

Let's Talk

A Guide to Resolving Workplace Conflicts



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Let's Talk: A Guide to Resolving Workplace Conflicts will help your clients, learners and employees deal effectively with conflict at work. This guide demonstrates effective techniques, skills and attitudes for identifying and addressing conflict among co-workers. Although this publication discusses conflicts at work, the techniques discussed here can be helpful in any setting.

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Why a Book on Dispute Resolution?

Employers and employees are increasingly looking for ways to work out workplace differences. The Government of Alberta receives many requests for information on how to settle workplace disputes, including how to use issue-based problem-solving and facilitation. Information about these procedures for early dispute resolution is available from many sources. However, this guide pulls the essentials together in an easy-to-read resource that reflects Alberta workplace realities and includes recommended techniques on issue-based problem-solving adapted by the Government of Alberta. The publication is not intended as legal advice.

Is This Publication for You?

If you ever experience disagreements in the workplace, this publication is for you. It's all about sitting down and talking rather than standing up and confronting people.

The conflict resolution method described in this publication can help employees, employers, supervisors, union members and representatives, business owners and managers, and board members. The procedures can work whether your organization is large or small, for-profit or not-for-profit.

Where a union and a collective agreement exist, the method discussed here complements, rather than replaces, traditional collective bargaining or grievance procedures. Within unionized environments, the approach presented can be used as a strategy to settle disputes before using mediation and arbitration as defined in collective agreements and Alberta's labour relations laws. Some existing collective agreements and letters of agreement between unions and employers already provide for early dispute resolution through the issue-based problem-solving method described in this publication.

Coming to terms—defining words

Here are some other terms and definitions to keep in mind while reading this publication.

Arbitration

A method of settling a dispute by having a neutral mediator or panel hear the positions of the parties and issue a decision, sometimes called an award, resolving the matter.

Collective agreement

A written agreement between an employer or employers' organization and a bargaining agent with terms of employment binding on the employer, the union or bargaining agent and the employees covered by the agreement.

Dispute

In this publication, *dispute* is used to mean workplace conflicts and disagreements. In a unionized workplace, the term normally refers to a situation where an employer and a trade union representing the employees cannot agree on the terms and conditions of a collective agreement.

Facilitator and facilitation

A facilitator is an independent person trained to oversee and work with persons who have disputes. Through the facilitation process,

the facilitator encourages sharing of information and views that will lead to a mutually satisfactory solution to the dispute.

Grievance

A disagreement over the interpretation or application of a provision in a collective agreement.

Grievance procedure

The process contained in a collective agreement for settling disagreements about the interpretation or application of a provision in a collective agreement.

Mediator and mediation

These words have specific meanings in connection with collective agreements and bargaining in Alberta. However, early intervention to deal with disputes before they reach formal mediation may sometimes be referred to as mediation. In those cases, a third person, acting as a facilitator, may be called a mediator. Where possible, this publication uses *facilitation* and *facilitator* to describe early mediation and the person who conducts it.

When There Are Differences— Conflicts and Ways of Dealing With Them

Disagreements, whether involving individuals, groups or even nations, come in many shapes and sizes. So do the ways of dealing with various conflicts. Perhaps the simplest way, though not always the best, is to ignore the issue. How often have you heard someone say, “Oh, forget about it,” and then move on or at least try to move on? Sometimes, the words or the attempt to forget about it don’t work out. The problem affects other situations or just doesn’t go away.

If turning your back on matters is at one end of the scale, physical violence is at the other. However, violence only settles matters at a tremendous cost. There are better ways.

Winston Churchill once said, “It is always better to jaw-jaw than to war-war.” It was his way of emphasizing the value of talking rather than coming to blows to settle disputes. Between the extremes of “ignore” and “war” there are many ways that words can be used to solve conflicts. Some are fairly informal and may just involve one-on-one discussion between those with a disagreement. Other procedures are much more formal, such as taking cases to courts of law or tribunals.

Various means exist for dealing with disputes before they go to court. They include informal discussions or negotiation, consultation or facilitation, and mediation or arbitration. There are also many specific methods within these procedures, sometimes grouped together as alternative dispute resolutions. The variations include issue-based problem-solving and facilitation, two valuable tools for early, low-level conflict resolution.

This publication only covers the more informal portion of the above options, providing information on appropriate dispute resolution methods that use discussion or negotiation and consultation or facilitation to improve workplace relations.

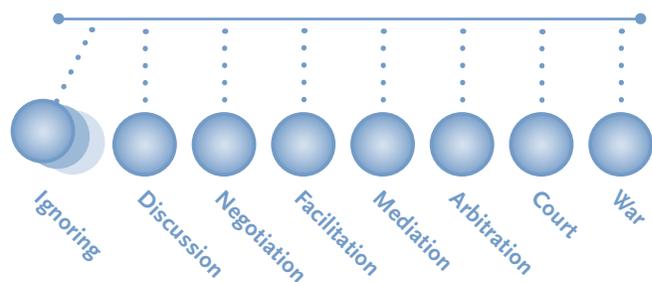
Do you need appropriate dispute resolution in your workplace?

All work settings, big or small, likely need some appropriate form of dispute resolution or already have a process in place.

Conflicts—the good

It would be an unusual workplace without any differences of opinion. Likely, it would be a dull place with no competing suggestions on how to do things.

