiate a mutually acceptable outcome.

The process should not be affected significantly by the nature of the mediator, or the nature of the host program. Each variation on a basic format is appropriate for certain situations. Any variations on the process should be determined largely by the nature of the particular case and the specific needs of the participants.

Mediation is understood to increase both:

- *efficiency* (decreases costs and reduces delays in decision making)
- *effectiveness* (increases a sense of procedural fairness, as those affected by agreements have been involved, and parties look beyond the narrow issue of legal *rights* to consider their broader *interests*).

## Conflict coaching

### **A 'model' process for helping people resolve their own conflicts through seeing the other person's perspective.**

Conflict presents opportunities for people to strengthen their relationships with themselves and others. Resolving the issues is only one of the desired outcomes when people are in dispute. Transformation in behaviour is achieved in part, by increased self awareness and insights. With increased self awareness, we are more likely to discover our choices and shift our behaviour.

One of the elements that underpin conflict coaching is that change in conflict behaviour is more likely to occur when people understand the concept of mutuality. This involves considering various elements of the conflict, from both (or all) sides. Self determination is a crucial component of coaching. Conflict coaching supports effective and productive working relationships. It is an equally useful model for anyone in an organisation offering insights into the dynamics of team and workplace conflicts.

## Facilitation

### **A third party helping a group to achieve a collective goal.**

#### **Workplace conferencing**

Conferencing is a process that helps a group of individuals to manage their own relationships in the wake of conflict. The conflict may be associated with a single incident or with ongoing patterns of behaviour. The facilitator provides the process so that a group can understand what has happened, how people have been affected, and what might be done to improve the situation.

#### **Appreciative inquiry**

Appreciative inquiry is an approach to organisational development, adapted from work done by earlier theorists and practitioners of action research. Its guiding principle is that organisations can change adaptively by focusing on what works. Colleagues determine what goals need to be achieved, and focus primarily on ways to achieve these goals, rather than focusing primarily on problems that need solving.

#### **Other modes of facilitation**

The science and practice of effective group decision-making is growing rapidly. Promoters emphasise the public good of involvement, collaborative decision-making, citizen engagement, advocacy, mediation, consensus building and community building.

## Appendix B: Other resources and further reading

The State Services Authority has a number of documents relevant to cultural change work and conflict resolution. These are available from the SSA website at: [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

<i>Conflict Resilient Workplaces: a report for Victorian public sector leaders (2010)</i>	Report
<i>Fair and reasonable treatment and reasonable avenues of redress (2006)</i>	Guidelines
<i>Managing poor performance in the workplace (2008)</i>	Guidelines
<i>How positive is your work environment (2008)</i>	Toolkit
<i>Ethics Resource Kit (2008)</i>	Toolkit
<i>People Metrics resource (2010)</i>	Guide & dictionary
<i>Talking Performance (2010)</i>	eLearning resource

We hope the Guide is useful and we welcome your feedback.

Comments can be sent to:

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