

Third party conflict resolution



Third Party Conflict Resolution MGT/445 Organizational Negotiations March 11, 2013 | | | Third Party Conflict Resolution Conflict is an omnipresent facet of human existence present at every level of society. Differences in culture, norms, beliefs, wants, needs, and personality causes conflict. Throughout history people involved in conflict solicit assistance from a third party with the primary goal to negotiate a resolution. Team A is assigned to review a case involving two managers of a manufacturing company involved in a conflict. The following paragraphs provide an overview of the case and different third party interventions strategies.

Team A included below the analysis of the case, a third party intervention strategy to resolve the conflict, the reason the strategy resolves the conflict, and an alternate strategy if the first strategy does not work. Case Overview The case involves a conflict with managers of a major producer of office furniture -Seatcor. Acting as the senior vice president of operations and chief operating officer, Team A must provide an appropriate solution to the conflict. Joe Gibbons is the vice president and general manager of Seatcor's largest desk assembly plant. Joe has been with Seatcor for 38 years and is two years away from retirement.

He worked his way up through the ranks to his present position and has managed successfully his division for five years with a marginally competent staff. Joe is a long-standing personal friend. There is a perception Joe has surrounded himself deliberately with minimally competent people possibly because he may have felt threatened by talented assistants. During lunch with Charles Stewart, assistant vice president and Joe's second in command,

it became clear there is a conflict between Charles and Joe. Joe's potential replacement upon his retirement is Charles, who was hired last year.

Joe was reluctant to hire Charles. Charles is 39, a tenacious, bright, and well-trained business school graduate. Charles is doing a good job in his new position. Joe is in the process of completing a five-year plan for his plant. This plan will serve as the basis for a proposal to management for several major plant reinvestment and reorganization decisions. According to Charles, Joe has not included Charles in the planning process. Joe excluding Charles is disturbing him. His distress may be influencing his work and relationship with Joe. Charles may have an ulterior motive for disclosing this information.

Joe runs a good ship and has good judgment. Confronting Joe may upset him and appear to undermine his authority. Joe may have a good reason for excluding Charles. Joe felt threatened by a junior manager or he may not be aware of Charles' distress regarding exclusion from the planning process. Some tension between Joe and Charles may exist even though they are not in a verbal dispute. From a business standpoint, the potential conflict between Joe and Charles is a very serious problem. Joe will retire in two years so it will be important to have a trained replacement in place well in advance.

Charles probably will have to live with the results of any major decisions about the plant after Joe retires. In addition, it is essential Joe support Charles so he can grow properly into his present position and future job. The goal is to resolve the potential conflict between Joe and Charles as well as benefit the company. It will be important to get Joe and Charles talking. The company will benefit if Joe and Charles have an amicable relationship so Joe

can train Charles and collaborate on the five-year reinvestment and reorganization plan. According to the “ The Free

Dictionary” (2013), intervention means “ to come, appear, or lie between two things” (Intervene, para. 1). As acting senior vice president of operations and chief operating, Team A must intervene to resolve the conflict. Third Party Intervention Strategies and Selection In the Seatcor case, Team is considering using a third party. “ The terms third party and intermediary are both used to refer to a person or team of people who become involved in a conflict to help the disputing parties manage or resolve it” (University of Colorado, December 2, 2005, p.) Third parties can take the role of intermediary, consultant, facilitator, mediator, or arbitrators. “ The various forms of observed third-party intervention are distinguished primarily by the degree of power that the intervener exercises over the process and outcome of the conflict” (Fisher, April 2001-03-30, p. 1. The role of a consultant is to analyze the conflict and develop a plan to help resolve the conflict. The role of a facilitator is to arrange and manage meetings until a reasonable agreement is reached. More serious conflicts may warrant a mediator.

Mediators are more involved and impose more structure to the discussion process between both parties. The goal of the mediator is to get both parties talking so each side understands the conflict from the other party’s point of view. Common understanding between both parties often yields a solution to the conflict. The role of the arbitrator is to listen to both sides, collect evidence, and determine the resolution to conflict. Decisions made by arbitrators are final. Informal interventions are incidental to the negotiation, whereas formal interventions are designed intentionally or in advance

(Lewick, Saunders, & Barry, 2006, p. 87). As the senior vice president of operations and chief operating officer, Team A decides the best approach is to use a formal mediation strategy through an impartial third party. Applying the Intervention Strategy There are six steps to the formal mediation process that include introductory remarks, statement of the problem by both parties, gathering information, identification of the problem, bargaining and generating options, and finally reaching an agreement. In general, the information gathering step is done after the parties have stated the problem. In this case it is important to collect some data about the five-year plan and more on the relationship between Joe and Charles. It will be difficult to gather information without alarming the parties involved and creating rumors within the plant. Before the meeting with both parties, Team A will meet with Joe to allow him to explain his concerns with the development of the short-term plan. The mediation process will begin with arranging a meeting with both parties and the third party mediator. The mediation between Joe and Charles is set to take place at a local conference room close to the assembly plant with the third party mediator and Team A.

