

# Dissertation Submission

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“Workplace Conflict Resolution: The use of ADR within a  
Family Business vs Non Family Business”

by

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## **ABSTRACT :**

A review of Family business and Non-family business literature indicates that little to no research has examined family businesses in Ireland in terms of knowledge and use of ADR (Alternative Dispute Resolution) to resolve workplace conflicts. The purpose of this paper is to examine these dynamics through the findings of primary research, thereby providing a better understanding about the use of ADR in conflicts that may arise in the workplace within family businesses in Ireland. First of all the paper aims to examine the knowledge about ADR that is known by employers and employees to understand the use of negotiation, conciliation, mediation and arbitration within family business vs non-family business. Secondly the paper aims to understand the types of conflict that occur and how they affect those businesses in the workplace, and lastly the paper aims to measure, how are their experiences with ADR and would those businesses recommend and opt to use ADR for future workplace conflict. The research methodology adopted for this study was that of an email questionnaire, the base of this survey was applied to a sample of 460 employers and employees in Ireland and a total of 108 valid responses were received, which resulted in a valid response rate of 23.48%. The findings of the study identifies that there is little knowledge about ADR as a tool to solve conflicts in the workplace between members of family businesses and non-family businesses, consequently there is a lack of experience with the ADR and on the other hand there is a solid rate of recommendations to use Mediation to resolve future workplace conflict when there is some knowledge from past experience of using it.

***Key Words:*** Family Business; Non-Family Business; Conflict; Workplace Conflict; Alternative Dispute Resolution; Negotiation; Conciliation; Mediation; Arbitration.

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## INTRODUCTION:

Nowadays family businesses are recognized as an important category of commerce and dynamic participants in the world economy. In 2005 they made up 46% of all businesses in the Irish economy and play a huge part in the trade market in all sectors, it has many distinct differences than other forms of business most notably that a family member is usually the company leader and the role is passed down by generations which has its own challenges and benefits. The conflicts within a family business can be a lot more tricky to deal with because of the close relationships within the family members that will affect their lives at work and at home. This can make decisions harder and distracts from the family goal of running a successful business and keeping the family happy working together. Irish families have been running their traditional family businesses for a long time and although the transitions can cause conflicts and have the potential to be a reason of some business breaking down we can clearly see that there is a lot of family companies all around the country still operating especially in rural Towns. There is countless examples of these small family businesses who survive all the disputes that will arise over all those years especially pubs, restaurants, farms, hotels/hostels and B&B, family practitioners, garages, trades men, electricians to name but a few. Despite its critical importance, the impact of the changing nature of workplace relations in shaping conflict and dispute resolution has been given little consideration in the family business because often the family members within these businesses will stay on into old age and may not understand the current business environment and is not ready to hand over the business to the next generation because of problems with who will take over. The process of identifying a family member with the potential to fill key business leadership positions in the company at the time of generational transitions becoming available is a common cause of conflict in family business. The family businesses that are the most likely to survive are the ones that can make decisions that are the best for the company and ignore factors like family preferences for alternative solutions that will benefit the company for the better even if it is involving outside management to help with the conflicts that arise in the workplace environment. In line with to Moffitt & Bordone (2012) nineteenth-century founders of the field of sociology, including Emile Durkheim, George Simmel, and Karl Marx, looked at widespread social and political conflicts and sought to understand their origins, trajectories and impacts on the larger society. Early on, tensions developed about whether conflict was beneficial for social change, whether it should be managed for social stability, or whether it was simply a normal part of human existence. These intellectual tensions remain with us today. Seen as a social phenomenon, conflict exists at many different levels- individual, familial, group, or nation-state. Indeed, as social psychologists have noted, conflict can also be intrapersonal or intrapsychic. Within a single human being one can find conflicts linked to diverging perception, values, attitudes, or behavioural choices. Conflict is natural, inevitable, necessary, and normal, and that the problem is not the existence of conflict but how we handle it. Anytime people work together conflict is part of what can possibly happen as it is normal and natural part of the workplace environment. Handling and resolving workplace conflicts is one of the biggest challengers

that managers and employees face. Workplace conflict is the consequence of a variety of factors. Almost every adult spends a major part of his or her life at work, usually (but not always) in an organization, and conflict is a common characteristic of all organizations. Some of ways in which conflict can cost organizations time, money, and human resources are: The cost of formal dispute resolution formal grievance procedures, and/or Litigation which is very high cost, generally slow, and often break relationships apart. Decreased individual competence people work less effectively when they are in conflict with colleagues, negative conflicts push people to bad decisions and they are less likely to cope under pressure and to meet their own personal and professional targets and also increase the possibility of mistakes. Alongside those significant conflicts which arise in the society as whole and at workplace a revolution has been occurring in the system of justice of developed countries for the past decades a reasonable increase of the use of ADR (Alternative Dispute Resolution) to resolve disputes that might arise otherwise to be handled through Litigation. Wherever two or more people need to work together, share resources, or compete for scarce rewards, conflict is almost ensured to arise. A variety of ways to resolve conflicts depending on concern about their own needs or the needs of the other parties, often the parties involved in the conflict desire a win-win outcome where the interests of both or more parties are met. However, depending on the circumstances, the best conflict management approach is to work towards a different outcome. No matter the approach used, it is important to keep in mind that conflict situations can easily become personalized where the original source of conflict is forgotten and remaining unresolved resulting an even greater problem to prevent this from happening we need to be aware of personal emotions and involvement as well as short-term and long-term goals in resolving the conflict. Knowing the various conflict management options available and which one is the best applied in the conflict situation. As reported by Adler (1987) in narrowest sense, ADR can be defined and explained as an evolving toolbox of techniques that are used toward other ends, most often but not always, dispute settlement. As per Allison (1990) all forms of ADR are designed to do two things: save time and money and soften the sharp edges of the adversarial system. In the majority of cases, disputants settle their differences quickly and to the satisfaction of both parties. In the best of cases, opponents resolve their disputes cooperatively and forge new ties. Arbitration, the oldest and most adversarial form of ADR...Mediation, perhaps the most versatile and the least coercive, depends greatly on the skill and personality of the mediator...Variations and hybrids of ADR methods are limitless. In picking the ADR method best suited to your circumstances, factors to consider include: the extent to which both disputants are committed to ADR, the closeness of the business relationship between the two parties, the need for privacy, the urgency of reaching a settlement, the absolute and relative financial health of both parties, the importance of the principles involved, the complexity of the case, the size of the stakes, and the ability and willingness of company executives to get involved. Conciliation is a similar method to Mediation, where there is a third neutral party who will help conflicting parties to get an agreement but the mainly difference is that conciliator acts as an advisor. Negotiation is not official, does not require a conflict, it is something we all do all the time, even if we do not recognise it as a negotiation process, it is voluntary process as both parties need to agree to get into and the outcome of the process is decided per parties there is no need a third party unless it is legal advisors to elaborate the legal contract with the agreement. The purpose of this paper is to examine these dynamics through the findings providing a better understanding about the use of ADR in conflicts that may arise in the workplace within family businesses in Ireland to



examine the knowledge about ADR that is known by employers and employees to understand the use of negotiation, conciliation, mediation and arbitration within family business vs non-family business.

## AIMS AND OBJECTIVES:

First of all the paper aims to examine the knowledge about ADR that is known by employers and employees to understand the use of negotiation, conciliation, mediation and arbitration within family business vs non-family business. Secondly the paper aims to understand the types of conflict that occur and how they affect those businesses in the workplace, and lastly the paper aims to measure, how are their experiences with ADR and would those businesses recommend and opt to use ADR for future workplace conflict.

## LITERATURE REVIEW:

### *Family Business*

A Family business can be defined as any business in which two or more family members are involved in the majority of the ownership and/or control of the business. Since the early 1980s Family Business is an academic instrument of study. This reflects a research made by Pramodita, Chrisman & Chua in 1996.

**Table 1: Family Business definition**

AUTHOR (YEAR)	DEFINITION
<b>OWNERSHIP-MANAGEMENT FOCUS</b>	
Alcorn (1982)	a profit-making concern that is either a proprietorship, a partnership, or corporation...if part of the stock is publicly owned, the family must also operate the business (p. 230)
Babicky (1987)	[a] small business started by one or a few individuals who had an idea, worked hard to develop it, and achieved, usually with limited capital, growth while maintaining majority ownership of the enterprise (p. 25)
Barnes & Hershon (1976)	[a business in which] controlling ownership is rested in the hands of an individual or of the members of single family (p. 106)
Barry (1975)	an enterprise which in practice is controlled by the members of a single family (p. 42)
Carsrud (1994)	firm's ownership and policy making are dominated by members of an "emotional kinship group" whether members of that group recognize the fact or not (p. 40)
Covin (1994)	a business owned and operated by a family that employs several family members (p. 288)
Davis & Tagiuri (1985)	a business in which two or more extended family members influence the direction of the business (quoted in Rothstein, 1992; p. 398)

Donckels & Frohlich (1991)	[ a business in which ] family members own at least 60 percent of the equity (p.152)
Dreux (1990)	economic enterprises that happen to be controlled by one or more families' (p.226). Control has been considered as 'a degree of influence in organizational governance sufficient to substantially influence or compel action (p.226)
Dyer (1986)	[ a business ] in which decisions regarding its ownership or mamangement are influenced by a relationship to a family (or families) (p. xiv)
Fiegenger, Brown, Prince & File (1994)	a firm that is both family owned and managed (p. 318)
Gallo & Sveen (1991)	a business where a single family owns the majority of stock and has total control (p.181)
Holland & Oliver (1992)	any business in which decisions regarding its ownership or management are influenced by a relationship to a family or families (p. 27)
Lansberg, Perrow & Rogolsky (1988)	a business in which members of a family have legal control over ownership (p. 2)
Lansberg & Astrachan (1994)	a company that is owned or controlled by a family and in which one or more relatives is involved with management (p. 39)
Leach, et. al. (1990)	a company in which more than 50 percent of the voting shares are controlled by one family, and/or single family group effectively controls the firm, and/or a significant proportion of the firm's senior management is members from the same family (p. 2)
Lyman (1991)	[ a business in which ] the ownership had to reside completely with family members, at least one owner had to be employed in the business, and one other family member had either to be employed in the business or to help out on a regular basis even if not officially employed (p. 304)
Pratt & Davis (1986)	[ a business ] in which two or more extended family members influence the directions of the business through the exercise of kinship ties, management roles, or ownership rights (Chap. 3, p. 2)
Stern (1986)	[ a business ] owned and run by the members of one or two families (p. xxi)
Upton & Sexton (1987)	[ a business ] that includes two or more relatives and has at least two generations working together in an operating capacity (p. 66)
Ward (1990)	a business in which there are two or more family members influencing the business (p. 66)
Welsch (1993)	[ a business ] in which ownership is concentrated, and owners or relatives of owners are involved in the management process (p. 40)
<b>GENERATIONAL TRANSFER FOCUS</b>	
Churchill & Hatten (1987)	what is usually meant by family business... is either the occurrence or the anticipation that a yonger family member has or will assume control of the business from the elder (p. 52)
Ward (1987)	[ a business ] that will be passed on for the family's next generation to manage and control (p. 252)
<b>INTERDEPENDENT SUBSYSTEMS</b>	
Beckhard & Dyer (1983)	[ a business in which the subsystems ] include (1) the business as an entity, (2) the family as an entity, (3) the founder as an entity, and (4) such linking organizations as the board of directors (p. 6)
Davis (1983)	the interaction between two stes of organization, family and business, establish[es] the basic character of the family business and defines its uniqueness (p. 47)
<b>MULTIPLE CONDITIONS</b>	