It would also be a place stuck in the past without any new ideas on how to run the operation or create and deliver products and services. Conflicts can be positive. You’ve probably heard of creative conflict and tension.



Conflicts—the bad and the ugly

The trouble isn't necessarily with conflicts but with how we deal with them. Many conflicts, if unresolved, can affect the workplace negatively. There are many possible sources of conflict in an organization, including

- how people talk (or don't talk) to each other
- how information is shared and handled (who is in the know, who is not)
- how people deal with each other (relationships)
- differences in values and what's important (priorities)
- how and when things are done (procedures, scheduling)
- how work and responsibilities are arranged (work structure and distribution)

No doubt you can think of similar examples in your workplace.

You likely also know how unresolved conflicts can negatively impact the workplace, affecting both those who work there and the organization's clients.

Here are some consequences for business success, relationships and quality of life that might result if conflicts are not properly dealt with:

- increased frustration or anxiety
- strained relationships
- loss of sleep
- unhealthy competition between colleagues and work units
- withholding of information
- low morale and motivation
- high employee turnover

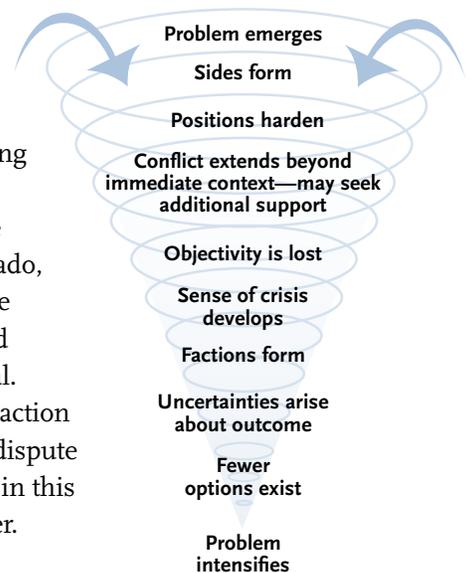
- work stoppages and loss of productive work time
- inefficiency and low productivity
- increased worker and customer complaints
- absenteeism
- sabotage

Better sooner than later—the case for early intervention

When people or groups have differences, one problem often leads to another. Supervisors and workers or co-workers who once had a good working relationship have a falling out and positions harden, eventually leading to the kind of negative outcomes mentioned earlier. You get caught in a downward spiral like the one shown in the following illustration.

Conflict Spiral

Like a real twister, such conflict spirals can do damage—in this case, to working relationships. There may not be much we can do to stop a tornado, but something can be done to take the wind out of a conflict spiral. The sooner you take action through the kind of dispute resolution described in this publication, the better.



Building Better Workplaces Through Issue-Based Problem-Solving

While good intentions help, they aren't enough to settle differences in the workplace. It's also important to have a clear plan and directions for dealing with disputes. That's what this publication offers.

The plan is called issue-based problem-solving. That mouthful describes a method that can help resolve workplace disputes between employees and management or among co-workers, groups or departments within an organization. The method is based on conflict settlement methods originally developed at Harvard University.

Issue-based problem-solving offers a proven approach that has worked for others and can help you in your workplace. It's not a quick fix but a new way of talking about and solving conflicts. By moving beyond the outdated idea of having winners *and* losers, issue-based problem-solving can make everyone—employees, employers and those they serve—winners.

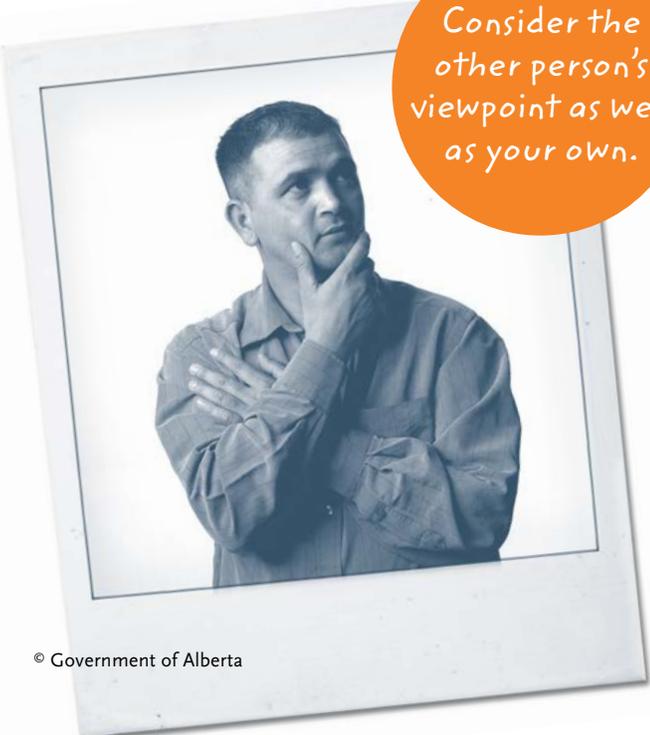
The following steps will help you prepare for using issue-based problem-solving

Get ready

Most of us don't like being taken by surprise. If you have a work-related issue you want to talk about or a conflict in the workplace, let the other person(s) involved know what you want to discuss. This helps your discussions get off to a good start. For issue-based problem-solving to work properly, participants must show trust and respect for others involved in the process. Building trust and respect means that those involved must keep the content of the discussions confidential until it is agreed that the information can be shared with others.

