

1 CHAPTER 21

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4 **Perspectives on Managing**
5 **Workplace Conflict**
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10 **Tony Buon**

11 *Robert Gordon University and ScotCoach*
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15 **INTRODUCTION**
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18 This chapter explores workplace conflict from an experiential perspective and
19 seeks to show how a reframing of our perception of conflict can help us to
20 create a framework for responding to and managing workplace conflict that is
21 empowering and transformative for individuals and organisations.
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24 **PERCEPTIONS OF WORKPLACE CONFLICT**
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26 If asked to describe what constitutes workplace conflict, most of us would
27 initially associate the word 'conflict' with experiences in our present or past
28 working life that were negative, stressful or distressing. Those situations would
29 most likely be characterised by a sense of frustration and powerlessness, and
30 this would be true irrespective of whether we are in the role of a supervisor,
31 manager or team member.

32 We would no doubt also be able to recall positive experiences of open
33 communication where we felt heard and understood in the process of resolving
34 our conflicts at work. These positive experiences of conflict would be char-
35 acterised by a sense of shared power, trust and mutual respect, even though we
36 may not always have achieved our preferred outcome.

37 In this sense, our experience of workplace conflict is not unlike our experi-
38 ence of conflict in our personal and family lives, in that whilst we do have
39 significant and rewarding experiences of being able to work through our
40 conflicts with each other; we still tend to have an over-riding perception of
41 conflict as something undesirable, negative and difficult to deal with.
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1 The following case study explores the question of whether a workplace that
2 is relatively free of conflict can be regarded an indicator of a functional and
3 healthy workplace and employee well-being.
4

5 **Case Study 1: The Power of Belief Systems**

6 *Alan feels belittled by the way one of his colleagues. Bill always criticises his ideas and*
7 *input in front of the rest of the department and his line manager at their monthly*
8 *meetings. He believes that it will only make things worse to say something about it as*
9 *this will just make him look 'thin-skinned' and weak, neither of which he feels are*
10 *'tolerated' in his organisation. He has therefore decided after a few months of hoping*
11 *that it will just stop, to 'put up with' it even though he can feel his confidence to speak*
12 *up at meetings is all but gone.*
13
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15 **Discussion of Key Issues**

16 Alan's decision to use avoidance as a way of dealing with this situation is
17 underpinned by a number of powerful beliefs.
18

- 19 1. He believes that Bill's actions are belittling.
- 20 2. He believes that communicating openly about the situation will make him
21 vulnerable and worsen the situation.
- 22 3. He believes that his managers and organisation will not understand or
23 support his concerns.
24
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27 Ultimately it is Alan's belief that dealing with the situation would result in a
28 negative conflict and his desire to avoid that conflict that governs how he
29 perceives his options for action. Perhaps even more importantly is the way in
30 which this belief system is also a determinant for how the situation will evolve
31 as it continues to impact on his sense of well-being at work and his ability to
32 perform and make a contribution at work.

33 In answering the question above, it is clear that in this instance an absence or
34 avoidance of conflict between Alan and Bill is not contributing to the organi-
35 sation's function or the well-being of its employees. If we go wider than Alan's
36 world view we can also see that there are other factors that are contributing to
37 the evolution of this type of situation.
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39

40 **CAUSES OF WORKPLACE CONFLICT**

41 There are many individual and organisational precursors or contributing
42 factors in the development of workplace conflict. A summary of the most
43 frequently reported precursors or factors has been provided below. In reality a
44 given conflict situation may have been caused by one or a combination of these
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1 factors and so the nature of that conflict situation may be straightforward or
2 more complex.

3 4 5 **Individual Factors**

- 6
- 7 • Poor interpersonal process skills
- 8 • Lack of negotiation and/or assertiveness skills
- 9 • Diversity and differences
- 10 • Competing needs and goals
- 11 • Misperceptions and misunderstandings
- 12 • Inappropriate use of personal or group power
- 13 • Underdeveloped emotional competencies
- 14 • Internal emotional states
- 15 • Personal problems outside of work
- 16 • Conflicting values and principles
- 17 • Lack of job satisfaction
- 18 • Low self-esteem
- 19 • Alcohol or other drug-related problems
- 20 • Relationship problems
- 21 • Physical or mental health problems
- 22 • Language difficulties
- 23 • Lack of autonomy or ability to make choices at work.
- 24
- 25

26 **Organisational Factors**

- 27
- 28
- 29 • Flexible working practices
- 30 • Incomplete briefings and/or delegation
- 31 • Lack of team leadership
- 32 • Inappropriate management style
- 33 • Lack of training
- 34 • Office politics
- 35 • Ineffective conflict resolution processes or systems
- 36 • Lack of effective work performance management systems
- 37 • Over-reliance on e-mail communication
- 38 • Blame and shame workplace culture
- 39 • Overly competitive workplace culture
- 40 • Physical environment
- 41 • Poor information flow
- 42 • Unfair decision-making practices
- 43 • Lack of organisational due process
- 44 • Scarce resources
- 45 • Lack of clarity about roles
- 46 • Poor morale

- Promotion to people management roles on grounds of technical knowledge alone
- Lack of recognition
- Job design
- Lack of job security
- Unrealistic expectations
- Workload
- Power distribution.

