



**GUIDE:  
Conflict/Dispute  
Resolution**

## Contents

Purpose of this guide .....	3
Units of Competency.....	3
Acknowledgement.....	3
Introduction .....	4
What is Conflict/Dispute Resolution?.....	5
Prevention is the key.....	6
Example Dispute Resolution Process.....	7
Negotiation .....	8
Example Case Study .....	9
References and Additional Reading .....	11

## Purpose of this guide

The purpose of this document is to provide a simple, user-friendly guide on conflict resolution in the workplace, across organisations, among partnerships and within the community.

This guide contains information to help you understand managing and resolving disputes, including information about:

- How to identify when you have a dispute.
- What you can do to prevent disputes.
- Ways you can resolve a dispute on your own.
- Some of processes you could use to help you resolve a dispute.

## Units of Competency

This resource supports learning and completion of assessments for the following units of competency:

- HLTPOP502C Work with the community to identify health needs
- HLTPOP503C Plan a population health project
- CHCCD619B Establish and maintain community, government and business partnerships
- CHCORG506D Coordinate the work environment

## Acknowledgement

The information in this guide has been drawn from two existing resources which are referenced at the end of this document.

## Introduction

Conflict or disputes can arise in any setting. Sometimes things happen that you don't expect or one or more people can disagree about something and matters remain unresolved. This could be around issues such as:

- goals.
- Information.
- how you communicate.
- priorities.
- the way things should be done.
- beliefs.

A fair and balanced dispute resolution process is important for the effective operation of any workplace, project, partnership, community or business.

## What is Conflict/Dispute Resolution?

Dispute resolution refers to the processes by which disputes are brought to an end. This can occur through:

- Negotiating an outcome, where the parties concerned sort out things themselves.
- Getting help from an organisation or a person not involved in the dispute to help them arrive at an agreement. Sometimes known as a mediated outcome.
- An arbitrated or adjudicated outcome, where an independent arbitrator or court determines how the dispute is to be resolved and makes a binding decision or order to this effect.

There are many different processes for dispute resolution. When deciding on the best dispute resolution process, it is important to think about:

- How the other people involved want to manage the dispute.
- Whether you want an independent person involved and, if you do, what you want them to do.
- How structured you want the dispute resolution process to be.
- What sort of relationship you want to have with the other people involved.
- How much you are prepared to spend—in time and money.
- How much control you want over the process.
- How much control you want over making a decision or agreement.

In addition to the above, there are also a number of key principles a dispute resolution process should follow:

- Keep it simple.
- Ensure appropriate stages so that matters can, wherever possible, be resolved in the workplace.
- Encourage both parties to agree on a process that suits them.
- Ensure the issues can be resolved quickly rather than allowing them to escalate through inaction.
- All parties should be consulted so that all sides of the story are taken into account.
- Resolve disputes in a confidential context in order to minimise impact on employees not affected by the dispute.
- Ensure the dispute resolution is made known to all parties.

## Prevention is the key

Ensuring there are processes in place to prevent disputes is an effective way of managing conflict in the workplace. Some ways to prevent disputes include:

- Be open to other points of view.
- Give everyone the chance to communicate their points of view.
- Listen and try to understand other points of view.
- Find out what the other people involved want by asking them.
- Think of the other people involved as 'equal and different'.
- Accept some or all of the needs of the other people involved.

Some tips on communicating to manage differences include:

- Talk and listen to each other to determine commonalities, needs, concerns and understanding of the issue.
- Ask questions to find out how the other party would like to move forward.
- Respond after listening well by making suggestions for an outcome that meets the other people's needs and that you can accept.
- Avoid negative reactions, asking questions that accuse and making conclusions about what the other people involved said.

### Appreciative Inquiry Approach

The Appreciative Inquiry approach is an effective strategy for both preventing and managing conflict. It is an approach that focusses on creative and positive solutions by using a 4D cycle (discovery, dream, design, and delivery) to come up with solutions. According to the Appreciative Inquiry approach, organisations are more likely to flourish when there is an appreciative eye; when people see the best in each other and when they explore their concerns and aspirations in affirming ways. A brief explanation of the 4D cycle is provided below:

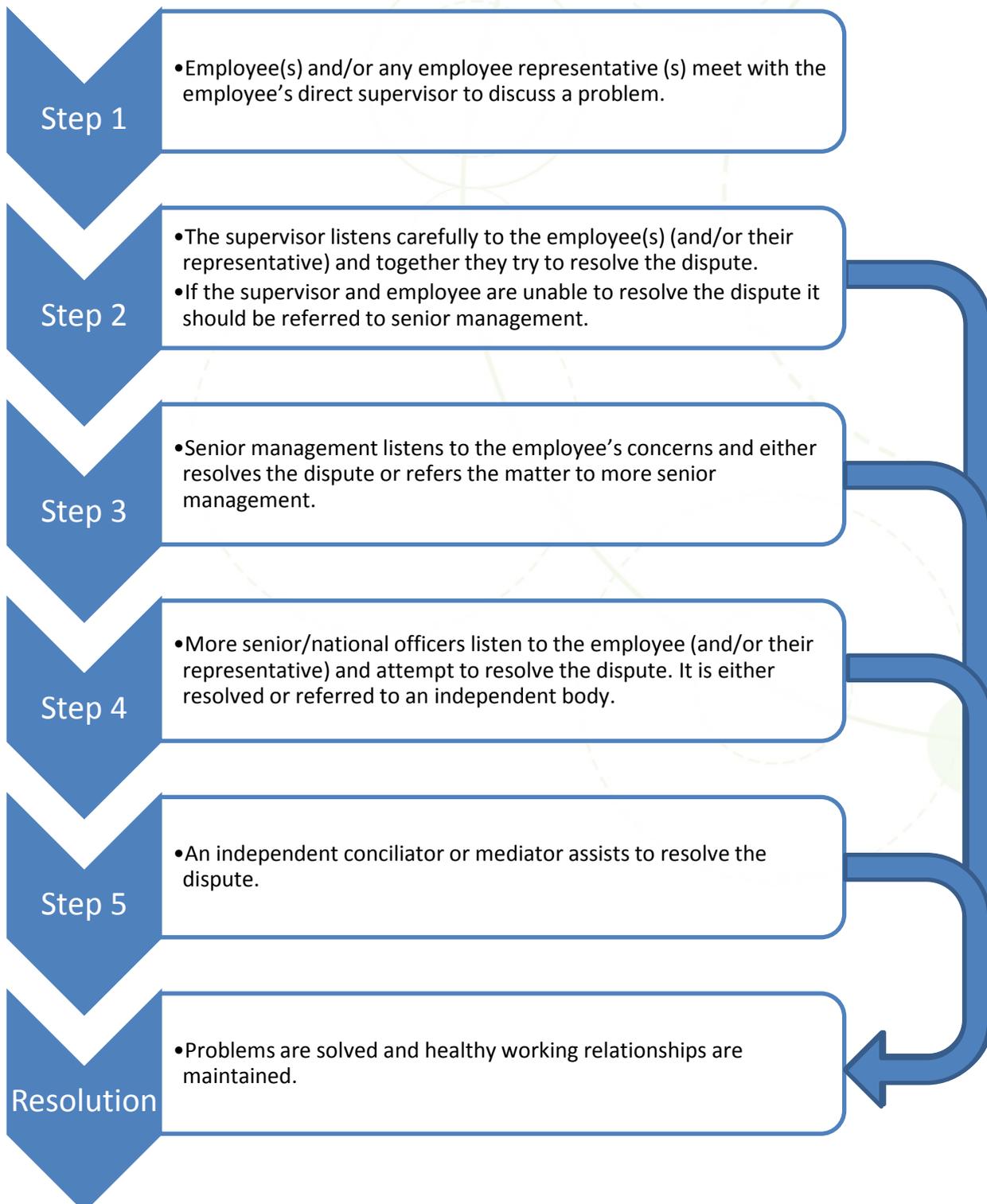
- **Discovery:** To discover and appreciate the best of what is through discovering personal and organisational high-point stories and experiences, highlighting strengths, assets and successes.
- **Dream:** To co-create a desired future for the organisation from the collective, imaginative and innovative capacity of the group based on past successes, current strengths and future possibilities.
- **Design:** To choose the design elements that will support and develop the organisational, social, technological and fiscal infrastructure to help manifest the dream.
- **Destiny:** To sustain momentum in the organisation so members build the capacity to keep doing for themselves with an appreciative eye.

Appreciative Inquiry consists of five core principles:

- **Constructionists Principle:** Words create worlds.
- **The Principle of Simultaneity:** The very first question starts the change.
- **Poetic Principle:** What we focus on grows.
- **Anticipatory Principle:** Image inspires action.

- **Positive Principle:** Positive affect leads to positive action.

### Example Dispute Resolution Process



## Negotiation

In most situations, you will need to use negotiation to resolve disputes. Negotiation can be an effective process to resolve a dispute.

There are different types of negotiation. The most common type is where you and the other people involved discuss the dispute and come to an agreement that works for everyone. This is called direct negotiation. Direct negotiation is suitable when you and the people involved are comfortable having a discussion about the dispute. Sometimes direct negotiation will not be a suitable process for you to resolve your dispute. For example if there is a history of difficult or bad relationships with the people involved.

You can also choose to have an independent person involved in the negotiation who helps run the negotiation but does not take sides. This type of negotiation is more structured, and the way the negotiation process works can be very different.

