

Online Research @ Cardiff

This is an Open Access document downloaded from ORCA, Cardiff University's institutional repository: <https://orca.cardiff.ac.uk/id/eprint/92170/>

This is the author's version of a work that was submitted to / accepted for publication.

Citation for final published version:

Hann, Deborah ORCID: <https://orcid.org/0000-0002-6217-4634>, Nash, David ORCID: <https://orcid.org/0000-0002-1244-2231> and Heery, Edmund ORCID: <https://orcid.org/0000-0003-3914-7635> 2019. Workplace conflict resolution in Wales: the unexpected prevalence of alternative dispute resolution. *Economic and Industrial Democracy* 40 (3) , pp. 776-802. 10.1177/0143831X16663013 file

Publishers page: <https://doi.org/10.1177/0143831X16663013>
<<https://doi.org/10.1177/0143831X16663013>>

Please note:

Changes made as a result of publishing processes such as copy-editing, formatting and page numbers may not be reflected in this version. For the definitive version of this publication, please refer to the published source. You are advised to consult the publisher's version if you wish to cite this paper.

This version is being made available in accordance with publisher policies.

See

<http://orca.cf.ac.uk/policies.html> for usage policies. Copyright and moral rights for publications made available in ORCA are retained by the copyright holders.



Workplace conflict resolution in Wales: The unexpected prevalence of alternative dispute resolution

Deborah Hann

(Cardiff Business School), Cardiff University, UK

David Nash

(Cardiff Business School), Cardiff University, UK

Edmund Heery

(Cardiff Business School), Cardiff University, UK

David Nash, Cardiff Business School, Cardiff
University, Aberconway Building, Colum
Drive, Cardiff, CF10 3EU, UK.
Email: NashD@cardiff.ac.uk

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

Abstract

Alternative dispute resolution (ADR) practices are increasingly being viewed as an improved way of resolving workplace conflict. Much of the empirical literature focusses on the spread of ADR amongst US organisations with little evidence of such approaches having crossed the Atlantic. This article presents new survey evidence that examines the extent to which ADR has been adopted as a strategy to resolve different forms of conflict by Welsh firms in the UK. The factors that impact upon the diffusion of ADR are also analysed. The article finds that in contrast to earlier research, ADR is fairly widespread amongst Welsh firms, irrespective of how broadly ADR is defined. The presence of institutional actors such as specialist HR managers and recognised trade unions are found to be positively associated with more private forms of ADR.

Keywords

Alternative dispute resolution, UK industrial relations, people management, workplace conflict management

Introduction

Conflict in the workplace is seen as time-consuming and costly (CIPD 2015a). As Teague, Roche, & Hann, (2012) point out the “management of conflict is a core part of the management of the employment relationship” (p.581), but what is less clear is what constitutes an effective system of managing workplace conflict. Dispute resolution is deemed as most effective when it offers low transactional costs, high satisfaction with outcomes and limited chance of recurrence of the dispute.

Approaches that focus on reconciling the underlying interests of parties involved rather than determining who is right and who is wrong cost less and yield more effective outcomes (Ury, Brett and Goldberg 1993). However, employment tribunal figures (Ministry of Justice 2015) suggest that there can be an excessive reliance on formal public institutions to determine who is right and who is wrong in workplace disputes or to supply pressure to bring about resolution rather than rely upon early and voluntary compromise between the parties.¹

A recent government consultation on ‘Resolving Workplace Disputes’ (BIS 2011)

¹ From April 2014, all claims brought to Employment Tribunal in the UK must first be offered early conciliation by The UK’s Advisory Conciliation and Arbitration Service (Acas). Early conciliation, which focuses on compromise must only be offered and does not have to be accepted, thus the focus of statutory resolution remains the rights of the dispute with a signpost to ADR along the way.

resulted from an asserted overreliance by parties involved in workplace conflict on public forms of dispute resolution. The stated aims of the review by the then UK Coalition Government were to ensure that, where possible, conflict remained within workplace-based dispute resolution mechanisms rather than requiring the services of public institutions for resolution. This review offered cost-benefits to the UK tax payer, but was also claimed to offer more satisfactory outcome for parties involved. A governmental push in the UK to move disputes out of tribunals is nothing new. Since the mid-1990s, successive UK governments have identified the tribunal systems as problematic in achieving justice (Dickens 2012).

The use of courts or tribunals as a last resort implies that in the UK there is an expectation that alternative dispute resolution (ADR), either in company or through third party intervention, should have already been considered (Davis 2002; Mackie et al. 2000). ADR constitutes a broad range of approaches and is problematic to define (Mackie et al. 2000). It can include those processes that involve third parties, such as the state or even private facilitators, or more innovative approaches which are designed and managed privately by the parties involved (David 1986; Roberts and Palmer 2005). The ADR approach would also fit well with the notion of the interest-based rather than the rights based approach advocated by Ury et al., (1993), as the most effective solution for workplace

conflict. Despite the fact that the UK Government is keen to promote particular ADR mechanisms (conciliation and mediation) to resolve conflict and the existence of research which suggests that ADR, more generally, offers effective solutions for all parties involved, Dix (2012) states that there is no comprehensive understanding about the existence or spread of such practices within UK organisations.

Whilst some existing research would suggest that organisations are increasingly looking to increase the array of dispute resolution mechanisms available to them (Bendersky 2006; Lipsky, Seeber, and Fincher 2003), much of this work has focused on the USA. Recent work undertaken by Teague, Roche and colleagues highlights that relatively little attention has been paid to the organisational uptake of ADR in other countries (Roche, Teague, and Colvin 2014; Roche and Teague 2012; Teague et al. 2012). A recent Irish study argued that the presence of such public dispute bodies in Ireland explains why ADR has not had the same impact on the other side of the Atlantic (Teague et al. 2012).

The purpose of this article is to contribute to the debate about the importance of ADR and respond to the gap noted above by Dix (2012), by examining the extent to which organizations based in the UK have adopted ADR practices. Where this

article takes issue with earlier examination of the spread of ADR within or beyond the USA, is that it does not start from the premise that ADR is a commonly accepted or defined concept and as such the article begins by examining, exploring and defining the concept of ADR. The paper then provides an examination of the extent to which ADR exists within Wales, with the aim of contributing to a more comprehensive understanding of existing practices. The findings thus aim to inform academic and policy debates about the current move toward the pursuit of non-statutory approaches to dispute resolution within the UK. The article also assesses the factors that influence the diffusion of ADR. Ultimately, the purpose of this article is to address questions regarding the degree to which ADR has crossed the Atlantic and exists within Welsh organisations. The article will examine the presence of ADR in Wales through the following research questions. First, what contextual factors affect the diffusion of ADR within Welsh firms? And secondly, what ADR practices, if any, are prevalent within Welsh organisations?

The article develops three distinct definitions of ADR and uses them to analyse the diffusion of conflict management practices in Welsh private sector organisations with 50 or more employees. Wales is a constituent country of the United Kingdom, with a devolved political assembly. With a population of just over three million and a broadly similar economic structure to the Republic of Ireland, this study of

ADR in Wales aims to extend the analysis of Teague et al. (2012) and provide insights as to the use of conflict management practices in this region of the UK. The article finds, in stark contrast to the findings of Ireland, that ADR is present in Wales, however it is defined, and that its diffusion and depth varies according to a number of institutional characteristics.

Explaining the development of ADR

The conventional route to the resolution of an employment dispute has been through organisational grievance and disciplinary procedures, usually involving successively higher levels of management. If left unresolved these processes will ultimately culminate in judgement by an Employment Tribunal in the UK, with lawyers pushing alongside for a settlement agreement until the point of tribunal decision. Evidence suggests that on average around a third of tribunal submissions are withdrawn prior to a tribunal hearing (Ministry of Justice 2015). The rights-based judgment approach offered by tribunals is less than effective (Ury et al. 1993). Research has increasingly suggested that whilst tribunals still have a key role to play in dispute resolution, they struggle to deliver informal, speedy and cost-effective dispute resolution (Hann and Teague 2012; Sander 1976). This problematisation of public bodies as the route to dispute resolution surfaced

earliest in the USA, but the debate around delays and costs of tribunals is present throughout much of the developed world, albeit varying in pace and direction from one jurisdiction to another (Roberts and Palmer 2005).