Astrachan & Kolenko (1994)	family ownership of more than 50% of the business in private firms or more than 10% of the stock in public companies; more than one family member works in the business or the owner anticipates passing the business to the next generation of the family members or the owner identifies the firm as a family business... (p. 254)
Donnelley (1964)	when [ a business ] has been closely identified with at least two generations of family and when this link has had a mutual influence on company policy and on the interests and objectives of the family (p. 94)
Handler (1989)	an organization whose major operating decisions and plans for leadership succession are influenced by family members serving in management or on the board (p. 262)
Litz (1995)	Ownership and management are concentrated within a family unit, and its members strive to achieve and/or maintain intra-organizational family based relatedness (p. 103)
Rosenblatt, deMik, Anderson, & Johnson (1985)	any business in which majority ownership or control lies within a single family and in which two or more family members are or at some time were directly involved in the business (p. 4-5)
Shanker & Astrachan (1995)	<b>Broad definition:</b> requires family to have some degree of effective control of strategic direction, and the intention of keeping the business in the family. <b>Mid-range definition:</b> All the above + founder or descendant's of the founder should run the business. <b>Narrow definition:</b> Multiple generations should be involved in daily operations of the business (p. 23)

Adapted Source : Pramodita, Chrisman & Chua (1996)

Family business may be the one of the oldest forms of business organizations in the world, farming is an example of family business in which families work together and the family land and knowledge are passed on by generation to generation, in an urban aspect we can find shopkeepers and clinics where members of the family follow their ancestors lead and follow their career path: GP's, Dentists, Doctors, Vets and trades such as mechanics. Nowadays family businesses are recognized as an important category of commerce and dynamic participants in the world economy. Family businesses in Ireland make very important contributions to Gross National Product (GNP) and to employment (Butler, 1995; Hickie, 1995; Smiddy, 2002). The economic value provided by family businesses is enhanced by their tendency toward long-term strategies rather than a need for quarterly results, and their aversion to debt and inclination to reinvest dividends (Gallo and Estep, 1994). A family business is therefore by its very nature more inclined than other types of companies to re-invest in itself, and to support and perpetuate wealth in future generations. While family businesses have reasonably poor survival statistics, they are unlikely to get up and go on the whim of head office from another country. Furthermore, the words 'firm' and 'company' mean, to most people, large, publicly owned concerns. In contrast, what automatically springs to mind when one talks of a family business is a corner shop or a small factory (Smyth and Leach, 1993). This distinction is not valid and the following examples of the oldest family businesses in Ireland support the fact that family businesses have a long history in Ireland. Avoca Handweavers is Ireland's oldest surviving family business and has been in existence since 1723. The oldest existing family-owned pub in Ireland is Mansworth Pub in Cobh, which was established in 1890 (Cork Chamber of Commerce, 2005). The Cork-based car dealers Johnson and Perrott can trace its origins back to 1810, though its owners, the Whitaker family, did not purchase the business until the 1860s. Thomas Crosbie Holdings, the Cork-based media and publishing company,

dates back to 1841. However, the Crosbie family did not become shareholders of the business until the 1870s. The Musgrave Group was established in 1876 and the business is currently run by the descendents of the group's founders (Kehoe, 2005). G&T Crampton THE (Holdings) was established in Dublin in 1879 by George Crampton; his nephew, T.A. Crampton, joined the business twenty-six years later and added the 'T' to the firm's name. Thomas McDonagh & Sons is a well-known Galway family business. The old merchant firm first started trading to customers travelling to Galway from the islands and Connemara at a shop on Merchant Road in 1845. The McMahon Group, a Limerick-headquartered timber importer and builders' provider, began business in 1830 (Kehoe, 2005). These are just some of the many thousands of old family businesses in Ireland, and they help give some sense of the length of history involved.

Reported by *familybusiness.ie* and published by Central Statistics Office a comprehensive picture of the contribution of family businesses to the traded services sectors in Ireland. According to Michael Carey (2017) a very common cause of conflict in family businesses is the added stress at the time of generational transition. In the US, about 70 per cent of family businesses are either fail or are sold before they ever pass on to the second generation. Only 10 per cent remain privately held and in control of the third generation... Sometimes generational transition is very difficult; unhealthy rivalry and inappropriate nepotism can derail a business. In some family businesses, chief executives probably stay for too long. They fail to cope with shifts in technology or, worse, fail to match their skills with the changing management needs of an evolving business. Realising when it is time to pass the torch to the right new leader is probably the greatest challenge to the continued success of a family business, perhaps more so than accepting the wisdom of bringing in nonfamily to be chief executive... Despite the best efforts to scope out a path to a desired smooth transition, family businesses do go wrong, as some recent high-profile and sad examples of conflict demonstrate. This reflects an academic article made by Michael Harvey, Rodney E. Evans that the cultural context of family businesses is additionally confounded by the overlapping of the business culture with the cultures of the individual family units. Conflict may arise in the family business due to the stress of the interaction between the company culture and those of the family units. Frequently there is role ambiguity, role conflict, communication difficulties, business decisions that negatively affect families, and a myriad of other issues (Danco, 1982 ; Beckhard and Dyer, 1983 ; Kepner, 1983 ; Lansberg, 1983 ; Flamholtz, 1986 ; Ward, 1988 ; Prince, 1990 ; Whiteside and Brown, 1991). Even change itself may serve as a stimulus for conflict to arise (Beckhard and Pritchard, 1992 ) in family businesses. Conflict in family business occurs with both internal and external constituents (Danco, 1982). According to Harvey & Evans change is relevant to conflict in the family business. Change taking place in family organizations heightens levels of conflict due to the interaction between the business and family units. Although change may encourage conflict in any organizational setting, it is more likely to transpire in the family organization because (1) these organizations may have a less participative management environment (Ronstadt, 1984); (2) there may be inadequate organizational mechanisms or personnel (staff) to "buffer" the organization from the need to change (Flamholtz, 1986); (3) business and personal life, including the family unit, overlap (Danco, 1982 ; Ward, 1988); (4) roles are unclear and rights and obligations in the company are unclear because of family affiliation (Beckhard and Pritchard, 1992); (5) insiders to the organizations do not feel as though they have equal opportunity (employees versus family members) (Flamholtz, 1986 ; Ward, 1988); and (6) the founding individuals often desire to control or maintain leadership and ownership of the

organization, sometimes disregarding the competence of the individuals (Danco, 1982 ; Flamholtz, 1986). Change is a constant in most family businesses, and it must be dealt with effectively by the organization because the common by-products of change are conflict, stress, and dysfunctional behavior. The consequences of not effectively dealing with conflict affects the business and, in many cases, the family unit as well. Conflict relative to the family business can emanate from one of three arenas: internal to the organization, external from the family or families involved in the organization, and external stakeholders (bankers, investors, suppliers, distributors, and members of the board of directors). Due to the "intimacy" of these three groups and their access to the family owner-operator who establishes the "climate" of the organization, their impact separately can be significant. But the corporeal influence occurs when these separate conflicts occur at the same time. The combination of conflict in the business organization and the family unit compounds the effect of conflict. This combination of conflict levels also necessitates conflict resolution methods that are more complex and aimed at the different sources of conflict. Level 2 conflict entails conflict occurring in two of the entities as they overlap, creating a more complex form of conflict; the conflict sources may be different, but when they are combined, the conflict is intense and more difficult to address. For example, the managing family member is experiencing problems in the business with succession in that the sibling being "groomed" for the leadership position is not respected by employees or key managers. At the same time, conflict in the family may occur because another sibling feels alienated from the family because he or she was not selected to take over the leadership of the family business. The family member commonly attempts to resolve conflict with each of the parties involved in the conflict on a one-on-one, as a personal basis. When there are multiples conflict points at the same time problems in dealing with them will occur and the ability to identify conflict resolution processes is often beyond the managerial skills or time of the family member.

### *Conflict definition*

Definition and nature of conflict is too broad and by Jeong (2008) conflict dates from the beginning of human history and will probably never end, our survival on this planet hinges on how we manage the various features of conflict that is fuelled not only by seemingly incompatible interests and values but also by hostilities. The most destructive types of conflict such as interstate and civil wars consist of a coercive, violent mode of confrontation among adversaries. Whereas conflict embraces personal loss and societal destruction, its many features are not limited to physical violence. Non-violent forms of struggle are also prevalent in pursuit of different values and scarce resources. In bringing about important social change, resorting to force is neither necessary nor inevitable. Kenneth W. Thomas, (1992) defined conflict as 'the process which begins when one party perceives that another has frustrated, or is about to frustrate, some concern of his'. In general, conflict is most popularly described by Boulding, (1962) as 'a struggle over claims to scarce status, power and resources'. Even with a variety of definitions, conflict comprises, the majority of people use the common definition related to negativity for Mayer (2012) we say that conflict is natural, inevitable, necessary, and normal, and that the problem is not the existence of conflict but how we handle it. But we are also loath to admit when we are in the midst of conflict. Parents assure their children that the ferocious argument the parents are having is not a conflict, just a "discussion." Organizations hire facilitators to guide them in strategic planning, goal setting, quality circles, team building,

and all manner of training, but they shy away from asking for help with internal conflicts. Somehow, to say we are in conflict is to admit failure and to acknowledge the existence of a situation we consider hopeless. This ambivalence about conflict is rooted in the same primary challenge conflict interveners face coming to terms with the nature and function of conflict. How we view conflict affects our attitude toward it and our approach to dealing with it, and there are many ways of viewing it. Reframed by Jeong (2008) the subjective side of conflict, anchored in perceptions of each other's intentions and interpretations of behavioural responses, suggests that decision making is not always rational, far from the reflection of the real events in the external world. Poor communication, miscommunication, and the stereotyping of adversaries are often ascribed to the misperceptions and misrepresentation of evolving events. The degree to which subjective components differ from the objective reality can be an indicator of how realistic an actor's response to a given conflict situation might be. Differences in perceived interests, values, and needs are perhaps the most basic elements in the motivations behind social conflict. Inter-group conflict often represents different ways of life and ideologies with implications for incongruent views about relationships with others. Feelings of injustice emerge from the suppression of inherent social needs and values that have existential meanings and which cannot be compromised. In discussion about substantive issues, however, the perceptual difference alone does not illustrate the existence of objective realities that are independent of the awareness of opposing parties.

