
Kluwer Mediation Blog

New Research on Workplace Mediation in Ireland

Sabine Walsh (Sabine Walsh Mediation) and Margaret Bouchier (Advanced Working Solutions Limited) · Tuesday, December 6th, 2016

Motivated by the desire to ensure that the dialogue on standards for mediators is informed and underpinned by research, the Mediators' Institute of Ireland, the professional body for mediators in Ireland commissioned a piece of research on skills and behaviours in workplace mediation in 2015. The success of this project and the value of the findings has ensured that the promotion of research will remain a top priority for the Institute in the coming years. In this blog post, one of the researchers, Margaret Bouchier, sets out the highlights of the research process, its findings and their implications for the field. Sabine Walsh

Setting the task

In April 2015, the Mediators' Institute of Ireland commissioned a research team from the KIWMRG1 to conduct a systematic review of available literature on the skills, behaviours and competencies of effective workplace mediators and to draw preliminary conclusions regarding the implications for workplace mediation practice, standards and training in Ireland. The ensuing 18-month research project, conducted by a multi-disciplinary team led by Dr Deirdre Curran, NUI Galway, resulted in two sister reports: Shaping the Agenda 1, a comprehensive literature review setting out what is currently known about workplace mediation and; Shaping the Agenda 2, an analysis of the implications of this research in relation to the training, standards and practice of workplace mediation in Ireland.

Key findings and considerations

While there is a wealth of interesting findings throughout this research, a number stand out as particularly relevant to the development and practice of workplace mediation.

The importance of context:

Context is identified as an important factor in workplace mediation, both in terms of its use and its effectiveness. Hierarchical structures and the cultural ethos of an organisation influence the nature of the employment relationship and attitudes to conflict management: work environments that are relationally oriented are more likely to adopt a dispute resolution approach that addresses relational issues, rather than simply addressing performance and management issues.

However, while the literature identifies a shift towards innovative conflict management practices in the US and UK, recent studies indicate that this is not reflected in the Irish context, despite the strong presence of US multinationals in Ireland. Two reasons are suggested for this: a reluctance

on the part of some organisations to move away from more traditional forms of conflict management and a preference on the part of the non-unionised multinationals in Ireland to adopt practices that encourage common purpose and ‘organisational citizenship behaviour’ over innovative conflict management practice.

Conflict does not occur in a vacuum and the literature suggests that the antecedent conditions and the process and outcomes of mediation are affected by the context in which the conflict occurs. Identified competencies for workplace mediators include an understanding of organisational context and how their role and approach as mediator ‘fits’ within the relevant policies and procedures of the organisation. Also, in light of the complex relational dynamics of workplace conflict, Hoskins and Stoltz (2003) identify a need for workplace mediators to have an understanding of processes of change and transformation and an awareness of the contextualised experience of participants.

While the literature clearly identifies an important link between context and both the use and effectiveness of workplace mediation, there is limited understanding of the impact of specific aspects of context.

Recommendations of the project team in relation to context include:

- That research be undertaken to enable mediators and mediation advocates to better understand the impact of specific aspects of context on the use and effectiveness of mediation.
- That mediators should have a clear understanding of how their role fits within the organisational context.

Mediator styles and behaviours:

While there is much discourse throughout the literature in relation to the pros and cons of different styles of mediation – in particular the facilitative, evaluative, settlement and transformative ‘styles’ – there is no consensus on the suitability of a specific set of mediation styles or strategies to particular disputes or contexts. The available research suggests that the effectiveness of strategies associated with particular mediation styles depends on various factors including: the type of dispute, the degree of hostility between the parties and the context of the dispute.

Also, while there is some consideration as to whether mediators adhere to a particular style and associated behaviours during a mediation process or switch between behaviour patterns as circumstances require, there is little empirical evidence of mediator stylistic flexibility.

Charkoudian et al. (2009:368) maintain that the focus should be on mediator behaviours rather than ‘style labels’, which their research suggests may be inconsistent with what mediators actually do in mediation. This is echoed by Della Noce (2012), who suggests that the construct of ‘mediator style’ is theoretically unsound and argues that a focus on the goals, values and behaviours of the mediator would be more valuable for informing practice.

In light of the conflicting arguments and lack of consensus on a specific set of mediation styles or strategies, the project team suggest that regulatory organisations, such as the MII, should ensure clarity around the various styles of mediation and the potential benefits of ‘stylistic eclecticism’. They also make a number of specific recommendations including:

- That an emphasis be placed on the need for mediators to understand their ‘actual stylistic proclivities’ and the significance of their approach to the process.
- That mediators should be well informed of the strengths and weaknesses of different mediation

styles and have the capacity to adapt their behaviour/style to the particular requirements of a given situation.

