



“Is WRC’s Mediation an effective Dispute
Resolution tool to non-Irish in Ireland?”

By

Kauany Florentino Pontes

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INTRODUCTION

The WRC's mediation and non-Irish workplace disputes in Ireland are the focus of this study. It determines whether WRC Mediation is the most effective dispute resolution tool in Ireland for resolving non-Irish workplace disputes. The Emerald Island is home to many nationalities, and its population has been growing over time. As a result, the presence of non-nationals in companies and jobs has increased, as have workplace disputes involving non-Irish.

The Workplace Relations Commission (WRC), which was established under the Workplace Relations Act 2015 (No. 16 of 2015), is another important focus of this research. It is the body to which all industrial relations disputes, as well as disputes and complaints about employment laws, are referred. The question is whether this agency is indicated to handle employment conflicts involving non-nationals in the country using mediation as a dispute resolution tool, it gains great importance in the subjective.

The goals of this study are to better understand workplace disputes involving non-nationals and how they are resolved, whether non-Irish seek and trust the body, and, finally, whether WRC mediation is as effective for non-Irish nationals as it is for Irish nationals.

1. LITERATURE REVIEW

Introduction

This topic will embrace all the literature review involved in the research, since the concept of Workplace disputes until Mediation in the Workplace Relation Commission, concentrating later on the effectiveness of WRC's mediation involving the non-nationals in Ireland.

1.1 WORKPLACE DISPUTES AND WRC

1.1.1 Workplace disputes

Disputes are not discrete events like births or deaths; they are more like such constructs as illnesses and friendships, composed in part of the perceptions and understandings of those who participate in and observe them. Disputes are drawn from a vast sea of events, encounters, collisions, rivalries, disappointments, discomforts, and injuries. The span and composition of that sea depend on the broad contours of social life ... The disputes that arrive at courts can be seen as the survivors of a long and exhausting process. (Miller & Sarat, 1980-1981)

Disputes are present at any moment of life, and in the workplace is not different. The concept of dispute is defined as a disagreement or objection of interests or ideas; it is a regular and natural occurrence in any environment where individuals act together. Workplace disputes are usually focus on conflicts involving any part of the system, as the employer, managers, employees, customers, et al., and generally it is resolved by the parties or by the interference of a third party, before the conflict escalates.

The workplace conflicts can be separate in collective disputes and individual disputes, and subdivided in disputes regarding statutory rights and conflicting interests, yet all of them follow the same line. In accordance with the Labour Court User's Guide, 2020, disputes involving statutory rights are the ones that go against the law, that breaches somehow the rights

established in the Employment Acts in force in the country, e.g., minimum pay, terms, hours of work, rest breaks, redundancy entitlements, payment of wages, etc. (Workplace Relations Commissions, 2021)

In contrast, organizational conflicts, also known as workplace conflicts, relating to conflict interests, can be categorized in six different categories according to Hussein & Al Mamary, 2019, they are: Intrapersonal Conflict, Interpersonal Conflict, Intragroup Conflict, Intergroup Conflict, Intra-Organizational Conflict and Inter-Organizational Conflicts.

Intrapersonal conflict usually happens when a person is faced with a number of mutually exclusive choices and is unable to make a decision. Numerous workplace intrapersonal conflicts stem from a clash of personal and organizational values; Interpersonal conflict is when two or more people have opposing perspectives on goals, actions, positions and values. Generally, this happens in the workplace environment due to the variety of people with different values, backgrounds and ideas; Intragroup conflict occurs when members of group or team disagree, possibly about how to perform a specific assignment. It is frequent in teams containing a high number of different backgrounds, cultures, work experience, et.al.

Intergroup conflict relates to disputes between distinct groups or team and could be related to many reasons. It can have as a consequence divided allegiance; Intraorganizational conflict is a dispute in an organization, involving levels or within them. There are three levels of intraorganizational conflict: vertical (hierarchical levels), horizontal (departments in the same level) and line-staff (managers and staff managers); and Interorganizational conflict, happens between organizations and can improve internal conflicts. (MyEducator , 2021).

Exceeding, Turkalj, et al., 2008, summarises conflict interests into three categories: relationship conflicts, value conflicts and interest conflicts. The first one is focus on personal actions and have relation to negative behaviors, rumours, stereotypes, et.al. The second, value conflicts, is

centred on personal or groups conflicting views regarding moral and ethical values; and the last one, interest conflicts is when a person or a group has conflicting interests regarding an outcome or desire.

In any case, there are many ways to categorize and subdivide workplace conflicts, and it is more common than it is expected. Conflict is a natural event in human life, it can occur in any types of groups and situations and its effects can be positive or negative, it all will depend on how it will be managed. (Rahim, 1986). Unresolved or badly managed conflicts can lead to strained relationships or poor health among the involved. In contrast, when a conflict is well managed, it promotes a sense of collaboration, harmony and partnership among organizational members. (Araujo, 2020) (Rahim, 1986)

1.1.2 Common workplace conflicts

There are many types of workplace conflicts, subdivided in many different categories, some of them mentioned in the previous topic. Some of them can be obvious as an arguing between co-workers, others more subtle as someone talking over a co-worker in a meeting, but they all have in common the tension and the impact on the well-being.

According to Chartered Institute of Personnel and Development, 2020, there are a few obvious causes of workplace conflict such as any form of bullying behaviour or harassment, any form of discriminatory behaviour, poor performance, poor attendance and time-keeping, unacceptable language, theft, drink or drug problems. Others less obvious sources include: differences in personality style or working, take credit for other people's work or ideas, not value other people's views, background or experiences, talk over people in meetings, fail to include people in round-robin, poor personal hygiene, et.al. In addition, as already mentioned, conflicts focusing on employment laws breaches, such as minimum payment, work hours, break

times, holidays, among others.

Furthermore, the psychologists Bell, 2002 and Hart, 2000, classified eight principle causes of conflict in the workplace, and when identified can provide the best action plan to solve any workplace dispute, the eight causes of conflict are: Conflicting resources (related to limited office resources, such as office supplies, office spaces, money, personnel, et.al); Conflicting styles (related to individual needs, personality and work style); Conflicting perceptions (difference in perceptions of the events or situations); Conflicting goals (when goals set by the company, managers and the own employee clash between each other); Conflicting pressures (similar to conflict goals, but involving urgent tasks, when a worker depends on another to complete a task); Conflicting roles (similar to conflict perceptions, usually related to employee's territory and power, overstepping of responsibility/roles/power); Different personal values (related to difference between personal values, ethics, standers, culture, et.al.); and Unpredictable policies (related to lack of communication of changes and/or inconsistence application in the rules and workplace policies). (Booth & Chute, 2017).

Notorious that a better perception of the various forms of conflict can offer insight into what can drive others, and allow the communication to change into a more collaborative process (Booth & Chute, 2017); therefore, it does not matter the type of conflict, but the way it is handled, if ignored or poorly managed, it tends to escalate and sometimes cause irreversible damage. The conflicts must be handled in a proactive and positive way to help increase morale and confidence, maintaining worthy skills and talents within the group. (Chartered Institute of Personnel and Development, 2020)

1.1.3 Managing Workplace Conflicts in the Workplace

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. The workplace conflicts can be managed in many forms, starting with measures to prevent the conflict in the first place. (Doherty & Guylar, 2008)

Conflict prevention are practices that prevent the conflict from arising, it can be applied in many aspects, not only in the workplace environment. It is a common practice used in Restorative practices by the UN (United Nations) and aim help the parties to solve their problems before it escalates or even creating procedures to prevent the conflict to arise. In the workplace environment these practices can be applied in many situations, specially when the managers are adequate prepare and aware concerning all types of workplace conflicts and what to do to prevent them.

Still based in the eight principle causes of conflict in the workplace stated by the psychologists Bell, 2002 and Hart, 2000, it is possible to apply the practice of conflict prevention in all of the causes. The main technique is the open communication. This tactic needs to be used, not only between the employees but also between the management and the rest of the team. An open dialogue might help the management to understand better their team needs and concerns, anticipating a tension before it becomes a conflict or dispute. An extensive communication will allow the management team to understand better the employees' necessities, expectations, personalities, work style, goals, perceptions, et.al, individually and as a group, which facilitates the exchange of vital information between the unit, preventing the conflicts listed in Bell and Hart studies.

Conflict resolution is another form to manage workplace conflicts. Once the conflict is installed is necessary to find useful ways to reach a solution. There are many forms to solve a conflict,

sometimes it can be managed with simple actions as settling a structure in the company that is design to avoid conflict escalation, focusing on resolve the conflict in a timely and equitable manner; at other times, depending on the matter, it requires a different approach, concentrating on the problem and seeking to maintain the relationship between the parties, most of these approaches are based in ADR (Alternative Dispute Resolution), as negotiation, conciliation, facilitation, mediation, arbitration, among others.

Therefore, it all comes to the management actions, it is not easy to handle conflict in the day-to-day basis, in fact, conflict is one of industry's most hidden costs, and yet is the least costly to remedy (Doherty & Guyler, 2008). The main issue arises when businesses fail to prioritize conflict prevention and conflict resolution procedures or when they fail to train their management team to act assertively when a conflict arises, consequently, they will become mired in complaints and conflicts, wasting valuable management time, sometimes to resolve issues that could have been avoided with well-designed and explained company policies. Furthermore, it all must be aligned with an assertive management style, which does not always occur because not everyone is assertive when it comes to conflict.

Based on Thomas-Kilmann Conflict Mode Instrument, 2007, there are five forms of individuals handle a conflict and they may use all of them to apply to different types of conflict, even sometimes they do tend to choose a specific mode. The five forms are: Competing, Accommodating, Avoiding, Collaborating and Compromising.

Competing is a power-oriented form, when the individual seeks his position at any costs, aiming the victory and using whatever means seems viable to win the position. It is assertive and uncooperative; Accommodating is the opposite of competing, it is an unassertive and cooperative mode, when the person sacrifices his own matters to satisfy the will of the other, yielding at any demands, sometimes to just to finish the dispute. Avoiding is the form when the

individual prefers to abstain of a conflict, it is an unassertive and uncooperative way. Collaborating is the contrary of avoiding, it is an assertive and cooperative mode, when the individual works together with the other party to seek a solution, usually it focuses on the problem and separate it from the people, resulting on an answer that fulfil all the needs, and lastly, Compromising, it is a moderate in assertiveness and cooperativeness, where the individual focus on find a middle term of the issue, can mean sometimes split the differences between the parties, aiming in a win-win situation. (Thomas & Kilmann, 2021)

There are thus many ways to manage a workplace conflict within the company, based on conflict prevention, to avoid disputes from arising or escalating, such as open communication, friendly environment, company policies, and so on; but also based on conflict resolution, aiming to solve a conflict in an effective and assertive manner, sometimes appealing to ADR practices. However, these practices are not always sufficient, necessitating the company's seeking the intervention of WRC (Workplace Relation Commission).

1.1.4 WRC – Workplace Relation Commission

In Ireland, the governmental body responsible for handling all types of workplace disputes is the WRC – Workplace Relations Commission. As stated on the website of Citizens information, 2021, the Workplace Relations Commission (WRC) was established under the Workplace Relations Act 2015 (No. 16 of 2015), and it is the body to which all industrial relations disputes and all disputes and complaints about employment laws are referred. The body has several operations such as advisory service, conciliation service, mediation service, adjudication service, inspection service and employment rights information (Citizens information, 2021)

The body was established on 1st October 2015 under the Workplace Relations Act 2015 (No. 16 of 2015) and assumes the roles and functions previously carried out by the National

Employment Rights Authority (NERA), Equality Tribunal (ET), Labour Relations Commission (LRC), Rights Commissioners Service (RCS), and the first-instance (Complaints and Referrals) functions of the Employment Appeals Tribunal (EAT). (WRC, 2021). The WRC has five regional offices: Dublin, Carlow, Cork, Ennis and Sligo; it is part of the Department of Enterprise, Trade, and Employment, is funded from the overall Departmental vote and had 192 permanent and full-time employees as of 2020, as well as 44 contracted Adjudication Officers who assist the Adjudication Service on a case-by-case basis. The budget in 2020 was constituted by €12.340m (pay) and €2.614m (non-pay), totalizing €14.959m in the year of 2020. (Workplace Relations Commissions, 2020).

Based on WRC annual report 2020, the core functions of the Workplace Relations Commissions are:

- *Promote the improvement of workplace relations, and the maintenance of good workplace relations,*
- *Promote and encourage compliance with relevant employment legislation, • Provide guidance in relation to compliance with Codes of Practice,*
- *Conduct reviews of, and monitor developments, in workplace relations generally,*
- *Conduct or commission relevant research and provide advice, information and the findings of research to Joint Labour Committees and Joint Industrial Councils,*
- *Advise the Minister for Jobs, Enterprise and Innovation in relation to the application of, and compliance with, relevant legislation, and to*
- *Provide information to the public in relation to employment legislation (other than the Employment Equality Act). (Workplace Relations Commissions, 2020).*

Regarding the services that is offered in WRC, among the already mentioned, the body also provide services intended to violate labour rights and compliance with them, discrimination, unequal treatment (in the civil and public services), provision of employment information, protection of young people in the employment environment, through ADR tools, as mediation, conciliation, facilitation, adjudication and consultative assistance.

Prior to COVID-19, WRC's services were delivered by the CAM division, counting on face-to-face contact, however, due to COVID-19 restrictions, the services now are delivery by WebEx and other IT applications, for instance the phone. Conciliation, Advisory and Pre-Adjudication Mediation Services as well as the Workplace Mediation Service continued to provide an impartial, timely and effective service to assist employers and workers and their representatives in their efforts to resolve disputes by agreement. The Advisory team worked with organisations, their employees and representatives to assist in developing effective industrial relations. (Workplace Relations Commissions, 2020).

Furthermore, the agency contains the Inspection and Enforcement service, where the main purpose is secure that the companies are compliant with the employment law in force in the country, and if not, to enforce compliance with the law. Usually, the investigations occur in places where is presumed a non-compliance environment or even when the place received complaints regarding the matter. The investigators visit the company (announced or unannounced) to check if the workplace is following the in-force workplace laws in Ireland, the procedure involves interviews with both employees and employers, analysing the companies' books, records, among others. Where breaches of legislation have been found, an Inspector may, depending on the section of legislation involved, issue either a Compliance Notice or a Fixed Payment Notice to an employer. Other breaches of employment law are classed as offences and may result in a criminal prosecution. (WRC, 2021). Occasionally, inspectors may

be supported by other inspectors, and inspections may occur in collaboration with An Garda Sochána and other regulatory agencies such as the Department of Social Protection and the Revenue Commissioners. (WRC, 2021).

The legislation that enables an employee to file a complaint with the Workplace Relations Commission is extensive, it includes:

- *Organisation of Working Time Act 1997;*
- *Unfair Dismissal Acts;*
- *Industrial Relations Acts;*
- *Payment of Wages Act 1991;*
- *Terms of Employment (Information) Act 1994;*
- *Redundancy Payments Acts;*
- *Employment Equality Acts;*
- *Minimum Notice and Terms of Employment Act 1973;*
- *European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 ((S.I. No. 131 of 2003) (other than Regulation 4(4) (a));*
- *Equal Status Acts;*
- *Protection of Employees (Fixed-Term Work) Act 2003;*
- *National Minimum Wage Act 2000;*
- *Regulation 5, 8, 9, 10, 11 or 12 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 (S.I. No. 36 of 2012);*
- *Safety, Health and Welfare at Work Act 2005;*
- *Maternity Protection Act 1994;*

- *Parental Leave Act 1998;*
- *Protection of Employees (Part-Time Work) Act 2001;*
- *Protection of Employees (Temporary Agency Work) Act 2012;*
- *European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No. 507 of 2006);*
- *Regulation 6 of European Communities (Protection of Employment) Regulations, 2000 (S.I. No. 488/2000);*
- *Protected Disclosures Act 2014;*
- *European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 (S.I. No. 494 of 2004);*
- *European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross- border Services in the Railway Sector) Regulations 2009 (S.I. No. 377 of 2009);*
- *Employment Permits Act 2006;*
- *Consumer Protection Act 2007;*
- *Pensions Acts;*
- *Health Act 2004;*
- *Criminal Justice Act 2011 noting that Criminal Justice (Corruption Offences) Act 2018 is part of Schedule 1 of the 2011 Act;*
- *European Union (Reporting, Analysis and Follow-up of Occurrences in Civil Aviation) Regulations 2020 (S.I. 195/2020) in relation to a complaint of a contravention of Article 16(9) of EU Regulation 376/2014;*
- *Competition Act 2002;*

- *Carer's Leave Act 2001;*
- *Protections for Persons Reporting Child Abuse Act, 1998;*
- *Protection of Employees (Employers' Insolvency) Act, 1984;*
- *National Asset Management Agency Act 2009;*
- *Chemicals Act 2008;*
- *Regulation 19 of the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006);*
- *Regulation 20(1) of the European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No. 259 of 2007);*
- *Charities Act 2009;*
- *Regulation 39(1) of the European Communities (Cross- Border Mergers) Regulations 2008 (S.I. No. 157 of 2008);*
- *Inland Fisheries Act 2010;*
- *Protection of Young Persons (Employment) Act 1996;*
- *An Employment Regulation Order under S.42C (inserted by S.12 of the Industrial Relations (Amendment) Act 2012) of the Industrial Relations Act 1946;*
- *A sectoral employment order within the meaning of Chapter 3 of Part 2 of the Industrial Relations (Amendment) Act 2015;*
- *Property Services (Regulation) Act 2011;*
- *Adoptive Leave Act 1995;*
- *Central Bank (Supervision and Enforcement) Act 2013;*
- *Registered employment agreement within the meaning of Chapter 2 of Part 2 of the Industrial Relations (Amendment) Act 2015;*

- *Prevention of Corruption (Amendment) Act 2001;*
- *Paternity Leave and Benefit Act 2016;*
- *Employees (Provision of Information and Consultation) Act 2006;*
- *Protection of Employment Act 1977;*
- *Transnational Information and Consultation of Employees Act 1996;*
- *Further Education and Training Act 2013;*

(Workplace Relations Commissions, 2020)

The agency also has a customer service unit that provides information by phone (handled by an expert officer), website, leaflets, etc. The unit is charge of: Providing impartial information on employment rights, equality, industrial relations and employment permits to both employees and employers; Processing complaint applications received for Adjudication; Processing employment agency licenses and renewals; and Processing requests for licences under the Protection of Young Persons Acts for children working in film, theatre, advertising, artistic or cultural activities. (Workplace Relations Commissions, 2020).

In addition, WRC offers an easy and quick way to file a complaint that can be done in two simple steps. First step: Access the WRC's website, and fill the online complaint form, where it will have the option to mediation service; Second step: The WRC team will get in touch with the parties to confirm if they agree to use mediation to solve the dispute, in a positive case, the body will decide if the process will be face to face or by phone, depending on the complexity of the case. Identified the perplexity of the case, if the agency decided that the case meet the criteria to a face-to-face mediation, the WRC will reach both parties to schedule a time and location that suits them; In case of telephone mediation, the contact will happen by the mediator. (WRC, 2021).

In summary, WRC is an independent, statutory body that exert an important role in the Irish employment system, where utilize ADR – Alternative Dispute Resolution as a tool to solve workplace disputes, maximizing the importance of mediation and other forms of dispute resolution as instrument to solve problems.