To counterbalance problems encountered in the tribunal systems, there are a wide range of potential benefits of ADR, which would help to explain why certain organisations might adopt ADR over the more traditional approach to dispute resolution. On the functional side, ADR creates a focus on settlement and aims to generate trust, which should, in turn, mean that the ADR process ought to be more straightforward and less stressful and public (Davis 2002; Mackie et al. 2000).

Courts and tribunals are viewed as particularly inappropriate in situations involving disputing individuals who are engaged in a long-term relationship, such as an employment relationship (Sander 1976). The ADR approach should mean that an employment relationship will be more likely to survive after the conflict has been resolved, meaning organisations can retain important skill sets. For organisations, the use of ADR can also lead to benefits including higher morale and commitment and a greater capacity to resolve destructive conflict (Roche and Teague 2012).

Existing research (Lipsky et al. 2003; Roche et al. 2014) suggests that ADR is applicable to a range of disputes. Work in the USA has shown that, although the notion of ADR is focused on an interest-based approach (Ury et al. 1993), that in practice ADR is used as, if not more frequently, in rights based disputes as in interest-based disputes. Studies also indicate that suggest that ADR is relevant and used in both individual and collective disputes (Roche et al. 2014), although perhaps less frequently in collective disputes (Teague et al. 2012).

The adoption of ADR generally occurs in the three circumstances. Firstly ADR is often used where a specific situation has occurred and requires a speedy ad hoc response. Secondly, ADR can be agreed upon in advance and often incorporated into contracts to insure future stability in relationships. Finally, it can be retrospectively mandated by courts (Lipsky et al. 2003). Organisations are likely to initiate the adoption of ADR in the first two scenarios, where the situation includes low stakes and therefore the lesser impact of failure means organisations can be more experimental. A factor which often deters organisations from adopting ADR is the difficulty in starting to use the processes. Once an organisation has experienced ADR once it is more likely to use further ADR practices in the future, as the unknown becomes less daunting. Finally in circumstances where cost and speed are particularly important ADR may be

considered over litigation, which is identified as slow and costly (Lipsky et al. 2003).

The contested definition of ADR

Whilst the term ADR is used widely, the precise meaning is ambiguous. In original definitions of ADR, the alternative was seen solely as practices substituting for the courts (D'Ambrumenil 1998; David 1986; Sander 1985). Therefore, when defining ADR, it is easy to make a distinction between ADR and litigation, but beyond this distinction the boundaries of what exactly constitutes ADR become blurred and as a result a range of definitions of ADR has developed (Mackie et al. 2000). An examination of existing literature in this field broadly outlines three 'approaches' to identifying what constitutes ADR – mediation only, public or broader third party processes and finally private or more innovative approaches.

A definition commonly found in dispute resolution literature identifies ADR as “method[s] of assisting the parties to settle their differences with the involvement of *third party mediation*, but without any binding determination” (Davis, 2002, p. 1). Mediation is the approach identified the recent UK government consultation on ‘Resolving Workplace Disputes’ as the defining the concept of ADR. Mediation itself is defined as “the intervention in a negotiation or a conflict of an acceptable

third party who has limited or no authoritative decision-making power, who assists the involved parties to voluntarily reach a mutually acceptable settlement of the issues in dispute” (Moore 2003). Depending on the context, mediation is offered by both state and private agencies. Whilst in New Zealand, state bodies monopolise mediation in all but strategic sectors, such as the ports, in the UK and Ireland early operation by state bodies has seen recent rapid growth within private sector (Roche 2015). Mediation uses an interest based approach, looking to restore relationships and develop sustainable outcomes (Latreille and Saundry 2014). According to Roche (2015), mediation can take one of three approaches. It can be implemented before an issue is yet to fully arise in a “assisted bargaining” approach, after deadlock has already occurred using a “conciliation” approach or through a fact-finding or investigative approach. All of these approaches are dependent on an assurance of confidentiality and the voluntary participation of parties (Latreille and Saundry 2014). The narrow definition of ADR as mediation alone fails to adequately address the spectrum of processes available to employers or employees to address and resolve disputes in the workplace. This definition is overly restrictive as it overlooks a number of dispute mechanisms that would widely be accepted by researchers as ADR, but which may be also binding, such as ombudspersons (Mackie et al. 2000).

Beyond mediation, it is possible to delineate between public and private processes (David 1986) and it these two 'categories' that this paper will use to help define different approaches to ADR. A perspective of ADR, which is broader than mediation, is suggested in the work of Lipsky and colleagues (Lipsky 2007; Lipsky et al. 2012, 2003), the use of procedures external to an organization such as arbitration and which involve third parties. These third parties, such as Acas or private consultants, help resolve the situation through the imposition of a formal authority or through the exercise of respect (David 1986). David (1986) defines these processes as 'public processes' or 'third party intervention'. These processes may be structured processes such as conciliation, arbitration and adjudication or unstructured, such as mediation or negotiation, but always include a neutral third party. However, this definition of ADR as 'public processes' is still problematic for researchers such as Lynch (2001) who argue that it focuses too much on what she terms the 'back end' of dispute resolution, which concentrates on the dispute long after it arises. These more structured approaches can become bureaucratic and it is questionable as to whether these more formalized approaches actually constitute alternatives to litigation, or, especially where public bodies play a major role, are in fact simply a supplement or extension to existing social control apparatus, such as the courts (David 1986).

Finally, there are the private approaches to dispute resolution. ADR is increasingly seen to cover a disparate and flexible array of dispute resolution practices, which continue to evolve (Roberts and Palmer 2005) and focus on the 'front end' of conflict, where conflict is addressed ideally as soon as, if not before it has arisen (Lynch 2003). Lynch (2003) argues that this front end approach should be termed conflict management as opposed to dispute resolution (i.e. ADR), but for the purposes of this article the researchers have interpreted this as a broadening of the definition of ADR as opposed to the creation of a new field of research.

Increasingly these dispute resolution mechanisms involve employees in the design and monitoring of such processes (Roche et al. 2014). In the private approach to ADR, issues are addressed through bilateral processes rather than involving an external third party and thus only the disputants are aware of the process and thus the process and outcomes are private. Private ADR involves facilitating on-going discussions and problem-solving between employers and employees (Teague et al. 2012). The intent behind these more 'innovative' approaches is that the power over dispute resolution moves from formal institutions to less formal networks in the hope of achieving earlier and/or better outcomes (Mackie et al. 2000; Santos 1980).

There is some debate as to whether these private, innovative practices constitute ADR. Some researchers (Lipsky and Seeber 1998; Lipsky 2007; Lipsky et al. 2012, 2003) fail to explicitly include these private approaches, however, literature on ADR increasingly includes consensual decision-making, the involvement of lower levels of management in a proactive manner, as well as new processes such as conflict coaching (Brinkert 2006; Roberts and Palmer 2005; Roche et al. 2014). It must also be queried as to whether the fact that disputes are resolved in an entirely private sphere might leave outcomes open to abuse, especially where there is a power imbalance and outcomes may be shaped by the capacity for action as opposed to preference (Korpi 1998).

These broader private or innovative processes also fit well with the growing literature on the concept of integrated conflict management systems. Lynch (2001) notes that integrated “conflict management systems. . .(are) apparently an emerging phenomenon in American corporations. . .(I)n many companies with strong ADR policies, ADR isn’t simply a set of techniques added to others the company uses but represents a change in the company’s mindset about how it needs to manage conflict.” This all-encompassing approach includes multiple access points, options and choices for actors balancing rights based systems supported by interests based ones. Whilst growing evidence of this approach is

found in US literature (Bendersky 2006; Lipsky et al. 2012; Lynch 2001, 2003), there is limited and mixed evidence as to the development of such an approach in the UK. Work by Saundry and Wibberley (2012) within the private sector suggests that currently there is limited evidence of such an approach in the UK, although a single-case study by Latreille and Saundry (2015) found such a system emerging within a public healthcare trust.

The diffusion of ADR practices in firms

This article utilises these three broad definitions of ADR– ‘mediation’, ‘third party intervention’ or public approaches and ‘innovative’ or private approaches to examine the prevalence of ADR within the Welsh economy. Although conflict itself is ubiquitous in organisations, the presence and nature of ADR will likely vary across the economy dependent on factors such as the size, sector and ownership of the organisation (Lipsky et al. 2003; Teague et al. 2012). In addition to these structural factors the existence of various actors may also impact upon the conflict management systems that firms adopt. HR professionals have the ability to impact policy and practice developments (Dobbin 2011) and their presence within an organisation is also likely to impact on the existence and type of conflict resolution practices within an organisation. Lewin (2001) outlines that HR specialists focus

specifically on the management of conflict, with a particular emphasis on the use of internal mechanisms driven by trained managers over public processes to resolve adversarial conflict. This means the presence of HR within an organisation may result in ADR mechanisms being kept 'in house' rather than drawing on external experts.

