

# **DEVELOPING DISPUTE RESOLUTION PROGRAMS THAT WORK: A PERSPECTIVE ON PROCESS**

by Anne M. Wallace

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## **A. Introduction**

We hear a lot today about dispute resolution "policies" for organizations and workplaces. I choose, however, to use the word "program" rather than the word "policy". "Policy" all too often connotes a written document that may well lie on a shelf collecting dust or in a policy binder never to be looked at. "Program", on the other hand, creates the image of something that is happening – more than a piece of paper.

An effective conflict resolution program will certainly have as part of it a dynamic policy, but there is so much more to making the program work. It starts with the program development stage and continues through to implementation, utilization and review. An effective program is never over. It continues and becomes part of the culture of the workplace.

In this short piece, we can only scratch the surface. I do not intend here to talk about the detailed elements of a good policy. What I will do, rather, is set out some useful process guidelines for developing workplace dispute resolution programs. For purposes of this discussion, we will assume the foundation of the program content includes collaborative problem solving and interest based negotiation concepts with third party intervention only when necessary.

## **B. Make it home grown**

What works for your workplace may not work for one down the hall or down the block. Develop your own program and your own culture for resolution of disputes. Use the policies and experiences of others as resources to assist you in developing your program, but truly make the program your own. Find out what makes sense for you and build it in.

## **C. What about that written policy?**

While this paper is not about the content of policy or process, we cannot leave this topic without a few words on policy content. Some of the items, at a minimum, that should be included in a written policy are:

- a description of the process for dispute resolution
- a strong statement of the philosophy and commitment of the organization to resolving conflict
- a strong statement that the policy applies to all workplace relationships
- clear and detailed definitions of all types of conduct to be covered; for example, a dispute resolution policy can include your workplace harassment policy
- overall, what is the standard of conduct required of each and every person in the workplace?
- procedures to deal with conflict situations - What is the procedure? Who is responsible? What methods, short of formal process are encouraged and/or required? What self-help measures are encouraged? What forms of early resolution are

encouraged? Who should document what, and when? How will the program be implemented and monitored?

The development of the content of the dispute resolution policy can be facilitated by looking at what others have done to ensure that all important elements are covered, especially where legal requirements for policies are intended to be included in the program.

#### **D. The policy is the play book**

A written policy is no more than a play book. The game itself is played every day in your workplace as human interaction occurs. Whether the policy is effective in your workplace will depend on how well equipped the players are to execute the play book and how adaptable they are to changes that occur. Do they have the training? Do they have the trust and confidence of management? Is there strong leadership? Do they work together as a team? Is there flexibility to deal with those unusual situations? Do they know the play book?

#### **E. Disputes will always be with us**

As long as there is human interaction, there will be conflict. Values differ. Perceptions, emotions, and attitudes influence how we communicate and how we interpret events. Structural considerations including power, authority, resources, and time, militate against harmony. Because of this, while conflict prevention is a laudable goal, conflict is inevitable. The challenge is to develop processes to facilitate quick and appropriate responses to conflict situations -- to prevent where possible and to minimize when conflict does occur -- to solve problems quickly and efficiently.

#### **F. The message - unresolved conflict is unacceptable**

Most often the real problem is not that there is a conflict, but that no one has taken the responsibility to work toward resolving it. The longer a conflict continues, the more entrenched become positions, the more damaged are relationships and the more difficult becomes the resolution. An effective program challenges each and every person with the responsibility to deal with conflicting situations as they arise -- as soon as they arise.

#### **G. Collaborative development**

Any program or policy imposed from "on high" is immediately suspect just because it has been imposed from "on high". For this reason, to the extent possible, all different levels and departments of the organization should be fairly represented in the development of conflict resolution programs. If there is effective input into program development, there is ownership of the resulting program. Furthermore, a collaborative approach to policy development facilitates a collaborative approach to conflict resolution.

#### **H. Commitment**

What is required from "on high" is a commitment to program development and to implementation of the program. There is nothing more frustrating to a group of employees than to have management announce the development of a new program only to have that program fall into a giant abyss -- never to be heard of again. Lack of follow-through on commitments causes mistrust, another source of conflict. An effective dispute resolution program is one that has management's commitment to development and implementation -- and to providing the necessary resources to permit the program to operate.

## **I. Education**

A memo "To all staff" enclosing the new workplace conflict policy, "Please read this. Thank you very much." is not effective. Education is a must for effective conflict programs. Education takes two forms. First, the entire workplace must be educated about the existence and content of the program, including any written policy. Secondly, if true conflict prevention is to occur, every person in the workplace must have some understanding of what causes conflicts and how to minimize and resolve conflicts.

## **J. Consistency**

Everyone in the organization must be given the clear message that the conflict resolution program applies to everyone equally no matter what the rank or position. The processes must then be consistently applied to all.

## **K. It's alive!**

Once developed, the program must live and breath and be seen to live and breath. Review and adaptation of the program with experience, together with ongoing education to update existing employees and train new ones is a must .

## **L. Conclusion**

Your dispute resolution program should be seen as a valuable tool you can give to everyone in your organization. It is not a tool that can prevent all forms of conflict. Conflict is inevitable. The program, however, is a tool that can minimize the negative impact of conflict because it can provide your people with the permission and the processes to resolve all forms of conflict at the earliest possible opportunity. The program also can help to create a culture where collaborative resolution of disputes is a corporate expectation.

*This article first appeared in Saskatoon Human Resource Association News, Volume 7, Number 3, April 1997.*

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