1.2 ALTERNATIVE DISPUTE RESOLUTION

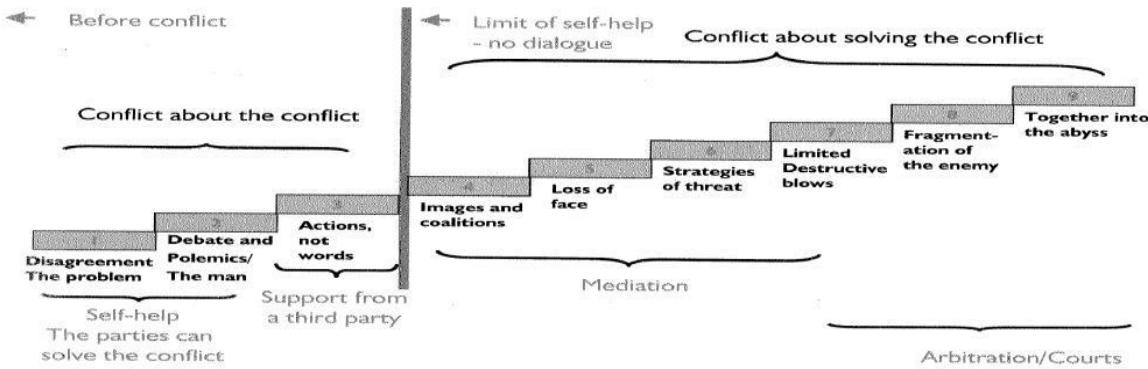
Alternative Dispute Resolution is a method of solving conflicts between two or more parties without necessary pursuing court proceedings. ADR or Alternative Dispute resolution is the quickest, easiest and cheapest way to achieve a solution in a dispute and it includes several sorts of approaches and procedures that can be divided into two main types: consensual processes and adjudicative processes. In the consensual processes, also known as interested-based processes, it is present some approaches as such as mediation, conciliation, negotiation and collaborative law; the essence is expanding the argument over the parties' legal rights and encouraging the parties to achieve an agreement/solution to the disputes by themselves, being assisted by an impartial third-party that will act as a facilitator, since the parties own the process and hold the outcome.

In contrast, on the Adjudicative processes, also known as rights-based processes, prevail approaches such as Arbitration and Litigation, here, the parties chose a qualified third-party or third-parties (such as an arbitrator, judge or jury) and they will decide the outcome, basing themselves on evidences, documents, witnesses presented by the parties and the law of the country. The outcome in all the processes, being this an agreement between the parties or a decision made by a third-party, it will be legally binding and it can be enforced by the interested parties in court – unless pre stipulated otherwise by the parties and placed a clause in the agreement or decision. Therefore, the main difference between the two types is that in

consensual process, the parties hold the outcome of the dispute resolution, wherein the adjudicative, they choose a competent third-party to decide for them, basing their decision in solid evidences and the law. (Law Reform Commission, 2008).

According to Brown & Marriott, 2011, there are many variations in relation to disputes: the range of subject matters is very wide; within any category, a multitude of issues can arise; various factors can influence parties who disagree; and there are some conflicts which are not readily amenable to dispute resolution processes. Therefore, there are a number of factors that can affect the effectiveness of an alternative dispute resolution process. These include the type of conflict, its stage of development, and the nature of the dispute.

Glasl, 1999, identified nine stages of conflict development, and this analysis can help determine which process is most effective for resolving a dispute. The sooner a dispute resolution approach is proposed in a dispute, more efficient it can be. The nine stages of conflict escalation are: tension; debates and polemics; actions, not words; images and coalitions; loss of face; strategies of threats; limited destructive blows; fragmentation of the enemy and together into the abyss.



Source: Glasl, 1999

The first stage of conflict occurs when a relationship's frustration or difference in opinion becomes the source of irritation. This stage often leads to repeated efforts to resolve the issue. The interests and opinions of people with different political views or positions on an issue become aligned with each other, and this process usually generates groups and individuals who are against or in favour of a certain standpoint. As the situation worsens, the parties may start to doubt the intentions of the other party and start to suspect that there may be ulterior motives involved. When one or both parties lose faith in the possibility of resolving problems through straight and fair discussions, the threshold to stage 2 is crossed. The conflict enters stage 2 when straight argumentation is abandoned in favour of tactical and manipulative argumentative tricks. (Jordan, 2000).

The second stage occurs when the parties are not susceptible to rational arguments and the discussions often devolve into verbal brawls. The parties seek more aggressive means of expressing their positions and tending to become increasingly entrenched in rigid positions. In this phase, the definition of issue becomes blurry and the focus now is on the power that each part has and the argument is not about the merits of the conflict but about the parties' reputation. (Jordan, 2000). At the third stage the parties do not trust that dialogue will result in a solution, they see each other as competitors as their common interests and the prospect of resuming cooperation fade into the background. The main goal here is prevent the counterpart to achieving their goal and avoid to yield to the same strategy, this action has the effect of hastening the escalation process. (Jordan, 2000).

The fourth stage no longer involve tangible issues, but concerns only about victory and defeat. The parties start to attribute collective characteristics to members of the opposing side as well as ingroup members. Individuals are perceived to have certain characteristics (such as unreliability, incompetence, bossiness, and so on) solely because they belong to a particular

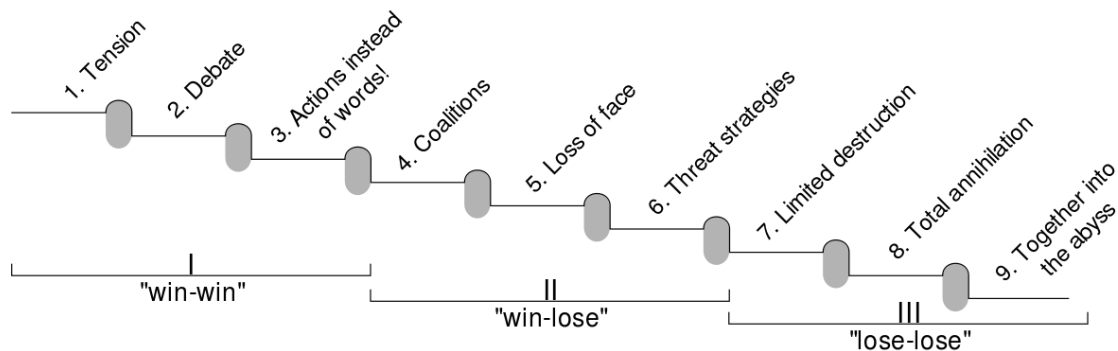
group. The power of stereotypes also exerts a delicate tension on each party to comply to the roles that have been assigned to them. It can be difficult to prevent such behavioural expectations. Both sides now believe that their behaviour is a response to the other party's intentions and actions, and neither feels responsible for the conflict's further escalation. (Jordan, 2000). The fifth stage, according to Jordan, 2000, is particularly dramatic. The entire conflict history is now being reinterpreted: it appears that the opposing side has pursued a cowardly and immoral strategy from the start. The transition of the other side's image significantly increases the role of negative expectations and suspicion. All apparently constructive moves by the counterpart are rejected as deceptions, whereas a single negative event is definite evidence of the other's real character. This leads to a situation in which it is extremely hard to build mutual trust. The gestures required to establish minimal trust in the sincerity of the other side become extreme, and are frequently perceived as demeaning. In this impasse, demeaning the opposing party may be the only visible way to gain a moral advantage.

The sixth stage appears when no other option appears to be available, the disputing parties' resort to threats of damaging actions in order to compel the counterpart to take the desired action. This stage serves the purpose of releasing pent-up frustrations and is actively used to compel the counterpart to make certain concessions. The seventh stage starts due to the lack of sense of security of the parties. They believe that the counterpart is capable of extremely destructive acts and they are concerned to express their own message. The parties recognize that victory is no longer possible. It's a lose-lose situation. The main goals are survival and causing less damage than the opponent. (Jordan, 2000).

At the eighth stage, threats become more intense, with the goal of destroying the adversary's vital systems and power base. All signs of vitality are targeted in the attacks on the counterpart, and the main goal is now to defeat the adversary's existence basis. The only constraint is concern

for one's own survival. Lastly, at the ninth stage, the parties even ignore their self-preservation instinct, nothings matters but the destruction of the counterpart, it is a lose-lose situation. (Jordan, 2000).

According to Glasl theory, each stage represents a stage of the conflict and indicates if the dispute can be solved in a practical way, as a win-win, win-lose or lose-lose situation.



Source: Glasl, 1999

As a result of that, it is important to bear in mind that not all situations are amenable to ADR resolution, just as not all cases are amenable to the court-based adversarial procedure. First is important to identify the situations in which ADR is applicable, and the Lord Chancellor's Department, 1999 in *Alternative Dispute Resolution – A Discussion Paper* pointed a few circumstances:

- Mediation or conciliation may be helpful where parties wish to preserve an existing relationship;
- Parties involved in a sensitive family or commercial dispute may prefer to use a form of ADR to keep sensitive information private;
- Arbitration may be suitable in cases where there is no relationship to preserve, and a rapid decision is needed;

- Trade association arbitration schemes, regulators and ombudsmen may provide a cheaper alternative for an individual seeking redress against a company or large organisation, but they may be limited in the redress they can provide;
- Early neutral evaluation might be applicable in cases where there is a dispute over a point of law, or where one party appears to have an unrealistic view of their chances of success at trial;
- Mediation or determination by an expert might be best where there is a technical dispute with a great deal of factual evidence;
- Mediation has achieved settlement in many apparently intractable multi-party cases; and
- Any form of ADR will be worth considering where the cost of court proceedings is likely to equal or exceed the amount of money at issue. (Law Reform Commission, 2008).

Regardless of these circumstances, there are other factors that need to be considered, for instance the power in the relation, whereas unbalanced power can allow that one of the parties to coerce the other; also, situations involving accusations of illegal or unethical behaviour or, when the result of that case can impact other people's life, et.al. Nevertheless, even for the cases suitable to ADR or the ones that are not, the Court remains vital and indispensable, once the parties are authorized to seek the legal system at any time.

The Alternative Dispute Resolution process is time-effective, confidential, voluntary, flexible, allow the parties' participation in the process and in the outcomes, and it is cost efficient, to mentioned a few advantages, in contrast, it sometimes cannot be legally binding (if the parties decided), there is no guarantee of resolution, not always protect the legal rights and in a few cases, it can be used as a delaying strategy. (ChMC, 2021).

ADR play an important role in the workplace scenario, procedures as mediation, conciliation, facilitation and adjudication are commonly used by WRC – Workplace Relation Commissions, and the body specialized in workplace disputes and conflicts in Ireland. In fact, ADR is highly recommended regarding workplace disputes, since it aims to preserve the relationship between the parties and find a solution that can benefit all the sides. (Law Reform Commission, 2008).

1.2.1 Mediation

Mediation is defined as a voluntary, confidential, and unbiased process. It forms part of the Alternative Dispute Resolution (ADR). Such process is conducted by a third party called a mediator, whose main role is to support and facilitate the parties to reach an agreement by themselves on the contested issues. The mediator promotes communication and problem-solving skills plus negotiation procedures. (Georgakopoulos, 2017).

Also stated by Christopher Moore “mediation is a conflict resolution process, in which a mutually acceptable third party, who has no authority to make binding decisions for disputants, intervenes in a conflict or dispute to assist involved parties to improve their relationships, enhance communications and use effective problem solving and negotiation procedures to reach voluntary and mutually acceptable understanding or agreements on contested issues. The procedure is an extension of negotiation. Mediation is commonly initiated when disputing parties on their own are not able to start productive talks or if they have started talks, they have reached an impasse”. (Moore, 2014)

Throughout history, various cultures, such as Jewish, Islamic, Hinduism, Buddhism and Asian have used the process of mediation to resolve disputes. The process has evolved over the centuries, yet, only from the turn of the twentieth century that mediation has become formally institutionalized and developed into a recognized profession worldwide. The rules of mediation

are established from country to country and in Ireland it is ruled by Mediation Act 2017. The Act came into force in *2nd October 2017* and establish rules and procedures to mediation process and to the mediator role. It also defines mediation as a “confidential, facilitative and voluntary process in which the parties to a dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve a dispute” (Mediation Act, 2017)

Mediation is performed by a trained and accredited third-party called Mediator. Moore, 2014 defined Mediators as individuals or groups who are independent, or in some cases somewhat autonomous, of disputing parties. They generally do not have specific substantive needs they want met by an agreement between or among disputants. They also commonly do not have predetermined, biased, or fixed opinions or views regarding how a dispute should be resolved, and are able to look at all parties' issues, needs, interests, problems, and relationships in a more objective, impartial, or “multipartial” manner than can the participants themselves.

The institutions that regulate the role of the mediator vary from country to country. In Ireland the mediators are trained and accredited by institutions such as International Mediators' Institute (IMI) and Mediators Institute of Ireland (MII) and they must follow a Code of Ethics established by the body. The role of the mediator is vital to the process, and enable the parties to explore the conflict and through communication reach a solution to their disputes. The mediator is responsible for guiding the process, explaining to the parties the procedures, setting ground rules to maintain the respect between the involved, while using skills as impartiality, neutrality, active listening, empathy, reframing and paraphrasing. The core of the mediators' duties is built a safe environment to the parties tell their stories and make them feel comfortable to explore and reach the best solution from their issues.

The Mediation process contain six stages: Planning (also known as pre-mediation stage), Introduction; Opening (where the mediator present the ground rules and the main issues that

will be discuss in the meeting); Joint Discussion (meeting including all the parties); Caucuses (private meetings with the parties and the mediator) and Negotiation (where the parties discuss their options and if solved, their draft the mediation agreement). (Program on Negotiation - Harvard Law School , 2021). The process can present some or all of the mentioned stages and can be apply in any type of mediation models.

The mediation is composed by four main models, which follows distinct styles and methods, directly impacting in the mediators' approach when conducting the mediation session. The four models are:

- **Facilitative Mediation** – It is also known as traditional mediation, and it is the most common style of mediation. The mediator seeks to facilitate the parties' negotiations in a completely neutral, not biased and impartial manner, following the principles of confidentiality and voluntariness. This approach suits disputes involving family, workplace, community, among other matters, and has the win-win outcome as the most common, once the parties decided the outcome.
- **Evaluative Mediation** – It is a style based in a settlement meeting in court and generally the mediator has some expertise in the legal field. In this style the mediator intervenes in the mediation more than the facilitative model, making recommendations, providing opinion, pointing out weaknesses and strengths of their cases, and advising the parties of the possible outcomes if the case go to court. This model is often used in court mandated mediation - when the court compel the parties to assist mediation in order to speed up the process and cost efficient in settlements.
- **Transformative Mediation** – This model keeps the base of facilitative style along with the empowerment of the parties, encouraging them to recognize the other party's point

of view, in order to transform the relationship between them, aiming the best outcome. It is focuses on empathy and compassion.

- **Narrative Mediation** – This style borrows elements from narrative therapy, where the goal is to get the parties to see the conflict from a different angle. It is assumed that people tend to get entangled in the conflict cycle. Through this process, the facilitator tries to get the parties to create a new story that will help them separate themselves from the conflict and find a solution. It is a therapeutic approach that can be used in various settings, such workplace disputes.
- **Holistic/Therapeutic:** It is a combination of all the other approaches, works well in family mediation. The mediator must have a certain expertise in family law.

While each module has its own characteristics and procedures, they are all governed by the same principles. There are four fundamental principles of mediation:

Confidentiality – the whole mediation process is confidential; this implies that the mediator and all the involved parties in the process cannot disclosure or use (in court) the information obtained in the mediation session, including the discussed in caucuses session (separate/private meetings), without the other party consent. The confidentiality principle applies to the parties, mediator and any other participant such as experts and supporters, it is valid from the first contact and endures indefinitely or until someone lifts the agreed-upon burden. However, by itself the confidentiality principle is not absolute, the Mediation Act 2017, section 10, brings a few exceptions and the mediators are forced by the Ethics Code to present to the parties in the opening stage. The exceptions are:

- (a) is necessary in order to implement or enforce a mediation settlement;
- (b) is necessary to prevent physical or psychological injury to a party;

(c) is required by law;

(d) is necessary in the interests of preventing or revealing—

(i) the commission of a crime (including an attempt to commit a crime),

(ii) the concealment of a crime, or

(iii) a threat to a party; or

(e) is sought or offered to prove or disprove a civil claim concerning the negligence or misconduct of the mediator occurring during the mediation or a complaint to a professional body concerning such negligence or misconduct. (Mediation Act. 2017., s.10 (No. 27 of 2017)).

The confidentiality principle and its exceptions are designed to ensure that the mediation process is secure and orderly for everyone involved.

Impartiality and neutrality – The facilitator remain impartial, neutral and unbiased the whole mediation process, any decisions are made by the parties. The principle of impartiality does not preclude the mediator from interacting with one of the parties in the absence of the other; rather, he must communicate to the parties that this is possible and that the impartiality will be preserved.

Voluntariness– The mediation process is voluntary and the parties and the mediator can leave or terminate the session at any moment without disclosure the reason. Nobody is obligate to join or participate against their will.

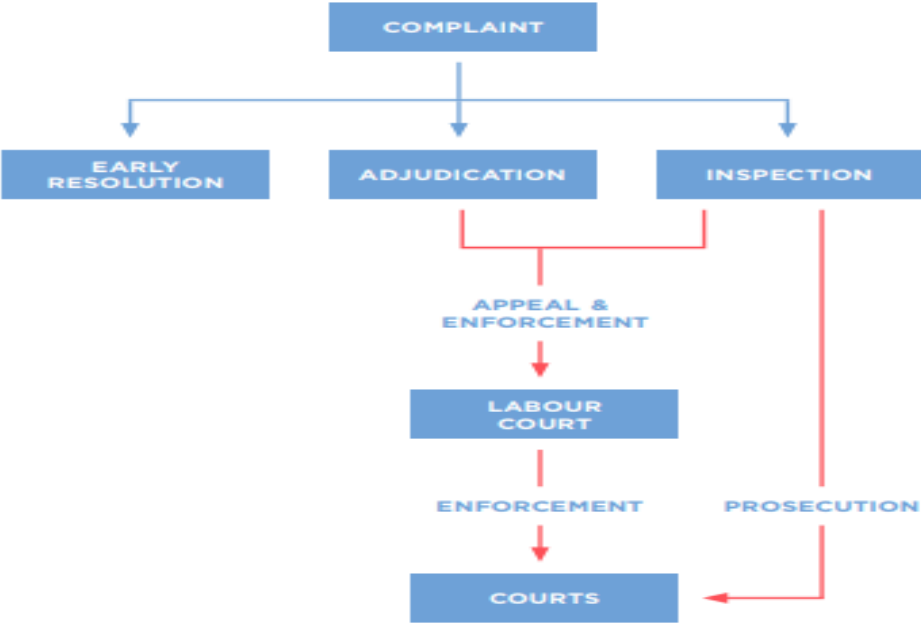
Self-determination – The parties hold the outcome; the mediator holds the process.

Mediation is a process that enables individuals in conflict to interact directly with their counterpart(s) in an effort to address and resolve their issues, with the assistance of a neutral professional skilled in negotiation and conflict resolution. The principle of voluntariness and confidentiality are critical to the process, allowing better results, higher satisfaction with the

process and outcomes, higher rates of settlement, and greater adherence to settlement terms. (Law Reform Commission, 2010).

1.2.2 Workplace Mediation at WRC

WRC provides employees with appropriate access to its mediation service in all the aforementioned circumstances in chapter one, with the goal of arriving at a solution through an agreement between the parties rather than through an investigation, hearing, or formal decision where a formal complaint has been lodged with the WRC for Adjudication. (WRC, 2021). The diagram below depicts the structure of the WRC from the mediation complaint to the Court:



Source:WRC, 2021

Early resolution, also known as Mediation, is offered by the Commission in two types: pre adjudication and workplace mediation. Pre-adjudication mediation is open for any claim referred to the Adjudication Service when both parties agree to participate and the Director General believes the matter can be settled through mediation. The advantage of this method is

that it allows the parties to interact and reach a solution to the dispute in a confidential and informal manner while maintaining control over the outcome. It also reduces the time and cost of attending a full adjudication hearing. The mediation agreement follows the rules of Section 39 of the Workplace Relations Act 2015 and is confidential and legally binding. It can take place face-to-face or using any remote tool, depending on the case's complexity. (WRC, 2021)

In contrast, Workplace Mediation is offered on an ad-hoc grounds and is best suited to cases concerning individuals or small groups of workers. Usually is apply in cases involving interpersonal differences, conflicts between co-workers, issues arising from a grievance and disciplinary procedure, particularly before it escalates to a disciplinary issue. Nevertheless, it also can be applied to others situations such as employment law breach, discriminatory cases, basically any type of conflict can be referred to Mediation once the parties involved in the case agree with the procedure. (WRC, 2021)

In WRC's website is stated: "The mediation service affords employees appropriate access to its mediation service in circumstances where assistance is sought in respect of claims of infringements to employment rights; it also provides access to the public in respect of claims involving unequal treatment and discrimination claims in the civil and public service. This form of mediation seeks to arrive at a solution through an agreement between the parties, rather than through an investigation or hearing or formal decision where a formal complaint has been lodged with the WRC for Adjudication". (WRC, 2021). Therefore, WRC offers Mediation as a form of informal and quick process, whereas Adjudication Services is focus on more complexes and formal cases.