- That focussed empirical research in relation to mediator behaviour be conducted so that a better understanding of practice realities can inform quality assurance, regulation and training of mediators.

Mediator competencies:

While confusion persists in relation to the different styles of mediation, there is widespread agreement that mediator capacity extends beyond basic mediation training and knowledge. Mediation is a complex process that requires a high level of integrated skill, knowledge and awareness on the part of the mediator if they are to effectively support individuals in navigating what are often sensitive and delicate issues in a particular context.

The literature identifies the importance of continuing professional development on the part of the mediator and suggests that the personal qualities of the mediator may play an important role in their effectiveness. Emotional intelligence, in particular, is identified as an essential mediator competence.

Specific recommendations in relation to mediator competencies include:

- That mediators should have a high level of self-awareness and, to ensure this, emotional intelligence should be actively evaluated as part of mediator assessment.
- Mediator training should include: developing emotional capacity; understanding the role of emotion in mediation; and skills development in effectively managing emotion

Implications:

As stated by the authors of this research, while there is an extensive body of literature in relation to mediator styles, behaviours and strategies, significant gaps remain, particularly in relation to mediator behaviour and the impact of context on the use and effectiveness of workplace mediation.

Solid, empirical, issue-driven research is essential to establishing a sound foundation for the development of workplace mediation.

Margaret Bouchier, Director of Advanced Working Solutions Limited and partner in Erwin Bouchier Professional Solutions, is an employment mediator and MII accredited trainer. She is a member of the KIWMRG and part of the project team.

1 The Kennedy Institute Workplace Mediation Research Group (KIWMRG), established in April 2015 under the auspices of Maynooth University Edward M. Kennedy Institute, comprises of academic researchers and mediation practitioners committed to the continuing development of workplace mediation in Ireland through cooperative research. Copies of the two Shaping the Agenda Reports can be downloaded from <http://kiwmrg.ie/research/>.

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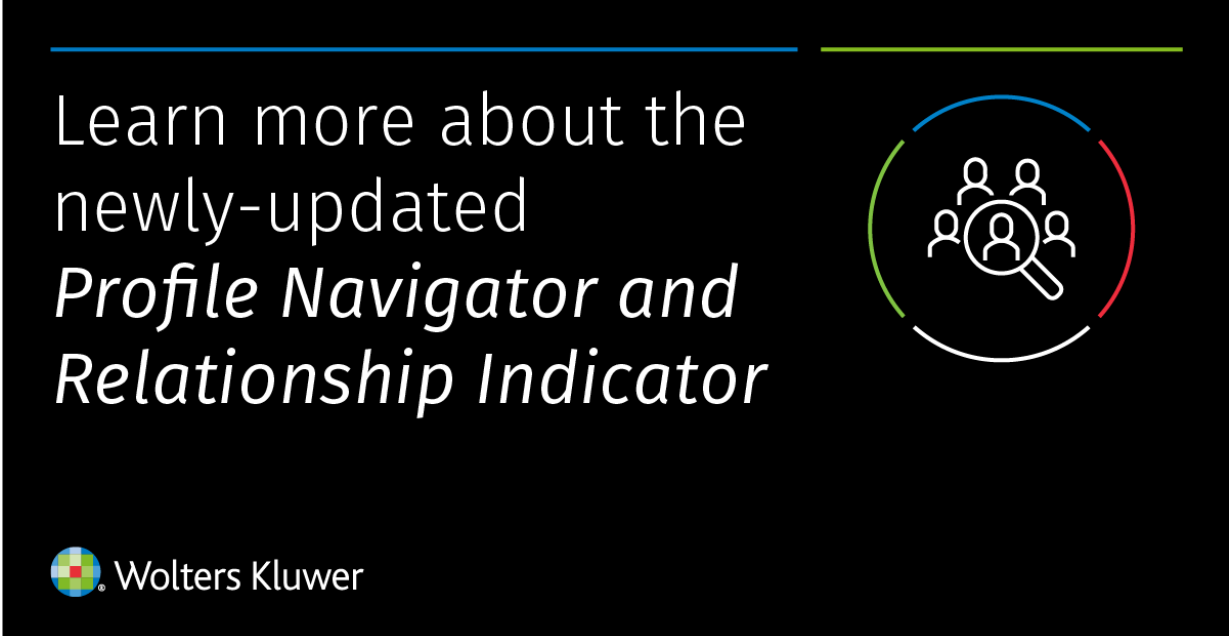
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