Request a meeting and, if possible, suggest

- **the purpose.** Briefly state the general reason for the meeting. For example, "I have some questions relating to overtime pay. Could we meet to discuss?" Ask the other persons involved if there is something they want to discuss.
- **the time.** Agree on a suitable time to meet and how long the meeting will last.
- **the place.** Determine a convenient location (on the work site, in an office, in a common area, boardroom or other meeting area or at a neutral off-site location). Consider confidentiality, privacy, noise levels and visibility.



Consider the other person's viewpoint as well as your own.

Get set

Before a meeting where you plan to use issue-based problem-solving, look at the issue through your own eyes as well as the other person's.

It's not just your issue. It will take two people (and perhaps more) to resolve a dispute.

From my viewpoint	From the other person's viewpoint
What do I want?	What might the other person want?
Why is resolving the issue important to me?	Why might resolving the issue be important to the other person?
How would I react if the issue is not resolved?	How would the other person react if the issue is not resolved?
Who do I think needs to be at the meeting?	Who might the other person want at the meeting?
What do I think the other person wants?	What might the other person think I want?
What information can I bring?	What information can the other person bring?
What information do I want the other person to bring?	What information might the other person want me to bring?

Go!

The basic preparation outlined on the left will help when you start talking and working through the following six-step problem-solving method:

-  **STEP #1** Explore issues
-  **STEP #2** Understand interests
-  **STEP #3** Develop options
-  **STEP #4** Choose a solution
-  **STEP #5** Implement the solution
-  **STEP #6** Evaluate outcomes

Let's look at each of these steps more carefully.

Explore issues



Q What is an issue?

A The topic or subject you need to talk about.
The problem that needs to be solved.

An issue is whatever situation you or others want to resolve. You can probably think of various issues that have cropped up in your workplace. Maybe they had to do with work rules or dress code. Perhaps the problem had something to do with handling of benefits or overtime. Maybe conflicts arose over co-ordinating leave or holidays. Possibly someone offended others by what was said or not said. Someone may be upset about when meetings were scheduled or how they were run. Try to state the issue in a way that makes both of you willing to discuss it.

Q How do you explore issues?

A There are three things to keep in mind:

1. Separate the people from the problem.

Perhaps you get along better with certain employees, supervisors and co-workers than with others. There could be many reasons. It could be that a particular co-worker is co-operative, has similar interests and hobbies or shares your sense of humour. Issue-based problem-solving requires you to set aside judgments about people and their personalities. Forget about your opinion that “Bill is always complaining about something.” Also, don’t be tempted to play favourites: “Sandra is on my softball team, so I’d like to help her out.”

The fact is that Bill may have a workplace issue that’s every bit as legitimate as Sandra’s. Consider what Bill has to say, not what you think of him.

2. Identify the issues by using concrete examples.

Sara has complained to Mei, her supervisor in a shipping and receiving department. Sara is concerned about having to cover—including answering phone calls—for her co-worker Pardeep, who often slips out early from work before the shift ends at 4:30. Sara has been known in the past to complain about working conditions and doesn’t always get along with some co-workers, including Pardeep.

Mei asks Sara to provide, confidentially, some specific examples of who has left early, including when and how often. Mei also makes the rounds toward the end of several shifts and checks for absenteeism. She keeps track of what she sees. Now she has some concrete examples to bring to the discussion.

3. Take time to explore the issues.

Ask questions like:

- Do we agree on what we need to talk about?
- What do we talk about first?
- Has all the information been presented?
- Who is involved in this situation?
- Do we all understand how these issues affect others? (Ask at the end of the discussion.)

Mei meets separately with each employee she supervises and explains that concerns have been raised about some employees leaving early. She asks whether this is an issue that needs to be dealt with. She also asks whether the employees understand how leaving work early might affect others, including co-workers and customers.

Understand interests

STEP #2

Q What is an interest?

A A concern about an issue.
Why you care about the issue.

Before going further, let's examine what we mean by an interest. You have an interest in an issue if you have a real concern about a matter or if it affects you. It helps if you understand why you and others care about an issue. An issue or parts of it may identify needs, fears, wants or concerns of an employee, supervisor, customer or supplier. These interests cause us to take stands or motivate us to act in certain ways.

Here's an example sometimes used to show the difference between an interest and a position. Two cooks, Alberto and Anita, want the last available orange in the kitchen. Alberto needs the peel to make marmalade. Anita wants to squeeze the pulp of the orange to make juice. At first, both Alberto and Anita take the position that each of them "needs" the whole orange. But their interests differ, as does what they really want. When they talk about why they want the orange and what they will use it for, they learn that they want different parts for different reasons. By talking it over and understanding each other's interests, the cooks find a solution that allows both to get what they require from the orange. Often you'll find that focusing on interests rather than positions is the way to resolve conflicts in your workplace.



What is an issue?

*The topic or subject you need to talk about.
The problem that needs to be solved.*

The right solution will satisfy the most interests.

Let's return to the shipping and receiving department and check out some of the interests behind the issue. Sara, who first raised the issue of people leaving early, has an interest in having co-workers stay until the end of their shift. That way, she doesn't have to pick up the slack for absent workers. She also has an interest in not having to stay beyond her shift to deal with customers because the department is short-staffed. She values her personal time and also wants her co-workers to respect her time.