As aforementioned, after COVID-19, Workplace Relations started offer remote mediation (phone and online -via app) and face to face mediation, which can be applied in any of the styles of mediation. Nevertheless, there are some advantages and disadvantages to consider, for











instance, Remote mediation there is less costs to the parties, could be arrange at any time, there is no commute necessary, but it is also hard to identify non-verbal communication and underline emotions, it is less personal what make hard sometimes to some people to express themselves. On the other hand, on face-to-face mediation, the issues are reversed, the advantages are the reading of non-verbal communication and underline emotions, and the disadvantages are the costs, the commute and the time. (Gordon, 2021). In summary, it is important that the body explains to the parties the pros and cons of which style and let the parties decided which model suits better their necessities.

1.3 – NON-IRISH IN IRELAND AND WRC RELATIONS

1.3.1 Non-Irish in Ireland

Ireland is a popular expat destination, choose by thousands of people every year, in fact, it was ranked in 2019 as the second of the top 10 places to live in the world by the Human Development Index (HDI). The United Nations evaluated and compared countries based on three criteria: health, education and income. (UNDP, 2020).

Top 10 countries in the world in 2019

Place	Country	Human Development Index (HDI)	HDI including environmental pressures
1	 Norway	0,957	0,781
2	 Ireland	0,955	0,833
3	 Switzerland	0,955	0,825
4	 Hong Kong	0,949	–
5	 Iceland	0,949	0,768
6	 Germany	0,947	0,814
7	 Sweden	0,945	0,817
8	 Australia	0,944	0,696
9	 Netherlands	0,944	0,794
10	 Denmark	0,940	0,824

Source: Immigrant Invest, 2020

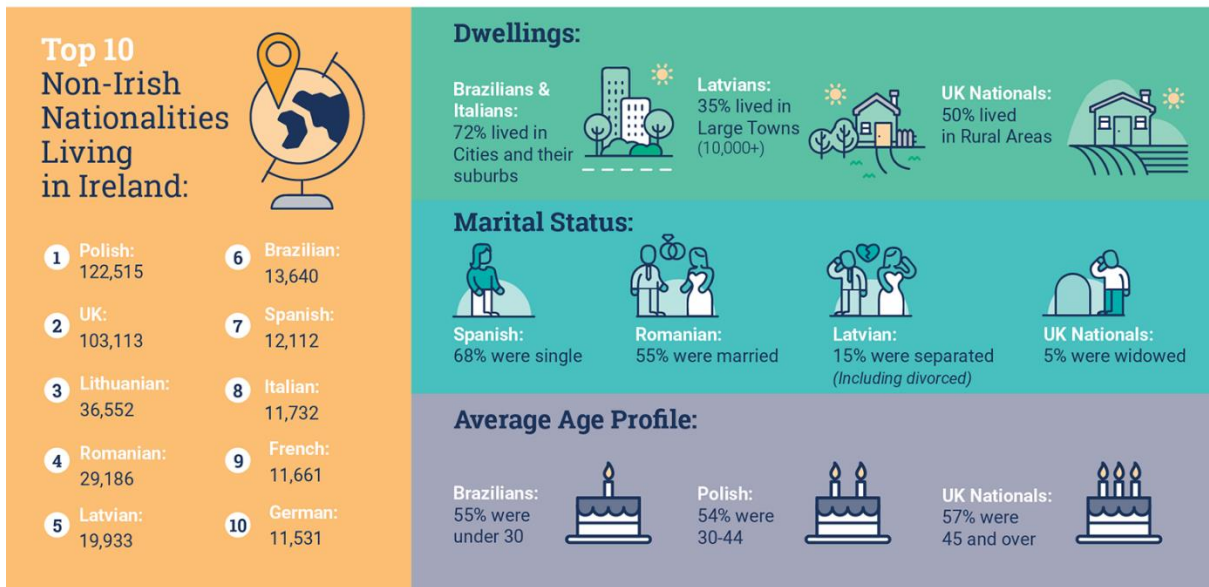
According to Central Statistics Office (CSO), the estimated resident population in Ireland in April 2021 was 5,011,500, of this, residing in Dublin city a total of 1,426,00. From this sum, 12.9% (645,500) of the population are non-Irish nationals, about one in eight of the total population. The results cover the 12 months to April 2021, thus reflecting the impacts of COVID-19. (Central Statistics Office, 2021).

Population & Migration Estimates April 2021



Source: Central Statistics Office, 2021

Back in 2016, CSO (Central Statistics Office) also published a report focusing on the Top Ten Nationalities living in Ireland, which corresponded at the time at 70% of the total figure of non-Irish residing in the country. Cormac Halpin, Senior Statistician stated “*One of the many benefits of census data is the information it gives us on the individual groups that make up Irelands population. This report details the Top Ten largest non-Irish national populations living in Ireland and looks at the characteristics of each covering topics such as where they live, age profile, education, language ability, housing, general health, work and occupations*”. (Central Statistics Office (CSO) , 2018). The top 10 nationality is:



Source: Central Statistics Office (CSO) , 2018

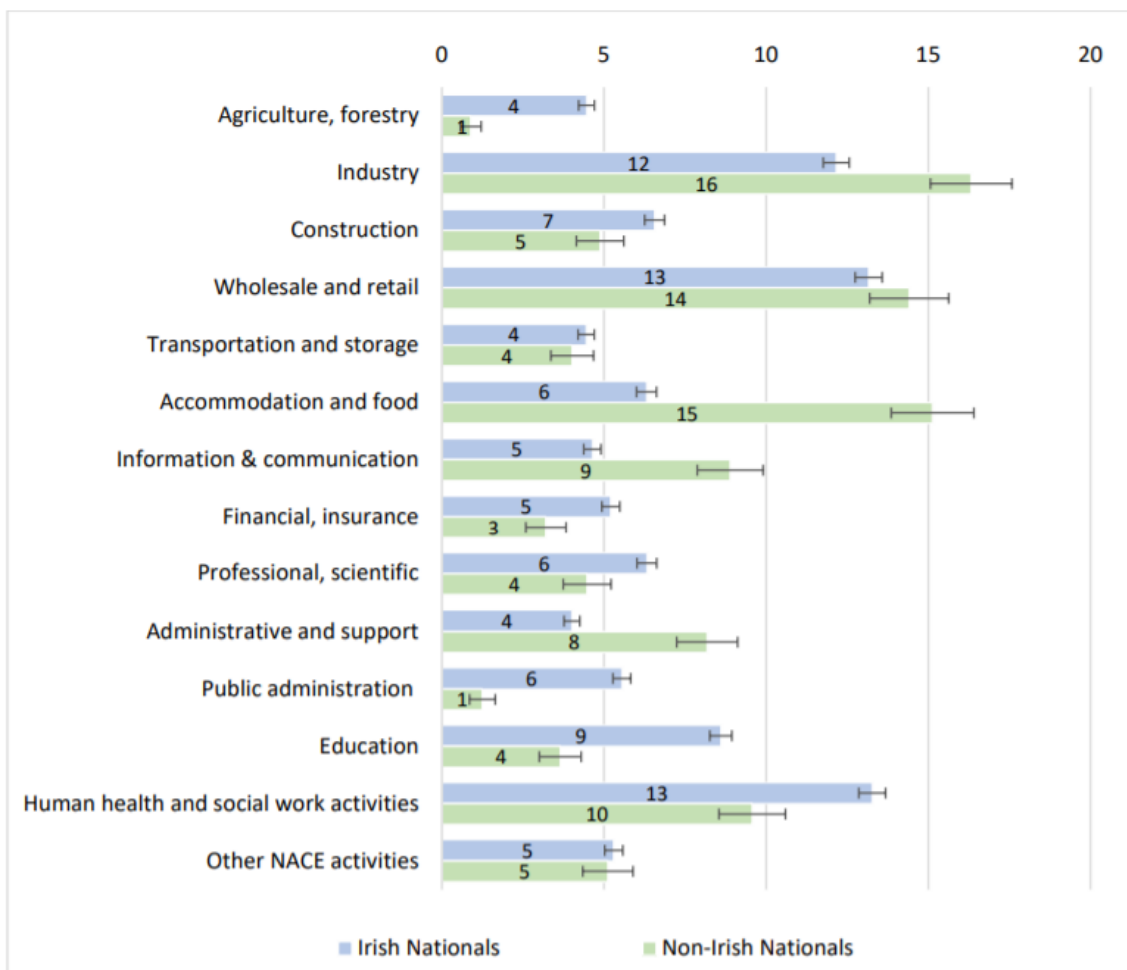
The reported also shows that between 2011 and 2016, the number of Spanish, Romanian and Brazilian people increased in the country, at the same time, the population of UK, Polish, Lithuanian and Latvian decreased. Of this amount, there were around 64% of Brazilians, 58% of Italians and Romanians, and 52% of Spaniards in Dublin city and suburbs, while 50% of the UK nationals resided in rural areas/rural towns. The age and workforce occupations were also topics to be considered. According to the report, the Brazilian population was the youngest, with an average age of 29.9 years, whereas the oldest population were UK nationals with an average age of 46,7 years, in contrast to 37.3 years for the state. Regarding the workforce and occupations, the population of the UK had the lowest labour-force participation rate (59.7%), in comparison with the other nine nationalities (61%), mainly due to the high number of retired people in the country. (Central Statistics Office , 2018).

1.3.2 Employment of Non-Irish in Ireland and WRC relations

Ireland has high employment rates to non-Irish nations, according to McGinnity et al., 2020a research, in 2019, both employment and participation rates among working-age non-Irish nationals were higher than for Irish nationals. The research also showed that there was a significant difference in employment rates between non-Irish groups based on their native region, the majority of migration to Ireland from within the EU (excluding the United Kingdom) is labour migration, and EU nationals have extremely high employment rates, in contrast, the immigrants outside the EU had lower employment rates, which is due in part to high student migration among this group. (McGinnity et al., 2020a) (Enright, et al., 2020).

Another significant distinction is the sectors in which Irish and non-Irish nationals work, according to ERSI (Economic and Social Research Institute)'s research non-Irish nationals are significantly more likely to work in industry (manufacturing), accommodation and food, information and communication, and administrative and support sectors, whereas Irish nationals are significantly more likely to work in agriculture, public administration, education, and human health and social work activities. (Enright, et al., 2020). Below the graph comparing the sectors, based on NACE International Classification Scheme:

IRISH AND NON-IRISH NATIONALS SECTOR BREAKDOWN Q1 2018 AND 2019



Source: Labour Force Survey Q1 2018 and Q1 2019 (pooled) weighted. Population aged 15-64 at work

Source: Enright, et al., 2020.

Notes: Figure lists proportions and 95 per cent confidence intervals by group.

As illustrate by the graphic and according to Enright et al., 2020 research, Irish nationals are significantly more likely to work in human health and social work than non-Irish nationals, while most EU immigrant groups are prominent in industry, with the exception of the non-EU group, which had large participation rates in the accommodation and food sector. (Enright, et al., 2020).

As a result of the different job classifications and the language, non-Irish nationals are more prone to having workplace disputes, relating to employment rights, work conditions, fair rates, bullying, among others. Consequently, the role of the Workplace Relations Commission (WRC) is vital, not only to ensure healthy workplace relations, but also to motivate and sustain compliance with the employment legislation in force in the country.

Considering that, the agency offers in its website a list of forms and publications in 17 languages, aiming help non-English speakers to access the process in an easy and quick way. The languages available are: Arabic, Bulgarian, Filipino, French, Hindi, Indonesian, Latvian, Lithuanian, Mandarin, Polish, Portuguese, Romanian, Russian, Spanish, Sri Lankan – Sinhala and Tamil, and Ukrainian. (WRC, 2021). The body also provides translation services in mediation, adjudication and written procedures, where the parties require assistance, with the goal of facilitating the process and the participants' understanding, any requests must be submitted via email at the earliest possible date before the procedure. (WRC, 2020).

2. RESEARCH METHODOLOGY AND METHODS

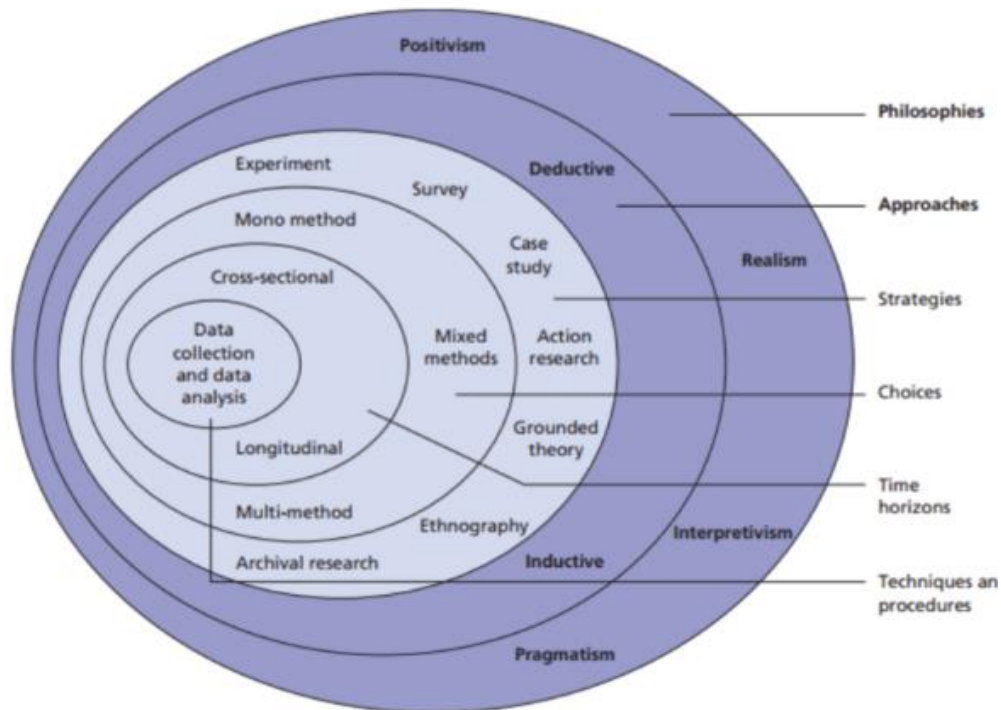
Introduction

This section indicates the principal elements of methodology used in this dissertation, and it reveals how the research was planned and which type of segments was applied. The research method adopted in this dissertation was based on the model developed by Saunders et al., 2019; it is known as the Research Onion framework, and it is compound by six elements: philosophies, approaches, strategies, choices, time horizons and techniques and procedures.

This study aims to analyse and identify the various factors that influence the effectiveness and efficiency of mediation within an organization involving non-Nationals. The strategy includes the following steps: a) literature review; b) collection data; c) analysis of the data; d) evaluation of literature and data; and e) conclusion. All the chosen elements will be explained in the following topic.

2.1 Philosophies

According to Saunders et al. Onion, 2019, philosophy generally referred to the research paradigm, it serves as a basis for any study since it explains the set of values upon which the research is based. Crotty, 1998 stated that it helps a researcher to design the research questions, choose appropriate methods, and influence the interpretation of findings. There are three main elements: ontology, epistemology and axiological.



Source: The research onion (Saunders et al. Onion, 2019)

Ontology concerns the nature of the knowledge, reality and what we are truly capable of knowing and understanding, it is the "what" and "how" of what we know. It distinguishes between actual reality and how one perceives reality, and the ontological worldview encompasses two philosophical positions in general: realism and relativism/interpretivism. *Realism* indicates that there is only one truth, that it does not change, and that it can be found using objective criteria. When the truth is revealed, it can be applied to other situations; *Relativism/Interpretivism* theory dictated that the influence of social and cultural factors on an individual is emphasized by interpretivism. This point of view focuses on people's thoughts and ideas in light of their socio-cultural context. The interpretivist philosophy requires the researcher to take an active role in the study in order to gain a comprehensive understanding of the respondent and their behaviour, thoughts, and interpretations. (Crossley & Jansen, 2021).

In contrast, **Epistemology** focuses on where the researcher goes to find this knowledge, in research, the ontological position dictates the epistemological position. This theory is commonly applied in scientific research as it assists the researcher locating information that you can prove without a doubt the research; it attempts to identify the most widely accepted understanding and then addresses the facts in accordance with that knowledge. The researcher must define acceptable information about the field of the research and provide information on results after rigorous testing in this section. There are two positions: Realist (ETIC) and Interpretivist (EMIC). The *Realist, also known as ETIC* research, is related to Realism in the ontology philosophy, and is based on objective research, where the researcher does not influence the data gathered or the results of the work, and Interpretivist, also known as EMIC, that is related to Relativism/Interpretivism, the researcher is close and can potentially influence the research, interaction with people is essential to determine the truth. Lastly, **Axiological** Axiology support researchers collect and analyse the opinions of people while carrying out their studies. It allows them to understand how these factors affect the findings of their research. (Crossley & Jansen, 2021) (Denzin & Lincoln, 2017).

Therefore, this research used Ontology focuses on Relativism/Interpretivism, based on Hudson & Ozanne, 1988, this position believes that reality is multiple and relative and the knowledge gained in this theory is socially defined instead of objectively determined and perceived. This dissertation is centered on the subject's current interpretation of reality; it is a subjective reality that can change at any time. As a result, once the researcher interacted with the subjects and the research was based on the subjects' opinions, feelings, and thoughts about the topic, the epistemology used was EMIC, also known as Interpretivist. (Fryer, 2020) (Hudson & Ozanne, 1988) (Edirisingha, 2012) (Crossley & Jansen, 2021).

2.2 Approach

Following the onion's structure, the Research Approach, also called methodology, will determine how the data will be collected, it is critical to clearly define the research approach, since it will influence the researcher's decisions regarding data collection and data analysis in the study. There are two approaches include in the methodology: deductive and inductive. (Snieder & Larner, 2009).

Deductive approach, generally used in scientific research, develops a set of hypotheses associated with an existing theory and then articulates a research strategy to validate it, usually it starts with testes and observations. This approach is suitable to positivist approach, which enables the preparation of hypotheses and statistical testing of predicted outcomes to an accepted probability level. (Silverman, 2013). However, it can be used with qualitative research techniques, though the expectations formed by prior research would be formulated differently than through hypothesis testing. In general, questionnaires are used to create understanding of observation, allowing the researcher to compare different understandings of people using empirical data; the information gathered can be used to confirm or reject the question, and the process can be repeated. (Saunders, et al., 2007) (Kothari, 2009). Alternatively, **Inductive** approach permits the researcher to develop his or her own theory instead using one that already exists; this clearly distinguishes between the two methods. This approach, frequently used in qualitative research, does not involve establishing a framework or a set of rules for collecting and analysing the data, instead, it allows the researchers to focus on the data after it has been collected. Generally, data is gathered based on the subject's words, feelings, and perception of the topic, and the approach holds that there may be more than one correct answer to a question. (Thesismind, 2019) (Flick, 2011).

As a result, this research employs the Inductive approach as it was not developed in conjunction with any other theory, nor is it attempting to validate any hypotheses; rather, it was based on the concept that there may be more than one truth, and the data was gathered in reference to the subject's feelings, perceptions, and experiences.

2.3 Choices

Research Choice, which is still based on Sanders' onion, is about determining how many data structures (qualitative or quantitative) the researcher will apply in his study. There are three types of choices that can be use in the research: mono-method, mixed-method and multi-method. (Thesismind, 2019) (Crossley & Jansen, 2021).