The preconditions for conflict manifestations for Kriesberg and Dayton (2017) consists of a multitudes of factors can reasonably be correlated with conflict emergence, four conditions must be minimally present. The first condition is that members of at least one of the parties to the emerging conflict identify themselves as an entity separate from others they identify as opponents. Second, members of at least one of the parties must feel they have a grievance. Third, at least one of the parties must formulate goals to change another group's behavior so that the grievance will be reduced. Fourth, members of the aggrieved party must believe that they can indeed bring about the desired change in the antagonist. It is the character of the identities, grievances, goals, and means of struggles the adversaries adopt that jointly determine the trajectory of their conflict. In this sense conflict can be recognized as a varyingly of both constructive and destructive. For Mayer (2012) how we describe a conflict usually reflects how we are experiencing it. The same conflict or concerns can be described using the language of feeling ("I feel angry and hurt"), perception ("I believe you are completely missing the point and do not have a clue about this"), or action ("I want you to do this or I will have to take further action"). Frequently, in observing people in conflict, we can see that one party may be using the language of feeling and the other the language of perception, and this alone can exacerbate a conflict. Conflict has multiple sources, and theories of conflict can be distinguished from one another by which origin they emphasize. Conflict is seen as arising from basic human instincts, from competition for resources and power, from the structure of the societies and institutions people create, from flawed communication, and from the inevitable struggle between classes. Although most of these theories offer valuable insights and perspectives on conflict, they can easily point us in different directions as we seek a constructive means of actually dealing with conflict. What we need is a practical framework that helps us use some of the best insights of different conflict theories. If we can understand and locate the sources of conflict, we can create a map to guide us through the conflict process...Human needs are at the core of all conflicts. People engage in conflict either because they have needs that are met by the conflict process

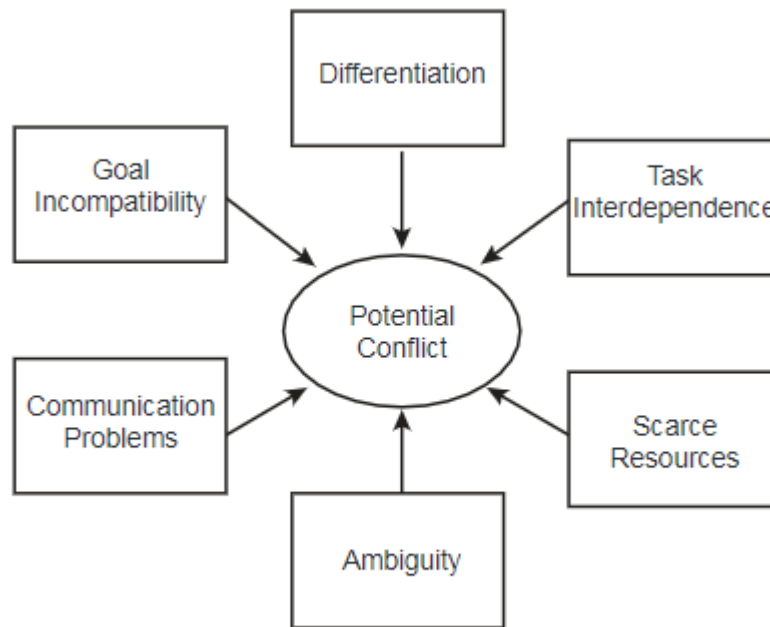
itself or because they have needs that they can only attain (or believe they can only attain) by engaging in conflict. In line with Carnevale (1999) the world is full of conflict. Serious differences tear at relationships, rend the social fabric in societies, and produce violence of every sort. It has always been so. Conflict arises from our deepest values, perceptions, and attributions about others who appear to obstruct our needs. As psychologists have established, much of what we see about adversaries is highly distorted, based on our own self-interests, prejudices and fears. Because of the reciprocal nature of feelings, our distortions are projected onto others and then reflected back on us in a self-fulfilling way. This confirms our original suspicions and the cycle repeats itself. In line with Jeong (2008) since conflict is a recurrent phenomenon, its transformation remains a key question. The development of synergies stems from concerted efforts to stop vacillating between controlled and destructive phases. Resolution strategies benefit from analysis of how the conflict has evolved with changes in the participants' behaviour, goals and attitudes (Mitchell, 1981). The best outcome of conflict is achieved when solutions are mutually satisfactory, self-sustaining.

### *Workplace conflict*

As highlighted by Dana (2001) employees are people. People are human. As employees, we bring our humanity to work with us in the morning and we take it home with us at night. Part of our humanity is our inherited tendency to rely on distancing and coercion (the wrong reflexes) as tactics in our daily rights and power contests. It isn't in our nature to place a non-adversarial frame around the fact of divergent interests our animal ancestors would have died (and so not produced us, their descendants) if they had placed that perceptual frame around the fact of their being a tasty morsel for a nearby predator. Rather, it is our nature to frame divergent interests as competing interests to see differentness as dangerous. Consequently, the "human resources" who constitute a workforce are predisposed to engage in power and rights contests. Workplace conflict is divergence of interests a belief that parties current aims are incompatible. Anytime people work together conflict is part of what happen as it is normal and natural part of the workplace environment. Handling and resolving workplace conflicts is one of the biggest challengers that manager s and employees face. In line with Doherty & Guyle (2008) the hidden price of workplace conflict for managers is the amount of management time (including that of senior managers and directors who may be called in) that can be tied up with complex 'people' complaints valuable time and energy that would be better spent on work tasks or in creating improved quality or productivity. It has been estimated that more than 20 per cent of managers' time can be taken up with handling conflicts or differences of one kind or another and, for some industrial sectors, this may be an underestimate. According to Lipsky (2016) a comprehensive understanding of workplace conflict requires the bridging of insights across different disciplinary perspectives. As noted, some scholars are primarily interested in the formal expressions of workplace conflict, which include, among other things, labor-management and employment disputes, strikes, and lawsuits. Industrial relations and legal scholars tend to view conflict in this manner and ignore the informal and interpersonal conflict dynamics that take place underneath this formal layer. Nevertheless, alongside such formalized and easily recognizable episodes, workplace conflict may be entirely informal in nature and motivated by differences and frictions at the interpersonal level. Organizational behavior scholars focus on these informal types of conflict at the individual, dyadic, and team levels of analysis. While this disciplinary lens

captures dimensions of conflict that are often less visible, it also tends to ignore its structural determinants. Workplace conflict is the consequence of a variety of factors. Almost every adult spends the major part of his or her life at work, usually (but not always) in an organization, and conflict is a common characteristic of all organizations. Conflict in workplace can arise from one or more resources and for Mc-Shane and VonGlinow (2003) we can classify those sources of conflict as per table below.

**Table 2: Conflict sources**



Adapted Source : Mc-Shane & VonGlinow (2003)

- Workplace environment the conflict can arise first due to incompatible goals between each individual or group, goal incompatibility becomes an even stronger source of potential conflict in the organization if the situation involves a financial reward for example if two or more staff members are competing for the same promotion and there is only one position available, in that situation employees tend to be more motivated to achieve their own goals at the expenses of others.
- Another source of potential conflict in the workplace is the differentiation, this happens when individuals or groups have divergent beliefs and attitudes as result of their different background, training and experience, for example in situation following a business immersion and/or acquisitions which involves the culture, practices and shared experiences of the formerly separate entities lead to an “us-them” situation.
- A third source of conflict in the organizations is the task interdependence, where which task requires interaction during the course of performing their individual tasks, sharing common inputs or receiving outcomes that determine the performance of the whole team. Task interdependence are divided in 3 parts: The loosest form of the tree, pooled interdependence where each organizational department or business unit performs completely separate functions, this creates an almost blind, indirect dependence on the performance of others wherein one department's



failures could lead to the failure of the overall process. The sequential interdependence occurs one person or group produces and output necessary for the performance by the next person or group, like an assembly line. Reciprocal interdependence is similar to sequential interdependence as the output of a group or person becomes the input of another group or person, with the addition of being cyclical, in this model has the highest intensity of interactions by groups which become the most complex and difficult to manage model.

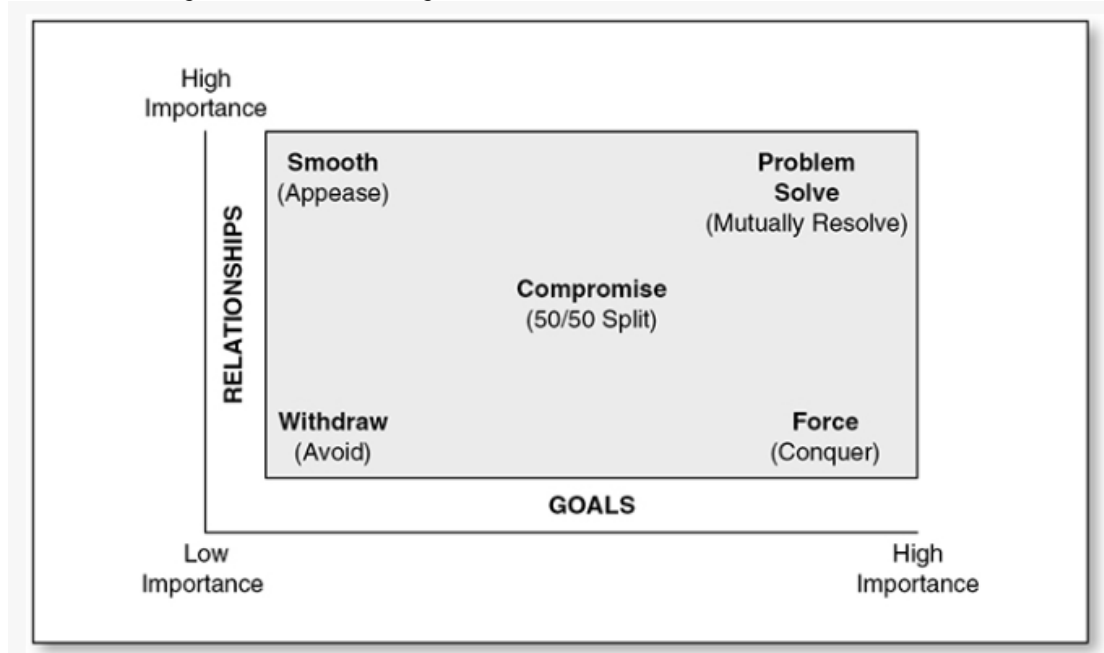
- Other type of source that can lead to a conflict in the workplace is when there are scarce of resources, example when there is insufficient equipment /rooms /or even printer for each staff to have their own “sharing resource” can me a trigger for a conflict.
- Ambiguity in the workplace can also lead to conflict because this situation increases the changes of one party to interfere with the achievement of the other party’s goals, such situation leads to increase office politics.
- The last but not least the conflict can arise in the organization is the lack of opportunity, ability or motivation to communicate effectively, the likelihood that stereotypes will develop and conflict escalates, the lack of communication skill can lead a conflict situation to result in less motivation for effective communication in the future, this is a common problem that occurs in cross-cultural conflicts in the workplace.