Unionised organisations will be more likely to experience higher levels of conflict, with members being more aware of and willing to assert their rights. Where unions are absent from a workplace, employees are forced to rely on their own initiative to raise any grievances (Fevre et al. 2009). The change in context within which unions operate over the last fifty years suggests that a confrontational approach to addressing grievances is less effective with a shift to a cooperative approach being required in the face of globalisation (Brown 2014). The presence of a union therefore has implications for the presence and type of ADR in an organisation, although the direction of these relationships are less than clear. Initially, ADR was strongly associated with non-union firms, used as a way to 'fill a gap' in the mediating of problems in the employment relationship. US literature (Budd and Colvin 2005; Colvin 2004; Lipsky et al. 2003) notes that ADR has been used by managers to avoid or marginalise the role of unions in the workplace and focus on individual responses to conflict. Alternatively, research (Barrett & O'Dowd 2005;

Budd & Colvin 2005; Heery & Nash 2011) suggests that unionised organisations increasingly use ADR processes, but with a focus on collective approaches.

A further potential influence on the adoption of ADR is the competitive orientation of the organisation. There is an extensive literature examining the development of new HR practices that seek to support competitive strategies that emphasise innovation and quality (Osterman 1994). It has been argued by Lipsky et al. (2003) that this has had the additional effect of encouraging US firms to develop more innovative conflict resolution practices.

A final factor to consider is the role that emulating best practice plays in the diffusion of ADR. Institutional isomorphism predicts a number of mechanisms by which firms may emulate or copy one another in an attempt to mimic the success of leading or 'exemplar' firms, the result of which is a convergence of HR practices (Simmons et al. 2007). It will, therefore, be important to assess the extent to which Welsh firms base their conflict resolution practices on perceived best practice in leading organisations.

There is also the possibility that there may be interrelationships between these institutional factors. Organisational size may be positively correlated with specialist HR and union recognition. Research suggests that larger organisations,

which by virtue of their size are more likely to develop formalised HR and/or recognise a union, have greater capacity to develop the private processes that support or equate to ADR, whereas small organisations may not have the resources to develop more innovative approaches to resolving conflict (De Kok and Uhlaner 2001; Teague et al. 2012). A combination of bivariate and multivariate techniques will explore the diffusion of ADR practices in the Welsh economy.

Research design

The survey method was chosen to collect representative data on the prevalence and pattern of conflict resolution practices in Welsh private sector organisations. The questionnaire was adapted from that used by Teague et al. (2012) in their study of Irish conflict management. The validity of the research instrument was strengthened through consultation with the Irish research team and the UK Government's employment service, the Advisory, Conciliation and Arbitration Service (Acas). A draft of the questionnaire was piloted with a number of local human resource professionals, resulting in the addition of a number of questions and minor changes to question wording.

The sample frame was constructed using Companies House data to identify those organisations that have a registered head office in Wales. The target respondent for the questionnaire was the person with responsibility for dealing with conflict in the organisation, which was assumed to be an HR specialist. Where no such individual could be identified the questionnaire was sent to the company secretary or general management contact with a specific request in the covering letter and at the top of the questionnaire that it be passed on to the most appropriate person. The questionnaire was distributed by post, although an option for electronic completion was also included, and follow-up reminders were issued.

A census was taken of all firms in our sampling frame and we received 352 valid responses, representing a response rate of 20 per cent. This level of response is in line with similar surveys, including Teague et al. (2012). The data were subsequently weighted to correct for differences in response rate by size bands and sectors. The research results presented here are based on those weighted estimates.

Variables and analysis

The survey asked respondents to describe the nature and incidence of conflict in their organisations before going on to outline the policies that they used to manage conflict. The focus of our analysis was on those organisations that reported having formalised written procedures that are consistently applied to all conflicts.

Respondents were asked to outline their approach to managing the following, distinct forms of conflict:

- Grievances involving individual employees in conflict with the organisation (henceforth individual conflict)
- Disputes involving groups of employees in conflict with the organisation (henceforth collective conflict)
- Contentious issues and disputes between employees or groups of employees (henceforth intra-employee conflict).

The last category was not included in the Irish study but was added to reflect the seemingly increasing significance of intra-employee conflict, with CIPD research suggesting that 40 per cent of conflicts fall into this category (CIPD 2015b).

Firms' use of conflict management practices was determined by their response to a series of questions relating to the three forms of conflict outlined above.

Respondents were asked to identify which of 16 possible practices were included in their formal conflict management procedures. These practices are detailed in figure 1. In the analysis that follows the pattern of ADR use in Wales will be examined with reference to both the individual practices as outlined here but also to the three definitions of ADR ('mediation', 'public processes' and 'private processes') that were identified in the literature review.

Insert Figure 1 here

The independent variables used to analyse the diffusion of ADR amongst Welsh firms were operationalised using a number of dummy variables. Medium and large firms with 50 or more employees were coded 1, with small firms coded 0. Industrial sector was coded 1 for services and 0 for manufacturing. Foreign-owned organisations were coded 1 and domestic firms 0. Firms recognising a trade union were coded 1, whilst non-union firms were coded 0. Similarly, firms with a specialist HR function were coded 1 and those with no such provision coded 0.

A number of variables examining the influences on firm's conflict resolution strategy were also included in the analysis. Respondents were asked to rate the

importance of 'preventing unions extending their influence into, or within, the company' in their approach to conflict resolution. The variable was coded 1 for respondents claiming it was extremely or very important and 0 for those claiming it was of little or no importance. The same coding was used for a similar question was asked about the importance of 'emulating best practice in leading companies'. Finally, we analysed a variable that seeks to determine firms' competitive orientation. Following the approach taken by Osterman (1994) respondents were asked to rank the relative importance their organisations attached to competition on the basis of quality and innovation relative to price. A dummy variable was created and coded 1 for those firms which assigned the highest score to innovation.

The nature and incidence of conflict

Before reviewing the extent to which ADR is evident within Welsh organisations, it is perhaps pertinent to briefly review the extent to which conflict is present. Table 1 shows, perhaps unsurprisingly, that conflict is widespread in Wales with nearly four out of five organisations experiencing some form of conflict in the last five years. Conflict is defined as a grievance case being brought by employees (62.4% cases), disciplinary cases being brought by employers (63.0% cases), bullying or harassment cases being brought (24.5% cases) or industrial action by a trade

union being threatened or undertaken (1.7% cases). In addition a significant minority (9.8%) of organisations had experienced a case, which had escalated and been referred to an employment tribunal.

There is variance in the presence of conflict across different types of organisation. Table 1 shows that the presence of conflict in organisations where there are formalised actors, whose job it is to address conflict either from an organisational perspective (HR) or from an employee's side (a trade union). Conflict is disproportionately found in organisations where a union has been recognised, which would confirm the idea that union members are more likely to reaffirm their rights (Fevre et al. 2009). Table 1 suggests that the presence of a specialist HR function or manager in an organisation also impacts the degree to which conflict is present within an organisation, which would confirm earlier findings of Fernie & Metcalf (1995). These finding may say as much about the opportunity for voice within that organisation as the lack of conflict in non-unionised organisations or those without HR. That is to say, when employees do not feel they have the opportunity to voice concerns, conflict may manifest as them exiting the organisation (Hirschmann 1970) and it could be argued that these opportunities may be more prevalent in firms with unions or formalised HR.

Insert Table 1 here

The level of conflict in Welsh organisations means that there are major resource implications for managers, with 95.5 per cent of organisations agreeing that the conflict that they experience is time consuming and 63.5 per cent of organisations stating that the costs of conflict are too high. This environment creates a basis, which may be ideal for the investigation and development of new techniques and mechanisms aimed at resolving conflict in a quicker more informal manner.

Traditional approaches to dispute resolution

To contextualise the existence of ADR within Welsh organisations, it must first be noted that non-alternative or traditional forms of dispute resolution are widely used. The formal disciplinary and grievance process is the traditional route, which works through progressively higher levels of management as a precursor to a case being brought before an Employment Tribunal. The data show the near ubiquitous nature of traditional approaches amongst Welsh firms with 93% reporting a formal disciplinary procedure and 87% a formal grievance procedure for individual disputes. The figures are lower for intra-employee disputes at 85% and 82% respectively, reflecting the more recent emergence of this form of conflict.