The **mono-method** is when the researcher collects data using only one type of information, either quantitative or qualitative, not being able to combine both of them; the **mixed-method** allows the researcher to combine the two kinds (quantitative and qualitative) in the studies; and last, **multi-method**, is equivalent to the mixed-method, yet, according to Flick, 2011, the mixed method combines methods to create a single dataset while the multi method is used where the research is divided into segments; with each producing a specific data set. (Thesismind, 2019) (Saunders, et al., 2007) (Flick, 2011).

This study employed mixed methods, with a focus on qualitative and quantitative methodology, considering the aspects of the research and the Research Strategy chosen, such as the questionnaire (survey). As a result, the quantitative method will be used in closed questions aiming for yes or no answers, while the qualitative method will be used in open questions targeting subjective answers, where analysis of the answers was required.

2.4 Strategies

According to Saunders et al., 2019, research strategy outlines how the researcher plans to perform the project, based on the study's objectives, and it include a variety of approaches, such as experimental research, action research, case study, interviews, surveys, or a systematic literature review, et al. Most of the approaches are concentrated in scientific research, remaining only two options to be considered in this research: case study and survey. (Thesismind, 2019).

The **case study**, is defined by Schell, 1992, as the most flexible of all research designs, allowing the researcher to retain the holistic characteristics of real-life events while investigating empirical events. It is based on a homogenous group, and the researcher focuses in detail on the study, it can ground in single or multiple cases, and can use both qualitative and/or quantitative analysis. The case study is divided in three forms: exploratory, descriptive and explanatory. (Schell, 1992). *Exploratory case studies* are designed to investigate any phenomenon in the data that piques the researcher's interest, typically through the use of broad questions. These broad questions are intended to open the way for further investigation of the observed phenomenon. Prior fieldwork and small-scale data collection may also be conducted in this case study before the research questions and hypotheses are proposed. As a preliminary, this initial work aids in the preparation of the study's framework. (Zainal, 2007) (Yin, 1984); *Descriptive case studies* are intended to explain the natural phenomena that arises within the data in question, such as what different strategies a reader utilizes and how the reader employs them. The researcher's objective is to explain the data as it happens. It can take form as a narrative. (Zainal, 2007). Lastly, *Explanatory cases studies* are the ones where the researcher closely examine the data on both a surface and deep level to explain the phenomena in the data. The researcher could then form a theory based on the data and set out to test it. (Zainal, 2007) (McDonough & McDonough, 1997).

Survey, on the other hand, usually used in quantitative research studies, targets the representation of a select population, and it can be applied as several techniques as personal interviews, phone calls, questionnaires (Fowler, 2013). It is the most efficient and cost-effective research strategies and allows the researcher to gathers rich and detailed data to answers the who, what, where, when, and how on the research. (Zainal, 2007) (Thesismind, 2019) (Singh, 2006).

Therefore, due to the nature of this research, the online survey (questionnaire) was the chosen strategy, using on primary quantitative and qualitative data to formulate the query, aiming the close and open questions giving then, a possibility to this researcher to analyse the responses and extract the best results.

2.5 Time Horizons

Research Time Horizons purely specifies how many timepoints the research intends to collect data from. According to Saunders, et al., 2007, there are two types of time horizons: Longitudinal and Cross-sectional. The first one, Longitudinal, is applied in an extended period of time and research, it is highly beneficial when studying changes and progressions over time. (Crossley & Jansen, 2021). In contrast, Cross-sectional has its length pre-establish, it is used when the investigation is concerned with the study of a particular phenomenon at a specific time. (Thesismind, 2019). This research used the cross-sectional, first due to the pre-determined time frame for completion of the research, and secondly, because it is focus on a certain point in time and the data was gathered to analyse the effectiveness of WRC mediation for non-nationals in Ireland in 2021.

2.6 Population and Sampling

A research population is a large group of people or objects with similar characteristics that the researcher wants to study. A common trait or characteristic exists among all members of a given population. Due to the large size of the population, researchers usually cannot test all the individuals in the group, depending on sampling techniques. (Explorable.com, 2021). The population for this study was limited to people who are employed or self-employed in Ireland, as they are more likely to have workplace conflicts that can be resolved through WRC mediation.

According to Central Statistics Office, 2021, in the Quarter 2 2021, there were 2,349,100 people aged 15-89 years in employment in Ireland.

Indicator	Standard LFS Methodology (ILO)	COVID-19 Adjusted Estimates June 2021
	Q2 2021	end of Q2 2021
Employed persons aged 15 - 89 years	2,349,100	2,120,778
<i>Employment rate for those aged 15-64 years</i>	68.6%	61.7%
Unemployed persons aged 15-74 years	184,100	413,687
<i>Unemployment rate for those aged 15-74 years</i>	7.3%	16.2%
In labour force	2,533,200	-
Not in labour force	1,482,700	-

Source: Central Statistics Office, 2021

As aforementioned, the researcher depends on sample techniques, the sample used in this research was the non-probability; it is a sampling technique where the probability of any member being selected for a sample cannot be calculated. It's the opposite of probability sampling, where the researcher can calculate the probability. In addition, probability sampling involves random selection, while non-probability sampling does not—it relies on the subjective judgement of the researcher. (Stephanie, 2021).

Given the large proportion of the people that is employed in Ireland (2,349,100), the following method was used to calculate the sample size in this research:

$$\text{Sample size} = \frac{\frac{z^2 \times p(1-p)}{e^2}}{1 + \left(\frac{z^2 \times p(1-p)}{e^2 N} \right)}$$

Source: Survey Monkey, 2021

Sample size is the number of completed responses a survey receives. It's called a sample because it only represents part of the group of people (or target population) whose opinions or behavior the researcher cares about. In the formula, N = population size; e = Margin of error (percentage in decimal form); and z = z-score (in this research the desired confidence level is 95%, so Z-score = 1,96). (Survey Monkey, 2021).

According to this formula, and taking in consideration the size of the population (2,349,100), the ideal sample number for this research is 385 people. In line with Gay , et al., 2012, beyond a certain point (about N = 5,000), the population size is almost irrelevant and a sample size of 400 will be adequate. Thus, the larger the population the smaller the percentage, the researcher needs to get a representative sample. Consider the following calculation:

Sample size calculator

Confidence Level:

95% ▾

Population Size:

2349100

Margin of Error:

5% ▾

Ideal Sample Size:

385

Source: Qualtrics.xm, 2021

Although the perfect sample was the 385 people, this researcher only obtained a total of 98 answers, due to the 12-week deadline for completing this dissertation and the COVID-19 scenario that is wreaking havoc on the world. As a result, the small number of participants may have an impact on the reliability and quality of this research.

2.7 Data collection and Data Analysis

The data for this research was collected by a questionnaire in an online survey, available on the Survey Monkey website. The survey consisted of 22 questions, with 7 demographics (how long the participants have lived in Ireland, nationality, age, and employment status, among other things), and 15 focusing on population consciousness, knowledge, and experience with workplace conflict, workplace mediation, WRC, and WRC's mediation.

The survey entitled of THE EFFECTIVENESS IN WRC'S MEDIATION INVOLVING NON-IRISH IN IRELAND, has a brief explanation in the page description about the topic, research aim, concerns, confidentiality, voluntariness, and the contact of the research and researcher

supervisor in case of any questions or doubts about the topic. The complete survey is in Appendix A.

This survey used a combination of methods, also known as mixed-method (quantitative and qualitative), and included 20 close questions and 1 open question. The close questions were created using a quantitative method, this analysis deals with numbers and uses mathematical operations to investigate the properties of data; most surveys result in quantitative data (e.g., numbers of people who believed this or that, how many children of what age do which sports, levels of family income, etc.) (Walliman, 2006). The open questions were designed to collect data on who had knowledge and experience with WRC and WRC's mediation, as well as subjective opinions about the effectiveness of WRC's mediation to non-Irish people. All questions were developed using a review of the previous literature.

2.8 Research Ethics

All participants were informed about the nature of the study, and that the data obtained in this research would be used for academic purposes only, and analysed at the group level rather than the individual level. It was also enlightened that the survey was completely voluntary and anonymous, and that they could withdraw their participation at any time. In order to complete the survey, the participant had to check that they were conscious of all of the preliminary information, and an email address was provided to contact the research team (researcher and researcher supervisor) if they had any questions or expressed interest in the survey results.

2.9 Research limitations

Concerning research limitations, the number of non-Irish residents and employees in Ireland has decreased as a result of the COVID-19 pandemic; also, as a consequence of the COVID-19 restrictions, the number of people working from home or not working has increased, limiting the number of participants with subjective experience in workplace conflicts and WRC's mediation. The use of the college library was also restricted due to the restrictions, delaying the start of the literature review research.

3. PRESENTATION OF DATA

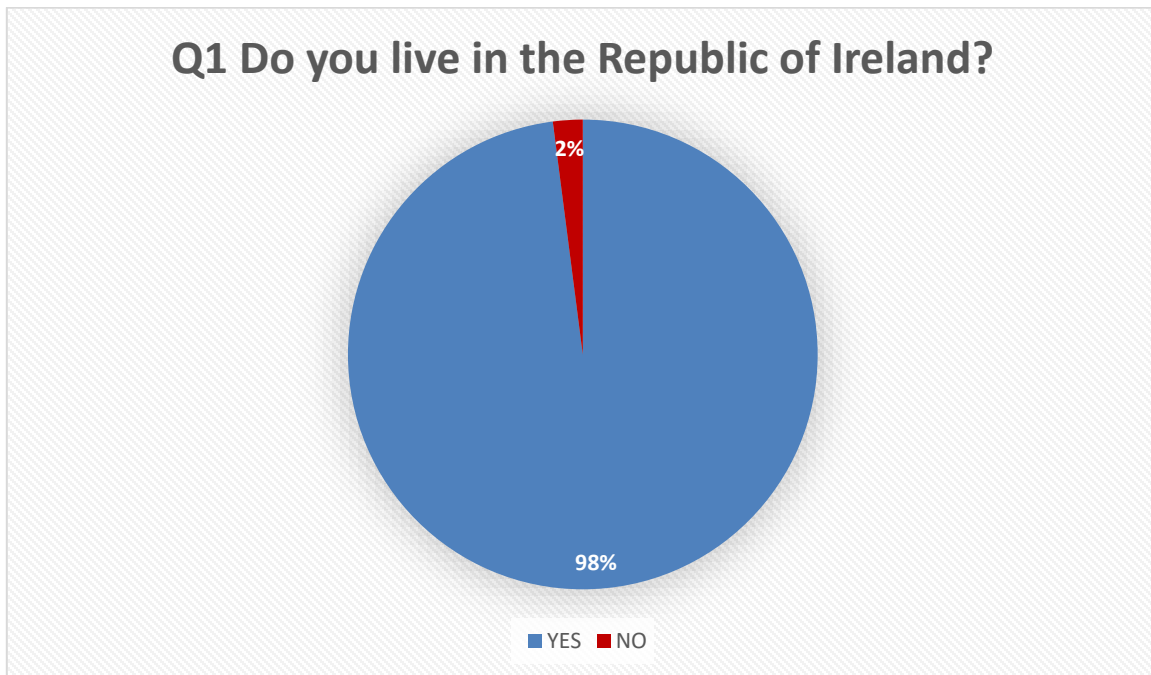
Introduction

As previously stated, the survey included 22 questions, all of which were related to the previous literature review and the research objectives, with 7 concentrating on demographics (how long the participants had lived in Ireland, nationality, age, and employment status, among other things) and 15 focusing on population awareness, knowledge, and experience with workplace conflict, workplace mediation, WRC, and WRC's mediation.

DEMOGRAPHIC QUESTIONS

Demographic information provides data regarding research participants and is necessary for the determination of whether the individuals in a particular study are a representative sample of the target population for generalization purposes. (Salkind, 2010). In total, 7 demographic questions were made to the respondents, the first of which was whether they lived in Ireland. According to the survey, 97.26% currently live in Ireland, while 2.04% do not, as shown in Figure 1:

Figure 1



The second question focused on how long the participants have been living in Ireland, and options of length of years were provided to facilitate the analysis. According to the survey, 2.08% have lived in Ireland for 0-1 year, 40.63% for 1-3 years, 21.88% for 3-5 years, and 35.42% for 5+ years.

Figure 2

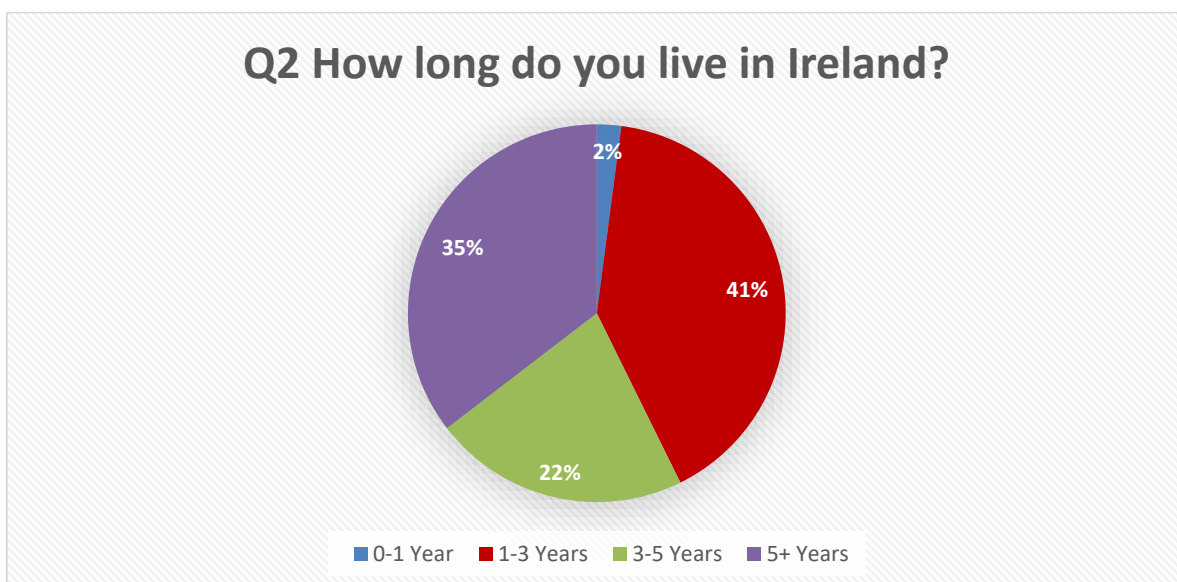
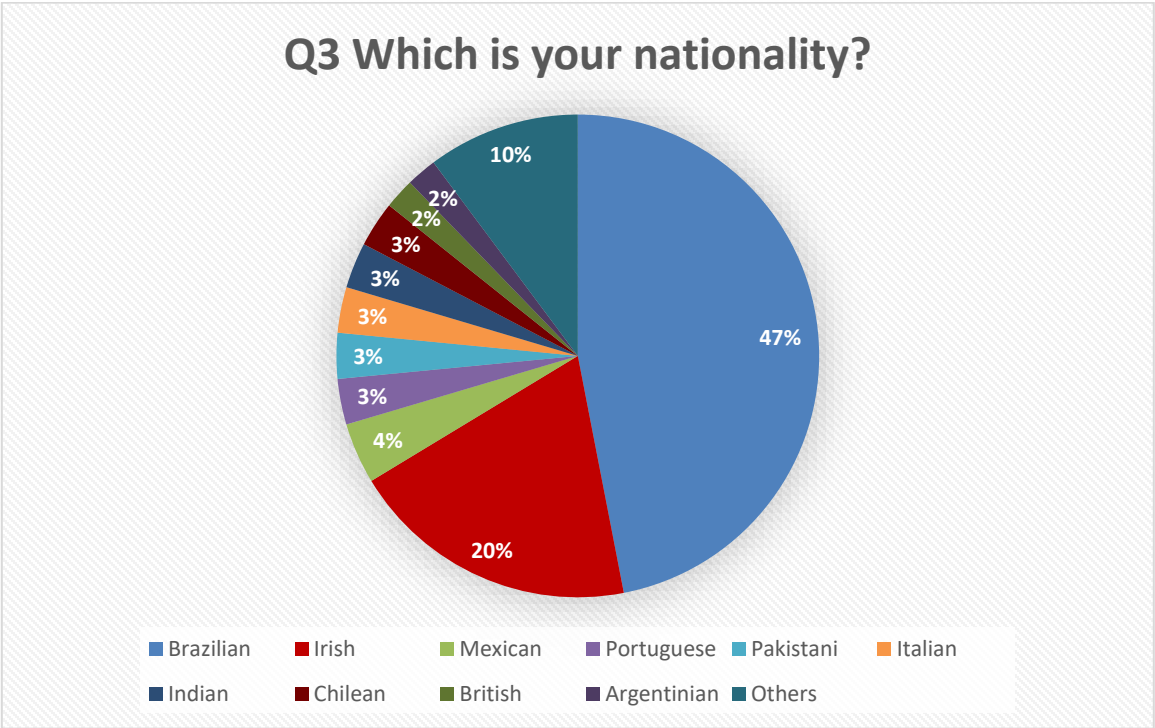


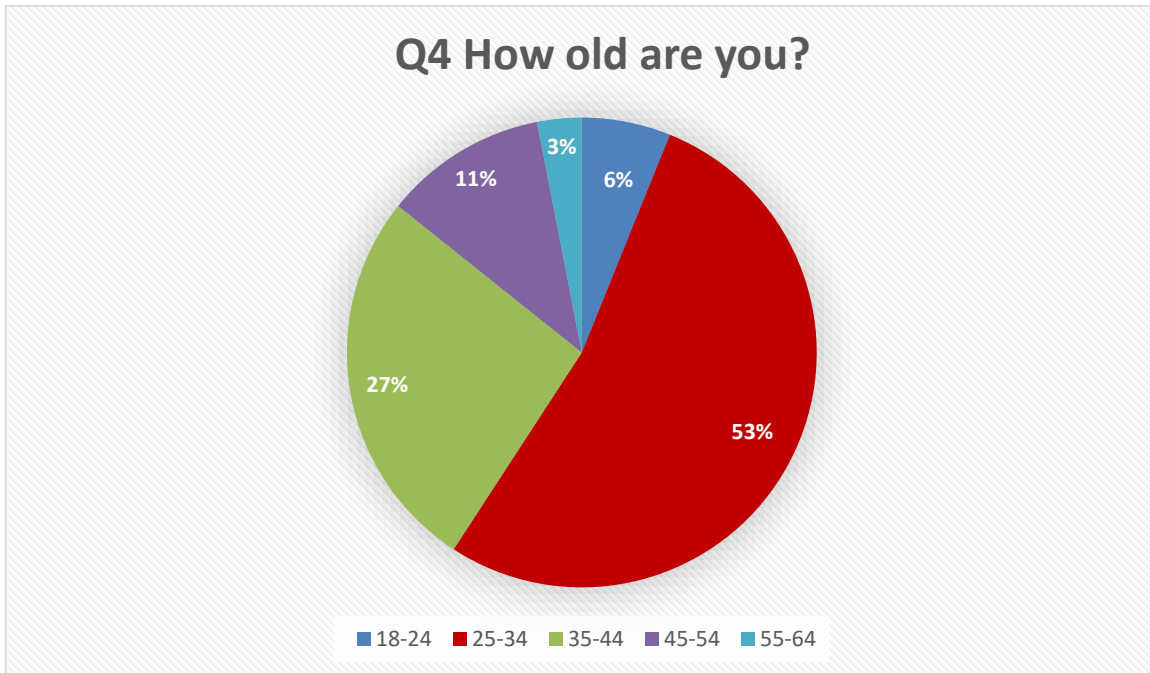
Figure 3 shows the nationality of the participants, 46.94% Brazilian, 19.39% Irish, 4.08% Mexican, 3.06% Portuguese, 3.06% Pakistani, 3.06% Italian, 3.06% Chilean, 2.04% British, 2.04% Argentinian, 1.02% Zimbabwean, 1.02% Turkish, 1.02% Puerto Rican, 1.02% Polish, 1.02% Mauritian, 1.02% Hungarian, 1.02% German, 1.02% Colombian, 1.02% Botswana, and 1.02% American.