Which strategies can you apply to resolve those conflicts rised in workplace ? This question was made by King and Stevahn (2013) in their research which brought them to the 5 following question : When conflict occurs, how do those involved respond? Do they demand their way? Flee to avoid thorny issues and aggravated opponents? Appease in the interest of harmony? Strike a deal to get part of what they want? Problem solve to satisfy everyone? *Conflict strategies theory*(Johnson & Johnson, 2009) outlines these five responses. Basically, people face two types of concerns in conflict situations: (a) achieving desired goals/interests and (b) maintaining positive working relationships. Placing these dual concerns on intersecting continua from *low* to *high* importance suggests five strategies for addressing conflict:

- Forcing means achieving one's own goals at the expense of others'. Relationships don't matter; self-interest does. Like opponents struggling against each other during a chess match, one person's winning requires another's defeat. Someone loses, and relationships often suffer. A department leader, for example, who suddenly mandates an evaluation in the interest of program improvement, regardless of its likely effect on staff and clients, may create organizational dysfunction as angry people focus their energy on circumventing the study.
- Withdrawing means giving up one's personal goals and positive relationships with others. It is a natural reaction to forcing. The person's actions say, literally, “I'm out of here.” Neither self-interest in the goal nor relationships matter. Hiding or running away to avoid conflict resolves nothing, making everyone a loser. An evaluation team member, for example, who repeatedly misses meetings and refuses to respond to voice mail, text messages, or e-mail simultaneously blocks progress and creates mistrust.
- Smoothing means giving up one's personal goals to maintain positive relationships with others at the highest level possible, appeasing may satisfy others, but it requires sacrificing self-interest in an evaluation context, an evaluator may smile and willingly agree to requests from the sponsor, not expressing misgivings or

desired alternatives. This concern about the tension or discomfort of expressing objections and different strategies, however, may ultimately result in insufficient funding for the proposed study.

**Table 3: 5 strategies for addressing conflict**



Adapted Source : Johnson & Johnson (2009)

- Compromising means using give-and-take to create a 50/50 split when someone's personal goals and relationships with others are both moderately important. Seeing the benefits of partial gain, people decide to settle for something, which seems better than getting nothing in a large-scale assessment, for example, an evaluator may agree to include different items on an agency's intake form in exchange for new data-entry procedures.
- Problem solving means cooperative negotiation aimed at maximizing joint outcomes. Both self-interest and relationships with others matter. Whether fully realized or not, this is the case when individuals have long-term relationships with one another, such as at work, within community programs/organizations, or among family members. When people consider everyone's interests, they often can create integrative solutions so everyone benefits, such results make everyone winners, for example: if evaluation data documented that a food bank was turning away neighborhood residents while serving people from other zip codes, integrative negotiation might lead to a new system that guaranteed local clients access and others either access or assistance in reaching nearby sources of free food.

Some of ways in which conflict can cost organizations time, money, and human resources are: The cost of formal dispute resolution formal grievance procedures, and/or Litigation which is very high cost, generally slow, and often break relationships apart. Decreased individual competence people work less effectively when they are in conflict with colleagues, negative conflicts push people to bad decisions and they are less likely to cope under pressure and to meet their own personal and professional targets and also increase

the possibility of mistakes. Managers sometimes get trap in the middle of the situation and most of the leadership play safe. Ineffective working relationships makes a variety of managers, team leaders, and workers who are disoriented, distressed, and disconnected from their colleagues by conflict. Toxic or broken communication it is almost impossible to work together with, gossip and whispering spreading and people either take sides or stop communicating in an effort to avoid the conflict. Inter-personal conflicts, some people has psychologically or emotionally problems, others sign off sick or leave, since they can no longer cope with the situation and replacing these people temporarily or permanently is time consuming and costly. Every conversation becomes charged with emotion and simple decisions take hours because of the level of argument they provoke. People's negative feelings about themselves and one another undermine morale and output is reduced. As per Dana (2001) time is money. Organizations pay employees for their time. So when time is wasted, money is wasted. The workplace conflicts that become public affect customers/clients and shareholders, causing a problem with the trust and take the shine off the organization's reputation. The impact of workplace conflict is immensurable and Reported by Dana (2001) conflict contaminates the decision-making process in even more serious ways than causing information to be incomplete or unreliable. Most important decisions are made jointly by several people. Rarely does only one individual, even a top executive, have sole responsibility for making a decision. This is especially true in today's team-based organizations. As a result, decisions made jointly by two or more people who are embroiled in unresolved conflict will be imperfect at best and seriously flawed at worst. As reflected by Liddle (2017) opinion that having a conflict in your team is not a sign of failure. It is perfectly healthy and a normal part of team functioning. In fact, the process of transforming the conflict from dysfunctional to functional could make your team stronger and more effective. According to Doherty & Guyler (2008) successful conflict management in the workplace depends initially on the attitude, understanding and skills of first-line managers and their willingness to respond to conflict. This is clearly not an easy task; as we have seen the pace of modern business and organizational change, market and customer demands and the growing complexity of work roles and tasks mean that managers have to keep many balls in the air and need to be equipped with a large range of process and people skills.

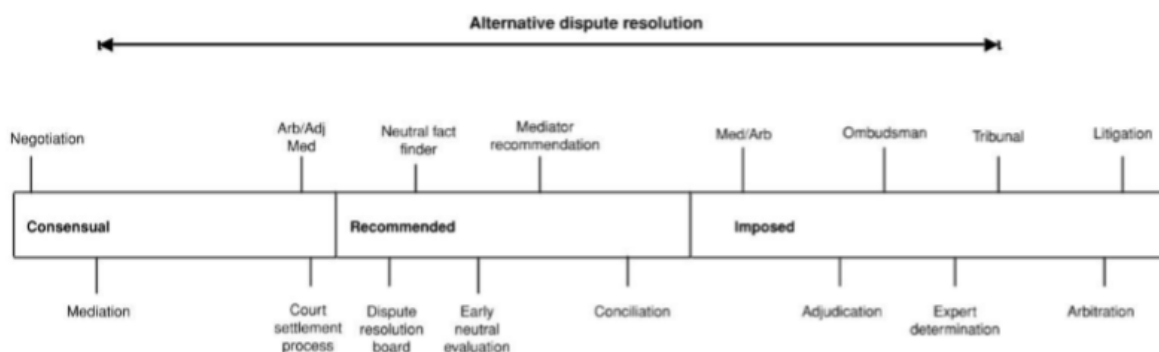
### *ADR Alternative Dispute Resolution*

Interpreted by Carnevale (1999) a basic model of conflict resolution suggests that we need to be assertive about our interests and we need to be willing to listen to the needs of the other side. When we are engaged in conflict, however, we often don't want to talk or listen. Or, we are quite willing to assert our claims while ignoring the legitimate needs of others. Our minds pose false dilemmas that support our one-sided approach. Things become dualistic--power and rights on one side contending with equally self-righteous, and self-serving truths on the other. This is one of the major drawbacks to traditional negotiations because its underlying physics tend to encourage narrow positional methods. In reality, there are endless choices to solve difficulties, but most have not been taught how to work out their disagreements in an interest-based way where parties work together for mutual gain. Once the conflict cycle begins, emotions come into play. As experienced mediators know, in seconds disgruntlement can soar into anger and uncontrollable rage. Conflict expands, forces people to take sides, raises suspicion and mistrust, drives some people into denial, others withdraw, some become aggressive and attack, and, no

matter what the outcome, typically a certain measure of psychic bitterness lingers. There are offices everywhere where some people have not had a civil conversation in years because of grudges, resentments, envy, and the obsession for revenge against people and organizations for perceived past injustice. People have an unusual ability to harbor anger for a very long time. So, it is not just conflict today or what is likely to occur tomorrow that makes conflict work so demanding. Many an administrator has inherited organizations where reconciling yesterday's issues is one of the first orders of business. If the leader cannot get past that, no management reform will be successful. Heavy conflict batters trust, interferes with organizational learning, and limits organization and human potential. Conflict feeds on itself until it explodes in various ways ranging from an outburst at a staff meeting to murder. It destroys relationships, creates factions, breaks down networks and the interdependencies that make them viable. People quit jobs or stay away time, honored ways to cope with the stress of conflict at work. People also get sick. Conflict has corrosive effects on organizations and there are real costs when unresolved conflict is left to fester. Alongside those significant conflicts which arise in the society as whole and at workplace where most of people spends the major part of their life at work, a revolution has been occurring in the system of justice of developed countries for the past decades a reasonable increase of the use of ADR (Alternative Dispute Resolution) to resolve disputes that might arise otherwise to be handled through Litigation. As identified by Nagel (2002) at the international level, alternative dispute resolution (ADR) means alternatives to war. At the economic level, it means alternatives to strikes and lockouts. At the litigation level, it means alternatives to going to courts and trials. ADR in a more positive sense means arbitration with a win-lose decision by an ad hoc judge called an arbitrator and mediation with a compromise decision by an ad hoc judge called a mediator. Barretts (2004) defined ADR as an alternative to solving problems by power, the courts, violence, or any other forum in which one of the party's inherent advantages rule out a fair settlement. It can be applied to any problem between individuals, groups, or nations, from labor strife to trade issues to marital discord in its purest form, it seeks to get beyond the cloud of the stop the fighting but allows the participants to build a better relationship for the future... Although the story of ADR begins with efforts at resolving conflicts between the powerful businesses, governments, and the like ADR would truly flourish when it was applied to disputes affecting the groups that had been traditionally excluded from processes that allowed them to get a fair hearing. Wherever two or more people need to work together, share resources, or compete for scarce rewards, conflict is almost ensured to arise. A variety of ways to resolve conflicts depending on concern about their own needs or the needs of the other parties, often the parties involved in the conflict desire a win-win outcome where the interests of both or more parties are met. However, depending on the circumstances, the best conflict management approach is to work towards a different outcome. No matter the approach used, it is important to keep in mind that conflict situations can easily become personalized where the original source of conflict is forgotten and remaining unresolved resulting an even greater problem to prevent this from happening we need to be aware of personal emotions and involvement as well as short-term and long-term goals in resolving the conflict. Knowing the various conflict management options available and which one is the best applied in the conflict situation. With more frequency the Alternative Dispute Resolution is used to prior the quality of relationship across the workplace and long-term business effectiveness and success. As per Richbell (2008) ADR refers to everything other than the courts, and so includes Arbitration. This divides the dispute resolution spectrum into three main groups:

*Consensual* the parties in dispute agree a solution, sometimes with help from an independent party. *Recommended* a third party investigates and recommends a solution, which the parties do not have to accept. *Imposed* a third party makes a decision that is binding on the parties.

