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Book Review

Bleak house or palace of hope?

David Bryson

Mieke Brandon and Leigh Robertson
Conflict and Dispute Resolution: A Guide for Practice
(Oxford University Press, 2007)

Life in an organisation is as close as our own skin and as foreign and unexplored. For some it is a snake-pit of intrigue, power and danger while for others it sustains and enriches their lives. While many feel they are part of a machine that grinds away in its pre-set programming of human labour, others experience it as a living organism connecting them to others and to movements of change and broader social fluctuations.

Whatever the experience it rarely bears any resemblance to the enlightened and joyful palace of precious stone described by the myriad of management gurus and charismatic management consultants.

For all of us it is a place where we spend most of our lives but are at risk of leaving something vital about ourselves at the front door when we set to our tasks, only to reclaim it when we wind our way home with others through the evening peak hours. Like the school yard we have our spots to play, to link with others when safe or necessary, a niche of friends to guard and entertain. Surrounding us all is the organisational culture, unwritten but influential, unseen but which each day plays itself out in our activity and thinking, whether we are management or staff member.

Disputes in this environment are particularly complex, an interplay of interests, rights and power. Like the English TV series *The Office* what appears cute and trustworthy on the surface can expose an adult human to vindictive and hurtful experiences that recall the most harmful of schoolyard pranks and teasing and can remain in their psyche for the rest of their working lives. Power also does not necessarily reside in hierarchical structure — the lowliest can terrorise the life of a supervisor or manager who may feel particularly vulnerable to the attack of the grievant.

A dispute resolver intervening in this context may create for a moment an alteration in the balance of power or connection between individuals, but this may not remain in the interchange between the parties post-mediation and in fact make it worse. A dispute resolver can easily become the instrument of management or the de facto advocate of the employee. Innocuous facilitative or transformative approaches to human disputes in the workplace can reinforce dysfunctional aspects of the corporate culture and be used to punish, antagonise and demoralise one person or another.

For those of us with particular responsibility for dealing with conflict in the workplace it is therefore invaluable to have a text that addresses some of the stuff of our daily work. Brandon and Robertson have written a well-researched book that is especially useful for the Australian context but has a broader reach than that. They recognise that the resolution of conflict in the workplace can be particularly daunting and their practical guide aims to bridge basic training in ADR with what is required to deal with the anthropological stew faced in the workplace. In doing so they attempt to combine dispute resolution theory and practice with organisational, psychological and social science themes; a framework to consider conflict and its dynamics as well as resolution options.

The book's structure reflects the authors' professional backgrounds (including extensive experience in family mediation and counselling) and preoccupation with underlying elements of workplace culture and life. Part 1 sets the scene by reviewing conflict and its influences. It contains a helpful discussion of systems theory which is premised on an understanding of the fundamental connectedness of humans in any joint endeavour, such as work, and the internal and external influences that give rise to disputation. They remind us of the profound changes to working life and expectations of worker participation, galvanized by social and political changes such as equal opportunity, greater access to education and income protection and democratic thinking and movements. Together with technological developments, the human in the workplace has been significantly impacted.

Issues of the meaning of work are explored extensively, including workaholics and psychodynamic influences, the psychological repercussions of conflict as well as the demands on management to adequately respond in order to prevent and minimise the damage of conflict. Diversity in the workplace — cultural, gender and generational — are examined with some fascinating conclusions: there is very little evidence that men and women negotiate differently in the workplace — the differences lie in what power they possess within an organisation. There is a caveat: power is context-dependent and even the most powerful women and men are powerless under certain conditions.

Difficult behaviours that defy any system or structural approach are not ignored. The authors provide comfort that psychopaths have always lived and worked among us and that they need to be 'managed in a way that focuses on the person's abilities and strengths without getting hooked into their emotional crisis or trying to change their traits'. This is probably easier said than done, especially if this person has the responsibility of managing others. While relevant Australian legislation is provided in outline there is a notable absence of discussion of what to my mind is the central legislative framework for the modern workplace, occupational health and safety. Industrial relations is also conspicuously absent, which

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leaves some of the discussion with an air of unreality.

When grievances arise from the workplace the authors suggest that 'when receiving a complaint, see it as a gift'. Conflict seen in this way is a catalyst for change in an organisation, they argue, rather than a threat to authority or a diversion from productive tasks. The escalation of conflict, from its earliest manifestations, is examined in some detail, as is the need for management to have hardwired in the organisation policies and procedures a sub-system for responding to it. The writers go on to describe the many conditions that should apply for dispute systems to work, including that management and employees need to have a positive attitude towards conflict, that all employees should feel safe to provide information to management about concerns and that supervisors and managers need to remain open-minded and not take sides or have a stake in the outcome of the dispute. My experience of workplace dispute systems is rather bleak in this regard, namely that these conditions do not necessarily exist and that those responsible for deploying the policies and procedures are as a traveller wandering with outstretched lantern in a foggy night.

Part 2 of the book looks at mediation in all its variety, and at other processes for handling workplace conflict. The simplest — self help, counselling and conflict coaching — to the more complex — conflict conferencing, ombuds services and early neutral evaluation — are covered. This Part provides thumbnail sketches of available mechanisms for dispute resolution and encourages a diverse and eclectic approach, rather than a one-size-fits-all approach, to conflict. However an explanation of a key internal dispute resolution step in dispute resolution procedures, investigation, could have received deeper exploration. ADR in the shadow of investigation, either prior or after, is a problematic relationship partly because the investigation process itself becomes a major part of the dispute. There is an important inclusion of the fundamental necessity of intake before intervention to assess how the dispute should be framed, whether in terms of interests or rights, who should be involved, and what dispute resolution process is most appropriate.

Part 2 covers a lot of ground on mediation, dispute resolution techniques, conflict resolution skills and collaborative problem-solving and strategies for negotiation. At this point the book takes on a broader conflict resolution focus, not distinctly related to workplace. This will appeal to some and frustrate others as much of it is contained in other mediation texts. The title of the book also detracts somewhat from the essential workplace theme. Nevertheless, what helps to maintain an employment-related dimension throughout the text is the scattering of case studies and reflections in each chapter. These are thought-provoking and well chosen, often from ADR colleagues in the field, and represent a variety of workplace environments.

The final section, Part 3, returns to the main workplace theme and covers some of the tough challenges of ADR in the workplace, including consultant neutrality, the use and abuse of power, and traps and boundaries for the mediator to be ever watchful. These final chapters comprise wise words to any dispute resolver who ventures into the morass of a workplace. The final chapter encourages practitioners to reflect in and on their practice and provides tools and tips for doing so. In some sense there is no book that can truly represent the multi-dimensional aspects of dispute resolution in employment.

In workplace dispute resolution there are often more dispute creators than dispute resolvers. Well-intentioned practitioners should therefore tread warily. This thoroughly researched and comprehensive book will provide a bridge for ADR practitioners to take the first step into the workplace arena with more assurance. For those of us for whom the workplace is a central arena of practice, the book awakens us to the many countervailing influences, pressures and demands we may take for granted, and offers fresh ideas for old problems. ●

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