Figure 3



Respondents were requested to indicate which age group they belong. According to the survey, 6.12% of respondents are between the ages of 18 and 24; 53.06% are between the ages of 25 and 34; 26.53% are between the ages of 35 and 44; 11.22% are between the ages of 45 and 54; and 3.06% are between the ages of 55 and 64. There were no participants under the age of 18 or over the age of 65.

Figure 4

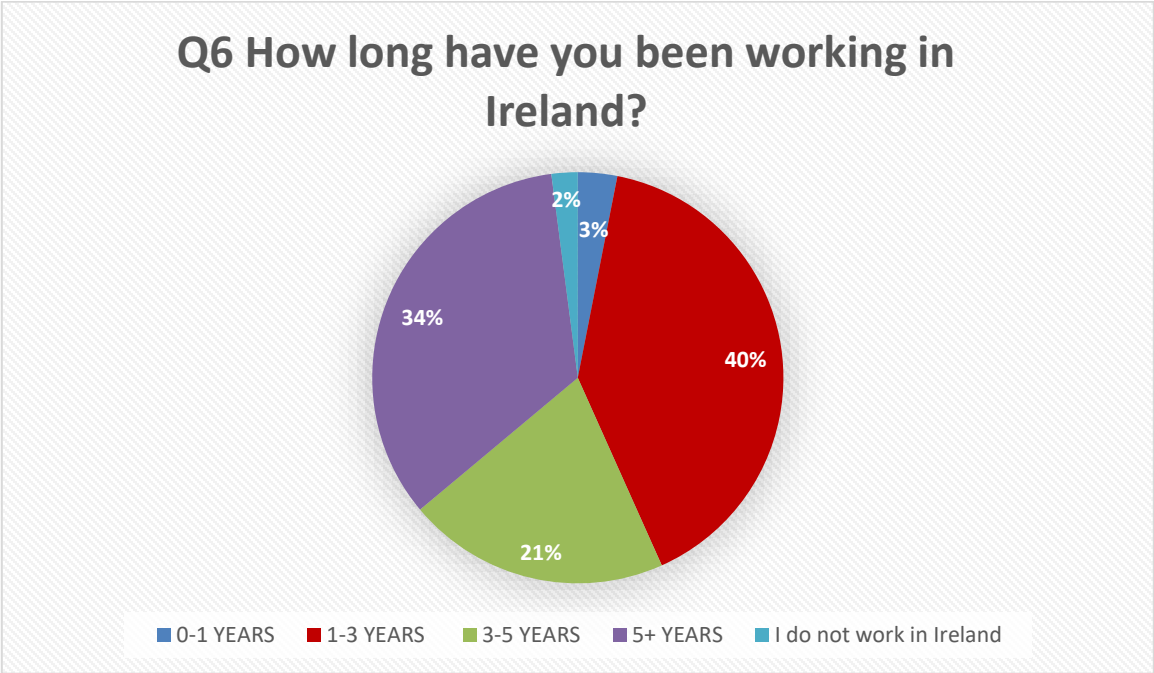


Question 5 and 6 were designed to determine whether or not the participants work and how long they have been working in Ireland. In response to question 5, 96.94% answered yes and 3.06% answered no, while in response to question 6, 3.09% said they work in Ireland for 0-1 years, 40.21% said 1-3 years, 20.62% said 3-5 years, 34.02% said 5+ years, and 2.06% said they do not work in Ireland.

Figure 5

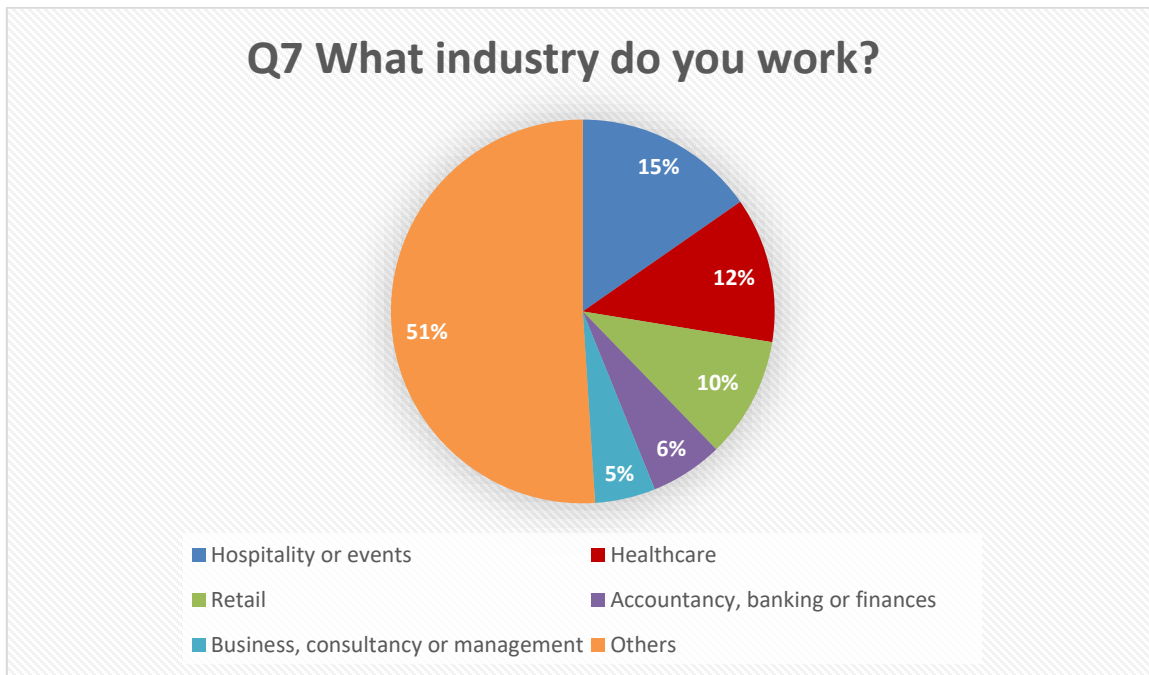


Figure 6



The final demographic question focused on the type of industry in which the participants work, in order to determine whether the industry has any relationship with their knowledge of WRC and mediation. Multiple options were provided for this question, and many responses were received. The top choices were 15.31% hospitality or events, 12.24% healthcare, 10.20% retail, 6.12% accountancy, banking, or finance, and 5.10% business, consultancy, or management. The other options ranged from 3.06% to 1.02% and are listed as “others” in the Figure 7.

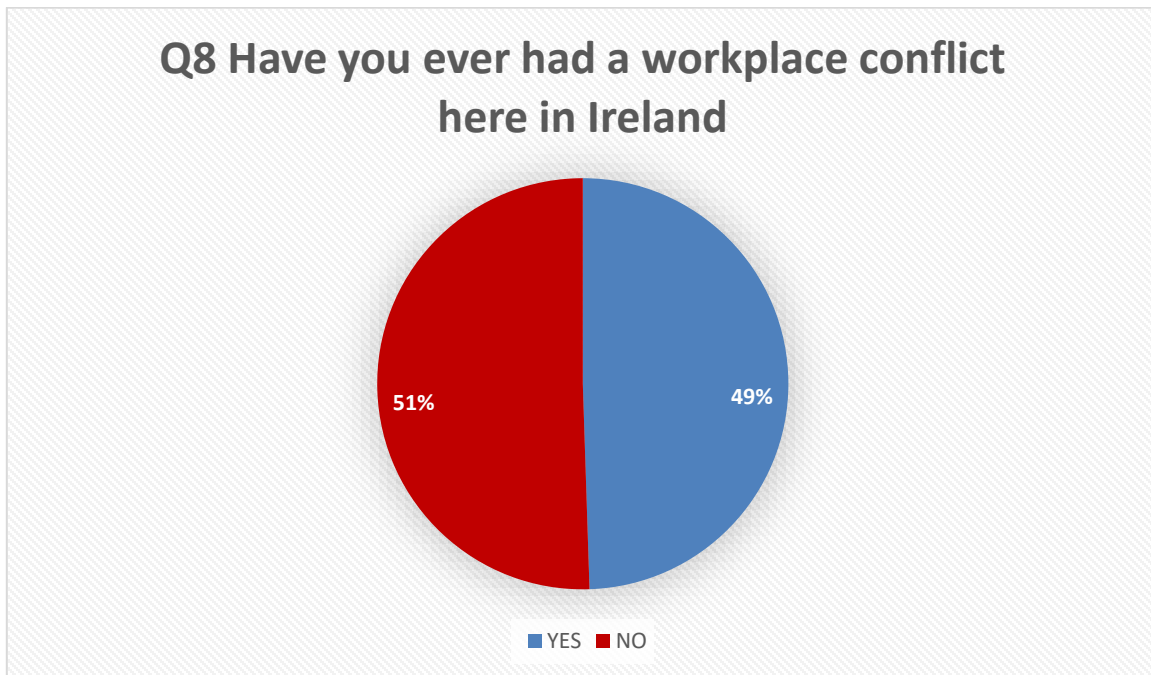
Figure 7



CLOSED QUESTIONS

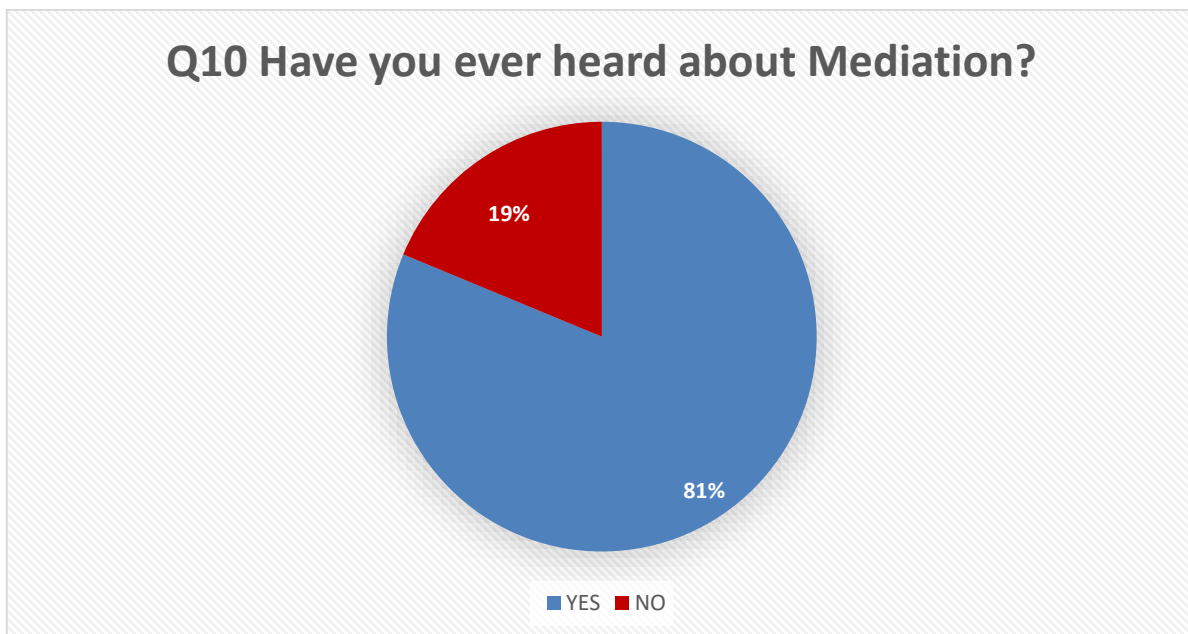
Apart from demographic questions, participants were asked 14 closed and 1 open question about their knowledge and experience with workplace conflict, WRC, mediation, and WRC's mediation. The eighth question asked the participants if they had previously experienced a workplace conflict, with the goal of better understanding the participants' knowledge of workplace conflict and focusing on their experience. In response to this question, 49.48% stated yes, while 50.52% stated No.

Figure 8



On question 10, the focus is on understanding if the participants have ever heard of Mediation; to this question, 82.25% said yes and 18.75% said no.

Figure 9



Based on the previous question, question 11 provides a brief definition of mediation and asks participants if they would use the process in the event of a workplace conflict. 65.88% of people responded Yes, 8.24% said no, and 28.24% said maybe.

Figure 10

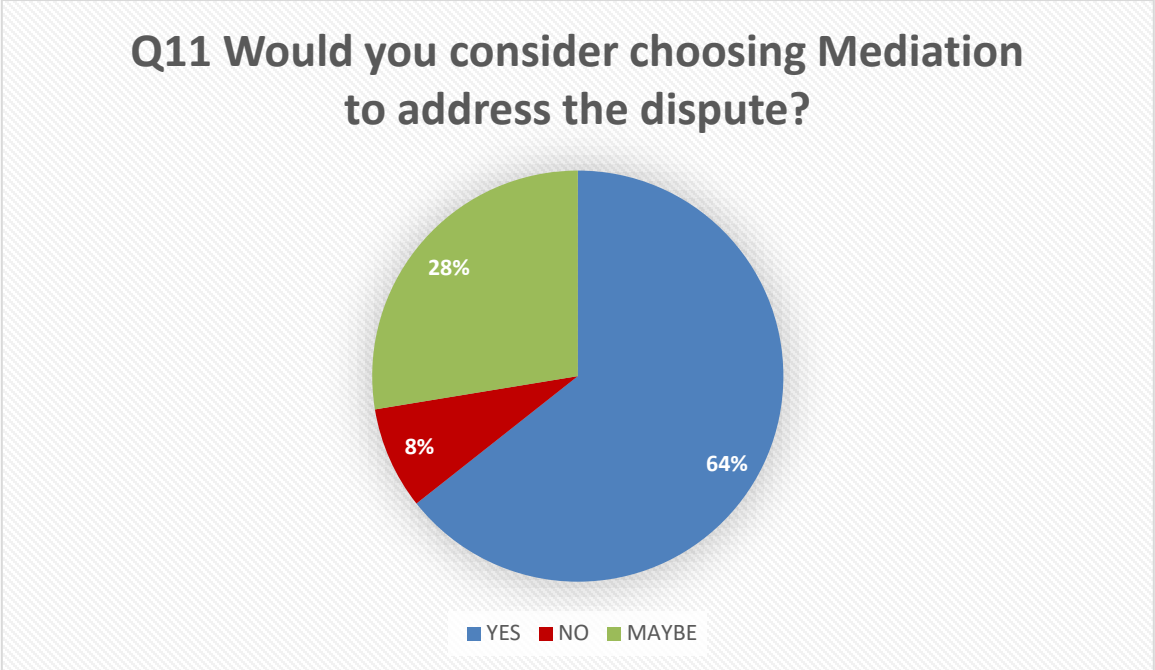


Figure 11 and 12 is related to questions 12 and 13, and it focuses on the participants' knowledge of WRC. The questions bring a summary of what the Workplace Relations Commission is and ask if the participants have ever heard of it, and if so, where. For question 12, 51.55% said Yes and 48.45% said No. On question 13, 33.96% said they discovered about WRC in school/college, 22.64% said Work/Employer/Management, 11.32% said social media, 7.55% were recommended by a friend, colleague, or co-workers, 5.66% television/Radio; careers website, internet, or other type of advertisement had 3.77% each, and others had 7.55%.

Figure 11

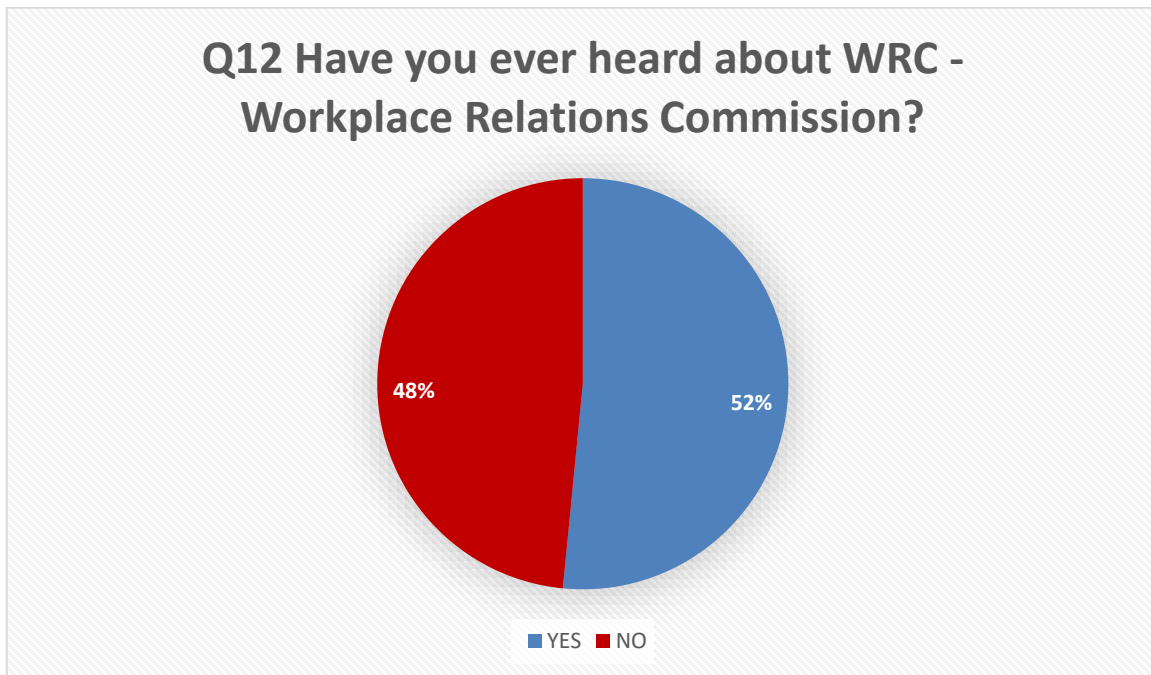
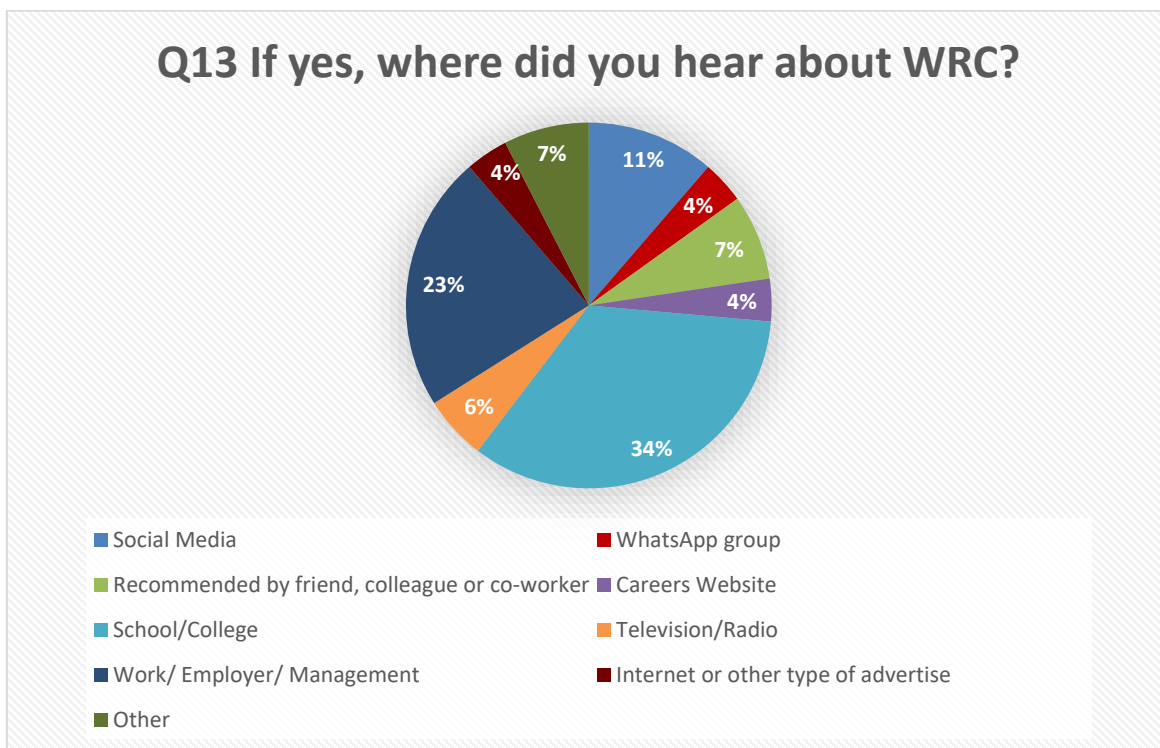
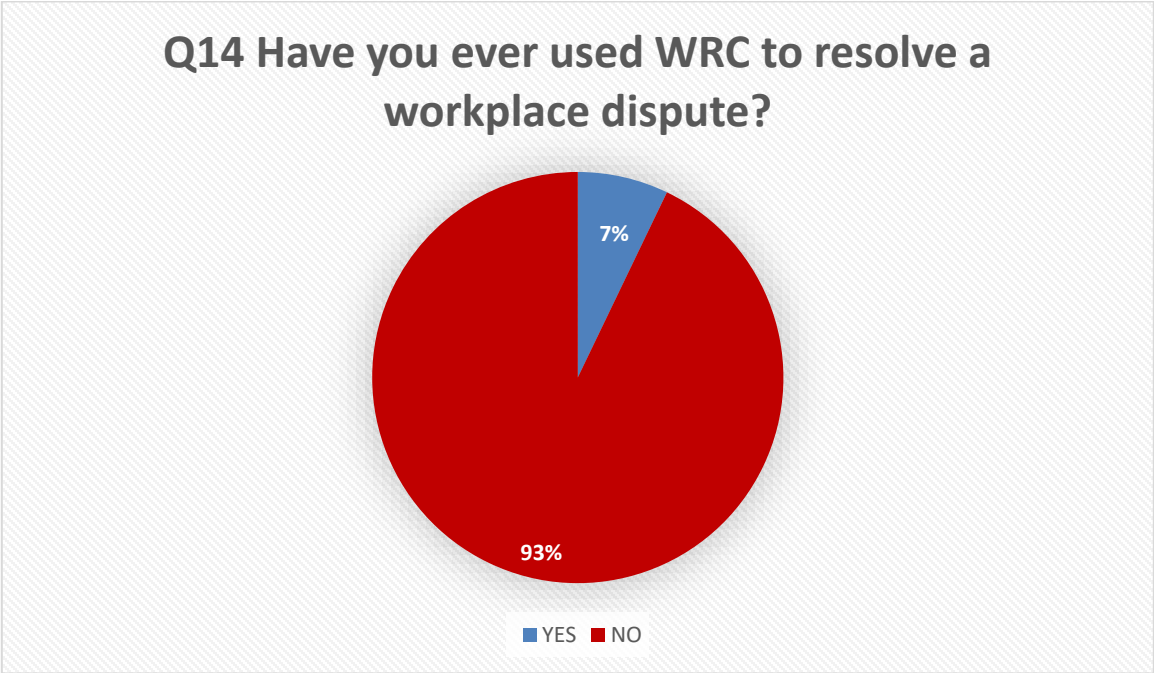


Figure 12



Still concentrating on the participants' WRC knowledge, they were asked if they had ever used WRC to resolve a workplace dispute. As illustrated in Figure 13, the majority of respondents (92.86%) said no, while 7.14% said yes.