**Table 4: Composition of ADR**



Adapted Source : Richbell (2008)

As claimed by Zack (2004-2005) the more traditional view that the courts were the preferred venue for resolving issues of worker rights has fuelled a growing recognition that the courts lack sufficient personnel and financial resources to handle demand for labour court litigation and that the provision of a neutral facilitator is likely to reduce recourse to the courts and permit the parties to resolve more basic issues in their relationship that would not be addressed as well though litigation. That is being seen as particularly true where the relationship, collective or individual, is continuous, to survive the resolution of the immediate dispute. In line with Reinas (2006) the business landscape is constantly changing. Mergers and acquisitions; restructuring; strategic initiatives that require collaborations, employee engagement, risk taking, creativity, and innovation with shrinking resources; and asking people to do more with less have become a way of life in industries across the globe. To take their organizations to the next level whether it be increased speed to market, enhanced patient care, greater customer satisfaction, improved cost containment, cutting-edge technology, reduced union grievances, or expanded community out reach businesses need their employees to embrace and adapt to change and to show up fully engaged and committed. In short, businesses need people to work in relationship with one another to produce results. Business is conducted through relationships, and trust is the foundation of effective relationships.

### *Negotiation*

According to Richbell (2008) negotiation is the best and most efficient method of resolving disputes. It involves fewer people, takes less time and usually results in strengthened relationships. In line with Saner (2008) the definition of negotiation is a process whereby two or more parties seek an agreement to establish what each shall give or take, or perform and receive in a transaction between them. Important points of this definition are:

- two or more parties
- convergent and divergent interests
- voluntary relationship
- distribution or exchange of tangible or intangible resources
- sequential, dynamic process
- incomplete information
- alterable values and positions as affected by

persuasion and influence. Negotiation is not official, does not require a conflict, it is something we all do all the time, even if we do not recognise it as a negotiation process, it is voluntary process as both parties need to agree to get into and the outcome of the process. The most effective negotiation involve a good communication and a willingness to compromise, parties if one or more of these is not achieved then the negotiation usually deadlock. The only limitation of negotiation is the delay or non-solution of the dispute if one of the parties do not engage to the process. The venue for negotiation is decided by parties involved which can be two or more, the venue can be public or private depending on their nature and the wishes of the parties. In an agreement with Saner (2008) as with so much else, success in negotiation is often not a matter of chance, but the result of good planning and specialized skills, some of these are inborn, some are learned. The advantages of this process are: Completely private if the parties want to; quick resolution as the outcome depend on the parties; maintaining relationship as it is not imposed process and it is relatively informal as the meeting setting depend on the parties availability. The disadvantages of negotiation are the cost of involving solicitor for legally binding contracts once the agreement is made; some people see it as 'half way' and think they are not getting as much as if they have choose to go to court.

There are many approaches that can be use to solve a problem and achieve gain in a negotiation for Fisher & Ury (2011) the goal cannot and should not be to eliminate conflict. Conflict is an inevitable - and useful – part of life. It often leads to change and generates insight ... In the form of business competition, conflict help to create prosperity and it lies at the heart of the democratic process, where the best decisions result not from a superficial consensus but from exploring different points of view and searching for creative solutions strange as it may seem, the world needs more conflict, not less. They theory is a bout the 3 types of approach that can be used in a negotiation processes: Hard Approach is known of being hard on the problem and on the people involved with the problem. The best way to avoid a hard approach is never being caught off-guard by hard bargainers. Hard bargaining negotiators are only worried to get what they want and with their own interests they often use all the instruments available to get to win-lose, with threats and warnings they coerce the other side and leave no room for win-win negotiation. In contrast, the soft approach focuses on preserving the relationship ahead of results. While both hard and soft negotiation styles focus on positions, the soft approach is the opposite of the hard approach in many regards. Principled Negotiation or Negotiation of Merits is the concept used by Roger Fisher and William Ury in the book *Getting to Yes*. The Principled Approach to negotiation focuses on the interests-based of the parties and primarily to emphasize conflict management and conflict resolution, this approach is a mutual gain approach where all the interests are taken on board and discussed with the intension of solving the problem. Principled Approach is not used to eliminate conflicts but to make the best use of those conflicts find the other ways to see the situation and understand the perspectives within listening, making questions, put yourself in the others' people shoes and being creative. Although in certain scenarios where parties assume a competitive strategy their focus is on winning at the other party's expense or in a negotiation where the strategic role in the business does not apply. The way to identify which approach in a negotiation is the appropriate one is to solve a particular problem or issue is by having an articulated diagnostic of the problems and the perspectives.

## *Conciliation*

Conciliation is often confused with mediation but there are different meanings depending on the sector of dispute. As a consensual and voluntary process it is often used in sectors such as the health service and some employment disputes as an informal stage in the complaints process. If negotiations between the complainant and the employer do not achieve a settlement, a third party is brought into the discussions to facilitate a settlement, providing a recommendation that will be binding upon the parties unless it is rejected by either of them within the prescribed time. Conciliation in this context is usually a private process and conciliators recommend the solution that he/she thinks is the most likely to resolve the dispute or, on the other reflection the result he/she thinks an arbitrator would impose. The 2002 UNCITRAL Model Law on International Commercial Conciliation defines conciliation as a process, whether referred to by the expression conciliation, mediation or an expression of similar import, whereby parties request a third person or persons (the conciliator) to assist them in their attempt to reach an amicable settlement of their dispute arising out of or relating to a contractual or other legal relationship. The conciliator does not have the authority to impose upon the parties a solution to the dispute. As per Bunni (2018) Conciliation is a more formal process than mediation and it could generally involve the engagement of legal representatives, thus making it a more expensive process than mediation. There is, however, the added advantage that should no amicable solution be reached, the conciliator has the duty to attempt to persuade the differing parties to accept his own solution to the dispute. Conciliation involves more debate on the validity or otherwise of the parties arguments, the parties are also less inclined to be entirely frank with the conciliator as they would be with a mediator. Mentioned by Langeland (1995) the conciliator's role involves examining the entire dispute, including clarifying facts and surveying the applicable law and non-judicial elements. The conciliator exhibits characteristics of a fact finder and a lawyer but tempers them with equity. The process is imbued with sufficient flexibility to take into account non-legal aspects of the dispute, even to the extent that the conciliator's recommendations need not be based solely on the law. The process also affords flexibility to the parties as they are entitled to craft their own rules, select the conciliator of their choice, and decide when to abandon the process altogether. Unlike litigation or arbitration, conciliation's non-adversarial nature attempts to ameliorate ailing business relationship. The advantages of conciliation are: confidentiality; privacy; cost as the conciliator's fee and overheads are usually shared between the parties; flexibility and commerciality which may be particularly useful where there is an ongoing commercial relationship that parties wish to preserve; recommendation when the parties are unable to come to a mutually agreeable outcome, what is very often accepted by the parties. The process may result in a time delay for the resolution of the dispute if it does not resolve the matter or if there is a failure to engage on the process by one or more parties, this is considered the main disadvantage.

## *Mediation*

Mediation is a process by which an impartial third party assists people in a dispute to explore and understand their differences and, if possible, to settle them. The parties, not the mediator, dictate the terms of any agreement. According to Doherty (2008) Mediation

is a structured process whereby an impartial mediator facilitates communication between those in dispute in order for them to understand each other better and for them to come up with mutually acceptable solutions that will improve the working relationship in the future. For Crawley and Graham (2002) all managers need mediation skills. Managers who learn how to mediate will be able to manage different demands, personalities, and behaviors, while setting a positive example. When conflicts do occur they will be able to intervene early, prevent disputes in their own team from escalating, resolve them comprehensively, and repair broken relationships. Teams and colleagues will emerge with a greater understanding of one another, with some tips about how to disagree constructively and a different, more realistic level of trust and rapport. People who have this approach to conflict are hugely valuable to colleagues on a personal and professional level. It also makes sound business sense. Many organizations around the world have already trained managers and in some cases teams of “peer mediators” to offer a service to people at all levels in their working community.

**Table 5: Checklist of mediation in the workplace**

<b>CHECKLIST</b>	
<b>THE BENEFITS OF MEDIATION IN THE WORKPLACE</b>	
1	<i>Cutting the cost of conflict</i> —the stress, illness, and staff loss caused by conflict often affect the bottom line. Managers who take a mediation role will reduce stress, get people back at work, and keep people collaborating, whether they like one another or not.
2	<i>Diverting conflicts away from costly adversarial procedures</i> —where mediation is available, more people choose not to go down a formal route involving investigation and adjudication when they have a grievance against a colleague.
3	<i>Getting working relationships back on line</i> —using mediation skills you can produce effective practical solutions to complex issues,



- build understanding and rapport, and refocus people on their core tasks.
- 4 *Enhancing communication*—resolving conflict through mediation helps people understand one another, what is required of them, and why things may have gone wrong in the past.
  - 5 *Stimulating healthy change and avoiding stagnation*—conflicts are often caused by different responses to change. Some people wish to hold on to the past, others like to walk all over the past and present and race into the future. Mediation helps people express their fears and concerns and focus on what they have in common. It can reduce the terror of the new by encouraging open communication and feedback. If people feel safe enough to talk and express a view, as well as to hear how and why change is happening, they will be less vulnerable to the effects of change and more able to cope with it.
  - 6 *Fostering dignity at work*—issues of equality of opportunity often cause a tremendous amount of bad feeling and are difficult to handle. Mediation-style interventions have been used effectively in this area to depersonalize the conflicts, to establish what has been happening and what people want to change. Mediation focuses on the specific behavior associated with prejudice, discrimination, and oppression, and creates a safe environment in which people are able to talk these issues through.
  - 7 *Improving understanding of how to prevent costly conflict*—whereas many conflicts previously took on a personal aspect, the process of resolution by mediation also looks at underlying causes, such as organizational difficulties, blurred role definition, or inadequate working practices.
  - 8 *Enhancing people's handling of their own disputes*—contact with less adversarial methods of dispute processing will help individuals to change the way they deal with disputes. People who sample the mediation approach are given a different model to work with. They also rehearse the skills needed to resolve conflict effectively with the mediator, at each stage of the process. People have to listen to get something out of mediation and once you are into the listening habit, there is little reason to close your ears.

Adapted Source : Crawley and Graham (2002)

As reported by Doherty and Guylar (2008) the intention both at the outset and the end point of mediation remains the same: namely the improvement of workplace relationships. As such, mediation is, at the same time, both 'employee and performance led' and is actively directed towards this end by a skilled mediator. As found by Richbell (2008) many courts now have a fixed-fee, time-limited mediation scheme and the courts often give a strong nudge to the parties to use this voluntary process. Indeed, in what it considers to be appropriate cases the commercial court virtually insists on parties taking their case to mediation before trial. Suggesting that legal advisor as Solicitor and Barrister advise their clients about mediation before bringing the process to the Courts as per the Mediation Act 2017.