THE NATURE OF WORKPLACE CONFLICT

In reality an employee's experience of workplace conflict can be both negative and positive, and the factors that contribute to whether it is one or the other or a mixed experience are complex and multifaceted.

Before exploring these factors in more depth it is helpful to provide a brief overview of the levels of conflict or dissonance that tend to occur. These levels are indicative of the degree of internal feeling or emotion about the conflict that is being experienced by one or more of the parties.

Figure 21.1 (Weeks, 1994) summarises the levels of conflict that can be experienced starting with *discomfort* where nothing overt has occurred but the person affected has a feeling that something is not right. The next level can be described as an *incident* where an outward clash occurs but as yet the person affected does not feel any significant internal emotional response to the situation.

Once a conflict reaches the next level of *misunderstanding* one or more of the parties to a conflict has begun to hold negative images of the other but it is still relatively easy to resolve this level of conflict through information-sharing and open communication. However, when a conflict reaches the level of *tensions*

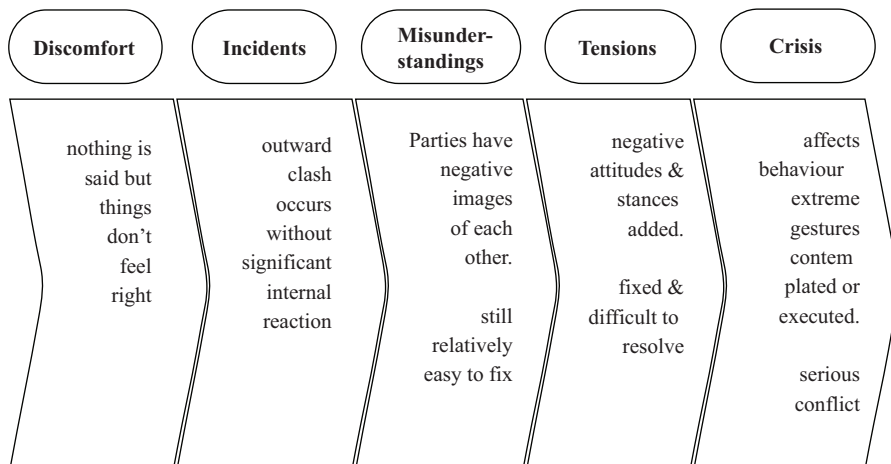


Figure 21.1 Level of conflict (Source: based on Weeks, 1994)

one or more of the parties has started to form fixed beliefs and positions about the other person and it becomes increasingly more difficult to resolve a conflict at this level.

At the final level of *crisis* the conflict may affect the behaviour of one or more of the parties and extreme gestures are contemplated or executed which further erodes trust and the opportunity to restore a healthy working relationship between the parties.

Clearly not all conflicts start at the lowest level of intensity and move their way up to a crisis as a conflict may stay at one level indefinitely and never escalate or it may de-escalate and improve. Alternatively, because of the nature of what has occurred, it may start at a very intense level and escalate very quickly into a crisis.

In general terms however, we can describe the way in which a conflict occurs over time as a continuum of conflict as can be seen in Figure 21.2