Organisations have actively implemented policies to address conflict and thus ADR is not widely used to fill a gap in organisational policy and approach. The question then becomes to what degree do organizations move beyond a traditional approach in addressing conflict.

The existence of ADR with Welsh companies

Table 2 outlines the use of alternative dispute resolution within Wales based on the definitions outlined above. What is evident from the data presented is that few firms use only traditional approaches to address conflict within their organisation, which means approximately ninety per cent of organisations with a formalised approach to conflict resolution, go beyond formal procedures involving progressively higher levels of management to include some form of ADR. Table 2 illustrates that the take-up of ADR in Welsh organisations varies according to how ADR is defined.

Insert Table 2 here

Adopting the most restrictive definition of ADR, as noted by Davis (2002), which only includes mediation, then the spread of ADR in Wales could perhaps be described as limited. Mediation is also almost always used with other processes in addressing disputes (termed 'any mediation' in the following analysis). Whilst approximately one third of organisations make use of any mediation (see Table 3), only three per cent or three organisations make use of mediation as a standalone process to resolve conflict and this is only in the case of intra-employee conflict. The use of any mediation is slightly higher where collective conflict occurs, where it is the fifth most commonly used process, although there is limited difference across the three types of conflict. Table 3 shows that a far higher proportion of unionised firms use mediation to resolve disputes than their non-union counterparts, which would refute the idea that ADR is used to marginalise unions (Colvin 2004; Lipsky et al. 2003). The use of any mediation to resolve conflict is also higher in organisations where a specialist HR function is present, although this difference is only significant where individual conflict is concerned. The use of mediation by HR specialists would confirm the idea that this group are particularly focused on the management of conflict, but contradicts the argument that they are averse to the intervention of external experts (Lewin 2001). There is also a significant difference in the usage of any mediation between the two industrial sectors with the use of mediation being more concentrated in services. In fact, no

manufacturing organisations in the sample made use of any mediation to resolve the conflict within their organisation.

Insert Table 3 here

Table 4 shows that when ADR is defined more broadly to include all public processes, as used by researchers such as Lipsky and colleagues (Lipsky 2007; Lipsky et al. 2012, 2003), then the usage is fairly widespread with around half of organisations utilising this form of ADR. Considering the use of any public processes (i.e. with or without private processes), Table 4 indicates that nearly half of all firms use public processes in the resolution of conflict, although the number is lower for intra-employee conflict. This level of usage is conspicuously higher than the use of any mediation. Again, there is variance across different types of organisation. In the case of collective disputes, again reflecting the research that identifies that unions focus on the collective (Budd & Colvin 2005), third party ADR practices are more commonly found in unionised workplaces. The presence of unions has no significant impact in the case of individual or intra-employee conflict on the presence of any public processes.

Whilst public processes are fairly commonly used, these approaches are used almost entirely with other forms of ADR (see Table 4). The level of usage of standalone public processes (i.e. no private processes are used) is low with approximately only 1 in 20 organisations using only this approach. There are some differences in the use of standalone public processes, although the only statistically significant difference is the presence of specialist HR and then only in the case of individual disputes. The use of public processes by HR specialists would appear, again, to not fit with existing research on the HR perspective of conflict, which favours internal processes over third party involvement (Lewin 2001).

Insert Table 4 here

If defined in the very broadest respects to include the private processes, as outlined in Figure 1, to reflect the work of, amongst others, Teague et al. (2012); Roche et al. (2014); Roberts & Palmer (2005); Brinkert (2006) then ADR is widespread in the Welsh economy. If one uses this broad definition then ADR is near ubiquitous in resolving individual disputes in Wales, with Tables 5-7 indicating that it is present in over three quarters of organisations. Although the proportion of organisations that use standalone private practices is notably lower

(see Tables 5-7), with approximately one third of organisations using standalone private approaches in resolving conflict, the numbers are still not insignificant. The use of these private processes is most commonly combined with third party processes (combined ADR), which would indicate the potential development of integrated management systems. The findings in Tables 5-7 suggest firms are offering 'multiple access points, options and choices' (Lynch 2001) to the resolution of conflict within organisations, with around half of firms utilising public processes to address the 'back end' of the dispute and private processes to concentrate on the 'front end' (Lynch 2003).

Again, as the data in Tables 5-7 show, there are differences across types of firm and types of conflict, but only union and HR presence have a significant impact on the aggregate findings. A greater proportion of firms which have specialist HR managers use standalone private approaches in resolving individual disputes than those without the presence of specialist HR, again likely reflecting the focus of HR specialists on the management of conflict (Lewin 2001). Similarly, given the traditional focus of unions (Budd and Colvin 2005; Heery and Nash 2011), it is perhaps unsurprising that in the case of collective disputes, a higher percentage of a unionised firms employ standalone private ADR processes than their non-union counterparts.

Insert Table 5-7 here

The preceding analysis suggests some interesting patterns in the diffusion of ADR practices in Wales. In order to explore these relationships further, binary logistic regression analysis was undertaken in order to identify the discrete effects of the organisational variables on the use of adoption of ADR in Welsh firms. Table 8 outlines the results of the analysis for the three forms of conflict in the study. The results broadly confirm the earlier analysis. Firm size and nationality of ownership are not found to be significant explanatory factors in the pattern of ADR use, probably due in part to the relatively small number of large and foreign-owned firms in the sample. Similarly, industrial sector is not found to be particularly significant, except in the model examining the use of any of the private forms of ADR which is found to be more common amongst service firms. The most striking finding of the multivariate analysis is the impact that specialist HR managers and recognised trade unions play on the pattern of ADR. Firms with specialist HR are between two and five times more likely to adopt mediation for individual and collective disputes than firms without HR specialists. Union recognition is strongly associated with the use of mediation in cases of intra-employee dispute and with the use of public dispute resolution practices more generally in collective disputes. Union recognition is also

positively associated with forms of ADR that combine both private and public practices for collective and intra-employee disputes.

The results in table 8 also reveal some interesting findings about the motivations behind the use of ADR. The desire of firms to avoid or contain the influence of trade unions is not found to positively influence the adoption of ADR practices, with the exception of mediation in intra-employee disputes ($p > .01$) and stand-alone private ADR in collective disputes ($p > .10$). The adoption of an innovation-focussed competitive strategy is not found to be a significant explanatory factor in the adoption of ADR. Finally, the results in table 8 suggest that the emulation of best practice in leading firms does not play a significant role in the adoption of ADR in Welsh companies, with the exception of public forms of ADR in individual disputes and stand-alone private forms of ADR in intra-employee disputes which are weakly significant ($p > .10$).

Insert Table 8 here

The depth of ADR

On average organizations use between three and four out of the fourteen mechanisms outlined in Figure 1. The analysis outlined in table 9 show that firm size is not found to be a significant determinant of the depth of ADR and the impact of industrial sector is somewhat ambiguous. Unionised firms employ a greater number of ADR practices than their non-union counterparts, especially in the case of collective disputes where the differences are significant, again reflecting the interest of unions in terms of collective cooperation (Brown 2014; Budd and Colvin 2005). The presence of a specialist HR function is also associated with a greater number of ADR mechanisms being used in resolving disputes of all three types, suggesting a focus on offering ways to manage the conflict (Lewin 2001). In sum, whilst there is some variance across firms, the figures in Table 9 suggest that firms do not use large numbers of ADR practices in resolving conflict, indicating that whilst ADR is widespread it may not be used particularly deeply.

Insert Table 9 here

The most commonly used practices vary little across the three different types of conflict, with personal development planning, problem solving and related

practices, formal communications regarding impending change and formalized open door policy all ranking in the top five practices used to resolve any of the three different types of conflict (see tables 5-7). In addition to these four practices, coaching, mediation and employee advocates are relatively common in individual, collective and intra-employee conflict respectively.

There is also variation by sector with regard to use of different ADR practices. The service sector is significantly more likely to use mediation, Acas at an early stage, external arbitrators and interest-based 'win-win' bargaining techniques than their manufacturing counterparts in the case of both individual and collective disputes. In contrast, manufacturing organisations are significantly more likely to refer to Acas as a last resort in both individual and collective disputes. These findings suggest that service sector organisations are more proactive in their approaches to conflict than manufacturing organisations.