**Table 6: Statutory declaration**

*The Act imposes new obligations on solicitors, including a statutory declaration. Under the Act, practising solicitors are required, prior to issuing proceedings on behalf of a client, to do the following:*

- 1. Advise the client to consider mediation as a means of attempting to resolve the dispute the subject of the proposed proceedings.*
- 2. Provide the client with information in respect of mediation services, including the names and addresses of persons who provide mediation services.*
- 3. Provide the client with information about the advantages of resolving the dispute otherwise than by way of the proposed proceedings, and the benefits of mediation.*
- 4. Advise the client that mediation is voluntary and may not be an appropriate means of resolving the dispute where the safety of the client and/or their children is at risk.*
- 5. Inform the client of the matters concerning confidentiality and enforceability of mediation settlements as set out in the Act.*
- 6. Inform the client of the obligation on the solicitor to provide a statutory declaration that the client has been advised of the above and the effect of the non-provision of such declaration*

Adapted Source : lawsociety.ie (2017)

Reported by Stitt (2004) for many disputes, the mediator should not focus on what he or she believes is fair; instead, the mediator should help the disputants to see whether they can come up with a solution that they both want to accept, regardless of the mediator's subjective sense of fairness. The mediator's concept of what is fair may not be the same as the disputants' and it is the disputants who will have to live with the result, not the mediator. Disputants may want a mediator who will focus on their underlying interests and facilitate the discussion in a way that helps them come to their own conclusions and solutions. This type of mediator is known as 'facilitative'. On the other hand, depending on the situation, the nature of the dispute and the identity of the mediator, the disputants may want someone who directs them toward a particular result. Sometimes disputants want mediators who will evaluate the arguments raised by them and try to persuade them about what is fair. This type of mediator is known as 'evaluative'. Evaluative mediators are sometimes referred to as 'rights-based' because it is assumed that these mediators focus on the disputants' legal rights. The truth is that the term 'rights-based' is probably deceptive, as facilitative mediators also usually spend time focusing on legal rights and the consequences of not reaching agreement. As stated by Stitt (2004) there is no one right structure for mediation. Mediators have different styles and approaches. The most effective mediators adapt their approach to the type of dispute and the disputants, and use the approach that maximises the likelihood that an agreement will be reached. Mediation is not meant to resolve all disputes and it should not be considered a failure if the mediation does not result in settlement. Some disputes need to be resolved in court or through arbitration. Mediation does create an opportunity to explore whether settlement makes sense for both disputants and, if so, facilitates the disputants' abilities to work

toward that settlement.

The mediator is known as a neutral, non-aligned third person, who is facilitating communication exchanges between the parties that lead towards their own consensual outcome. In agreement with Meyer (1960) the mediator has neither a stake in nor any authority to impose an outcome on those parties. The non-determinative nature of the mediator's authority and a non-partisan alignment within the parties' negotiations are recognised to be the two core characteristics of a mediator's role and function. The difference between mediation and other forms of decision-making has been summed up in this way: mediation 'involves helping people to decide for themselves'; arbitration (and adjudication), on the other hand, 'involves helping people by deciding for them. As stated by Roberts (2007) a core purpose of mediation is the opportunity it affords the parties to attempt a more consensual approach to sorting matters than would otherwise be available, the practical concrete settlement of a dispute is not perceived to be the only purpose of mediation, important though this may be as important is the objective of improving communication between parties in conflict in addition, another purpose, in the longer term, is to achieve an improved capacity in the parties to negotiate together in the future. Described for the majority of the mediator the mediation help people to manage their conflicts in more constructive and civilised way to keep a good relationship between the parties to be able to work together in the future. In accordance with the Mediation Act 2017, mediation may be suggested by either party or imposed by a Court during the course of proceedings and refusal to participate or do so in good faith may have negative cost consequences. Legal advisors like solicitors and barristers in Ireland have to inform their clients before bringing a case to court of mediation which can be proven by the signed statutory declaration. Although mediation may not be suitable for every dispute, so a solicitor should advise their clients about all the resolution options available and which is most suitable for resolving those disputes. The main disadvantage in mediation is that this may result in a time delay for the resolution of a dispute if it does not resolve matters or if there is a failure to engage by one of the parties.

As per Kauffman & Davis (1998) another framework differentiates mediator styles as either evaluative or facilitative. An evaluative mediator assesses strengths and weaknesses in parties' cases and predicts court outcomes, facilitative mediators focus more on emotional aspects of disputes, acknowledging and reframing parties' concerns and assisting them in constructing a workable plan for future behavior. Facilitative mediation empowers parties to take hold of the reins of decision-making after airing their differences; it recognizes the parties' inherent right to control their own destinies. Evaluative mediators, on the other hand, are asked to or voluntarily offer to suggest solutions and judgements on the merits of a case. The categories, evaluative and facilitative mediation, are expanded in their article, with new terminology proposed: outcome-oriented and change-oriented mediation. In outcome-oriented mediation a definite solution is sought; success is measured by a signed agreement. This type works well when the parties do not expect to have a further relationship. Change-oriented mediation, on the other hand, assists parties in expressing their underlying interests and searching for ways to improve their relationship or their situation. Change-oriented mediation is most useful when the parties expect to have a continuing relationship or are looking for emotional healing.

But not all conflicts call for cash settlement; not all parties in dispute are motivated by financial incentives. Many conflicts are resolved successfully, without any exchange of money, through behavioral contracts or agreements regarding changed relationships for

mediation process control-participation in decision-making as well as a much fuller opportunity to be heard.

### *Arbitration*

According to Feliu (2015) Arbitration is an adjudicatory procedure closely resembling traditional litigation. In arbitration, the parties submit a dispute to an impartial person or persons selected by the parties. The arbitrator or panel of arbitrators hears evidence from each party and makes a decision (referred to as an "award") on the merits that is normally binding on the parties. The arbitral procedure is less formal than a trial before a court. Unless the parties agree to the contrary, the arbitrator is not bound to follow the law, but may base the decision on business custom and practice, technical insight, or broad principles of equity and justice. Once confirmed by a court, an arbitrator's award is enforceable in the same manner as a court judgment. Arbitration involves a neutral third party: the arbitrator usually someone who has appropriate qualifications in the particular area of the issue if the parties do not agree about the arbitrator, the institution will choose the arbitrator from a panel of suitably qualified individuals who will be responsible for running the process and making the decisions necessary to resolve the dispute, unlike a judge, who is a public official, the arbitrator is typically a private individual chosen by the parties. The arbitrator chosen to arbitrate the dispute often has specialized expertise in the subject matter of the dispute; legal training is required only if the parties so specify. A dispute that might rise to court becomes subject to binding arbitration only by the agreement of the parties in this sense, arbitration is a creature of contract, before any dispute has arisen, parties often contract to arbitrate future disputes with a clause in Ireland supplemented by the Arbitration Act 2010, those clauses are frequently included in commercial contracts for the sale of goods and services, in labor agreements, in employment agreements, in securities industry agreements, and in joint venture agreements. The parties can also agree to arbitrate after a dispute has arisen, as the result of the decision made between parties already in conflict.

Binding arbitration in lieu of judicial adjudication is voluntary in the sense that it is only by agreement that one is required to arbitrate; but once there is an agreement, it is involuntary in the sense that courts will enforce it against a reluctant party by refusing to adjudicate disputes that are within the scope of the arbitration agreement. In an arbitration proceeding, the procedural rules may be set by the parties, pretrial discovery is typically limited or eliminated, and each party is given an opportunity to present proofs and arguments at a hearing where the procedures are typically much less formal than those found in court, depending upon the parties the arbitrator may or may not be asked to render a principled decision supported by a reasoned opinion, often the arbitrator is free simply to announce the award without any explanation even in the absence of a written explanation, the decision of the arbitrator is binding and final, and subject to judicial review only if a party can show that the arbitrator was corrupt or acting outside the scope of the jurisdiction conferred by the parties' agreement. Schneider (2018) compared arbitration with court-based adjudication, the potential advantages of arbitration arise from three fundamental differences. The first has to do with the fact that parties can choose the arbitrator, whereas a judge is typically assigned. An arbitrator with expertise in the subject matter of the dispute can be chosen, whereas a judge is typically a generalist who is knowledgeable about legal procedures but may have no experience and background relevant to the dispute. A second set of potential differences relates to the fact that an

arbitration may proceed more quickly because of its comparative procedural informality. In conventional litigation, the costs of pretrial discovery taking pretrial depositions and answering interrogatories can be very time-consuming and make up a very high proportion of the total transaction costs. Because arbitration typically either severely limits or eliminates pretrial discovery, these costs can be eliminated. This is not necessarily an advantage, for it may imply that a disputant will never discover favorable factual information in the hands of the other party and may be surprised by unfavorable information that is first disclosed at the hearing. The third critical difference relates to the scope of judicial review. Unlike the rulings of a trial court, which are subject to appellate review for mistakes of law or findings of fact that are unsupported by the evidence, an arbitrator's award cannot be overturned by an appellate court for these sorts of errors. The binding nature and comparative finality of an arbitrator's award is, of course, a mixed blessing. On the one hand, a final resolution may be more prompt and appeals infrequent because the scope of review is so narrow. On the other hand, a losing party lacks the safeguard of ordinary judicial review, which may improve the "accuracy" of the resolution. The dispute parties hand over their power to decide the dispute to the arbitrator which, arbitrator decision: the award is final, there is no formal appeals process available, even if one party feels that the outcome was unfair, unjust, or biased, they cannot appeal it, next step will be High Court. Rules of Evidence: a judge in a traditional court setting has specific regulations to follow when it comes to accepting evidence. Arbitrators, however, can utilize any information that is brought to them. In the event that arbitration is not filed until litigation has already begun, both parties lose the cost-saving advantage of limited discovery. Privacy is a good advantage in arbitration, as the meeting is at the arbitration court and not at the High court; specialist knowledge of arbitrator helps to give a fair outcome of the dispute; the flexibility of the procedure compared to court procedures; speed as it is faster and cost- efficient option. While arbitration is generally a more cost-efficient legal settlement option, it might not make sense in cases when minimal money is involved. Identified by Feliu (2015) there are differences between labor arbitration and commercial or employment arbitration, the courts frequently cite labor arbitration cases as precedent for delegating enforcement of legal rights to arbitration and restricting the scope of judicial review. Labor arbitration involves disputes relating to collective bargaining agreements between employers and labor unions. Labor arbitration can provide prompt, final resolution to a wide array of workplace disputes including discipline and discharge, subcontracting, layoffs, promotions, and vacations. There are two basic types of labor arbitration disputes: grievance or rights disputes and interest disputes. Grievances are disputes relating to the interpretation or application of an existing labor contract. Most collective bargaining agreements permit the filing of a complaint, called a "grievance," alleging a contract violation. Grievance procedures frequently provide for several steps, during which the parties attempt to resolve the dispute before arbitration. If the parties do not resolve the grievance, it may be submitted to arbitration for resolution. "Employment law" is applicable to all employees, whether unionized or not "Labor law" applies only to employees represented by a labor union. In "employment arbitration" the duty to arbitrate is found in an "agreement," such as an employee handbook or an individual employment contract, between an employer and an individual employee. In "labor arbitration" the agreement to arbitrate is found in the collective bargaining agreement between an employer and a labor union representing a bargaining unit of the employer's employees.