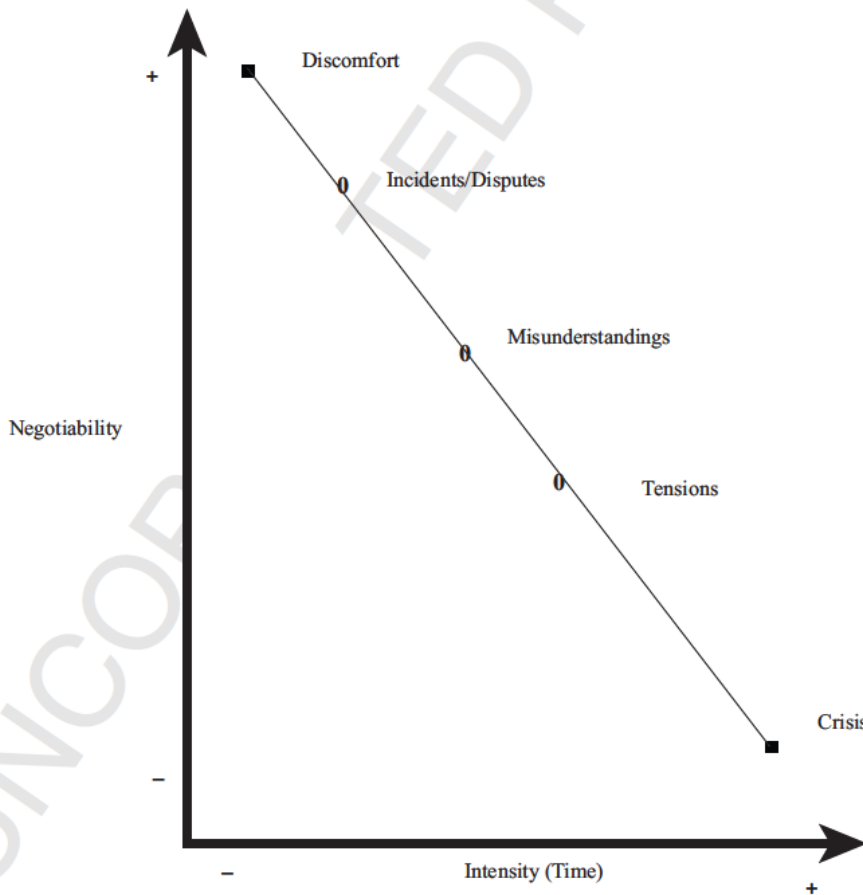


Figure 21.2 Continuum of conflict (Source: modified from Tidwell, 1998)

1 (Tidwell, 1998). On the vertical axis is the degree of *negotiability* or oppor-
2 tunity to negotiate a resolution, and on the horizontal axis is the amount of
3 time that has elapsed with the level of *intensity* increasing over time the
4 longer the conflict has continued to exist. What can be seen is that situations
5 generally become more intense over time and so have a lesser degree of
6 negotiability.

7 It is also important to appreciate that the point at which a given
8 individual will feel a particular intensity of internal response to a conflict
9 will vary. A conflict situation or issue that appears as trivial or incon-
10 sequential to one person may evoke intense feelings of anger, betrayal,
11 injustice or hurt in another person. It is also very common for one party to
12 feel distressed by something that is happening and for the other person to
13 be unaware of this.

14 If we return to our case study of Alan and Bill it can be seen that this is what
15 has occurred whereby Alan has not spoken with Bill about the way his
16 behaviour is making him feel and it may well be the case that Bill is completely
17 unaware of the impact his behaviour is having on his colleague.

18 Whilst such individual responses to a given situation vary greatly, in general
19 terms it is known that situations involving inherent human needs such as
20 individual and group identity, recognition or developmental needs tend to
21 evoke powerful emotions and it is these unmet or unrecognised human needs
22 which underpin intensely felt conflict situations. At the core of such conflicts a
23 person may experience a sense of threat to their identity and begin to
24 experience significant symptoms of distress or stress.

25 In any conflict situation there will be elements of both unmet human needs
26 and the material or negotiable issues. As a conflict becomes more intensely felt
27 over time the challenge in creating a resolution is to assess these elements as
28 accurately as possible and then adopt the most appropriate approach that
29 addresses both of these aspects.

30 31 **Metamorphosis of Conflict**

32 Building on the above idea of the evolution and escalation of conflict over time
33 is the concept of a 'continuum of behaviours'. In Figure 21.3 it can be seen that
34 there are a whole range of behaviours that may contribute to the evolution of
35 workplace conflict.

36 In any work group or team such behaviours will always arise and will vary
37 in intensity and duration depending upon: the nature of the conflict, the make-
38 up of the individuals, the collective history of the group or team and the skills
39 and experience of the managers and others intervening in the conflict situation
40 and the wider culture of the organisation.

41 Whilst a conflict may start at one end of this continuum involving behaviours
42 that are seemingly minor or can reasonably be regarded as just a normal part of
43 day-to-day working life, minor conflict situations have the potential to change
44 or 'metamorphose' (Fortado, 2001) into far more serious conflicts involving
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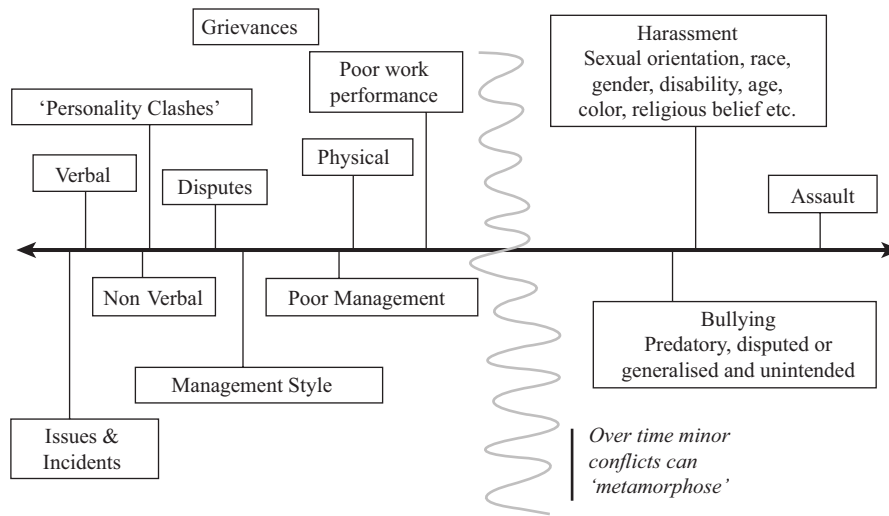


Figure 21.3 Continuum of behaviour (Source: Authors)

behaviours such as bullying or harassment and acts of retaliation, sabotage, physical assault or violence.