The results show that unionised organisations are significantly more likely to offer a greater range of access points for the resolution of conflict. Unionised firms are more ready to use early stage collaborative approaches, such as mediation, the early use of Acas and review panels, than are their non-unionised counterparts, especially, although not exclusively in the case of collective conflict. The resources

and structures of unions may also support routes to addressing conflict; for example in the case of formalized communications regarding impending change. Finally, with the exception of the proactive use of Acas, unionized firms are significantly more likely to use third parties in resolving conflict than are their non-union counterparts

The results also show that the presence of a specialist HR function can affect the adoption of ADR in Welsh organisations, supporting the idea that HR specialists focus on the management of conflict (Lewin 2001). The notion that HR specialists focus on internal mechanisms and prefer to avoid external experts (Lewin 2001) is contested by these findings, however. The use of HR managers as employee advocates, formal communications regarding change, problem solving and related techniques and coaching are all more prevalent in firms with HR specialists (depending on the form of conflict), suggesting the importance of internal expertise. In contrast, however, the increased presence of the use of external arbitrators and mediation (depending on the form of conflict) suggest that HR specialists are not afraid to shy away from drawing on external expertise as well. Thus, it could be argued that in some circumstances, the presence of specialist HR appears to lead to the adoption of more private approaches to dispute resolution.

Discussion

This article set out to investigate whether ADR was present in Wales. Previous studies (Van Gramberg et al. 2014; Teague et al. 2012) suggested that ADR has hitherto been a mainly US phenomenon, but the evidence presented here would suggest otherwise. The findings suggest that ADR is evident beyond the USA and is widespread in its use in Wales.

Organisations within Wales use ADR to varying degrees, and the extent to which this is the case is dependent on how ADR is defined. Drawing on the narrowest definition of ADR, i.e. the use of mediation, then it would be possible to argue that ADR is still not widespread in its use. The usage of standalone mediation is almost non-existent, whereas only around a third of organisations use mediation in any capacity. If we take a broader definition of ADR so as to include all public processes in organisational conflict, then it is undeniable that ADR has a found place in Welsh organisational policy and practice, although again not as a standalone approach. Over half of organisations in Wales make use of third parties to resolve individual and collective conflict in some respect and around one third

of organisations in intra-employee conflict, although this number drops to around five per cent when considered as a standalone approach. When it comes to the broadest definition of ADR, which includes the more private approaches to resolving conflict, then approximately three quarters of organisations can be said to be using ADR in some form. These findings would suggest that the use of ADR in Wales is widespread and commonplace. Even if the more private practices are excluded from the definition of ADR as advocated by writers such as David (1986) the conclusion that ADR has crossed the Atlantic and is present in Welsh organisations still holds.

The widespread use of some of the more private approaches does raise questions about the 'policing of some of these 'private' approaches. The lack of public processes may leave parties involved to the imposition of outcomes as opposed to genuine dispute resolution. Some of the private approaches identified as ADR in this study, utilised within a unitarist framework (Fox 1966), may not actually focus on genuine dispute resolution aimed at reconciling the parties underlying interests and thus may not lead to the intended generated trust (Ury et al. 1993). These practices may instead reflect a desire by management to 'correct' employee behaviour, which may in turn lead ultimately to further destructive conflict. It may be that these approaches do not fully embody the intended goals of ADR and

explain why authors like David (1986) explicitly exclude them. It is not possible from, nor the intended purpose of, this research to identify which approaches are genuinely bilateral, focusing on settlement and trust (Mackie et al. 2000) and which are more unilateral in their approach to dispute resolution and as such further research needs to be undertaken to examine the outcomes and views of parties involved to identify which approaches, if any, should be discounted from the definition of ADR.

The embeddedness of ADR as a response to organisational conflict in Wales is at odds with the findings in Ireland. The Irish study (Teague et al. 2012) indicated a possible explanation for the presence of ADR in the USA, but absence in Ireland, may be the strong role for public dispute resolution bodies in Ireland and their lack in the USA. The existence of a tribunal system in the UK would negate this argument and thus other explanations must be sought. There are some methodological differences between the two studies that may explain some variation. The Irish study failed to include mediation, although the use of this is fairly limited, but it also failed to include personal development planning and conflict coaching. These last two processes are fairly widely used in Welsh organisations and their 'removal' from the data would certainly bring the findings closer to those from the Irish study. The findings suggest, however, that that ADR

is still evident in Wales, with higher levels of usage of most processes identified in this study in comparison to Ireland. Another potential explanation is that passage of time has changed the approaches taken by organisations. In the intervening seven years since the Irish study there have been significant economic changes, which may have impacted on the nature of organisational approach, employee response and thus the nature of disputes. The research findings do not, however, provide sufficient evidence to make this argument definitively and more research needs to be undertaken to fully explain the differences between Ireland and Wales.

Having established that ADR is present in Wales, it must be noted that particular types of organisation are more likely to employ ADR. Firms in the service sector are generally more likely to have incorporated ADR into their approach to organisational conflict, which is consistent with earlier research (Teague et al. 2012). Organisations which recognise trade unions are broadly more likely to employ ADR in their resolution of collective and intra-employee conflict which confirms the results of earlier studies (Budd and Colvin 2005), although the suggested focus of non-unionised firms on individual conflict and practices is less evident. However, our results suggest that firm's desire to avoid or contain trade union influence does not play a significant role in the diffusion of ADR. Firms with specialist HR are found to be broadly more likely to use both private ADR and

public processes to resolve individualised conflict. The significant impact of HR in influencing firms' approaches to conflict resolution is not surprising (Dobbin 2011), but the increased use of public processes where HR specialists are present is at odds with previous literature (Lewin 2001). Our findings suggest that these key institutional actors play an important role in influencing how organisations address conflict.

Finally, it could be argued that the results of this research suggest the emergence of integrated conflict management systems within Wales. The findings suggest that, in addition to the traditional approaches to dispute resolution, firms use on average three to four other methods to resolve disputes. These multiple points of entry (Lynch 2003) to the dispute resolution process which balance the rights based approaches of the more traditional resolution mechanisms with the interest based approaches offered by ADR, especially much of the private ADR, could constitute one dimension of an integrated conflict management system. It is difficult to say, however, whether these different approaches are used in a systematic manner or through an ad-hoc approach and thus whether the integrated system is being intentionally formed or stumbled upon through coincidence. More research needs to be undertaken to consider the strategy of organisations and also whether the other dimensions of an integrated conflict

management system, such as the skills of HR managers to deal with conflict and the broader HR policies, as outlined by Lynch (2001, 2003), are present and thus indicate the development of a genuine integrated conflict management system. This further research would build on and potentially confirm the work of Latreille & Saundry (2015).

In summary, this article indicates that there has been an implementation of ADR within Wales, regardless of how ADR is defined, and thus ADR no longer constitutes a solely US phenomenon. Furthermore this study suggests that not only does ADR exist in Wales, but there is evidence that it may be being used in an advanced manner with a combination of practices being employed. The impact of institutional actors such as HR professionals and trade unions on the management of conflict is also noteworthy. Finally, whilst the extent to which some of these approaches achieve the goals of ADR, such as the generation of trust, should be questioned this study provides clear evidence that organisations are moving away from relying on traditional forms of conflict resolution.