## *Workplace Relations Commission*

In Ireland employers and employees can find the help to resolve conflicts in the workplace or be aware about their rights and obligation getting in touch with WRC that according to Citizens information web site the Workplace Relations Commission (WRC) was established on 1 October 2015 under the Workplace Relations Act 2015, it took over the functions of the National Employment Rights Authority, the Labour Relations Commission and the Director of the Equality Tribunal and also took over some of the functions of the Employment Appeals Tribunal (EAT), however, the appeal functions of the EAT were transferred to the Labour Court, which is now the single appeal body for all workplace relations appeals. The services available in the WRC are advisory service where both employers and employees and their representatives, mainly in non-conflict situations to develop effective relations practices, procedures and structures that will suit the parties to avoid or establish a way to solve the futures conflicts that will arise. Conciliation service helps companies and employees to find a solution for the conflicts when they have failed to reach an agreement within a previous negotiation. The medication service which need that both sides agree to participate and work together to reach an agreement which will suit both parties, it is a confidential processes and not solving with mediation it will be referred for adjudication that investigate disputes, grievances and claims that individuals or groups of works make under the employment legislation. The inspection service monitor the employment conditions to ensure the compliance of the employment rights which WRC provides all the information about it.

## **RESEARCH METHODOLOGY:**

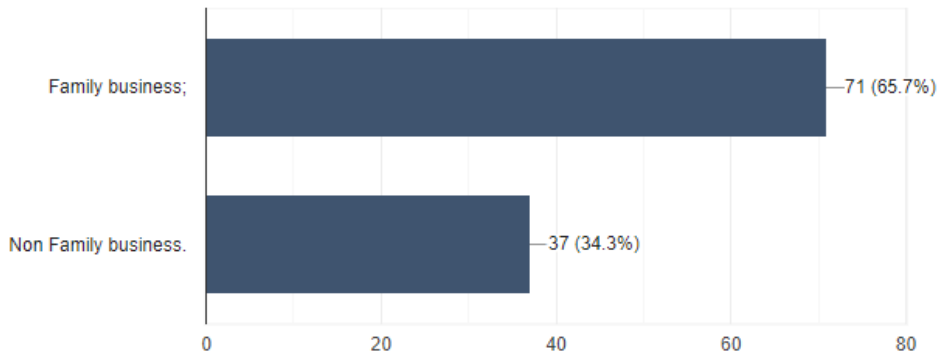
The mainly difficulty in undertaking a study of this nature is that no comprehensive list of independent family businesses in Ireland is currently available, to overcome this problem a pragmatic approach was taken in the creation of a sampling frame for this study. Primary data from a stratified random sample of independent unquoted businesses were collected, sampling quotas by a mailed-out questionnaire survey to random family business found on previous articles, on the internet and from an variety of small corporations which we believe had none or as little knowledge about alternative dispute resolution. The quantitative research methodology adopted for this research was sent a mail and link through the social media the survey to family employer and employee all over Republic of Ireland, this study relied upon a informant which reports the conflict management in their workplace as it within a family business or non-family business for obtaining self-reported data, in line with Fisher (2010) it is true that in management and business the survey will often be a mailed-out questionnaire rather than a physical survey...Survey research is presented as an accurate and generalised representation of the field of study... the difference between pre-coded and open questionnaires is simple. The pre-coded ones have lots of tick boxes for respondents to fill in, whereas open questionnaires have a few open questions and lots of white space for people to make their responses in their own words. A mail survey is less time consuming than those administered by an interviewer. Interviewer bias is eliminated through a mail survey as questionnaires can be returned anonymously as per Kotler, Saunders & Wong (1996). Although, there are disadvantages of using a mail survey as they are inflexible as questionnaires have to be short and easy for respondents to complete understand and non probing questions can be made. In

addition the possibility of a low response rate is increased when compared to a mail survey with other survey methods. Many researchers, for example Barnett (2002), argue that using sampling makes possible a higher overall accuracy than a census. A random sample was chosen for this survey questionnaire as the appropriate due the timeframe and resources available as a research made by Saunders, Lewis & Thornhill (2016) shows that simple random sampling is best used when you have an accurate and easily accessible sampling frame that lists the target population, preferably in electronic format. A questionnaire as a general term to include all methods of data collection in which each person is asked to respond to the same set of questions in a predetermined order according to De Vaus (2014). An alternative term, which is also widely used, is instrument as per Ekinci (2015) it therefore includes both face-to-face and telephone questionnaires as well as those in which the questions are answered without an interviewer being present, such as the Internet survey, as questionnaires are usually not particularly good for exploratory or other research that requires large numbers of open ended questions this survey has only 2 opened questions to reach other types of findings that were not found in the Literature review, in line with Robson (2011) questionnaires work best with standardised questions that you can be confident will be interpreted the same way by all respondents Dillman (2014) found that respondents to self-completed questionnaires are relatively unlikely to answer to please you or because they believe certain responses are more socially desirable. To control for response bias, the structured questionnaire was addressed to a named respondent in Republic of Ireland randomly selected around 460 employers and employee from small and medium businesses in total 108 valid responses were received, resulting in a response rate of 23.48%. Alpar and Spitzer (1989) reviewed over fifty reports in all volumes of Frontiers of Entrepreneurship Research from 1981 to 1988 by researchers who sampled actual entrepreneurs in a mail survey they found that studies in which no additional contacts with entrepreneurs occurred and in which no addresses were obtained from a commercially available database achieved response rates of 8.0% to 26.5%. For that reason the response rate of 23.48% can be considered acceptable for this sampling procedure and data source of addresses.

## **REASERCH FINDINGS :**

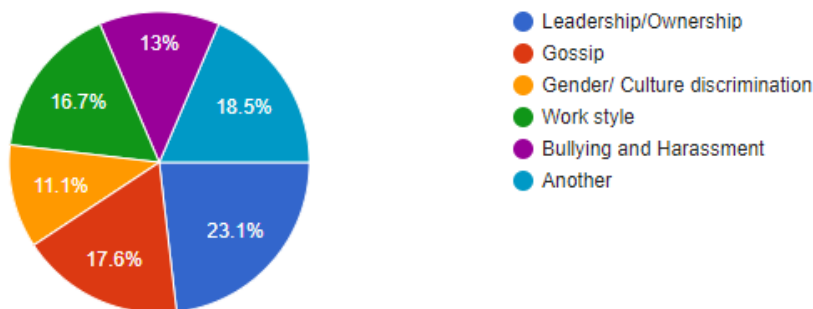
Of the 108 respondents, 65.7% were the employers/employees of a family business (a total of 71 employers/employees) and the remaining 34.3% were staff members of non-family business (a total of 37 employers/employees) in different positions. Thus all the respondents adhered to the workplace conflict element presented for this survey. The number of employers and employees that answered are divided into two groups one being the family business the other being the non-family business and it is identified in the following graph:

**Table 7: Type of respondents.**



The second question shows that 23.1% of respondents identified that “Leadership/Ownership” is the most common conflict that can arise at the workplace at just less than 25 employers/employees. These results indicate that the largest group of the respondents see their biggest problem and most common conflict in their workplace environment as problems being with the head of the company in leadership. The next most common with 18.5% of the respondents have chosen "another" as their most typical type of conflict that arises for them with just less than 20 employers/employees. This complaint because it is a vague term “Another” type of conflict which could mean a lot of different situations where conflict happens but we do not know specifically what conflicts these are . Not to far behind follows “gossip” with 17.6% of the respondents which is slightly more than 19 employers/employees. Following this is “work style” with 16.7% from the respondents as the cause of most conflicts this is around 18 employers/employees. With 13% of the responses "bullying and harassment" are the second least common causes of the conflict at the workplace informed in this survey and this sits at around 14 of the employers/employees that have answered. Next and the last in line just behind “bullying and harassment” is the least common cause of conflict being “gender/culture discrimination” with just 11.1% of the respondents equating to just less than 12 employers/employees.

**Table 8: Types of workplace conflict**

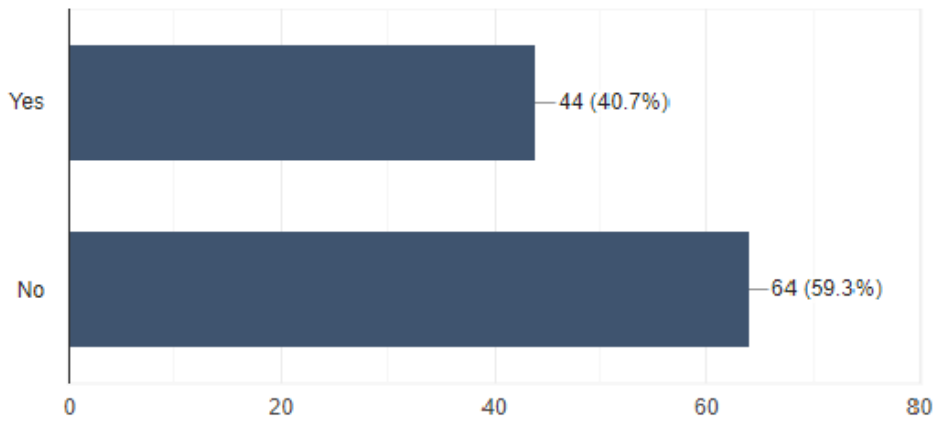


Respondents were asked in question number 3 if they have ever heard about ADR (Alternative Dispute Resolution) before the information given in this survey and 59.3% (64 employers and employees) had answered NO as they have never heard about ADR and how ADR could help for the solution of any conflict and the other 40.7% (44 employers and



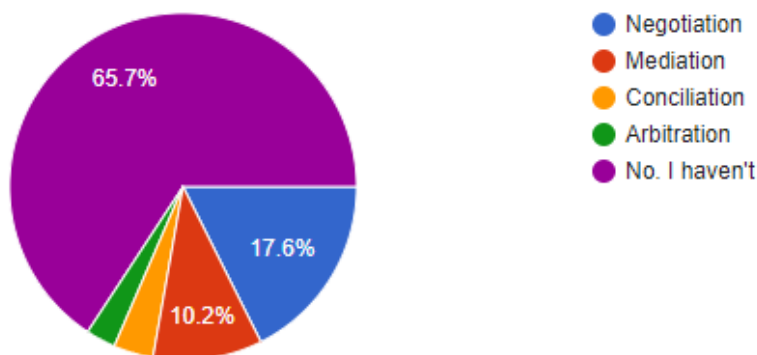
employees) said yes. It is clear the inexperience and unfamiliarity with Alternative Dispute Resolution processes between the respondents.