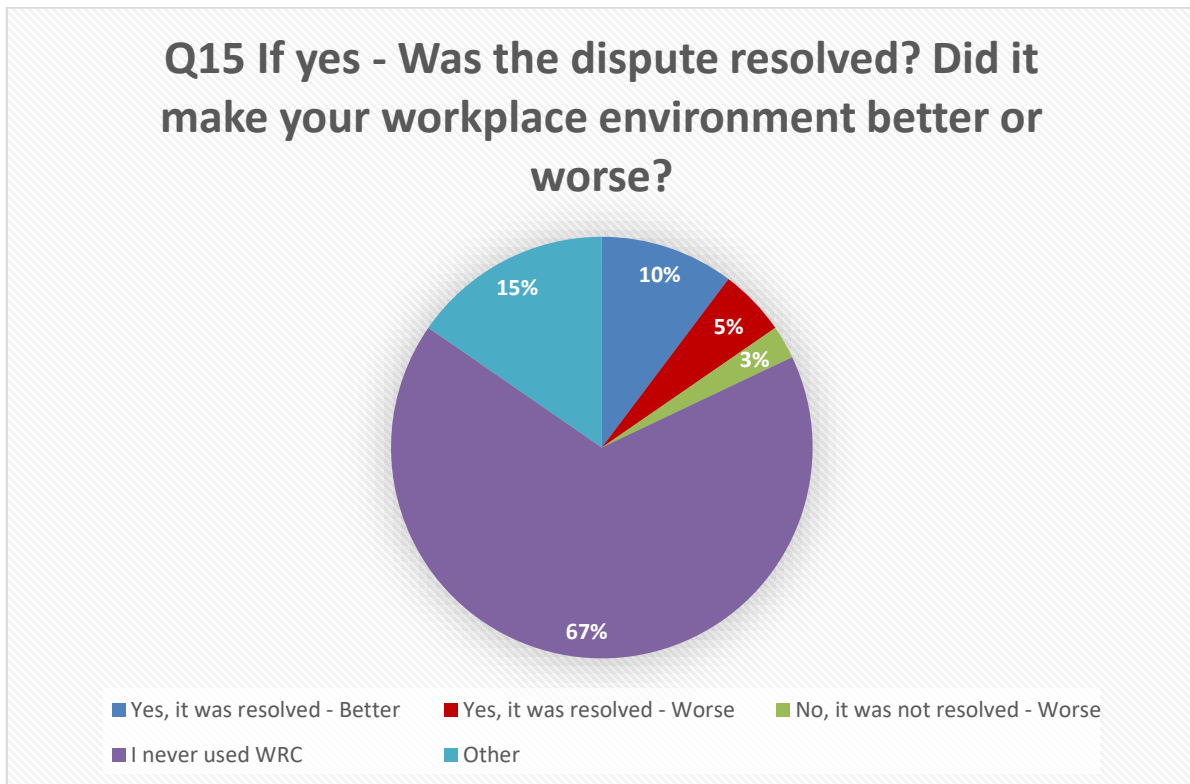
Figure 13



The questions 15, 16, and 17 were posed to participants who had used WRC to settle a workplace dispute and had answered yes to question 14.

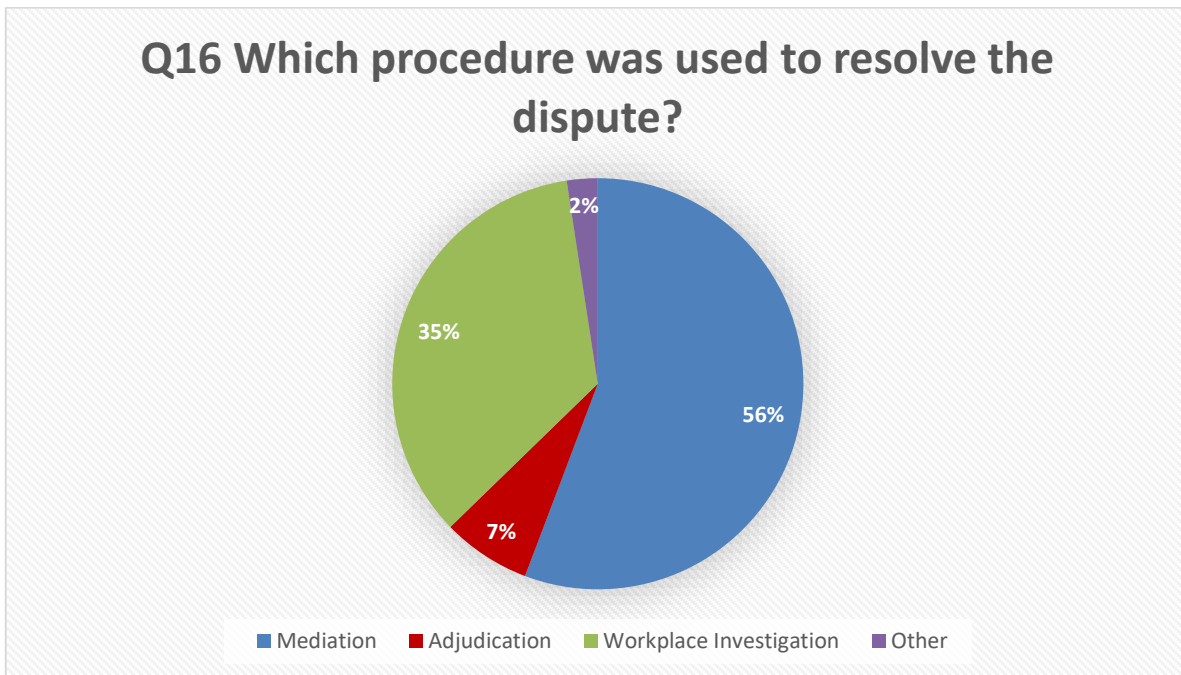
At question 15, respondents were asked if the dispute had been resolved and if it had improved or affected the workplace environment. 10.26 percent said the conflict was resolved and it made the workplace environment better, 5.13 percent said it was resolved but it made the workplace environment worse, 2.56 percent said the dispute was not resolved and it made the workplace environment worse, and 15.38 percent said others.

Figure 14



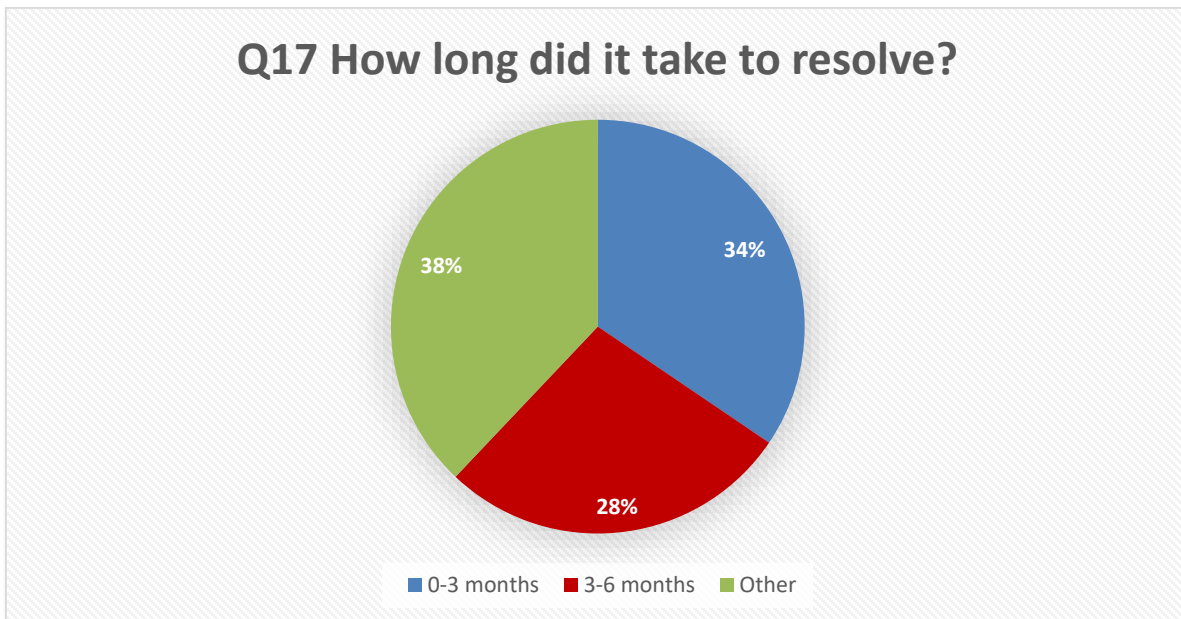
The participants were asked in Question 16 about the procedure they used to resolve their dispute at the WRC. Figure 15 shows that Meditation had 27.59%, Workplace Investigation had 17.24%, Adjudication had 3.4%, and others had 51.72%.

Figure 15



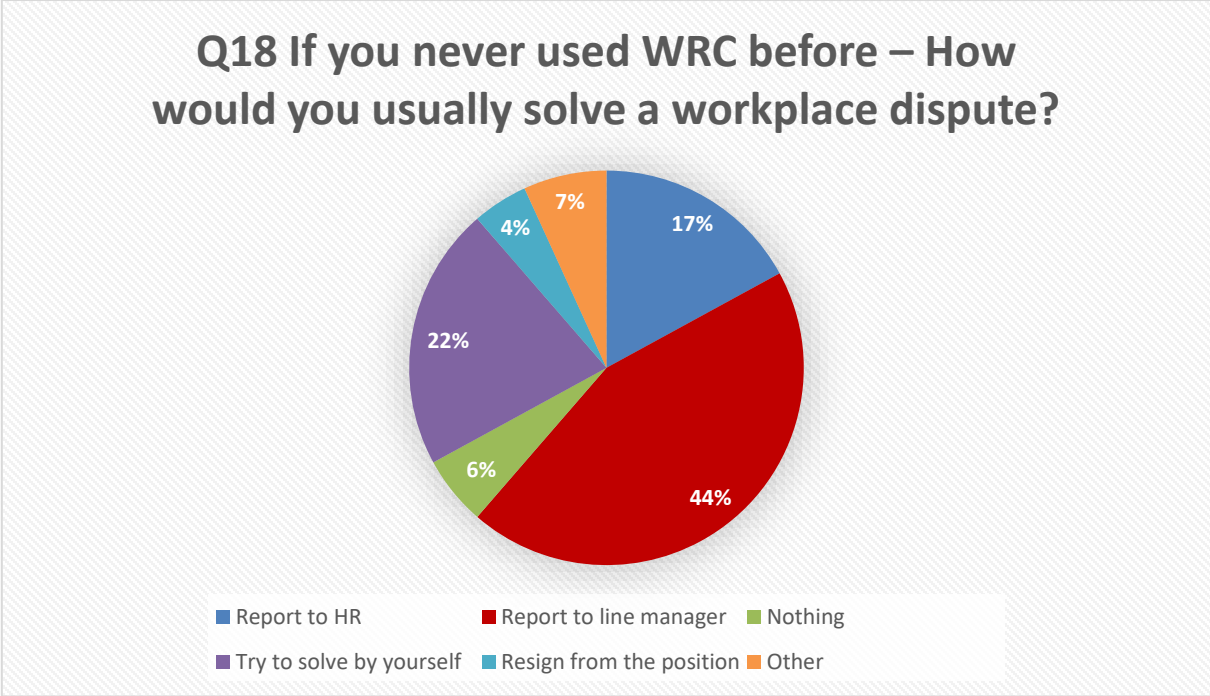
The participants were required to share their experiences with the length of the procedure in WRC. As shown in Figure 16, 34.48% of participants said it took approximately 0-3 months, 27.59% said 3-6 months, and 37.93% said others.

Figure 16



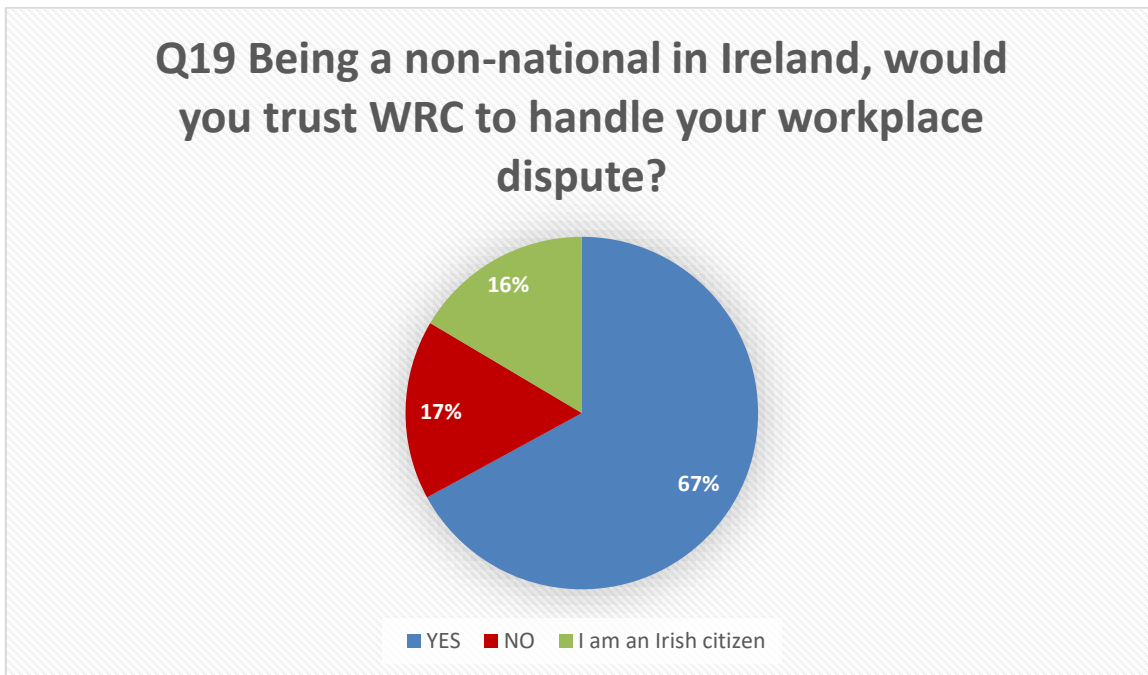
Question 18 was posed to participants who had never used WRC to resolve a workplace conflict and inquired as to how they would normally resolve a workplace dispute. 44.32 % report to the line manager, 21.59 % try to resolve the conflict on their own, 17.05 % report to HR, 5.68 % prefer to do nothing, 4.55 % resign from the position, and 6.82 % chose others.

Figure 17



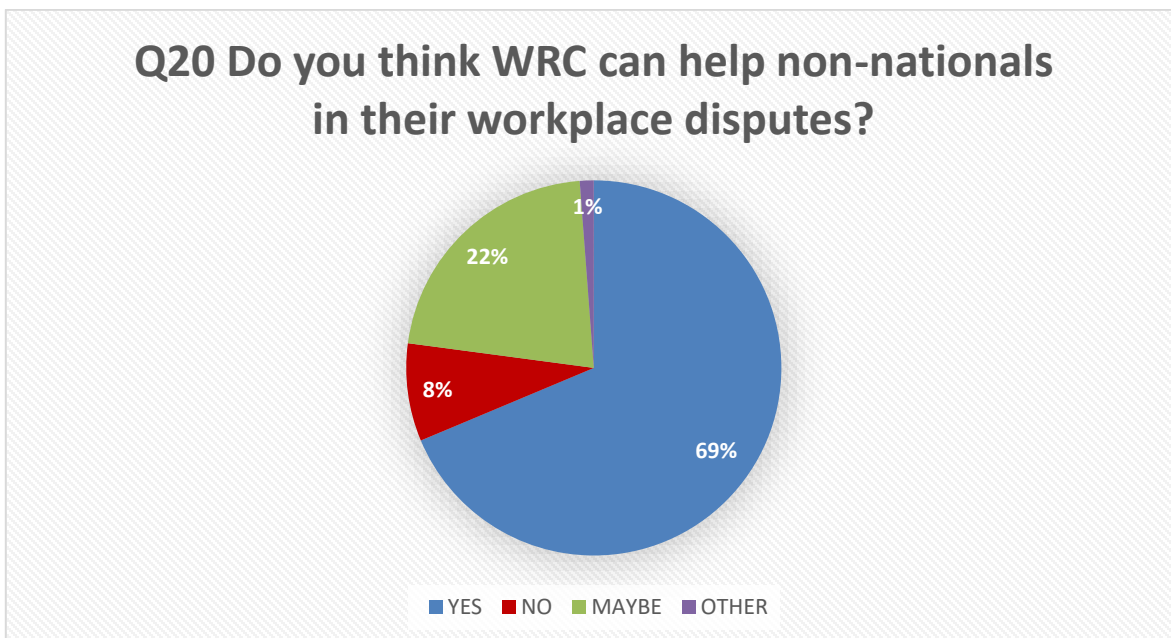
From question 19, the survey intends to assess participants' knowledge and experiences as a non-Irish citizen and the use of WRC to resolve workplace conflicts. Question 19 asked to the participants: “Being a non-national in Ireland, would you trust WRC to handle your workplace dispute?”. As shown in Figure 18, the majority of participants (67.86%) answered Yes, 16.67% answered No, and 16.67% were Irish citizens.