Mei, the supervisor, has an interest in making sure that there are enough employees on hand to handle calls and customers. She also has an interest in reducing tension among employees. Mei wants to be fair to employees like Sara and must answer to her own supervisors and senior management if customers complain about delays and poor service. The employer has an interest in meeting customer demands. Those who, like Pardeep, have been leaving early have an interest in not being fired. Pardeep also might have another interest in leaving early beyond just wanting "to get out of there." We are looking for the right solution that will satisfy most of these interests.

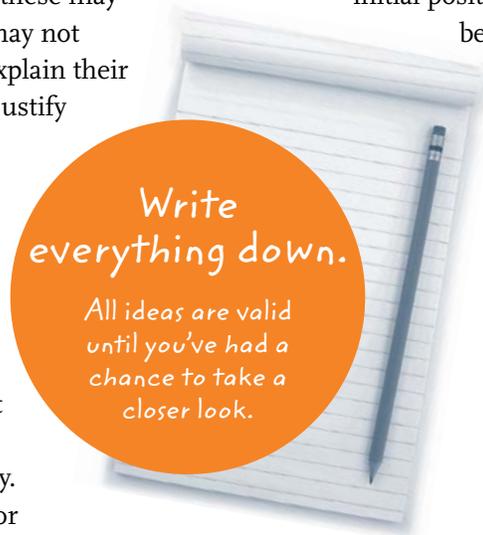
Q How do you understand interests?

A Listen for what people need (interest), not what they say they want (positions).

Mei may understand her own interests, but how well does she understand the needs and interests of other people involved? She would like to discover the other people's interests, but these may not always be clear. People may not always come right out and explain their interest. Sometimes people justify actions or claims by taking a position. Pardeep takes a position: "I'm entitled to leave early." Then he goes on to say: "Most of the shipments had arrived already or had been delivered by the time I left at 4:15. Lots of people in other departments often leave early. Besides, I've often covered for other people in the past and I've never claimed overtime." The last three statements really are negative expressions of Pardeep's interests: fair treatment with other employees, recognition and compensation for past overtime.

That may be Pardeep's position, but does it really explain why he's interested in leaving early? Rather than dwell on Pardeep's position or what he's actually saying, Mei tries to direct the conversation back to his interests: Why is it important for Pardeep to leave early? Mei does so by asking open-ended questions such as "Pardeep, can you give some examples of what other demands you might have on your time these days?"

Pardeep admits some things in his life have changed. His wife has a new job and he is now responsible for picking up their three-year-old daughter from daycare. His wife uses the family's only car, and the bus that stops outside work at the end of Pardeep's shift doesn't get to the daycare centre by 5 o'clock. Pardeep has an interest in taking care of his child. Suddenly, his interest in leaving early seems more understandable than his initial position. Pardeep and others would have been better off stating their real interests right away.



Focus on interests by

- asking open-ended questions
 - What is important about the issue?
 - Why does the other person take a particular position?
- communicating your own interests
 - What is important to you and why?
- probing further to understand fears or concerns
- looking at what you need, not at what you have
- emphasizing areas of common ground (without losing sight of different, separate or opposing interests)

Mei tells Pardeep she understands that it is important for him to get to the daycare centre in time to pick up his daughter. Mei asks Pardeep whether he sees any problems with leaving early and what interest he sees that others—herself, Sara, other employees, the employer and customers—might have in him staying until the end of his shift.

Develop options

STEP #3

Q What is an option?

A A possible solution that satisfies both the shared and separate interests of the people involved in a conflict.

Workplaces are not competitive sports arenas. You're not looking for a winner and a loser. As we saw with the two cooks and the single orange, it's possible to satisfy various interests without having a loser. Our cooks, Alberto and Anita, had several options. They included

- handing Alberto the whole orange so he could use the peel for marmalade and throw away the pulp
- handing Anita the whole orange so she could throw away the peel and use the pulp for juice
- cutting the orange in half so that each cook had half of what they needed, while throwing away half the peel and half the pulp
- giving all the peel to Alberto and all the pulp to Anita

You can probably think of situations where options were developed in your workplace. For instance, in a manufacturing plant that keeps receiving more orders than it can fill, the options might include hiring more employees, adding shifts, investing in more equipment or subcontracting some production.

Q How do you develop options?

A Generate as many options as you can by brainstorming with people in the room. Often those who are closest to the issue and who are involved in a dispute are in the best position to suggest options.

There is no such thing as a silly idea or a suggestion that is off base at the brainstorming stage. Write everything down. At this point, all ideas are valid until you've had a chance to take a closer look. Mei, Sara, Pardeep and others in the shipping and receiving department did that. Here are some options that resulted from their brainstorming:

1. Let Pardeep report for work 15 minutes early and leave 15 minutes early.
2. Reduce Pardeep's work hours (and pay) and bring in a part-time worker.
3. Have Pardeep buy a second car.
4. Have Pardeep carpool with another employee who has a child at the same daycare centre.
5. Start a daycare centre at the workplace.
6. Have Pardeep find a different daycare centre closer to the workplace.
7. Fire Pardeep.
8. Have Pardeep ride the company shuttle to catch another bus that reaches the daycare centre before it closes.
9. Move the workplace.
10. Have the city change the bus routes.

Here are some ways to generate as many potential options as possible:

- Brainstorm.
- Ask for ideas.
- Don't judge any option until you run out of ideas.
- Relate each option to the issue—make sure it could be a real solution and identify other options.
- Merge similar or related options.