If a conflict is not handled through effective early intervention or is mishandled then the potential for this type of metamorphosis to occur increases especially where the conflict centres on unmet human needs and a high level of emotional intensity for one or more of the individuals is present.

In Figure 21.3 a wavy line is shown indicating that it is extremely difficult if not impossible to pinpoint or predict the exact point at which this change will occur. Case Study 2 further explores this phenomenon.

Case Study 2: Metamorphosis of Conflict

Claire was part of a team of specialist assessors working in a large insurance company. She had been in the job for a couple of years and was on her way to becoming a senior assessor. Until then she needed to collaborate still very closely with her colleagues in order to have certain reports signed off before they could be completed. Claire was very committed to her work but had a tendency to divert from company procedures and was not consistent in the way in which she recorded her work. The team of assessors were a very tight-knit group at work and socially but Claire was never really brought into the social group as she was seen to be a bit snobbish and often made remarks about politics or other topical issues around the lunch table that the rest of the group did not agree with and found off-putting.

Claire's supervisor, Stefan, was very close to the rest of his team and also had a problem warming to Claire and did not really like her. Claire felt increasingly excluded from the group and when Stefan or the other team members needed to speak with Claire

1 about her work performance they were met by very emotional and defensive responses
2 as Claire perceived this type of monitoring of her work as a form of persecution.
3 Eventually Claire's work performance began to suffer further as she was feeling
4 distressed more often at work.

5 When things became too distressing Claire went off on stress leave and brought a
6 formal grievance of bullying and victimisation against her supervisor and other team
7 members. After a formal investigation the grievance was not upheld and Claire took the
8 matter to the appeal stage where once again it was not upheld. She did not return from
9 sick leave and eventually made a claim of constructive dismissal which resulted in a
10 compromise agreement before it went to a tribunal hearing.

11 **Discussion of Key Issues**

12 The factors that contributed to the way in which this relatively minor conflict
13 changed or metamorphosed into a grievance of bullying can be summarised as
14 follows:

- 15 1. Claire was not finding it easy to be accepted by the group.
- 16 2. Claire had some issues with her work performance that needed to be
17 addressed by her supervisor.
- 18 3. Stefan and the team did not like Claire and did not feel comfortable letting
19 her into their social group.
- 20 4. When the work performance issues were raised with Claire she over-
21 reacted as she was feeling distressed about her sense of exclusion from
22 the group.
- 23 5. Claire's over-reaction reinforced the group's belief that Claire was a
24 'difficult' person to work with.
- 25 6. Stefan was unable to maintain appropriate boundaries between his friend-
26 ship with colleagues and his role as a line manager and so did not provide
27 an equal level of support to Claire.

28 The dynamic in this team is clearly a very important factor underlying the
29 way in which this conflict escalated into a formal grievance.

30 For Claire what started as a sense of not fitting in with and being accepted by
31 the group eventually metamorphosed into a much more powerful sense of
32 being victimised and excluded. In this sense her identity within the group was
33 at stake and it is this powerful unmet human need which intensified and
34 escalated the conflict for her. For the group, their belief that Claire was not a
35 good fit within their team created a sense of threat to the established group
36 identity and so they saw it as a failure on Claire's part to do what was needed to
37 'fit in' as opposed to anything they were saying or doing that prevented her
38 from being a part of the group.

39 In addition, the way in which the situation was handled by the supervisor did
40 nothing to change this dynamic or to prevent the escalation of the conflict within
41 the team as Stefan was a part of that same group dynamic. In all likelihood, had
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1 he been able to maintain appropriate boundaries and provide support to all of
2 his team members and manage Claire's work performance appropriately, this
3 team would have learnt some valuable lessons about a diversity of approaches
4 and personalities within a team and Claire would not have lost her job.
5

6 7 **NEGATIVE IMPACT OF 'DYSFUNCTIONAL'** 8 **WORKPLACE CONFLICT** 9

10 Where conflict is not responded to in a timely and effective way or where it has
11 escalated over time or has become entrenched it becomes dysfunctional rather
12 than functional. As a result a whole range of negative effects can be experi-
13 enced at an individual and/or organisational level. The most frequently
14 reported ways in which conflict can have a negative impact in the workplace
15 are listed below.
16

17 18 **Individual** 19

- 20 • Loss of commitment to job, workgroup and/or organisation
- 21 • Frustration, stress, anxiety or depression including physiological symptoms
- 22 • Strained or dysfunctional working relationships
- 23 • Increased use of prescribed medication or alcohol and other drugs
- 24 • Feelings of isolation
- 25 • Use or experience of harassment and/or bullying behaviour
- 26 • Loss of self-esteem
- 27 • Increased feelings of anger or a sense of injustice
- 28 • Feelings of betrayal
- 29 • Increased fixed positions, beliefs and behaviours with others
- 30 • Decrease in personal work performance.
31