**Table 9: Knowledge about ADR**



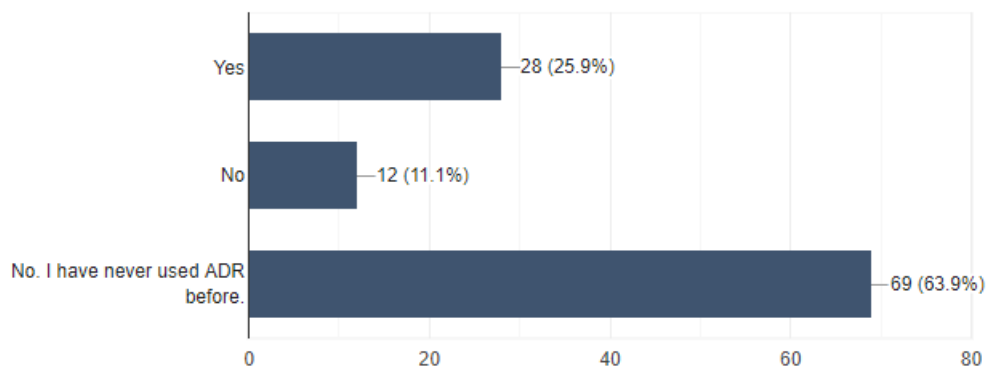
Next in question number 4 the respondents were asked to indicate if they ever used ADR (Alternative Dispute Resolution) before. Additionally, they were questioned if yes which one of the processes available did they use. The vast majority of the respondents have never used and have no experience with ADR before at around 65.7% being slightly less than 71 employers/employees well over half of the people surveyed. The most common of the ADR process that has been used for the respondents before was negotiation with 17.6% of those surveyed which is slightly more than 19 employers/employees and is half of the total from the people that have used and have experience with ADR before. This shows us that negotiation is by far the most popularly used and well known type of ADR according to this survey. With 10.2% of the answers of those surveyed mediation is identified as the second most used and well known by employees/employers with more than 11 employers/employees having previous knowledge or experience in using it. Following on from mediation is conciliation and arbitration which did not have enough responses to use in this analysis. This highlights the fact that knowledge and experience with Alternative Dispute Resolution is limited between the type of business used for the purpose of this survey.

**Table 10: Types of ADR**



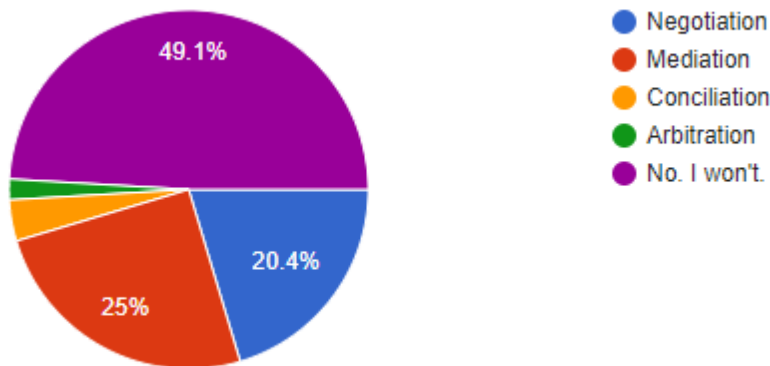
To further investigate if the respondents got their conflicts solved with the help of ADR, question number 5 identified that 63.9% totalling just over 69 of the employers and employees have never used ADR before so they were deprived of giving their opinion about the process. This is well over half the respondents and this shows a trend in the lack of use or knowledge of ADR in the workplace in Ireland to help with solving workplace conflict. The other 25.9% totalling almost 28 employers/employees said yes they got their conflicts solved by utilising ADR. Lastly with 11.1% totalling almost 12 employers/employees that did not solve their workplace conflicts by using the ADR process.

**Table 11: Conflicts solved through ADR**



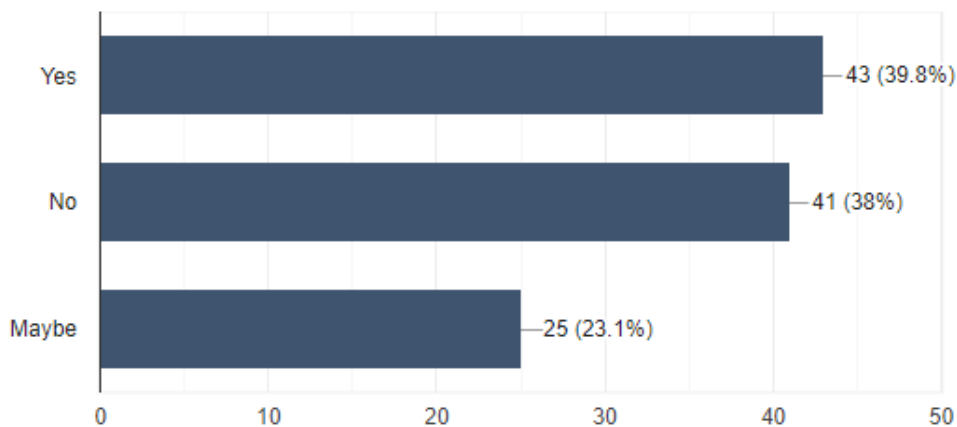
The findings in question number 6 suggest, that, on the average the employers and employees who responded to this survey had a lack of knowledge about ADR and or that ADR could be a facilitator to find the best solution for the conflicts that arise in the workplace environment. The second common answer was that they would involve using ADR to solve a workplace conflict when 2 different parties could not get to an agreement within a variety situations found at the workplace. According to Moffitt & Bordone (2012) what makes dispute resolution different as a field, however, is its continuing aspiration to make the work a better place by seeking modes of communication to resolve unproductive conflict, to seek creative and efficient solutions to disputes, to prevent and reduce violence, to encourage every human being to approach every other one in the spirit of shared problems solving and respect for mutual existence. These are lofty aspirations, and at the beginning of the twenty-first century they seem almost naïve. The Realpolitikers seem to have won the current day of polarization, ethnic and civil wars, and “clashes of civilizations” yet the field of dispute resolution continues to expand, training millions of lawyers, business people, architects to look for common ground of mutual existence, not settle for bad compromises, and continue to look for high-quality solutions to difficult problems. Furthermore, the findings of question 7 illustrates that 49.1% of the respondents will not choose ADR to help to resolve a future conflict, which indicates that the little knowledge known about the process including not having any previous experience with the Alternative Dispute Resolution. 25% of the respondents would choose mediation to help them to solve their future conflicts followed by negotiation with 20.4% of the employers and employees who have answered this survey, the others did not have enough respondents to fulfil the other 2 categories: conciliation and arbitration.

**Table 12: ADR for future conflicts**



Question number 8 identifies the respondents opinions about the type of conflict they could see ADR will be helpful in solving. As an open question it is clear where the answers have come from following the same trend as open question number 6 which most of respondents had no experiences and lack of knowledge about ADR, on the other hand 1/3 of the answers indicate that there is a vast variety of workplace conflict which ADR could be the helpful with. Additionally, the respondents were asked if they would suggest Alternative Dispute Resolution for someone else and even with the lack of knowledge the majority of the employers and employees who responded this survey with 39.8% (43 respondents) said yes they would suggest ADR, followed by 38% (41 respondents) who said no they wont suggest ADR to anyone else, the other 23.1% (25 respondents) said maybe, that, they could suggest if they had more knowledge and experience of the processes of ADR.

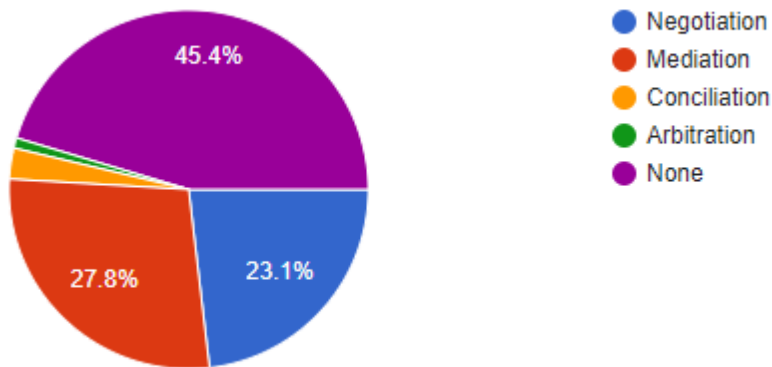
**Table 13: Experiences with ADR**



In question number 10 it indicates that the majority of respondents 54.6% would suggest

ADR processes to facilitate with the conflicts that arises in the workplace environment. Here we had 27.8% of the respondents that would suggest mediation to solve a conflict that could arise. Following on from this is negotiation with 23.1% of the employers and employees that responded to this survey. Conciliation and arbitration did not achieve a significant enough response to be included in the figures. The other 45.4% will not suggest any type of Alternative Dispute Resolution processes to anyone else.

**Table 14: ADR recommended by respondents**



## CONCLUSION

When it is ignored or it is handled badly, conflict can have the most significant impact on employee engagement within an organization with the unresolved or badly solved conflict also having an aggregated impact throughout an organization, it might be because conflict involves things that people find incredibly hard to deal with, it is about people and emotions and we all find that difficult to deal with in our personal lives and at work. To deal with conflict is hard because it takes people out of their comfort zone, it is untidy and because there is not necessarily a right answer or a mathematical way to get yourself out of the conflict and it will result a different outcome with each and every attempt. So, as a result, we avoid tackling it, we avoid learning about it and by doing this sometimes the situations became much worse than in the beginning.

In agreement with Liddle (2017) effective research into the nature and extent of organizational conflict will:

- Help organizations to understand the causes and the costs of conflict;
- Enable organizations to develop meaningful conflict management strategies.
- Help organizations to measure the impact of their conflict management activities.
- Support the government and policy makers in developing effective conflict management policies and strategies.
- Facilitate benchmarking exercises and the dissemination of best practice.

First and foremost, be reassured that having a conflict in your team is not a sign of failure. It is perfectly healthy and a normal part of team functioning. In fact, the process of transforming the conflict from dysfunctional to functional could make your team stronger and more effective.

The absence of research on workplace conflict within a family businesses in Ireland is quite alarming even though research on this unit of analysis has shown considerable expansion over the past number of years. This paper has outlined the Alternative Dispute Resolution processes available in Ireland and how they are known and used by the family business and SMEs. The findings identified that part of the small businesses are owner/managed by family members and the type of conflicts that involve the workplace environment. Owners, managers and staff members are likely to continue favouring court procedures as litigation rather than considering ADR as a means of finding tailored solutions to the specific issues in the workplace. The evidence from this study suggests that there are a number of additional factors that may deter employers and employees from considering alternative approaches to conflict management. One is simply a lack of knowledge amongst employers and employees about ADR, or what it can offer the parties. Greater awareness of ADR processes and benefits is needed if it is to be more widely adopted. Another constraint is the nature of advice and support provided to family business and small/medium enterprises by the sources they rely on. Based on this finding, it is recommended that more research needs to be conducted on the implications of the inexperience and unfamiliarity with Alternative Dispute Resolution processes to solve workplace disputes, those findings are the beginning of a further analysis with family business comparing the use of ADR between them and the benefits the use of ADR at the workplace environment will bring to this type of company. Philips & Tatum (1999) believe that companies that have a strong management dispute resolution program are more likely to reach a reasonable settlement, in a shorter period of time and at reduced costs, which often preserve important business relationships.

Furthermore, the anecdotal responses from this questionnaire identifies that more knowledge is placed on court procedures to workplace conflicts between non-family employees and family business members and Alternative Dispute Resolution methods are not known or experienced this type of group. The overall conclusion that can be derived from this study is that maintaining family business is paramount to the Irish economy, since they are providers of employment and have a long existence in the fabric of Ireland's economic society. This paper leads to the development of a better understanding and awareness of this unique business entity in Ireland.

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