This gives the mediation neutrality and takes away any implied bias by having the mediation at the plant. Hilary (2000) stated “ Mediator neutrality legitimizes the mediation process because the parties, rather than the mediator, are in control of decision-making” (p. 145). The ground rules are simple but ensure Joe and Charles stay amicable with one another. Introductory Remarks The mediation begins with the mediator speaking to both Joe and Charles in the room. The mediator explains why he is there and the intent of the mediation. At the beginning of the meeting, the mediator will

outline the reason for the meeting, the expectations of both parties, and protocol of the meeting such as allowing each party to speak without interruption. Also each party is asked to sign a paper agreeing to follow the ground rules, and the mediator can clarify any questions the parties may have about the ground rules. The ground rules are simple but ensure Joe and Charles stay amicable with one another. * Both parties agree to take turns talking and will refrain from interrupting the other party. * Both parties will address the other party on a first name basis. The parties agree to pay attention to the other party to understand the other party's wishes. * Each parties can request breaks when necessary. * Either party can speak up if the mediation falls off track. * Each party is to follow the guidance of the mediator.

Statement of the Problem by the Parties Each party is asked to step outside and the other party speaks one-on-one with the mediator. This gives the mediator an overview of the situation and allows the mediator to counsel the parties on the correct language to not provoke the other party.

Both parties are allowed in the room for face-to-face dialogue on the issues they believed led to the situation. Joe should be allowed to go first as senior manager. As the conversation progresses, the mediator writes down the problems from the views of both parties. The statements by both Joe and Charles will not necessarily be a true representation of the situation but will allow both parties express their respective view on the conflict. Joe may deny excluding Charles and is likely to place blame in an attempt to make Charles out to be the scapegoat.

Charles may try to make Joe look bad to hide his own shortcomings or attempt to make himself look better. Either way, Charles' distress may be

warranted. Information Gathering In the information gathering step, the mediator will ask both parties questions to get to the potential root of the problem and evaluate the emotional undercurrents. Gathering information helps the mediator build rapport with both parties plus helps identify the root of the problem. Problem Identification After a short break, the mediator should summarize and repeat the highlights of the discussion to Joe and Charles.

Summarizes the highlights helps both parties understand the primary points of the conflict. “ The mediator tries to find common goals between the parties. The mediator will figure out which issues are going to be able to settle or those that will settle first” Stepp, J. A. , (February 2003). Bargaining and Generating Options Once the mediator is confident of Joe and Charles’ commitment to achieve a negotiated settlement, the mediator may choose to hold private sessions with both parties to help move the negotiations along. The goal of the mediator is to find some common ground.

This can lead to a final agreement, which diffuses the conflict and provides a new basis for future relations. Both parties may entertain alternative solutions without committing to any concessions. Reaching an Agreement During the final step of the mediation, Joe, Charles, and the mediator will work through the problems to find common ground. The ultimate goal would be for Joe to agree to mentor and train Charles for his position. In addition, Joe and Charles should agree to collaborate on completing the five-year reinvestment and reorganization plan.

If an agreement is not reached an alternative strategy will be used. Alternative Actions Ultimately the needs of the company come first. If the

relationship between Joe and Charles does not improve and an agreement is not reached then Team A will implement an alternative strategy. The next step would be to use arbitration. The third party mediator and Team A would advise both Joe and Charles are expected to act professional and put personal differences aside. Joe will be directed to provide training to Charles as well as work together on the five-year plan.

If either party cannot agree to the terms of the agreement they may face possible termination. Conclusion Resolving conflicts, especially in a business setting is important. Conflicts can disrupt business operations and impede a company's profits and growth. Team A selected the best approaches to resolve the conflict between Joe and Charles. The company solicited a third party mediator to protect the best interest of the company. Conflicts among employees are not uncommon and can be a simple a misunderstanding or personality conflict.

If employees are not willing to work to resolve conflicts intervention becomes necessary. From the information provided regarding this case it is unclear if Joe and Charles would have reached an agreement without a third party. Team A believed the information provided was serious enough to require the intervention of a at least a third party mediator or as a last result an arbitrator. References Fisher, R. (April 2001-03-30). Methods of Third-Party Intervention. Berghof Handbook for Conflict Transformation, ISSN 1616-2544(), 1-25. Retrieved from http://www.berghof-handbook.net/documents/publications/fisher_hb. df Lewick, R. , Saunders, D. , & Barry, B. (2006). Negotiation (5th ed.). Retrieved on March 7, 2013 2013 from The University of Phoenix eBook Collection database. Stepp, J. A. (February

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