Bibliography

- Barrett, J. and J. O'Dowd. 2005. *Interest-Based Bargaining: A User's Guide*. Oxford: Trafford Publishing.
- Bendersky, C. 2006. "Complementarities in Organizational Dispute Resolutions Systems: How System Characteristics Affect Individuals Conflict Experiences." *Industrial and Labor Relations Review* 60(2):204–22.
- BIS. 2011. "Resolving Workplace Disputes: A Consultation" edited by I. and S. Department of Business.
- Brinkert, R. 2006. "Conflict Coaching: Advancing the Conflict Resolution Field by Developing an Individual Disputant Process." *Conflict Resolution Quarterly* 23(4):517–28.
- Brown, W. 2014. "Third Party Processes in Employment Disputes." in *The Oxford Handbook of Conflict Management in Organizations*, edited by W. Roache, P. Teague, and A. Colvin. Oxford: Oxford University Press.
- Budd, J. and A. Colvin. 2005. "Balancing Efficiency Equity and Voice in Workplace Dispute Resolution Procedures." *Human Resources Research Institute Working Paper*. Available at: legacy-irc.csom.umn.edu.
- CIPD. 2015a. *Conflict Management: A Shift in Direction?*

- CIPD. 2015b. *Getting under the Skin of Workplace Conflict: Tracing the Experiences of Employees*.
- Colvin, A. 2004. "Adoption and Use of Dispute Resolution Procedures in the Nonunion Workplace." *Advances in Industrial and Labor Relations* 13:71–97.
- D'Ambrumenil, P. 1998. *What Is Dispute Resolution*. London: Lloyds of London.
- David, J. 1986. "Alternative Dispute Resolution - What Is It?" in *Alternative Dispute Resolution, Conference Proceedings AIC*, edited by J. Mugford. Canberra.
- Davis, S. 2002. "ADR: What Is It and What Are the Pros and Cons." Pp. 1–11 in *ADR and Commercial Disputes*, edited by R. Caller. London: Sweet & Maxwell.
- Dickens, L. 2012. "Employment Tribunals and Alternative Dispute Resolution." in *Making employment Rights Effective*, edited by L. Dickens. Oxford: Hart Publishing Ltd.
- Dix, Gill. 2012. "Dispute Resolution and Policy: Past, Present and Future." *ESRC Seminar Series - October 2012*.
- Dobbin, F. 2011. *Inventing Equal Opportunity*. Princeton: Princeton University Press.
- Fernie, S. and D. Metcalf. 1995. "Participation, Contingent Pay, Representation and Workplace Performance: Evidence from Great Britain." *British Journal Of Industrial Relations* 33(3).
- Fevre, R., T. Nichols, Gi Prior, and I. Rutherford. 2009. "Fair Treatment at Work

- Report: Findings from the 2008 Survey." *Employment Relations Research Series No103* Department.
- Fox, A. 1966. "Industrial Sociology and Industrial Relations." *Research Paper 3, Royal Commission on Trade Unions and Employer Association.*
- Van Gramberg, B., G. Bamber, J. Teicher, and B. Cooper. 2014. "Conflict Management in Australia." in *The Oxford Handbook of Conflict Management in Organisations*, edited by Wi. K. Roche, P. Teague, and A. Colvin. Oxford: Oxford University Press.
- Hann, D. and P. Teague. 2012. "The Changing Role of Employment Tribunals: The Case of the Employment Appeals Tribunal in Ireland." *Economic and Industrial Democracy* 33(3):531–49.
- Heery, E. and D. Nash. 2011. "Trade Union Officials and Collective Conciliation: A Secondary Analysis." *Acas Research Paper* 10/11.
- Hirschmann, A. 1970. *Exit, Voice, and Loyalty - Responses to Decline in Firms, Organizations, and States*. Cambridge, MA: Harvard University Press.
- De Kok, J. and JM Uhlaner. 2001. "Organization Context and Human Resource Management in the Small Firm." *Small Business Economics* 17(4):273–92.
- Korpi, W. 1998. "Power Resources Approach vs Action and Conflict: On Causal and Intentional Explanations in the Study of Power." in *Power Resources Theory and the Welfare State: A Critical Approach*, edited by J. O'Connor and G. Olson.

- Toronto: University of Toronto Press.
- Latreille, P. and R. Saundry. 2014. "Workplace Mediation." Pp. 190–209 in *The Oxford Handbook of Conflict Management in Organisations*, edited by W. Roche, P. Teague, and A. Colvin. Oxford, UK: Oxford University Press.
- Latreille, P. and R. Saundry. 2015. *Towards a System of Conflict Management?: An Evaluation of the Impact of Workplace Mediation at Northumbria Healthcare NHS Foundation Trust*. edited by ACAS.
- Lewin, D. 2001. "IR and HR Perspectives on Workplace Conflict - What Can Each Learn from the Other?" *Human Resource Management Review* 11:453–85.
- Lipsky, D. 2007. "Conflict Resolution and the Transformation of the Social Contract." *Proceedings of the Fifty-Ninth Annual Meeting of the Labor and Employment Relations Association*.
- Lipsky, D., A. Avgar, J. R. Lamare, and A. Gupta. 2012. *The Antecedents of Workplace Conflict Management Systems in U.S. Corporations: Evidence from a New Survey of Fortune 1000 Companies*'.
- Lipsky, D. and R. Seeber. 1998. "Resolving Workplace Disputes in the United States: The Growth of Alternative Dispute Resolution in Employment Relations." *Journal of Alternative Dispute Resolution* 2:37–49.
- Lipsky, D., R. Seeber, and R. Fincher. 2003. *Emerging Systems for Managing Workplace Conflict*. San Francisco: Jossey-Bass.

- Lynch, J. 2001. "Beyond ADR: A Systems Approach to Conflict Management." *Negotiation Journal* 17(3):207-16.
- Lynch, J. 2003. "Are Your Organization's Conflict Management Practices and Integrated Conflict Management System?" <http://www.mediate.com//articles/systemsedit3.cfm>.
- Mackie, K., D. Miles, W. Marsh, and T. Allen. 2000. *The ADR Practice Guide : Commercial Dispute Resolution*. London: Butterworths.
- Ministry of Justice. 2015. "Tribunals and Gender Recognition Statistics Tables: January to March 2015."
- Moore, C. 2003. *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco: Jossey-Bass.
- Osterman, P. 1994. "How Common Is Workplace Transformation and Who Adopts It?" *ILR Review* 47(2):173-88.
- Roberts, S. and M. Palmer. 2005. *Dispute Processes : ADR and the Primary Forms of Decision-Making*. Cambridge: Cambridge University Press.
- Roche, W. 2015. "The Emergence of a Dual System of Dispute Resolution: Private Facilitators in Irish Industrial Relations." *Industrial Relations Journal* 46(4):293-311.
- Roche, W. and P. Teague. 2012. "The Growing Importance of Workplace ADR." *The International Journal of Human Resource Management* 23(4):447-58.

- Roche, W., P. Teague, and A. Colvin. 2014. *The Oxford Handbook of Conflict Management in Organizations*. Oxford: Oxford University Press.
- Sander, F. 1976. "Varieties of Dispute Processing." *Federal Rules Decisions* 77:111–23.
- Sander, Fr. 1985. "Alternative Methods of Dispute Resolution: An Overview." *University of Florida Law Review* 37(1).
- Santos, B. de Sousa. 1980. "Law and Community: The Changing nature of State Power in Late Capitalism." *International Journal of the Sociology of Law* 8.
- Saundry, R. and G. Wibberley. 2012. "Managing Individual Conflict in the Private Sector A Case Study." *ACAS Research papers* 05(12).
- Simmons, BA, F. Dobbin, and G. Garrett. 2007. "The Global Diffusion of Public Policies: Social Construction, Coercion, Competition or Learning?" *Annual review of sociology*.
- Teague, P., W. Roche, and D. Hann. 2012. "The Diffusion of Alternative Dispute Resolution Practices in Ireland." *Economic and Industrial Democracy* 33(4):581–604.
- Ury, W. L., J. M. Brett, and S. B. Goldberg. 1993. *Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict*. . Cambridge, MA: The Harvard Law School.

Figure 1 – Conflict Resolution Practices used in the study

Category	Practices
Traditional Practices	<ul style="list-style-type: none"> • Formal written <i>disciplinary</i> procedures, involving progressively higher levels of management in resolving disputes • Formal written <i>grievance</i> procedures, involving progressively higher levels of management in resolving disputes
ADR -Mediation	<ul style="list-style-type: none"> • Use of professional mediation (e.g. collaborative problem-solving with an impartial third party, with a focus on the future and rebuilding relationships, rather than apportioning blame)
Public ADR	<ul style="list-style-type: none"> • Use of ACAS early, in a proactive manner to assist in reaching settlement or to prevent deadlock in discussion or negotiation within the company • Resort at final stage in procedure, where deadlock remains, to ACAS • Use of external arbitrators (other than ACAS) to adjudicate disputes • Use of professional mediation (e.g. collaborative problem-solving with an impartial third party, with a focus on the future and rebuilding relationships, rather than apportioning blame)
Private ADR	<ul style="list-style-type: none"> • Use of formalised open door policy

- Use of employee 'hotline' or email based 'speak-up' service (such as SpeakUp or Expolink)
 - Use of HR manager(s) as employee advocate(s)
 - Use of review panels comprised of managers or employees' peers
 - Use of company ombudsperson
 - Intensive formal communication regarding impending change with groups of employees with a view to avoiding disharmony or conflict
 - Use of problem solving and related techniques to solve problems or resolve disputes
 - Use of coaching
 - Use of personal development plan
 - Use of formal interest based ('win-win') bargaining techniques to resolve disputes
-

Table 1: Existence of conflict within an organisation.