32 33 **Organisational** 34

- 35 • Employee turnover
- 36 • Reduced productivity and performance
- 37 • Absenteeism and presenteeism
- 38 • Increased formal grievances and investigations or claims
- 39 • Acts of sabotage or revenge
- 40 • Increased injuries and accidents
- 41 • Increased occupational health claims
- 42 • Loss of creativity and innovation
- 43 • Employee relations problems
- 44 • Loss of management time
- 45 • Customer/client dissatisfaction.
46

RESPONSES TO CONFLICT

A Neutral or Functional Perception of Conflict

If we return to the opening discussion about our predominantly negative perception of conflict it is suggested that in order to respond more effectively to conflict we need to reframe our definition of workplace conflict so that it is neither negative nor positive but neutral. Workplace conflict is instead viewed as an outgrowth of diversity and differences and is a natural process of communication (Weeks, 1994).

In accepting the inherently neutral nature of conflict we can then start to move the focus away from what is often experienced as a disempowering pathology at the core of most conflicts. We can also stop investing energy in avoiding the potential negative consequences of entering into conflict with others or in intervening in a conflict and instead focus on how we *can* respond effectively and positively to those conflicts at both an individual and organisational level.

In this sense it is not the conflict in and of itself that is negative but the negative or positive aspects of certain behaviours and the way in which we respond to those behaviours that determines whether that conflict is a constructive or negative experience.

The key question then is whether or not the conflict being experienced can be seen as functional or dysfunctional. In other words: What can this conflict situation tell me about myself, my working relationships, my team or my organisation?

Whilst the answer to this question is ultimately subjective and value-laden it is suggested that in asking it of ourselves and each other we begin to improve our level of self-awareness and therefore our capacity to respond more effectively.

Positive Impact of 'Functional' Workplace Conflict

In contrast with the list above it is clear that where conflict is understood as a functional process and where individuals and organisations feel empowered to respond effectively and quickly then there are a whole range of positive outcomes that have been observed. When all of these outcomes are considered they translate into increased organisational and personal performance.

- Increased confidence and ability to problem-solve and negotiate with others
- Increased quality in decision-making outcomes
- Greater commitment to decisions
- Greater creativity and innovation
- Increased team or workgroup cohesiveness
- Greater self- and social awareness and ability to manage emotions and relationships at work
- Increased acceptance and learning about differences and diversity
- Increased use of shared power rather than I-versus-you power

- 1 • Increased level of self-responsibility whereby individuals take responsibility
- 2 to have their job, team, function, organisation, the way they wish it to be
- 3 • Individual communication is more open, honest, transparent and vulnerable
- 4 • Individuals feel safe enough to try out new behaviours and take risks
- 5 without fear of reprimand or put down by superiors or colleagues if they
- 6 make mistakes
- 7 • Greater resilience of individuals, workgroups and the organisation as a
- 8 whole
- 9 • Individuals are encouraged to work on the real behaviours/issues that need
- 10 to change
- 11 • Individuals are encouraged to challenge themselves and support each other
- 12 to both learn and grow
- 13 • Individuals feel valued and are inspired to give their very best effort on
- 14 behalf of the organisation
- 15 • A more free and open and therefore less stressful working environment.

17 **Resources for Responding to Conflict**

19 An individual's or organisation's capacity to respond effectively and positively
20 to conflict is dependent upon the internal personal and organisational
21 resources available to create and support that response.

22 The following list provides a brief overview of some of the key resources that
23 are utilised in response to workplace conflict.

- 25 • Self-awareness
- 26 • Resilience
- 27 • Social and interpersonal skills
- 28 • Natural style of handling conflict
- 29 • Communication processes
- 30 • Third-party interventions
- 31 • Policies and procedures
- 32 • Management intervention
- 33 • Informal problem-solving processes
- 34 • Formal processes and organisational due process
- 35 • Training, development and coaching
- 36 • First contact or harassment contact schemes
- 37 • Employee assistance or welfare support
- 38 • Occupational health units or services.

41 **A FRAMEWORK FOR MANAGING WORKPLACE CONFLICT**

42 Clearly there is no one correct way to respond to all workplace conflict as each
43 conflict situation will present its own unique set of issues and challenges. There
44 must then be an ability to be flexible and adaptable if our responses and
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1 interventions are going to be consistently effective. Whilst there are no
2 guaranteed solutions it is not enough however just to get by on our intuition
3 and pragmatism as this will undoubtedly lead us into great difficulties. We
4 therefore need a framework within which we can discover what works.

5 In arriving at a framework for how to respond to and manage workplace
6 conflict the following elements need to be considered.