Choose a solution

STEP #4

Q What is a solution?

A An option that resolves the issue by meeting the stated interests of those concerned. The solution should provide a simple, efficient, affordable, credible, acceptable, flexible and legal answer to the problem.

A solution that creates other problems or disagreements isn't a good solution. Nor are you further ahead if the solution is inflexible or is seen to be unfair. You need some way of choosing a solution and of judging and comparing these options. You need a way to sift through the options and decide which ones are likely to work.

Q How do you choose a solution?

A Use a process that lets you measure or compare the options. Use the comparison process on all the options. Try not to jump to conclusions.

The following three-cut process can help you compare the options. It will help you decide whether the solution meets the concerns of everyone with interests in the issue, whether the means are available to carry out a certain option and whether those with an interest can be sold on the solution that results from applying that option.

First cut—interests

Does this option meet everyone's interests?

Second cut—resources

Are the resources available for this option?

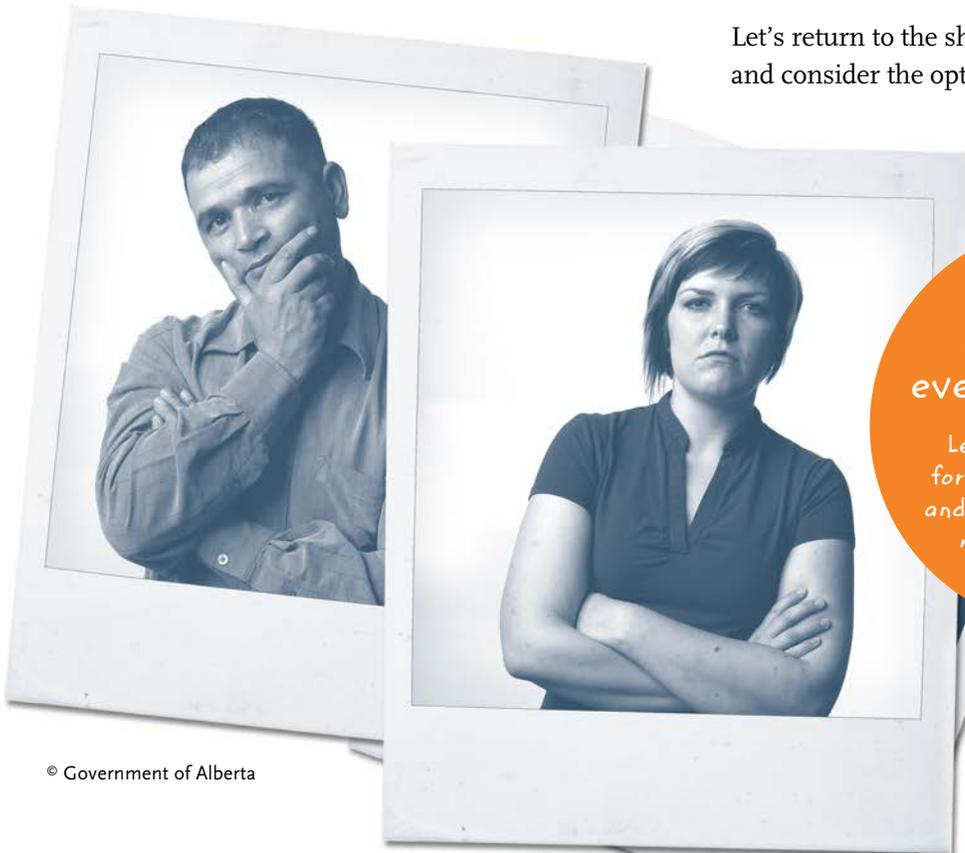
Third cut—saleability

Can we sell this option to those not involved in the process? Who needs to buy in?

Let's return to the shipping and receiving department and consider the options using the three-cut process.

Does the option meet everyone's needs?

Letting Pardeep report for work 15 minutes early and leave 15 minutes early meets his needs, but not Sara's.



First cut—interests

Does the option meet everyone’s interest?

Whose interest is met?	Option 1: Let Pardeep report for work 15 minutes early and leave 15 minutes early.	Option 2: Reduce Pardeep’s work hours (and pay) and bring in a part-time worker.	Option 3: Have Pardeep buy a second car.
Pardeep’s	Yes.	No. Would let him leave early but with reduced pay.	No. Would cost him money.
Sara’s	No.	Yes.	Yes.
Mei’s	No.	No. It would ensure enough employees available but increase supervisory responsibilities and increase employee tensions.	Yes.
Other employees’	Probably not. They may feel unfairly treated and want the same option.	Probably not. They may feel unfairly treated and want the same option.	Yes.
Employer’s	Probably not. Other employees might complain about favouring Pardeep.	Probably not. Employees might complain and want similar treatment. Adds administrative costs.	Yes.
Customers’	No, if service worsens.	Yes.	Yes.

Whose interest is met?	Option 4: Have Pardeep carpool with another employee who has a child at the same daycare centre.	Option 5: Start a daycare centre at the workplace.	Option 6: Have Pardeep find a different daycare centre closer to the workplace.
Pardeep's	Yes.	Yes.	Yes, but may cost more or not be suitable for his daughter.
Sara's	Yes.	Yes.	Yes.
Mei's	Yes.	Yes.	Yes.
Other employees'	Yes, if the other employee agrees to carpool.	Maybe. Other employees might also benefit from an in-house daycare.	Yes.
Employer's	Yes.	No, if it means added costs. Yes, if it improves employee morale and retention and decreases absenteeism.	Yes.
Customers'	Yes.	Yes, if service improves.	Yes.