Figure 18



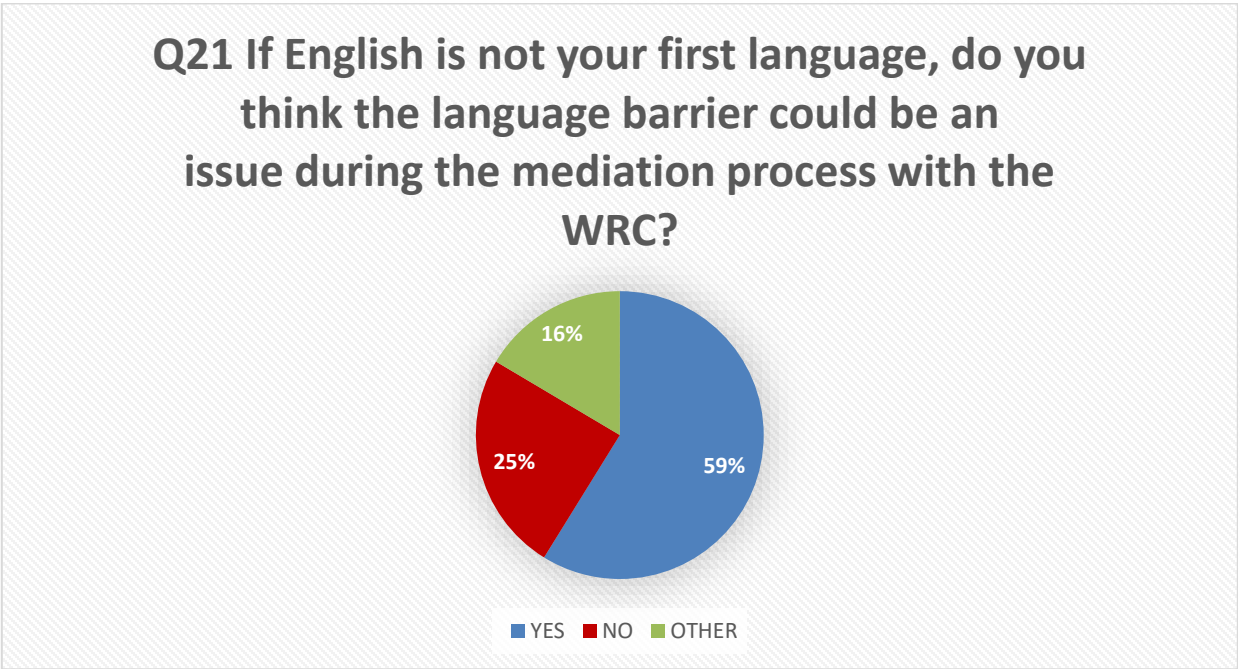
Question 20: “Do you think WRC can help non-Nationals in their workplace disputes?”, to this question, 68.67% answered yes, 8.43% answered no, 21.69% answered maybe, and 1.20% said others.

Figure 19



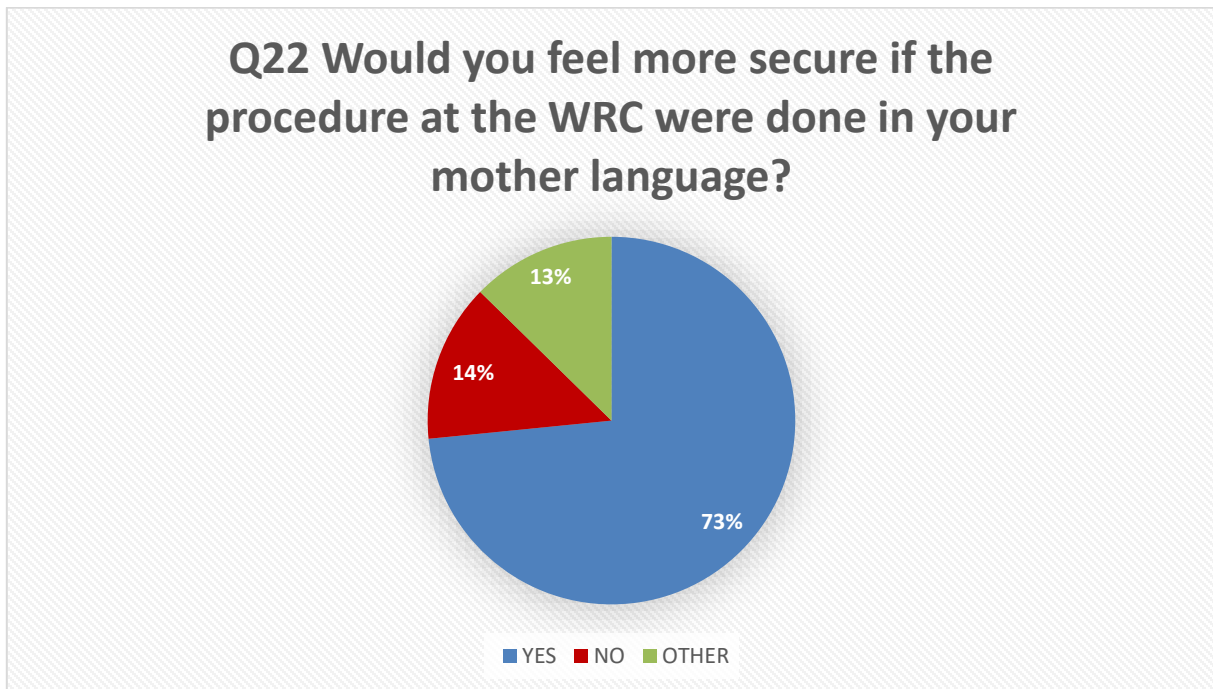
Question 21 was directed to non-nationals participants if they thought the language barrier would be an issue during the WRC mediation process. Yes received 58.82% of the vote, No received 24.71% of the vote, and others received 16.47% of the vote, as illustrated in figure 20:

Figure 20



In the final closed question, non-Irish respondents were asked if they would feel more secure if the procedure at WRC was done in their mother tongue; 73.42 % said yes, 13.92 % said no, and 12.66 % said others.

Figure 21



OPEN QUESTION

Question 9 was an open question designed to elicit a subjective response from respondents who had experienced workplace conflict. In this question, participants who had a workplace conflict had to describe what type of workplace conflict they had been a part of, choosing from a list of options, including the option "others" if the experience was not listed. Participants could also select multiple answers if they experienced more than one type of conflict.

Figure 22

Q9

What type of conflict? Specify your answer

Answered: 50 Skipped: 48

ANSWER CHOICES		RESPONSES	
Disputes/Complaints relating to statutory rights (e.g. minimum pay, terms, hours of work, rest breaks, redundancy entitlements, payment of wages, etc.)	Responses	68.00%	34
Disputes/complaints which arise out of conflicting interests. e.g. leadership conflicts, personality conflicts, responsibility conflicts, cultural conflicts, workstyle conflicts (involving employee vs employee or leadership vs employee)	Responses	50.00%	25
Bullying	Responses	40.00%	20
Harassment	Responses	28.00%	14
Others	Responses	22.00%	11

4. DATA FINDINGS – QUESTIONNAIRE RESULTS

Following data collection, it is important to arrange the information so that it can be evaluated and analysed to provide answers for the research questions. The results of this study will be presented in this chapter, with the goal of determining whether WRC's mediation is an effective tool for resolving non-Irish workplace conflicts in Ireland.

This research was completed by 98 people, with 97.26 % currently residing in Ireland. Of this number, the majority of those living in the country for 1-3 years are between the ages of 18 and 24 years old and nationals from Brazil (46.2%), Italia (7.7%), Chile (7.7%), and others (38.5%), while those between the ages of 45 and 64 years old have been living in Ireland for 5 years or more and are from Brazil (20.5%), Ireland (52.9%), Pakistan (5.9%) and others (20.6%).

The majority of those who responded were 46.94 % Brazilian, 19.39 % Irish, 4.08 % Mexican, and 3.06 % Portuguese. Most Brazilians are between the ages of 25 and 44 years old, Irish people are between the ages of 45 and 64 years old, and Mexican and Portuguese people are between the ages of 25 and 34 years old.

The research also revealed that the most common work industries are: Retail, Hospitality or Event, Healthcare, Business, consultancy, or management, and Accountancy, banking or finance. In Retail, the most common nationalities were: Brazilian 60%, Puerto Rican 10%, Italian 10%, Indian 10%, Mexican 10%, as shown in the figure 23. In Hospitality or event, the most common nationalities were: Brazilian 53.3%, Irish 6.7%, Argentinian 13.3%, Mexican 13.3%, Mauritian 6.7% and Turkish 6.7%, as demonstrated in figure 24.

Figure 23

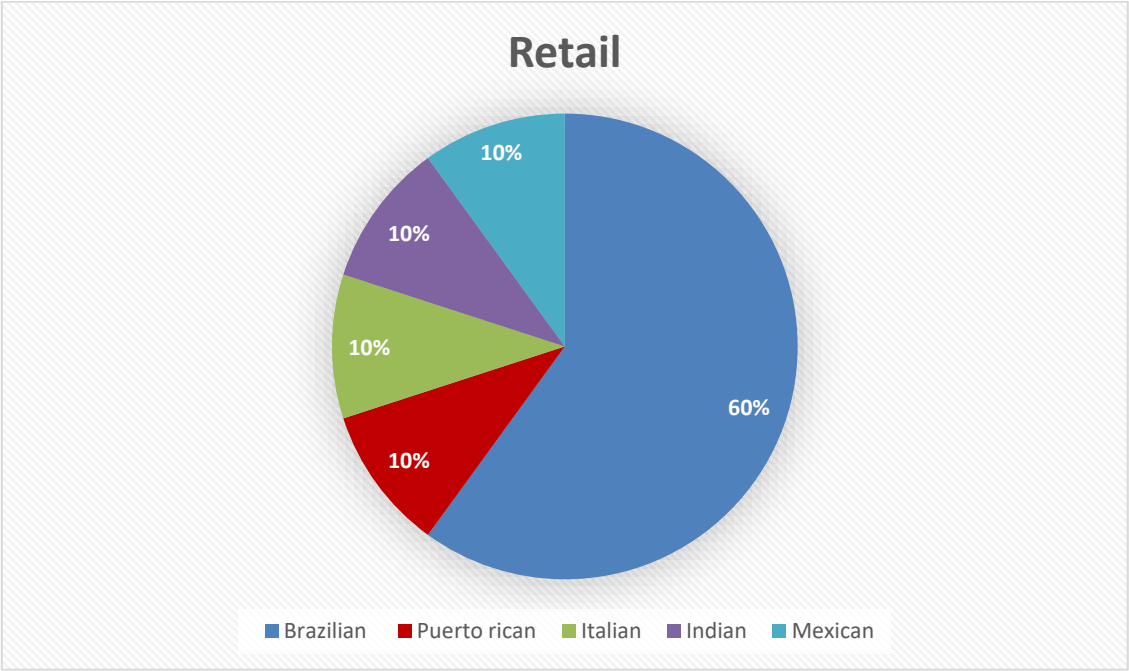


Figure 24

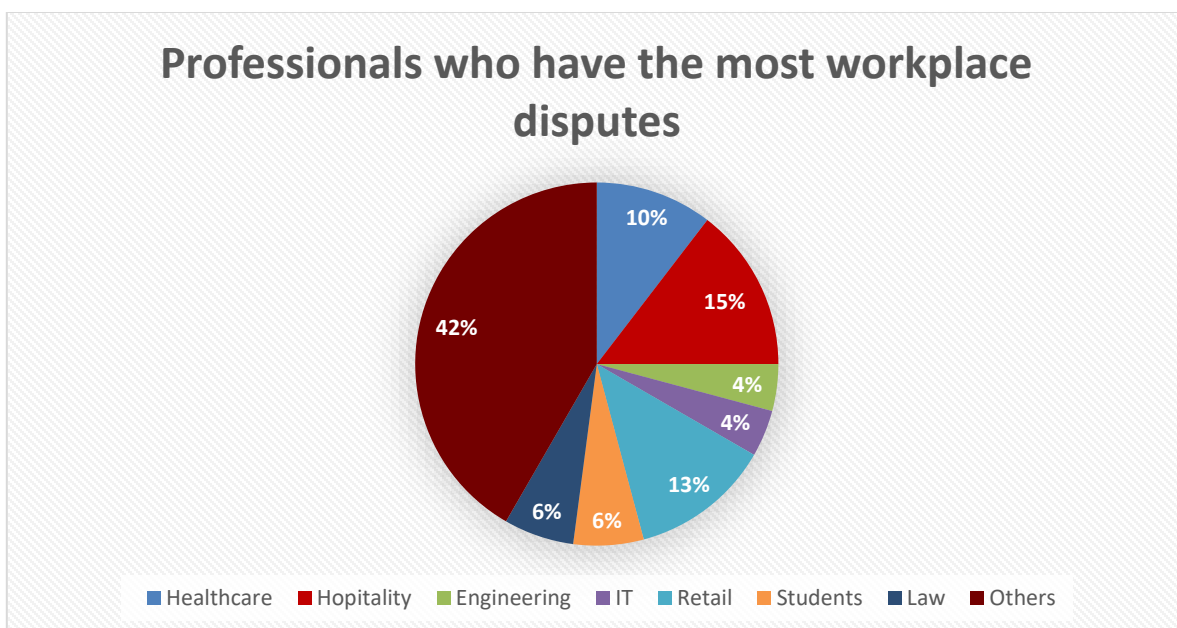


On the same scope, Healthcare had Brazilian 75%, Zimbabwean 8.3%, Hungarian 8.3% and Indian 8.3%. Business consultancy and management had Brazilian 20%, Irish 40%, Chilean 20% and Pakistanis 20%; and lastly, Accountancy, banking and finance had Brazilian 33%, Irish 50% and Italian 17%.

Additionally, it was found, based on this research, that there were no Irish nationals working in Retail or Healthcare, and the most common industries were Accountancy, banking and finance; Business consultancy and management; Computing or IT; Homemaker; Property or construction; Recruitment or HR; Science or Pharmaceuticals; Teacher training or education.

Subsequently, in relation to the Question 8 “Have you ever had a workplace conflict here in Ireland?”, this research found that the professionals that had most workplace disputes were from the industries Healthcare 10%, Hospitality or events 15%, Engineering 4%, IT 4%, Retail 13%, Students 6%, Law 6%, the others feature 42% all together (figure 25). In contrast, professionals of public services or administration, Media or digital, Environment or agriculture, have never had a workplace dispute.

Figure 25



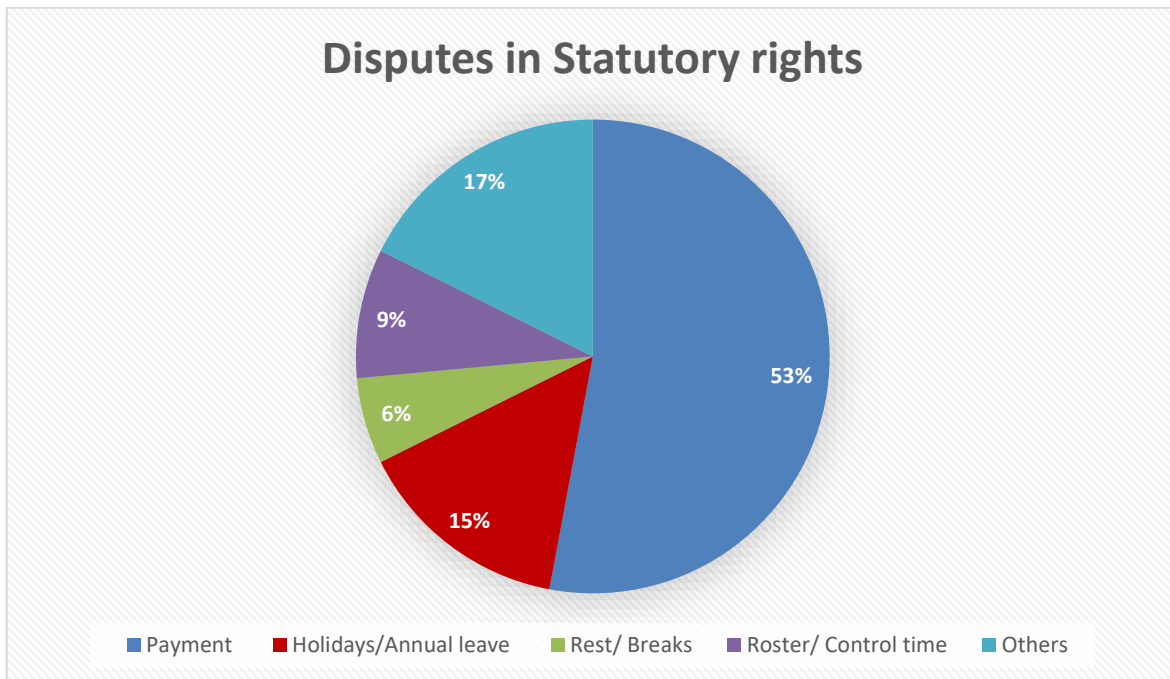
On open question 9, participants had to answer subjectively the types of workplace conflict that they had been a part of, indicating the type of conflict in the options provided (Statutory rights, conflicting interests, bullying, harassment, others). This researcher decided to analyse each option based on the most common work industries found in this study: Retail, hospitality, or event management, healthcare, business, consulting, or management, and accounting, banking, or finance.

In terms of Statutory rights, the numbers show business, consulting, or management 13%, accounting, banking, or finance 6%, Healthcare 25%, hospitality or event 44%, and retail 13%. Conflict Interests, the research found business, consulting, or management 8%, accounting, banking, or finance 8%, Healthcare 8%, hospitality or event 38%, and retail 38%. On Bullying, the numbers show business, consulting, or management 25%, accounting, banking, or finance 25%, Healthcare 13%, hospitality or event 25%, and retail 13%. Now in Harassment, the data suggest accounting, banking, or finance 17%, Healthcare 33%, hospitality or event 17%, and retail 33%. In others, only two industries had data, accounting, banking, or finance 67% and Retail 33%.

SUBJECTIVE ANALYSIS OF OPEN QUESTION 9

Still focusing on question 9, in a subjective analysis of the answers given to the survey, it was found that regarding to Conflicts involving Statutory rights, the most common answer was payment 52.9%, following for Holidays/Annual leave with 14.7%, Rest/Breaks with 5.9%, Roster/Control of the time 8.8% and others 17.6%.

Figure 26



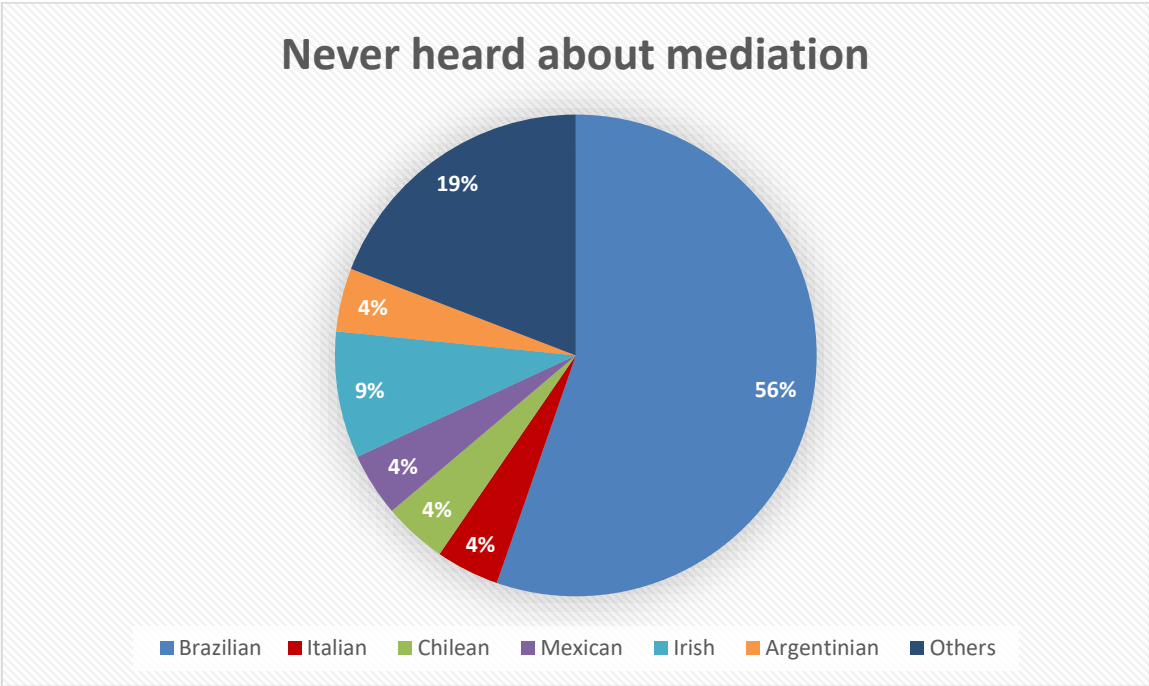
On the second category, Disputes involving conflict interests, the top answers were Leadership with 36%, Cultural conflict 28%, Work style 20% and others 16%, as shown in Figure 27. Bullying and harassment had 40% and 28% respectively. In others, the most answer were Language barrier, lack of communication and promotion.