7 8 9 **Power Imbalance and Organisational Due Process**

10 Since October 2004 employers in the UK have had to put in place and follow
11 minimum statutory grievance and disciplinary procedures. In our view
12 irrespective of the legal requirement to comply with this legislation, it is
13 essential to have in place a robust and meaningful set of complaint- or
14 grievance-handling procedures as this forms the baseline for the way in
15 which organisational due process is communicated and managed within an
16 organisation.

17 Underpinning the need for this is the fact that the employment relationship
18 has an inherent power imbalance and so all employees need to know that
19 natural justice is enshrined in an organisation's policies and procedures. For
20 these procedures to be effective they must be: institutionalised, perceived as
21 equitable, easy to use, visible and well known, consistently applied to all and
22 demonstrate in practice that employee rights will be upheld and acted upon
23 (Ewing, 1977).

24 In addition, it is our recommendation that a separate and simplified
25 complaints procedure be implemented for complaints dealing with allegations
26 of bullying and harassment so that the employees involved are not compelled
27 to discuss distressing aspects of the complaint at numerous stages of a
28 grievance procedure before reaching a satisfactory conclusion.

29 30 31 **Informal Communication and Problem-solving Processes**

32 Most grievance procedures will contain an informal stage, however in our
33 experience a minority of organisations provide any indication as to how this
34 informal stage should work and, whilst more employers are beginning to
35 introduce some form of workplace mediation or informal processes for resol-
36 ving conflict before it progresses to a formal grievance, this is not yet
37 recognised as a mainstream approach.

38 In the face of an increasing number of protected categories of employment
39 rights and in an effort to get it right and avoid potential risks, many managers
40 may feel lacking in confidence or skills to even attempt to intervene in
41 workplace conflict and so would rather have the matter dealt with on a
42 formal basis. The danger is that this response to the legislative framework will
43 lead to an over-reliance on a 'compliance approach' in managing workplace
44 conflict.
45
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1 This has been highlighted by the recent review of the Employment Act 2002
2 (Dispute Resolution) Regulations that came into force in 2004. Whilst these
3 regulations were intended to encourage parties to resolve disputes as early as
4 possible the headline finding of the recent review of these regulations by
5 Michael Gibbons is that 'rather than facilitating early resolution of disputes the
6 Regulations have exacerbated and accelerated disputes' (Gibbons, 2007). His
7 key recommendations are that these regulations should be repealed and that all
8 employer and employee organisations should be 'challenged to commit to
9 implementing and promoting early dispute resolution, e.g. through greater use
10 of mediation, early neutral evaluation and provisions in contracts of employ-
11 ment' (Gibbons, 2007).

12 A template for a *Workplace Informal Problem-solving Process* has been provided
13 at Appendix 21.1.

14 The most effective way of preventing the incidence and escalation of conflict
15 and in empowering employees to find their own solutions is to develop and
16 utilise good informal and problem-solving processes and interpersonal process
17 skills. We need to get past the fear of 'walking on eggshells' with respect to our
18 differences with each other at work and past the fear of making a mistake as
19 managers and accept that being good at responding to conflict means being
20 open to learning about ourselves and our organisations.

21 It also means being given the opportunity to assess our own strengths,
22 weaknesses and competencies and identify areas for change within our orga-
23 nisations. We have to have the opportunity to make judgement calls and learn
24 what works and so become good self-managers and interveners in conflict.

25 26 **CONCLUSION**

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29 Even where an organisation has every resource available to it and good
30 procedures for managing conflict and can say that they have ticked every
31 box, if they do not have 'empowering cultural practices' (Gershon, 2006) within
32 their organisation then they will still feel frustrated in their efforts to bring
33 about the desired change in behaviour and find lasting solutions.

34 This means that an organization must work proactively at creating an
35 environment within which people feel encouraged to take responsibility for
36 creating solutions and feel safe enough to communicate openly about what the
37 real issues are. It must also be a place where individuals are encouraged to
38 learn and grow through conflict and so feel empowered to transform their
39 problems into a way forward.

40 41 42 **Summary of the Framework**

- 43
- 44 1. Assess the situation: what is the nature of the conflict? Are there are any
45 unmet human needs involved? How much negotiability is there?
- 46 2. Understand the social, structural and statutory influences and implications.

- 1 3. Assess the response to the conflict:
 - 2 a. Is the conflict functional?
 - 3 b. What are the sources/causes?
 - 4 c. Do the conditions exist for resolution: opportunity, capacity, willingness?
 - 5 d. What are the best methods for handling the conflict? Informal or formal?
 - 6 e. Implement and then review the resolution or agreed approach.
- 7 4. Avoid counselling employees about personal problems that are
 - 8 impacting on work performance or contributing to the conflict; refer
 - 9 them on.
- 10 5. Make extensive use of informal communication, problem-solving processes
 - 11 and interpersonal process skills.
- 12 6. Utilise specific grievance or complaints procedures where appropriate but
 - 13 do not over-rely on a compliance approach.
- 14 7. Ensure that natural justice and due process are built into and observed in
 - 15 every process and intervention that is used.
- 16 8. Observe appropriate boundaries such as confidentiality and impartiality.
- 17 9. Underpin everything with empowering cultural practices.