Option 7: Fire Pardeep.	Option 8: Have Pardeep ride the company shuttle to catch another bus that reaches the daycare centre before it closes.	Option 9: Move the workplace.	Option 10: Have the city change the bus routes.
No.	Yes.	Yes, if moved closer to daycare.	Yes.
Yes , if replacement is satisfactory.	Yes.	Probably not. Could solve problem of Pardeep leaving early but move could be inconvenient.	Yes.
No. Would have to hire and train a new employee.	Yes.	Probably not. Could solve problem of Pardeep leaving early but move could be inconvenient.	Yes.
No. May encourage similar firings.	Yes.	No. Might mean some employees live further from workplace.	Possibly. Some might gain from a change and others lose.
No. Will have to pay recruiting, training and administrative cost of hiring replacement.	Yes.	No. Costly and disruptive option to deal with a problem for one employee.	Yes , if it's easier for employees to get to and from work. No , if employer has to spend time and resources convincing the city.
Yes , if service improves.	Yes.	No. Might improve service for some customers but inconvenience others.	Yes.

Options 4, 8 and 10 seem to meet the interests of everyone involved. They offer a possible or preferred solution. While either *option 4 or 8* may work, a combination of the two might provide some flexibility for Pardeep and the other employee in the carpool. This gives the group several options to review under the second cut.

Second cut—resources

The group trying to find solutions needs to review these options by asking the following types of questions:

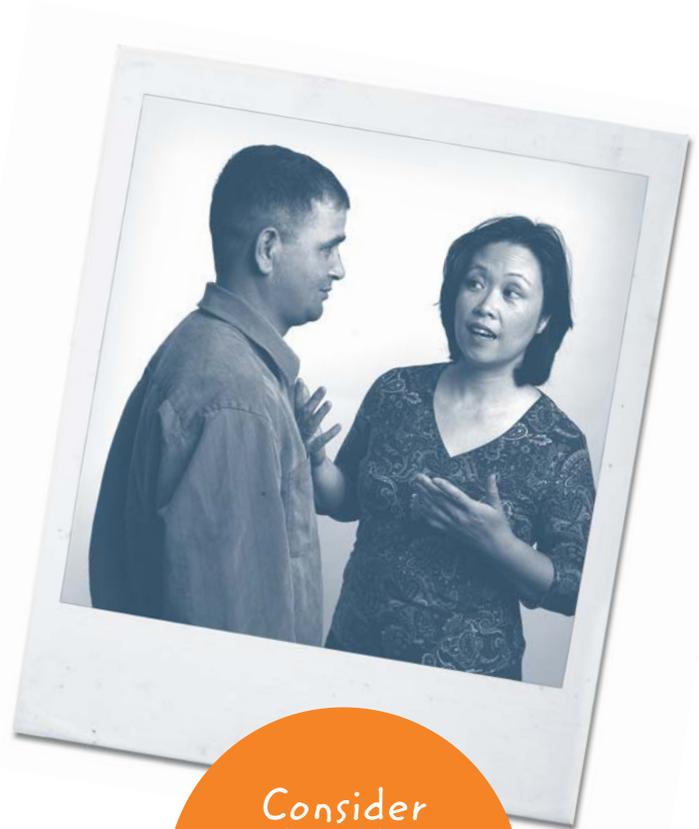
- Do we have the resources available for this option?
Yes, for options 4, 8 or a combination of the two.
No, for option 10.
- Does the other employee have a vehicle and drive to the daycare centre? *Yes, for option 4 but not relevant for options 8 and 10.*
- Is there space for Pardeep in the shuttle?
Yes, for option 8 but not relevant for options 4 and 10.
- Can we change the bus routes? *Not relevant for options 4 and 8. Not a viable option for everyone involved in the issue.*

This review still leaves us with two viable options (*4 and 8*), and one less viable option (*10*). Now we have to reconsider the options in terms of saleability.

Third cut—saleability

- Will the other employee agree to give Pardeep a ride? *Yes.*
- Will Pardeep agree to carpooling or taking the company shuttle? *Yes.*
- Can we sell these options to others who need to buy in, including Mei, Sara, other employees, the employer, customers, the city and transit?

After considering saleability, we have further narrowed the choice.



Consider
saleability.

Can the option be
sold to those who need
to buy in?

Implement the solution

STEP #5

Q How do you implement a solution?

A Prepare a plan and act. That includes deciding what will be done, who will do it, how they will do it, when it will begin, when it will be completed and whether any special steps or checkpoints need to be included along the way.

Finding a solution in Pardeep's case is fairly simple and straightforward. The same is true for implementing the solution. Mei, the supervisor, agrees to check out whether the other employee will carpool as well as confirm shuttle departure times and reserve a spot for Pardeep, who agrees to use the new transportation as soon as these arrangements are made.



Consider feedback mechanisms.

Gather feedback from suggestion boxes or during regular performance appraisals.

Evaluate the outcomes

STEP #6

Q Why evaluate the success of the outcome?

