DEVELOPING A CONFLICT RESILIENT WORKPLACE

**A risk management approach
to bullying & harassment**
An implementation guide

Contents

Introduction

Organisations are committed to ensuring the health, safety and welfare of the working environment for staff, clients, contractors and visitors.

A core challenge is to find ways to minimize bullying and harassment, and ensure people have the understanding, confidence, tools and processes available to do so. This is central to the achievement of a positive and conflict resilient workplace. Conflict resilient workplaces share core features:

→ *They have integrated models for managing conflict.*

These models use a triage or intake assessment system to identify the root cause of a problem and support staff to decide on the best way forward. Formal processes are an important safety net in this system, but not the entry point.

→ *In resolving disputes, they focus on people's interests and needs, as well as rights.*

→ *Staff are skilled and confident in being able to deal with their own workplace issues early, without the need to access formal grievances and third parties.*

→ *Action is taken at different levels: to promote strong communication and relationships; to prevent things from going wrong; and to react appropriately when things do go wrong.*

This requires a shift from refining formal grievance processes (which are about reacting to conflict using adversarial processes), to promoting strong relationships and communication. It is about skilling staff to prevent the escalation of conflict; and using a different language and new methods — particularly alternative dispute resolution processes such as coaching and mediation.

In particular, this means that employees need to become skilled in using a range of alternative dispute resolution models, and in knowing which approach is appropriate to which situation and at what time.

A conflict resilient workplace is one where conflict is managed well, and not allowed to escalate.

This guide outlines an approach 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.

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:

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PROMOTE	They are proactive in building a culture of communication
PREVENT	They stop things going wrong
RESPOND	They respond quickly & appropriately when things do go wrong
COMPLY	They comply with relevant guidelines, rules, regulations and address principles of natural justice and procedural fairness

BUILDING AN INTEGRATED CONFLICT MANAGEMENT MODEL

An integrated conflict management model links 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 (below) 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.

Figure 1

DEVELOPING A CONFLICT RESILIENT WORKPLACE
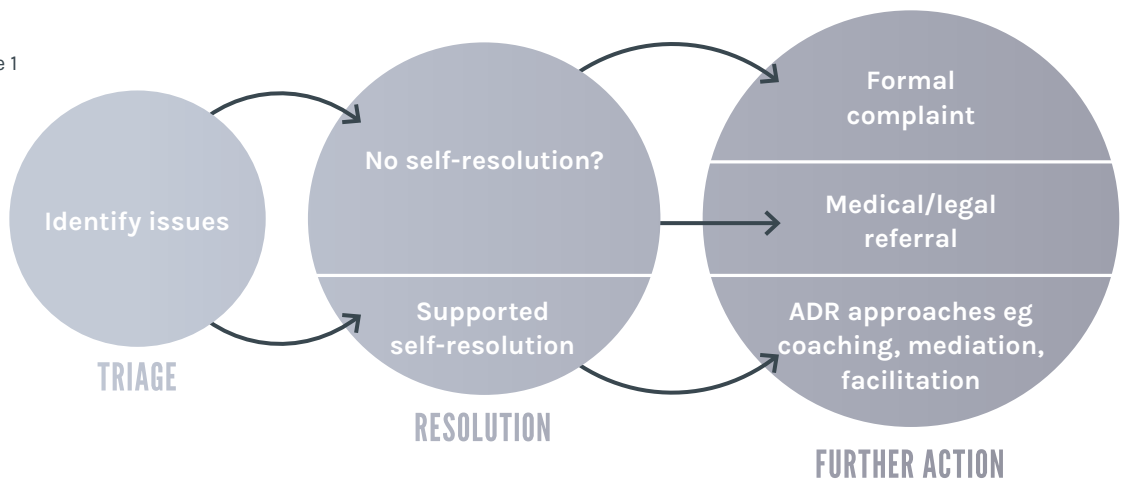
CHARACTERISTICS OF AN INTEGRATED CONFLICT MANAGEMENT MODEL
- Provides early intervention through a triage or collaborative intake assessment model with multiple entry points for ease of access.
- Identifies root causes of problems in addition to symptoms, and shares this information to create change.
- 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.

1 Research: Audit of policies, procedures & practices

The organisation's policies, procedures and documentation will be reviewed and refined in collaboration, within the context of developing an integrated conflict management model.

There will be a parallel audit of practices people use — a large part of the iceberg is the underlying practices, including the daily communication practices.

We use a narrative approach that gathers stories in groups and in interviews about what is working and not working. The themes of these stories are distilled and prioritised for action. Because we are not gathering opinions, as a survey might, we are not sidetracked by what people think is happening (opinion) or what people think should be happening (judgement). We are capturing what is happening. We think this is a logical place to start.

During the research focus groups — that can be done live or via teleconference — a critical exploration through participant-generated stories and experiences, will be to understand where the organisational values are being honoured and breached.

Both sets of data will feed the organisation-specific script for delivery at a manager engagement event, and can be filmed for ongoing frontline training purposes.

2 Triage: 'What is the real issue?'

Organisations require a strong intake assessment process for managing complaints and disputes.

A collaborative team consisting of current personnel involved in receiving and processing complaints will be formed to work together with Primed to develop an organisation-specific triage approach to case management.

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, previous page).

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 Equal Opportunity and Human Rights Commission, or WorkCover).

3 Alternative dispute resolution (ADR)

Alternative dispute resolution (ADR) processes are an essential part of the integrated conflict management model, and case management in particular.

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.

Appropriate ADR methods for the organisation will be identified and applied to the case management processes. 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.