20 APPENDIX 21.1

23 Template for Workplace Informal Problem-s Solving Process

- 24 1. Employees to speak with each other in the first instance about the issues
 - 25 and attempt to arrive at a workable solution.
 - 26 a. Clearly employees do not always feel that it is possible to speak directly
 - 27 with the person they are experiencing problems with for a whole range
 - 28 of reasons including that they may feel unsafe or may be concerned that
 - 29 in doing so they may make the situation worse.
 - 30 b. This step is therefore very much dependent upon the nature of the
 - 31 problem/issue/dispute with the other person, their past history with
 - 32 each other and their respective skills in communication and problem-
 - 33 solving.
 - 34 c. However if it is encouraged as a part of the wider culture within the
 - 35 organisation through the support, training and development provided by
 - 36 line managers the more comfortable and competent employees will
 - 37 become in resolving their problems with each other without intervention.
 - 38 2. Where the employee feels unable to speak alone with the other colleague(/s)
 - 39 involved in the issue then they are to raise the issue with their line manager.
 - 40 Where the issue involves their line manager then the employee may raise the
 - 41 issue with their line manager's manager.
 - 42 a. Where employees have come directly to their line manager without
 - 43 attempting to resolve the issue with their colleague it is always
 - 44 important to explore this option with employees in the first instance
 - 45 so that their reasons for not doing so can be identified.

- 1 b. Depending upon the circumstances it may be possible to provide some
2 minimal coaching to the employee and assist them in feeling more
3 confident about making an approach to speak with their colleague(/s).
- 4 3. Where the manager/s(s) assess that the issues raised invoke a duty of care
5 or operational issue then they will need to intervene even though the
6 employee may have asked that nothing be done by the manager.
 - 7 a. At this point in the process it may become apparent that the issues are
8 such that the line manager needs to take advice from a more senior
9 manager and/or Human Resources (HR) in which case they should
10 advise the employee that this will need to take place.
 - 11 b. In doing so the line manager should also indicate that they will only
12 disclose as much information as is absolutely necessary to seek gui-
13 dance and that they will come back to the employee and let them know
14 what if any action is to be taken by management prior to that action
15 being taken.
- 16 4. Where there are no duty of care or operational issues and the manager does
17 not need not to intervene the employee is to agree with the manager about
18 what action they will take to resolve the issue with their co-worker/s(s).
 - 19 a. It is essential that, even where the manager is not to intervene in the
20 situation, that the manager has a clear understanding with the
21 employee about what action that employee is going to take.
 - 22 b. Managers should not leave a discussion with an employee about a
23 problem they are having with a colleague without agreeing what the
24 next step will be even if this next step is that having discussed the issue
25 with their manager the employee is going to go away and think about
26 what to do next.
 - 27 c. The goal here is to achieve clarity about what is to happen next and who
28 is to act next and what that action is to be.
- 29 5. Options for action include one or a combination of the following depending
30 upon the issues involved:
 - 31 • Manager meeting informally together with all of the employees involved
32 to facilitate discussion and resolution
 - 33 • Manager informally meeting separately with the employees involved
 - 34 • Employees meeting alone together without their manager to arrive at a
35 resolution
 - 36 • Issues dealt with by manager at a team meeting
 - 37 • Employee/s(s) referred for counselling/other support
 - 38 • Issues to be dealt with at mediation using trained internal or external
39 mediators
 - 40 • Issues dealt with by manager or colleague/s(s) using formal procedures.

41
42 Managers will need to make their own assessment in consultation with the
43 employee/s(s) affected and possibly a more senior manager and HR about
44 which of the above approaches will be most suited to the situation and of
45 course an approach may be adopted whereby a number of these options for
46 action are carried out over time.