A Measuring the success of what you've implemented will let you know if the solution was the right choice.

Questions to ask about measuring success:

- What will you measure?
- Who will measure?
- Who will know about the success?
- If the solution is not a success, what will you do to remedy the situation?

Admittedly, the dispute in the shipping and receiving department might appear pretty simple. It is agreed that Mei will check back in a couple of weeks with Sara and Pardeep to see how the new arrangement is working. Other workplace disputes may be more complex and may require more detailed follow-up or more specific benchmarks of success. You might want to consider different ways to chart your progress, or use newsletters, one-on-one discussion or group meetings to evaluate how things are going. Consider other possible feedback mechanisms, including suggestion boxes (possibly online), or surveys or gather feedback as part of regular performance appraisals.

A matter of respect

By now you've probably realized that there's really nothing mysterious about six-step issue-based problem-solving. Essentially, it's a process that depends on listening to and respecting others, treating them as you would want them to treat you.

Reading From the Same Page

When playing a game or a sport, it's a lot easier if everyone plays by the same rules. It's also helpful if you know the rules in advance. While it doesn't involve a win-lose situation like a game or sport, issue-based problem-solving does share a similar characteristic: the best solutions will result if everyone is familiar with and follows the same rules.

The previous section went into some detail on how six-step problem-solving works. The following table summarizes the key points. You might want to keep this table on hand before, during and after using issue-based problem-solving in your workplace. There's no point in keeping this material to yourself. The more it is shared and understood, the better the method will work.

Issue-based problem-solving checklist

Explore issues

STEP
#1

What is an issue?

The topic or subject you need to talk about.

The problem that needs to be solved.

Actions and reminders

- Separate the people from the problem.
- Identify the issues by using concrete examples.
- Take time to explore the issues.

Ask

- Do we agree on what we need to talk about?
- What do we talk about first?
- Has all the information been presented?
- Who is involved in this situation?
- Do we all understand how the issues affect others? (Ask at the end of the discussion.)

Understand interests

STEP
#2

What is an interest?

A concern about an issue.

Why you care about the issue.

Actions and reminders

- Consider the needs, fears, wants and concerns about issues.
- Consider the effect on you, employees, operations and other areas.
- Keep in mind that the right solution will satisfy the most interests.

Understand interests (continued)

STEP
#2

How do you understand interests?

Listen for what people need (interests) not what they say (positions).

Actions and reminders

- Focus on interests by asking open-ended questions.
- Communicate your own interests.
- Probe further to understand fears and concerns.
- Look at what you need, not at what you have.
- Emphasize areas of common ground but keep in mind different, separate or opposing interests.

Ask

- What is important about the issue?
- Why do others take the position they do?
- What is important to you and why?

Develop options

STEP
#3

What is an option?

A possible solution that satisfies both the shared and separate interests of the people involved in a conflict.

Actions and reminders

- Generate as many potential options as possible by brainstorming and asking for ideas.
- Write down options.
- Don't exclude options. There are no silly options.
- Don't judge any option until you run out of ideas.
- Relate each option to the issue.
- Merge similar or related options.

Ask

- Could this be a real solution?
- Are there any other options?

Choose a solution

STEP
#4

What is a solution?

An option that resolves the issue by meeting the stated interests of those concerned.

Actions and reminders

- Set objective standards so that you can compare and judge options.
- Select a process that can be used to measure or compare options, such as the three-cut process.
- Use the comparison process on all the options.
- Try not to jump to conclusions.

Ask

- Does the solution provide a simple, efficient, affordable, credible, acceptable, flexible and legal answer to the problem?

Choose a solution *(continued)*

STEP
#4

How do you choose a solution?

Use a process that measures or compares the options.

Use the comparison process on all the options. Try not to jump to conclusions.

Actions and reminders

Use the three-cut process to assess each option in relation to

- first cut—interests
- second cut—resources
- third cut—saleability

Ask

- Does this option meet everyone's interests?
- Do we have the resources available for this option?
- Can we sell this option to those not involved in the process?
- Who needs to buy in?

Implement the solution

STEP
#5

What are key requirements for implementing the solution?

Planning and action.

Actions and reminders

- Make a plan.
- Take action to carry out the plan.

Ask

- What must be done? Who will do it? How will they do it?
- When will it begin? When will it be completed?
- Are special steps or checkpoints needed?

Evaluate the outcomes

STEP
#6

What is being evaluated or measured?

Success in implementing the solution.

Ask

- How will you know if your solution is the right choice?
- What will you measure?
- Who will know about the success?
- If it is not a success, what will you do to remedy the situation?

The Right Words and the Right Questions

Good questioning and good listening are two sides of the same coin: respectful communication.

The six-step issue-based problem-solving method provides a useful tool for finding positive solutions to workplace problems and conflicts. Choosing the right words and setting the appropriate tone are important to the success of issue-based problem-solving. It is intended to set the stage for discussion, not for interrogation. Remember to talk *with* people, not *to* or *at* them.



Remember
to talk with
people, not to
or at them.

Let questions open doors, not close them

The way we ask questions usually influences the answers we get. It may even determine whether we get an answer at all. Earlier, in talking about understanding interests, we discussed the importance of open-ended questions. Open-ended questions

- usually start with who, what, where, when, why and how or include phrases like “Could you help me understand,” “explain to me,” “expand for me”
- usually require more than a yes or no answer

Here are some examples of open-ended questions

- What would you like to see happen in this situation?
- What do you want us to do to help you?
- How do you think things are going here?