	No conflict	Some conflict
All firms %	22.0	78.0
Unionised firms %	6.7**	93.3**
Non-unionised firms %	22.6**	77.4**
Small companies %	22.4	77.6
Medium/large companies %	0	100.0
UK-owned firms %	21.3	78.7
Overseas-owned firms %	23.5	76.5
Specialist HR present %	8.4***	91.6***

No specialist HR present %	26.4***	73.6***
Manufacturing firms %	20.0	80.0
Service firms %	22.7	77.3

***= significant at the .01 level; **= significant at the .05 level; *=significant at the .10 level

Table 2: The use of different classifications of ADR

		% of firms using ADR		
		individual conflicts	collective conflicts	intra-employee conflicts
No ADR	Traditional approach only	9.8	14.8	15.7
ADR defined as mediation only	Any mediation used	27.6	32.6	28.0
	Standalone mediation	0.0	0.0	3.0
ADR defined as public processes	Any third party used	45.8	55.6	34.4

	Standalone public processes (i.e. no private processes)	5.1	4.4	3.2
ADR defined to include private processes	Any private approaches used	85.0	80.8	78.0
	Standalone private processes	34.1	22.9	37.4
	Combined ADR (Third party and private ADR practices together)	50.9	57.9	40.7

Table 3: Incidence of Mediation in Welsh firms' conflict management procedures (% of firms)

	All firms %	Small firms %	Medium/ large firms %	Manufacturing firms %	Service firms %	Unionised firms %	Non-union firms %	Specialist HR %	No specialist HR %
Individual Conflicts									
Any mediation	27.6	28.1	16.7	0.0***	32.1***	39.3***	24.0***	40.4**	21.6**
Standalone mediation	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Collective Conflicts									
Any mediation	32.6	33.3	20.0	0.0***	36.7***	55.0**	26.5**	41.3	28.2
Standalone mediation	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Intra-employee Conflicts

Any mediation	28.0	28.6	25.0	0.0	29.3	93.3***	14.9***	35.5	22.8
Standalone mediation	3.0	3.6	0.0	0.0	3.6	20.0	0.0	0.0	5.3

***= significant at the .01 level; **= significant at the .05 level; *=significant at the .10 level

Table 4: Incidence of 3rd Party intervention in Welsh firms' conflict management procedures (% of firms)

	All firms %	Small firms %	Medium/ large firms %	Manufacturing firms %	Service firms %	Unionised firms %	Non-union firms %	Specialist HR %	No specialist HR %
Individual Conflicts									
Mediation	27.6	28.1	16.7	0.0***	32.1***	39.3***	24.0***	40.4**	21.6**
Early use of Acas	19.2	19.1	16.7	0.0***	22.4***	10.7**	20.0**	8.3**	24.3**
Acas as a last resort	18.1	17.8	16.7	37.5***	14.2***	21.4	18.4	21.3	17.1
External arbitrators	18.9	19.1	16.7	0.0***	22.4***	28.6*	15.2*	34.0***	12.6***
Use of company ombudsman	1.7	2.0	0.0	0.0	2.2	0.0	2.4	0.0	2.7
<i>Any 3rd Party ADR</i>	<i>45.8</i>	<i>46.1</i>	<i>40.0</i>	<i>40.0</i>	<i>47.0</i>	<i>39.3</i>	<i>46.8</i>	<i>55.3</i>	<i>41.4</i>
<i>Standalone 3rd Party ADR</i>	<i>5.1</i>	<i>5.3</i>	<i>0.0</i>	<i>0.0</i>	<i>6.0</i>	<i>0.0</i>	<i>4.0</i>	<i>0.0*</i>	<i>7.2*</i>

Collective Conflicts

Mediation	32.6	33.3	20.0	0.0***	36.7***	55.0**	26.5**	41.3	28.2
Early use of Acas	17.8	17.6	20.0	0.0*	20.0*	15.0	18.6	6.5**	24.4**
Acas as a last resort	18.6	18.5	20.0	60.0***	12.7***	30.0	16.7	21.3	16.9
External arbitrators	28.2	29.2	0.0	0.0***	31.8***	68.4***	21.6***	46.8***	17.9***
Use of company ombudsman	2.2	2.5	0.0	0.0	2.7	0.0	2.9	0.0	3.8
<i>Any 3rd Party ADR</i>	<i>55.6</i>	<i>56.3</i>	<i>40.0</i>	<i>66.7</i>	<i>54.5</i>	<i>85.0***</i>	<i>52.0***</i>	<i>67.4**</i>	<i>48.7**</i>
<i>Standalone 3rd Party ADR</i>	<i>4.4</i>	<i>4.2</i>	<i>0.0</i>	<i>0.0</i>	<i>4.6</i>	<i>0.0</i>	<i>4.9</i>	<i>6.4</i>	<i>3.8</i>

Intra-employee Conflicts

Mediation	28.0	28.6	25.0	0.0	29.3	93.3***	14.9***	35.5	22.8
Early use of Acas	6.7	6.0	25.0	0.0	7.3	0.0	8.1	0.0	8.8

Acas as a last resort	9.4	9.5	0.0	0.0	9.8	21.4	6.8	0.0**	14.0**
External arbitrators	15.4	15.5	0.0	0.0	15.9	21.4	14.9	25.8**	8.8**
Use of company ombudsman	3.1	3.6	0.0	0.0	3.6	0.0	4.1	0.0	5.3
<i>Any 3rd Party ADR</i>	<i>34.4</i>	<i>34.5</i>	<i>25.0</i>	<i>0.0</i>	<i>36.6</i>	<i>42.9</i>	<i>33.8</i>	<i>29.0</i>	<i>38.6</i>
<i>Standalone 3rd Party ADR</i>	<i>3.2</i>	<i>3.6</i>	<i>0.0</i>	<i>0.0</i>	<i>3.6</i>	<i>0.0</i>	<i>4.1</i>	<i>0.0</i>	<i>5.3</i>

***= significant at the .01 level; **= significant at the .05 level; *=significant at the .10 level

Table 5: Incidence of Private ADR Policies for conflicts between individual employees and the organisation

<i>Private ADR policies</i>	All firms %	Small firms %	Medium/ large firms %	Manufacturing firms %	Service firms %	Unionised firms %	Non-union firms %	Specialist HR %	No specialist HR %
Formalised open-door policy	42.7	42.5	50.0	40.0	43.3	28.6	45.2	36.2	45.5
Employee hotline or email 'speak-up' service	3.8	3.3	16.7	0.0	4.5	0.0	4.8	2.1	4.5
HR managers as employee advocates	24.7	23.7	50.0	20.8	25.4	32.1	24.8	59.6***	9.9***
Review panels	18.2	18.4	0.0	20.0	17.9	28.6	16.8	21.3	17.1

Formal communication	43.9	44.1	33.3	40.0	44.8	78.6***	38.4***	68.1***	34.2***
regarding impending change									
Problem solving and related	52.0	52.3	50.0	58.3	50.7	39.3	54.4	61.7**	47.7**
techniques									
Coaching	34.9	34.2	50.0	20.8	37.3	39.3	35.2	48.9	28.8
Personal development planning	54.9	54.6	66.7	41.7	57.5	60.7	56.0	66.0*	50.5*
Interest based 'win-win'	15.6	15.7	16.7	0.0**	17.9**	10.7	17.6	17.0	14.4
bargaining techniques									
<i>Any private practice</i>	<i>85.0</i>	<i>84.9</i>	<i>83.3</i>	<i>79.2</i>	<i>85.8</i>	<i>79.3</i>	<i>87.2</i>	<i>93.6**</i>	<i>81.1**</i>
<i>Combined ADR</i>	<i>50.9</i>	<i>51.3</i>	<i>42.9</i>	<i>40.0</i>	<i>53.0</i>	<i>50.0</i>	<i>51.6</i>	<i>61.7*</i>	<i>45.9*</i>
<i>Stand alone private practices</i>	<i>34.1</i>	<i>33.6</i>	<i>50.0</i>	<i>40.0</i>	<i>32.8</i>	<i>32.1</i>	<i>36.0</i>	<i>31.9</i>	<i>35.1</i>