- 1 6. Irrespective of what action is taken the option of taking no action is not
2 recommended as to take no action will contribute to the development of
3 misperceptions, misunderstandings and escalated conflicts.
 - 4 a. This reinforces the point discussed at 4 above and is meant to ensure
5 that employees do not go away believing that by just telling their line
6 manager about a problem that this makes it their manager's problem
7 now even though nothing has been agreed on what will be done next
8 and who is to do it.
 - 9 b. This is intended to reduce the opportunity for misperceptions and
10 misunderstandings about what is expected by both the employee and
11 the manager.
- 12 7. It may be possible that, after having an informal chat with the line
13 manager, that the employee feels that they have satisfactorily clarified
14 the issues of concern and that the matter has been resolved without the
15 need for them or their manager to take any further action.
- 16 8. If this is the case then the employee will need to indicate within an agreed
17 period of time after discussing the issues with their manager that they
18 consider the matter to be resolved. Where there are no duty- of- care or
19 significant operational issues to take into account no further action will
20 need to be taken by the employee/s(s) or manager/s(s).
 - 21 a. As indicated above it is possible that an employee will feel that by
22 speaking through the issues with their manager they have been able to
23 clarify their position and now feel less troubled by the problem they are
24 experiencing.
 - 25 b. What is to be avoided is a situation developing in using this process
26 whereby employees feel that they can no longer just have a chat with
27 their manager without wanting anything further to happen.
 - 28 c. This needs to be balanced against the importance of not allowing a
29 situation to escalate and so in such situations it is still important for the
30 manager to follow up with the employee and ascertain what progress
31 has been made.
 - 32 d. If the employee reports that the problem has not been resolved but
33 that they are still considering what to do and do not want the
34 manager to intervene ([and there are no duty- of- care or operational
35 issues]) then the manager will need to use their judgement to identify
36 a way forward as it is important not to allow conflict situations to
37 develop over a protracted period of time without any intervention or
38 resolution.
- 39 9. All issues and agreed actions are to be followed up by the manager with
40 the employees concerned to ascertain if progress has occurred.
- 41 10. Communication is to be on-going and open-ended until such time that the
42 matter has been resolved.
 - 43 a. Managers should always ensure that, irrespective of what is agreed
44 with the employee, that a follow- up discussion is held to gauge
45 progress and ascertain when a resolution has been reached.

- 1 b. A brief diary note of these informal discussions, their outcome and a
2 note of the follow-up dates should also be kept by the manager.
- 3 c. However minutes should not be made or kept of any informal meetings
4 or discussions as this will undermine the importance of the informal
5 nature of these discussions.
- 6 d. It is essential that managers follow through on agreed actions and
7 follow up discussions with employees so that the process gains cred-
8 ibility with staff and so that a consistent approach to problem-
9 solving is developed.
- 10 11. It is not acceptable for employees to avoid normal day-to-day commu-
11 nication/interaction with any member of staff as a way of avoiding or
12 preventing conflict.
 - 13 a. All employees need to accept that they must from time to time work along-
14 side people who they may not like and may wish to avoid and that this
15 can be one of the challenges of working in a diverse workplace.
 - 16 b. Where it is apparent that certain employees are unable to maintain
17 normal and civil communication with each other on a day-to-day basis
18 then these situations will require that managers intervene so that those
19 employees can be adequately supported, coached or counselled in the
20 interpersonal skills necessary to maintain a civil working relationship
21 with each other.
- 22 12. Employees are also able to seek advice/support from their union reps,
23 welfare support, HR and harassment/first contacts.
 - 24 a. Even though employees may disclose problems of a personal and
25 private nature to their managers during the course of an informal
26 conversation about problems they are having at work, managers must
27 not attempt to counsel employees about such matters.
 - 28 b. The focus here is for managers to offer appropriate support to the
29 employee and make any necessary referrals.
 - 30 c. Where these private problems are adversely affecting their work per-
31 formance then managers will also need to work with the employee on
32 how they can improve their work performance.
 - 33 d. Employees may also present with problems that are work-related
34 which could be more appropriately dealt with under another policy
35 or procedure and in these instances managers can assist by obtaining
36 relevant information or in making an appropriate referral to someone
37 else within the organisation.

38 39 40 **ADDITIONAL GUIDANCE ON CONFIDENTIALITY** 41 **AND DUTY-OF-CARE ISSUES**

42
43 As all managers know, British occupational health and safety law requires that
44 anyone who becomes aware of something that is a danger to the physical or
45 psychological safety of a fellow employee has a 'duty of care' to report such
46 information to someone who has the authority to deal with it.

1 Clearly line managers are not expected to have the answers or know how
2 best to intervene in every situation that arises and so from time to time in order
3 to ensure that best practice is being followed line managers may need to
4 consult with or seek advice from a more senior manager and/or HR.

5 Where such issues arise and managers believe that the employee or other
6 colleagues may cause harm to themselves, others or the organisation then
7 such a duty of care may exist and the relevant details may need to be
8 disclosed to others as determined by the line manager in consultation with
9 their manager.

10 In other instances the employee may share information with their line
11 manager that leads the manager to believe that managerial or operational
12 procedures within the given division/department may be significantly com-
13 promised or impacted upon. An obligation may therefore exist to disclose the
14 relevant details to others in consultation with their manager.

15 Even though employees have indicated that they do not wish anything to be
16 disclosed or acted upon, managers will need to explain their duty-of-care
17 obligations and assure the employee that any disclosures will be minimised so
18 that only the information which is pertinent to the immediate situation is
19 reported.

20 Where such disclosures are to be made to others the line manager will also
21 consult with and inform the employee beforehand.

22 Where it has been determined by a senior manager and/or HR that further
23 action will be required the employee will be advised of this before hand and
24 informed as to what will be discussed, with whom and when this is to occur.

25 The underlying approach throughout the handling of such situations is to
26 ensure at all times that situations involving potential bullying or harassment
27 especially are not unnecessarily exacerbated and that conflicts are not escalated
28 further.

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