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:

- 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.

COMMONLY USED ADR APPROACHES TO PROMOTE CONSTRUCTIVE RELATIONSHIPS

Feedback and interactive problem solving: Offering observations or helping someone to reflect.

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

Conflict coaching: Powerful questioning to help gain insights and encourage the concept of mutuality.

Mediation: A third party assisting the search for mutual understanding and optimal action.

Facilitation: A third party helping a group to achieve a collective goal. This could involve workplace conferencing or what is known as appreciative inquiry.

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.

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 manager 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

4   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.

5   Manager engagement

We believe incorporating organisational theatre into the session will be a powerful way to engage managers in acknowledging the need for the required shift in processes and behaviour, by helping people see how they can change situations — individually and collectively.

Seeing change is more powerful than being told how to do it. The professional actors will portray the current reality through a scenario on current practices, and then give participants the opportunity to interact with the actors, coach their characters, adjust and replay the scene — and so witness how current reality could shift.

As described above, we will gather anecdotes from individual interviewees and in research groups. We also record the language — terminology and phrases — that more than one of our research participants has used. The next step in a scripting process is to identify key common themes. We then allocate certain personality elements to the characters, so that each can best dramatise points of alliance and tension in these key themes, and most believably use the language we recorded in the research.

We will follow the drama with group discussion where the participants can turn their insights from the RealPlay into a tangible plan of how things could work in the future. This can then inform the project more broadly.

The RealPlay can then be filmed and used more broadly for cost-effective training purposes as part of a learning package.

Action steps

The following steps are commonly used in any change management exercise and recommended here:

A **Create a cross-functional team** to collaborate and decide on project objectives. Conduct a review of current practices and future options.

B **Assess the current situation.** The review will assess the costs (both dollars and human) of conflict and propose broad options for change.

C **Identify areas for improvement.** Determine how well conflict is managed. This will involve both diagnostic work and discussions.

D **Develop options for action** and present them to decision makers.

E **Develop a plan** for implementing improvements.

F **Implement the improvements,** providing monitoring and coaching for ongoing success.

G **Evaluate the success of interventions,** including the extent of participant engagement. Provide feedback to management and staff.

Summary of key components

COMPONENT	AUDIENCE	CONTENT	ESTIMATED DURATION
Research	Stakeholders	• Audit documentation, policy, procedures • Audit practices • Review, planning, generating themes and priorities • Overview of the initiative defining outcomes • Roles & responsibilities • Project plan, including tracking and measures of success	8 days
Development	Stakeholders	• Organisation-specific integrated conflict management model • Refinement & development of documentation • Case management & complaints processes • Identification of relevant initial ADR processes • Preparation and writing & rehearsal of RealPlay script • Manager event program design	10 days
Manager engagement	Managers	• 'State of play' – using RealPlay (live) to explore current state • What's the data? • Options and alternatives in changing mindsets and culture • Presenting the integrated conflict management model • Implications for leadership & application to specific areas	0.5 day x 1 Facilitator plus 3 actors per workshop
Induction: Case management	Complaints staff	• Program design • The integrated conflict management model • Case management & complaints process — a triage approach • Relevant ADR skills development	1 day design, 1 day delivery — 1 Facilitator plus 1 actor
Early intervention	All staff	• Relevant skill development in ADR processes • Skill development in motivational feedback & coaching • Skill development in facilitating constructive meetings	Design TBA 0.5 days per workshop delivery as required

Key personnel

Linda Scott

Linda founded Primed in 2003. With a background as a registered psychologist and having held senior roles in both Government and Corporate Sectors, Linda brings a profound perspective to any assignment.

She is a member of the Australian Psychological Society (MAPS), Association of Dispute Resolvers (LEADR) and Restorative Practices International, and Fellow with the Royal Society for the encouragement of the Arts, Manufacturing and Commerce (RSA).

Linda is a specialist in addressing bullying, with a long history in implementing State Government policy, investigating incidents, reviewing Grievance Procedures, addressing conflict through facilitating workplace conferences and providing culture change. Linda is also an Executive Coach specialising in career transitions as well as conflict resolution and coaching, and working with individuals with complex needs.

Linda, together with a network of writers, producers, actors, video producers and visual designers, has been responsible for some of the most engaging change initiatives in Australia.

Specialties:

- Safety Behaviours/Culture
- Anti-bullying Strategy & Case Management
- Conflict Management
- Organisational Development and Culture Change
- Executive Coaching.

David Moore

David specialises in conflict management and constructive communication, and facilitates high performance outcomes for workgroups and executive teams.

He is currently an associate at La Trobe University School of Law, and has previously taught and published with multiple universities in history, politics and law. He holds a Masters Degree (political and economic history) from Melbourne University and a PhD (history and psychosocial theory) from Griffith University, and has published extensively in conflict management and organisational governance.

David co-founded Transformative Justice Australia, and is President of the Victorian Association for Restorative justice.

David's past work has inspired David Williamson's Jack Manning Trilogy of plays, and Michael Rymer's award-winning film *Face to Face.*

Specialties:

- Facilitator (negotiation, mediation, workplace conferencing);
- Designer (training and conflict management systems);
- Writer (scripted scenes for live and recorded performance); and
- Academic (research and teaching).

Appendix

Summary of key alternative dispute resolution methods (page 1 of 2)

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 practise 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. 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 to commit to action.

Basic conversational skills can be strengthened with programs that help people to practise mindful listening, questioning, and narration. Strategic negotiation 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. 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).

Appendix

Summary of key alternative dispute resolution methods (page 2 of 2)

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 underpins 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.