The type of negotiation you choose depends on how much control you each want to maintain over how the negotiation works and the type of negotiation you feel comfortable using.

### *Tips on how to be a good negotiator*

Prior to the negotiation:

- Talk to the other people before making decisions.
- Think about what is behind the issue for you and each of the other people involved.
- Think about what you will do if you do not reach an agreement at the negotiation
- Commit to finding an outcome that benefits everyone
- Choose a time and place for the negotiation that suits everyone involved.

During the negotiation:

- Talk about all issues completely.
- Avoid blaming.
- Focus on the issues in dispute, not the personalities of the other people involved.
- Emphasise any common ground you share.
- Think creatively about options that could resolve the dispute.
- Manage your emotions.
- Make sure everyone involved understands what each other is saying.
- Be clear that you have reached an agreement and write the agreement down at the end of the negotiation.

## Example Case Study

Below is a real life case study which have been sourced from the following:

Falconer H. 2004, *Managing Conflict in the Workplace*, Lexis Nexis, UK.

These case studies can also be used as scenario-based learning activities.

### **Case Study: Using a Mediator to Resolve Conflict in the Workplace**

Anita and Sarah had been in dispute for almost six months. Their incessant bickering and arguments were a regular feature in the office and had become an almost 'normal' part of their working lives. Yet no one in their team would describe their relationships as anything other than damaging, destructive and harmful. Their conflict was becoming a major source of anxiety and stress for everyone.

One day Anita appeared in the office looking upset and angry. She and Sarah had just met in the corridor and engaged in a strongly worded altercation. Anita felt that Sarah had over stepped the mark by calling her a 'lazy cow'. Sarah on the other hand felt deeply aggrieved by Anita's sarcastic and aggressive attitude. Sarah approached her manager Peter to raise her grievance. After listening to Sarah, Peter decided that the time had come to settle the dispute once and for all. That afternoon Peter met Anita and Sarah separately and recommended they both sit down and talk to a mediator.

A few days later, the mediator, at separate confidential meetings, gave Anita and Sarah a chance to outline their perspectives on the conflict. The mediator explained that his role was to listen to both sides, not to judge who was right or wrong, and to help them explore their differences and try to agree on a solution with which they would both be satisfied. Anita and Sarah seemed happy with the mediator's role; in fact they both stated that this is just what they had needed for a long time.

During the initial meetings, Anita and Sarah described their conflict in detail; they also outlined their goals for mediation. Both parties felt a lot better just being given the chance to 'offload' and be heard. Once the mediator had met both sides they had a much clearer idea of what was wrong. However, the mediator was quick to remember that it was not for them to determine a solution: their role was to facilitate a discussion between Sarah and Anita to help them find one for themselves.

The mediator sought a neutral venue for both parties to meet each other and a mediation meeting was arranged. At the start of the mediation, the mediator established some clear ground rules which would allow both Anita and Sarah to talk openly and respectfully to one another. Initially both parties felt uncomfortable and anxious but the mediator put them at their ease and invited them to talk about their experiences.

As they spoke, the other person listened carefully to what was being said. As mediation progressed Anita and Sarah realised the conflict was actually based on little more than

assumptions, misinterpretations and misperceptions. The conversation moved from heated and angry to relaxed and calm. Keen to ensure that no issue was ignored, the mediator encouraged the parties to discuss all of their concerns and feelings openly and frankly. As they talked and listened there were times when their conversation got heated and emotional but never hostile or aggressive.

Towards the end of the initial mediation, the atmosphere began to improve, smiles returned to their faces and they were even able to look at each other in the eyes as they spoke. At one point during the mediation, Anita and Sarah reached a moment where they turned to each other acknowledged that the past six months had been hard for both of them and that the time had come to move on. From then on, mediation was used to focus on the future and to develop a solution that they could both agree on.

Two months later, although they are not the best of friends, and probably never will be, Anita and Sarah are working together, sharing information and acting professionally and with courtesy towards one another. The reason behind this transformation is simple: they both decided that enough was enough and they decided to settle their differences, not in the corridor but with the aid of a mediator.

*Source: Falconer H. 2004, Managing Conflict in the Workplace, Lexis Nexis, UK.*

## References and Additional Reading

Fair Work Ombudsman 2013, *Best Practice Guide: Effective Dispute Resolution*, Australian Government, Commonwealth of Australia.

National Alternative Dispute Resolution Advisory Council 2012, *Your Guide to Dispute Resolution*, Australian Government, Commonwealth of Australia.

Stratton-Berkessel R. *Appreciative Inquiry for Collaborative Solutions: 21 Strength-Based Workshops*, Pfeiffer Publications, USA.

Zinn H. 2007, *The No-Nonsense Guide to Conflict and Peace*, New Internationalists Publications, UK.

Falconer H. 2004, *Managing Conflict in the Workplace*, Lexis Nexis, UK.