***= significant at the .01 level; **= significant at the .05 level; *=significant at the .10 level

Table 6: Incidence of Private ADR Policies for conflicts between groups of employees and the organisation

<i>Private ADR policies</i>	All firms %	Small firms %	Medium/ large firms %	Manufacturing firms %	Service firms %	Unionised firms %	Non-union firms %	Specialist HR %	No specialist HR %
Formalised open-door policy	41.6	41.7	40.0	33.3	42.7	55.0	37.3	46.8	38.5
Employee hotline or email	2.4	2.5	0.0	0.0	2.7	0.0	2.9	0.0	3.8
'speak-up' service									
HR managers as employee advocates	24.5	23.5	40.0	33.3	22.9	30.0	24.5	53.2***	7.7***
Review panels	23.2	23.5	0.0	33.3	22.0	40.0*	20.6*	27.7	20.5

Formal communication	44.9	45.0	40.0	64.3	42.2	84.2***	38.2***	56.5*	38.5*
regarding impending change									
Problem solving and related	56.6	57.1	40.0	33.3*	59.6*	45.0	57.8	52.2	59.0
techniques									
Coaching	27.7	26.7	60.0	6.7*	30.3*	15.8	30.4	38.3**	21.8**
Personal development planning	46.1	45.8	50.0	33.3	47.7	45.0	48.0	41.3	48.7
Interest based 'win-win'	17.5	17.6	0.0	0.0*	20.0*	26.3	15.7	12.8	20.5
bargaining techniques									
<i>Any private practice</i>	<i>80.8</i>	<i>80.8</i>	<i>80.0</i>	<i>66.7</i>	<i>82.6</i>	<i>85.0</i>	<i>79.4</i>	<i>76.1</i>	<i>83.3</i>
<i>Combined ADR</i>	<i>57.9</i>	<i>58.3</i>	<i>40.0</i>	<i>66.7</i>	<i>56.9</i>	<i>85.0***</i>	<i>52.0***</i>	<i>61.7</i>	<i>55.1</i>
<i>Stand alone private practices</i>	<i>22.9</i>	<i>22.5</i>	<i>40.0</i>	<i>6.7</i>	<i>25.5</i>	<i>0.0***</i>	<i>27.5***</i>	<i>14.9*</i>	<i>28.2*</i>

***= significant at the .01 level; **= significant at the .05 level; *=significant at the .10 level

Table 7: Incidence of Private ADR Policies for conflicts between employees or groups of employees.

<i>Private ADR policies</i>	All firms %	Small firms %	Medium/ large firms %	Manufacturing firms %	Service firms %	Unionised firms %	Non-union firms %	Specialist HR %	No specialist HR %
Formalised open-door policy	34.0	33.3	50.0	83.3**	30.5**	21.4	36.5	35.5	33.3
Employee hotline or email 'speak-up' service	3.5	3.6	0.0	0.0	3.7	0.0	4.1	0.0	5.3
HR managers as employee advocates	31.4	31.0	50.0	83.3	27.7	57.1**	25.7**	71.0***	8.9***
Review panels	15.4	15.5	0.0	0.0	16.9	35.7**	10.8**	9.7	19.3

Formal communication	28.5	28.6	25.0	0.0	30.5	40.0	26.0	38.7	22.8
regarding impending change									
Problem solving and related	49.2	49.4	50.0	83.3	46.3	57.1	47.3	51.6	47.4
techniques									
Coaching	26.3	25.0	50.0	16.7	26.8	21.4	27.0	38.7**	19.3**
Personal development planning	52.5	52.4	50.0	83.3	50.0	21.4**	58.1**	51.6	52.6
Interest based 'win-win'	12.6	12.9	25.0	0.0	13.4	21.4	11.0	19.4	8.9
bargaining techniques									
<i>Any private practice</i>	<i>78.0</i>	<i>77.6</i>	<i>75.0</i>	<i>100.0</i>	<i>76.8</i>	<i>78.6</i>	<i>78.1</i>	<i>74.2</i>	<i>80.7</i>
<i>Combined ADR</i>	<i>40.7</i>	<i>41.2</i>	<i>25.0</i>	<i>0.0*</i>	<i>42.7*</i>	<i>78.6***</i>	<i>33.8***</i>	<i>45.2</i>	<i>36.8</i>
<i>Stand alone private practices</i>	<i>37.4</i>	<i>36.9</i>	<i>50.0</i>	<i>83.3**</i>	<i>34.1**</i>	<i>0.0***</i>	<i>44.6***</i>	<i>25.8</i>	<i>42.1</i>

***= significant at the .01 level; **= significant at the .05 level; *=significant at the .10 level

Table 8: The diffusion of ADR practices for managing conflicts in Welsh firms: estimated odds ratios

		<i>Independent variables</i>							
		Medium/ large firms	Services	Foreign owned firms	Recognised union	Union avoidance	Specialist HR	Innovative orientation	Emulating best practice
<i>Dependent variables</i>									
No ADR									
<i>Individual</i>	0.432	0.110***	0.659	4.158**	1.693	0.391	0.000	0.672	13.715*
<i>Collective</i>	1.126	6.138	0.908	0.780	0.793	2.681	0.078	0.386	8.574
<i>Intra-employee</i>	0.190	0.172	0.000	0.005	0.178***	9.323**	0.001	0.709	21.051***
Any mediation									
<i>Individual</i>	0.541	32.156	3.987	1.504	1.758	3.742***	0.031	0.949	25.161***
<i>Collective</i>	0.267	34.651	5.105	1.953	1.105	2.650**	0.000	2.023	19.817**

<i>Intra-employee</i>	0.160	14.548	2.068	616.587***	7.756**	0.673	0.000	0.234*	48.130***
Any public ADR									
<i>Individual</i>	0.748	1.312	0.853	0.697	1.127	1.491	1.729	1.855*	6.507
<i>Collective</i>	0.121	0.068*	1.001	4.098**	0.472	0.999	0.370	1.934	20.369***
<i>Intra-employee</i>	0.639	1.798	8.538	1.549	2.154	0.577	0.006	0.479	11.252
Stand-alone public ADR									
<i>Individual</i>	2.167	0.336	0.000	0.076	167.321*	0.012	0.000	14.734	24.136***
<i>Collective</i>	0.816	20.379	9.566	0.096	1.790	2.580	0.726	25.584	7.982
<i>Intra-employee</i>	6.815	0.103	0.000	0.197	74.134	0.000	0.000	12.002	9.357
Any private ADR									
<i>Individual</i>	1.855	7.804***	2.079	0.328*	0.179***	3.876*	457938710	1.069	19.451**
<i>Collective</i>	0.964	0.103	0.464	1.932	0.909	0.339*	9.292	1.243	8.251

<i>Intra-employee</i>	2.231	3.826	935537381	2.032	1.798	0.542	290.395	0.798	6.638
Combined ADR									
<i>Individual</i>	0.702	1.804	0.978	0.739	0.590	1.819	1.786	1.291	5.586
<i>Collective</i>	0.150	0.046*	0.508	4.487**	0.450	0.566	0.320	1.886	21.540***
<i>Intra-employee</i>	0.443	3.688	9.577	6.987**	1.711	1.116	0.007	0.329**	20.190***
Stand-alone private ADR									
<i>Individual</i>	1.655	1.877	1.454	0.764	0.656	0.985	1.726	0.732	2.833
<i>Collective</i>	7.750	9.976	2.390	0.061	2.678*	0.670	5.893	0.517	20.832***
<i>Intra-employee</i>	6.055	1.029	1.075	0.033*	0.997	0.362	320.828	3.679*	31.166***

***= significant at the .01 level; **= significant at the .05 level; *=significant at the .10 level

Table 9 – Mean number of ADR practices employed within Welsh organisations

<i>Type of Dispute</i>	All firms %	Small firms %	Medium/ large firms %	Manufacturing firms %	Service firms %	Unionised firms %	Non-union firms %	Specialist HR %	No specialist HR %
Individual Disputes	3.76	3.76	3.96	2.86**	3.93**	4.18	3.72	4.84***	3.31***
Collective Disputes	3.84	3.84	3.67	3.08	3.94	5.07*	3.62*	4.44*	3.48*
Intra-Employee Disputes	3.16	3.15	3.46	3.82	3.11	4.16	2.97	3.84*	2.79*

***= significant at the .01 level; **= significant at the .05 level; *=significant at the .10 level