Figure 27



In analysis to the research, it was found that 47 people on total **never heard about Mediation**, diving as Brazilian 55.3%, Italian 4.3%, Chilean 4.3%, Mexican 4.3%, Irish 4.3%, Argentinian 4.3% and others 19.1%, as following in Figure 28. Now on Q8 - “Would you consider choosing Mediation to address the dispute?”, 64% would go to mediation, 8% answered NO and 28% answered Maybe - justifying that it would depend on the conflict and the costs.

Figure 28



According to the findings, the most common place where people heard about WRC is at school/college (34%), followed by social media (23%).

The nationalities that already used WRC to solve a dispute were Irish 29%, Pakistanis 14%, Italian 14%, Brazilian 14%, Indian 14% and Polish 14%. Of this, 10.26% said the conflict was resolved and it made the workplace environment better, 5.13% said it was resolved but it made the workplace environment worse, 2.56% said the dispute was not resolved and it made the workplace environment worse, and 15.38% said others. In respect of the procedures that were used in WRC, Mediation had 27.59%, Workplace Investigation had 17.24%, Adjudication had

3.4%, and others had 51.72%.

Finally, on the main topic of this study, 67.86 % of non-Irish participants said they TRUST WRC to settle workplace disputes, while 16.67 % said no and 16.67% were Irish citizens. With 68.67 %, the majority of non-Irish believe that the WRC can assist non-nationals in workplace disputes. No with 8.43 %, and maybe with 21.69 %. As well as 73.42 % would feel more secure if the procedure at WRC was performed in their mother tongue, compared to only 13% who said no.

5. DISCUSSION

The discussion of results is an essential phase of the research process because it allows to emphasise, explain, and compare the most important data collected during the research. The survey had 98 answers and it was focus on the question “Is WRC’s Mediation an effective Dispute Resolution tool to non-Irish in Ireland?”. This chapter is structured according to the specific objectives described in the introduction in order to provide a clearer and simpler content, and it provides a contrast between the gathered primary data and the previously presented literature review.

5.1 Objective 1 - Explore if WRC’s mediation is effective to non-nationals employment problems

As demonstrated in the Literature review, mediation is a significant procedure that has grown in popularity over the years. The modern practice of mediation has expanded exponentially worldwide, especially in the last four decades. This growth is due in part to a wider acknowledgment of individual human rights and dignity, the expansion of aspirations for democratic participation at all social and political levels, the belief that individuals have a right to participate in and take control of decisions affecting their lives, an ethic supporting private ordering of decisions, and trends in some locales for broader tolerance of diversity in all its aspects. Change has also been motivated by growing dissatisfaction with authoritative, top-down decision makers and decision-making procedures; imposed settlements that do not adequately address parties' strongly felt or genuine interests; and the increasing costs—in money, time, human resources, and damage to interpersonal and community solidarity—of more adversarial, win-lose procedures of dispute resolution. (Moore, 2014). At WRC, even

formal procedures such as adjudication or workplace investigations now use mediation as a pre-form of conflict resolution.

The first objective in this research is to determine whether WRC's mediation is effective in resolving workplace disputes involving non-nationals; based on primary research and a survey, the answer is yes.

As previously stated, WRC's mediation is a procedure that the parties strongly support because it is a quick, cost effective, and trustworthy process. WRC's mediation service is provided by a cross-divisional team of trained professional mediators and is free to all users. The mediation service affords employees appropriate access to its mediation service in circumstances where assistance is sought in respect of claims of infringements to employment rights; it also provides access to the public in respect of claims involving unequal treatment and discrimination claims in the civil and public service. This form of mediation seeks to arrive at a solution through an agreement between the parties, rather than through an investigation or hearing or formal decision where a formal complaint has been lodged with the WRC for Adjudication. (WRC, 2021). The mediation also can be conducted in any language, as the parties require assistance in advance. The website also includes a section with all of the important information and brochures, as well as all of the information that any interested party needs to know, in 17 languages, making the process easier for non-nationals.

In the same vein, as evidenced by the primary research, the survey, 64 percent of those polled would seek mediation to resolve workplace disputes, and 67.86 % of non-nationals' respondents stated that they TRUST WRC to resolve workplace conflicts when they it arises. As a result of this, the ultimate conclusion of the first objective, which is to investigate whether WRC's mediation is effective in resolving non-national employment problems, is that it is; WRC's mediation is effective in resolving non-national workplace conflicts.

5.2 Objective 2 – If WRC is the first resource to be used when an employment conflict arises

Workplace conflict can occur at any stage and with anyone, regardless of a company's hierarchy. It makes no difference when the conflict occurs or with whom it occurs; what matters is how the conflict is handled. A poorly handled conflict can cost the company money and destroy employee morale and quality of life. Conflict management is the process of resolving disputes in which negative outcomes are minimized and positive outcomes are prioritized. (Valamis, 2021).

The review of the literature demonstrated the various types of conflict management that exist and how each of them acts when a conflict arises. It also demonstrated that conflict resolution must begin with first-line management, such as supervisors, managers, and so on. When a conflict is well managed at the outset, it would not escalate, and the chances of a successful resolution are significant. It also demonstrated, based on Glasl theory, that a conflict has scales and that mediation or conciliation may be useful where parties wish to preserve an existing relationship, as stated by Lord Chancellor's Department, 1999 in *Alternative Dispute Resolution – A Discussion Paper*, referring to the initial phase of the conflict, which can be understood as after the first conflict management by the company's management team.

In the primary research, participants were asked in Q14 if they had ever used WRC to resolve a workplace dispute, and the results showed that 93 % had never used WRC and only 7 % had to seek assistance from the body. Furthermore, on Q18, participants were asked how they usually solve a workplace conflict if they had never used WRC to resolve a dispute; the results were 44 % report to the line manager, 22 % try to solve it themselves, 17 % report to HR, 6 % do nothing, and 4 % resign from the position.

As a result, in response to the second objective of this research, the study found that WRC is

not the first resource used by participants when a conflict arises; rather, they prefer to try to solve the problem within the company first or by themselves before appealing to a public body, even resigning from their position rather than putting themselves in a position of "report the company."

5.3 Objective 3 - If non-nationals trust and seek for WRC with their employment conflicts

In answer to the third and final objective, and based on Central Statistics Office, 2021, is estimated that in April 2021, 645,500 of the total population, 12.9%, are non-Irish nationals, which imply one in eight of the total population. The main nationalities in the country, according to Central Statistics Office , 2018, are: Polish (122,515), UK (103,113), Lithuanian (36,552), Romanian (28,186), Latvian (19,933), Brazilian (13,640), Spanish (12,112), Italian (11,732), French (11,661), and German (11,531).

The literature review also showed that the WRC body offers in its website a list of forms and publications in 17 languages, aiming help non-English speakers to access the process in an easy and quick way. The languages available are: Arabic, Bulgarian, Filipino, French, Hindi, Indonesian, Latvian, Lithuanian, Mandarin, Polish, Portuguese, Romanian, Russian, Spanish, Sri Lankan – Sinhala and Tamil, and Ukrainian. (WRC, 2021). The body also provides translation services in mediation, adjudication and written procedures, where the parties require assistance, with the goal of facilitating the process and the participants' understanding, any requests must be submitted via email at the earliest possible date before the procedure. (WRC, 2020).

In contrast, the study showed that 67% of the non-Irish participants would trust WRC to handle their workplace dispute and only 16% answered No. On the same scope, it was asked in Q20, if they think that WRC can help non-nationals in their workplace disputes and 69% think that

it could, 22% said maybe, depending on the costs and the type of workplace conflict and only 8% said no.

Based on the communication barriers, the Q21 aimed at the language barrier as an issue during the mediation process with the WRC, and 59 % responded that it could be a problem, but 25 % responded no. On this basis, the literature review revealed that the WRC has the option of providing translators to parties in need, and it also provides brochures and information about the process in 17 languages, which could reduce the number of non-nationals who do not seek the agency out of fear of not understanding anything.

In relation to this, the Q22 response indicated that 73 % of participants would feel more secure if the procedure were performed in their mother language, 14 % answered no, stating that English is the official language of the country and it is appropriate to maintain this, and % answered others, indicating that they are comfortable with their level of English.

In conclusion, and in response to the third objective, do non-nationals trust and seek WRC to handle workplace conflicts? The answer, according to this study, is yes. The majority of non-Irish trust the body and believe it is a trustworthy agency; despite the language barrier, they would consider seeking WRC if the conflict escalated in a Mediation aspect and do not believe they would be treated any differently than an Irish national.

6. CONCLUSION

Workplace conflict is a natural part of life; it can happen to anyone and at any time, and it is critical to know how to handle it when it does. According to the findings of this study, workplace disputes can be divided into two types: collective and individual disputes, which can be further subdivided into a variety of categories. Another aspect is that organizational conflicts are classified into six types: Intrapersonal Conflict, Interpersonal Conflict, Intragroup Conflict, Intergroup Conflict, Intra-Organizational Conflict, and Inter-Organizational Conflicts, and it can be used to manage all types of employment conflict when it occurs.

Conflict management is the prior form of conflict resolution, and it is implemented within the company, by the own institution, for supervisors, managers, HR, or any other person who is authorized to act. However, conflict management does not always resolve the dispute; when this does not work, ADR is the procedure recommended to resolve any type of conflict, including workplace disputes.

Alternative Dispute Resolution (ADR) is a procedure for resolving long-standing disputes, and it is widely used in employment disputes. It resulted in the establishment of WRC - Workplace Relations Commissions - in 2015, which included many types of ADR procedures, including mediation. This process, a type of ADR, has been encouraged in Ireland, resulting in the promulgation of the Mediation Act 2017, and it is very useful when dealing with workplace disputes.

The Workplace Relations Commission (WRC) was established under the Workplace Relations Act 2015 (No. 16 of 2015), and it is the body to which all industrial relations disputes and all disputes and complaints about employment laws are referred. The body has several operations such as advisory service, conciliation service, mediation service, adjudication service, inspection service and employment rights information (Citizens information, 2021). It is

available to all employees residing in Ireland, including non-Irish nationals. The purpose of this study was to determine whether the WRC's Mediation is an effective tool for non-Irish nationals when a workplace dispute arises, whether non-nationals trust and seek the WRC's services, and whether the body is as well-known to non-nationals as it is to native Irish people.

According to the data, the first factor to consider is the level of awareness of the participants relating to Workplace Relations Commission as an alternative to litigation for resolving workplace disputes, and it is still very low. As per the outcomes, 52 % of those polled had heard of WRC or WRC mediation, yet, only 7% have ever used WRC to resolve a workplace dispute. As showed by the research, the respondents usually resort to other ways to solve a dispute when it occurs, as aforementioned, the majority prefer to solve the conflict reporting to the line manager (44%) or trying to solve the conflict by themselves (22%).

It is expressive of the percentage of participants who had never heard of WRC (48 %), and it drew attention to the numbers relating to where the participants heard about WRC. The majority of the participants, 34%, heard about the agency at school or college, while only 6% heard about the agency on TV or radio. It is well known that workplace conflicts can occur at any time and involve anyone, but it is essential to mention that often, particularly conflicts involving statutory rights such as payments, holidays, and so on, have a higher incidence in minorities, involving people who have never been to college or even work in places with less information.

According to the data analysis, the professions with the most occurrences of workplace disputes were hospitality or events (15%), retail (13%) and healthcare (10%), all of which are typically occupied by non-Irish. As a result, it is clear that WRC lacks in advertising and focuses on non-nationals' knowledge of the agency. Despite the fact that the website contains a long list of documents in many languages, the body falls short in marketing and promotion to a few sectors, particularly those with a large non-Irish population, such as Hospitality, events, Healthcare,

Retail, and so on, making it difficult to find for those who need it.

Furthermore, while 49 % of participants reported having a workplace conflict and 81 % had heard about mediation, only 64 % would consider using mediation to resolve a workplace dispute. Despite the best efforts already created by the Workplace Relations Commission, the Justice system, and government entities to encourage the use of mediation, this study concludes that workers' understanding of the mediation procedure, as well as the WRC agency and the facilities available to non-Irish people, needs improvements.

In conclusion, and in response to the topic question, "Is WRC's mediation an effective dispute resolution tool for non-Irish in Ireland?", this research concludes that, while WRC's mediation is an effective dispute resolution tool for non-Irish in Ireland, the body lacks in promotion and marketing directive, particularly for occupations that are typically taken for granted by society and are usually occupied by immigrants and non-Nationals.

7. REFLECTION

This Master's Degree was both challenging and rewarding. Never in my wildest dreams did I imagine myself finishing a course of this importance in another language. The sensation of completing a challenge of this magnitude is extremely pleasurable.

I've always been fascinated by the law since I was a child, so becoming a lawyer in Brazil was a dream come true for me. When I was studying for the Bar, I discovered my passion for employment law, and I couldn't imagine working in any other field. I worked in Brazil for 5 years before deciding to relocate to Ireland and begin a new life. Here in Ireland, I rediscover a new aspect of my life, a new me, but my passion for the law has not faded. I enjoy all aspects of the law, and my long-term goal is to become a solicitor here, which I will accomplish.

I learned so much on this journey, made wonderful friends, and gained knowledge that will propel me to the next chapter of my life. The Masters and dissertation prove that nothing can stop a dreamer, and that with perseverance, patience, and a lot of hard work, I can win the world.

“Dreams don't work unless you take action. The surest way to make your dreams come true is to live them. Set goals to achieve your dreams. Take daily action that brings you closer to your goals. It doesn't matter how small that action is. Just take action.”

— Roy T. Bennett

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APPENDIX

A – Questionnaire

THE EFFECTIVENESS IN WRC'S MEDIATION INVOLVING NON-IRISH IN IRELAND

Research dissertation:

THE EFFECTIVENESS IN WRC'S MEDIATION INVOLVING NON-IRISH IN
IRELAND

Master of arts in dispute resolution

Important notes

Purpose

This research has an academic purpose only.

There is no direct benefit from answering the questionnaire, but your participation will have an importance in the development and further understanding of the topic.

Confidentiality

Any answers provided will be sent to a link at survey monkey, and the data collected will be stored online in an electronic format protected by a password. Information such as name, email address or ip address will not be collected by the platform. As a result of this, all responses are completely anonymous, and no identification is required.

Aim

The research aim is to understand how WRC's mediation can be effective to non-Irish in Ireland.

Concerns

In case you have any doubts or concerns in relation to this research, you are welcome to contact the research supervisor, Mr. Craig Phillips (craig.phillips@independentcolleges.ie) and the research candidate Miss Kauany Pontes (kauanypontes32@gmail.com), who is a registered student at Independent College Dublin undertaking the degree of master of arts in Dispute Resolution.

In case you feel that this research has not been able to maintain ethical principles, please contact Independent College Dublin at the contacts below:

Independent College Dublin at Block B, The Steelworks, Foley St, Dublin 1, or by email: info@independentcolleges.ie

Proceeding with the questionnaire, you are automatically indicating that:

You have read and agreed with the above information.

You agree to participate in this research voluntarily.

You are 18 years or over.

Thank you for your time and for assisting me in the completion of my master's degree.

1. Do you live in the Republic of Ireland?

- Yes
- No

2. How long do you live in Ireland?

- 0-1 YEAR
- 1-3 YEARS
- 3-5 YEARS
- 5+ YEARS

3. Which is your nationality?

//

4. How old are you?

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+

5. Do you work in Ireland?

- Yes
- No

6. How long have you been working in Ireland?

- 0-1 year
- 1-3 years
- 3-5 years
- 5+ years
- I do not work in Ireland

7. What industry do you work?

- Business, consultancy or management
- Accountancy, banking or finance
- Charity and voluntary work
- Creative arts or design
- Energy and utilities
- Engineering or manufacturing
- Environment or agriculture
- Healthcare
- Hospitality or events
- Computing or IT
- Law
- Law enforcement and security
- Food delivery or food app
- Leisure, sport or tourism
- Homemaker
- Religious
- Marketing, advertising or PR
- Media or digital
- Property or construction
- Public services or administration
- Recruitment or HR

- Retail
- Sales
- Science or pharmaceuticals
- Social care
- Teacher training or education
- Transport or logistics
- Student
- Military
- Unemployed
- Other (please specify)

8. Have you ever had a workplace conflict here in Ireland

- Yes
- No

9. What type of conflict? Specify your answer

Disputes/Complaints relating to statutory rights (e.g. minimum pay, terms, hours of work, rest breaks, redundancy entitlements, payment of wages, etc.)

Disputes/complaints which arise out of conflicting interests. e.g. leadership conflicts, personality conflicts, responsibility conflicts, cultural conflicts, workstyle conflicts (involving employee vs employee or leadership vs employee)

Bullying

Harassment

Others

10. Have you ever heard about Mediation?

Yes

No

11. Mediation is an alternative dispute resolution method in which an independent third party (Mediator) uses techniques to help the parties settle down their disputes without imposing a decision. The result of a Mediation relies on the parties.

Having that in mind, if you find yourself in workplace conflict, would you consider choosing Mediation to address the dispute? Why?

Yes

No

Maybe

12. Have you ever heard about WRC - Workplace Relations Commission? (The workplace relations commission (WRC) was established under the workplace relations act 2015. It is the body to which all industrial relations disputes and all disputes and complaints about employment laws are referred).

Yes

No

13. If yes, where did you hear about WRC?

- Social Media (Instagram, Facebook, Twitter, etc.)
- WhatsApp group
- Search engine (Google, Yahoo, etc.)
- Recommended by friend, colleague or co-worker
- Careers Website
- School/College
- Television/Radio
- Work/Employer/Management
- Internet or other type of advertisement
- Other (please specify)

14. Have you ever used WRC to resolve a workplace dispute?

- Yes
- No

15. If yes - Was the dispute resolved? Did it make your workplace environment better or worse?

- Yes, it was resolved - Better
- Yes, it was resolved - Worse
- No, it was not resolved - better
- No, it was not resolved - worse
- I never used WRC
- Other (please specify)

16. Which procedure was used to resolve the dispute?

- Mediation
- Adjudication

- Workplace Investigation
- Other (please specify)

17. How long did it take to resolve?

- 0-3 months
- 3-6 months
- 6-9 months
- 9-12 months
- + 12 months (specify in others below)
- Other (please specify)

18. If you never used WRC before – How would you usually solve a workplace dispute?

- Report to HR
- Report to line Manager
- Nothing
- Try to solve by yourself
- Resign from the position
- Other (please specify)

19. Being a non-national in Ireland, would you trust WRC to handle your workplace dispute? Why?

Yes

No

I am an Irish
citizen

20. Do you think WRC can help non-nationals in their workplace disputes?
Why?

Yes

No
Maybe
Other

21. If English is not your first language, do you think the language barrier could be an issue during the mediation process with the WRC?

- Yes
- No
- Other (please specify)

22. Would you feel more secure if the procedure at the WRC were done in your mother language? Why?

Yes
No
Other

Done

Powered by
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