These questions give the other person some leeway on how to respond. The person fielding the question may feel less threatened or like less of a target than if asked “Why did you say that?” or “Why didn’t you do that?” Try softening these types of questions by starting with an expression such as “Could you help me understand...?” or “What do you think about...?”

Avoid leading questions such as “Don’t you think I have a valid point?” Rather than back someone into a corner, provide him or her with an “out”—for example, “What’s your idea or suggestion?” That question is less likely to result in a yes or no response and might even open the door to new options.

Take questions one at a time

Ask one question at a time. Avoid the temptation to become a verbal machine gun. Rapid-fire questions make you sound hostile and probably mean that some of the questions (and answers) get lost.

Reflect, repeat and rephrase

Once you get a reply, you might want to restate or rephrase the other person's answer. Consider using phrases such as "Could you confirm that I've understood you correctly?" or "You are saying..." or "So what you're saying is...?"

Not only will rephrasing increase the chances of avoiding misunderstandings, it will also demonstrate to others that you are a good and attentive listener.

Words that acknowledge the other person's perspective can help bridge differences.

Make your point and listen to others

A good conversation is two-sided—sometimes we talk and sometimes we listen. It is also balanced; in other words, everyone participates. You need to express your information and interests while questioning, reflecting, repeating and rephrasing what the other person is saying to you.

*Question,
reflect, repeat
and rephrase
what the other
person is saying
to you.*



Facilitation—Bringing In Outside Help

You can put issue-based problem-solving to work in your workplace by following the do-it-yourself guidelines outlined in this publication.

This can be a relatively inexpensive way of resolving workplace disputes. It may be best to start with simple problems, progressing to more complex ones as you become more comfortable with the method. Problem-solving is a skill that becomes sharper with practice.

Once you've tried it, you might want to find out more about how issue-based problem-solving can be refined and adapted to your workplace. You can get help from conflict resolution practitioners and professional facilitators. They can be especially helpful when disputes are complex or don't lend themselves to more basic one-on-one discussion or issue-based problem-solving. A facilitator might also be brought in when the people involved in a dispute do not feel comfortable talking directly to each other.

Facilitation offers the advantage of involving an independent, impartial person who is trained in helping others find solutions to workplace disputes. The facilitator encourages those with a dispute to share their information and concerns. A facilitator may be part of meetings attended by those involved in the dispute. Alternatively, the facilitator or mediator may serve as a go-between who communicates separately with those involved. It's important to remember that the facilitator is not there to give advice to anyone or to judge whether a solution is good or bad.

An outside facilitator can help individuals and groups resolve workplace issues by

- arranging a meeting location and set up that will encourage discussion
- promoting joint, positive discussion and collaboration
- introducing procedures (such as six-step issue-based problem-solving) that will satisfy interests and meet goals

A facilitator or mediator can also help discussions by

- setting time limits for meetings
- helping decide who should attend meetings
- suggesting how participants can prepare for meetings
- addressing concerns about confidentiality
- keeping the discussion focused
- being impartial and neutral
- separating the people and emotions from the issues
- summarizing progress
- clarifying misunderstandings
- making sure various groups or individuals are able to voice their interests and propose options
- calling breaks to let participants reconsider their positions or cool off
- discussing times for future meetings
- suggesting other resources

Where a solution is found that requires a written agreement, those involved may agree that the facilitator should keep a copy of the signed agreement.

Find suitable help—what to look for in facilitators and consultants

Professional facilitators may come from a wide range of employment and volunteer backgrounds, but they all have knowledge and training in facilitation and dispute resolution techniques, a belief in the value of considering a variety of alternatives when resolving disputes and a commitment to high ethical and professional standards. Good facilitators can apply their knowledge and techniques to many different industries and clients.

When seeking facilitators, you might want to consider these questions:

- Do they have a track record in dealing with similar situations?
- Do they have formal training in conflict resolution obtained through a reputable program or institution (or extensive equivalent experience)?
- What type of appropriate dispute resolution training have they taken? Where and when?
- Have they worked with experienced dispute resolution professionals?
- Can they provide references?
- What approach and style do they use for facilitation?
- Can they describe some types of facilitation or mediation in which they have participated and the methods that they have used?
- Do they belong to associations involved in appropriate dispute resolution?
- Are they pledged to follow a code of ethics (and can they provide you with a copy)?
- Are they familiar with your type of organization or industry?
- Have they consulted or facilitated in union and non-union environments, whichever applies to your organization?
- Are they experienced in coaching or training people to use dispute resolution procedures such as the six-step issue-based problem-solving method?
- Would they honour confidentiality and privacy?
- Are they acceptable to all groups in the workplace or to everyone involved in a particular dispute?
- If hired to work with your organization, would they face any conflicts of interest?
- Can they provide details of what they charge?
- If the various participants come from different organizations, who will be paying the facilitator and what percentage will each party be responsible for?

If you hire a facilitator, keep in mind the facilitator is running a business and should receive appropriate compensation. The fee will vary depending on a facilitator's experience and the complexity of the case. It's important to find out about fees when considering a facilitator.

It is important that the facilitator or consultant act impartially, be seen as impartial and not appear to have been brought in to represent the interests of only one side.

Resolving Differences in the Workplace— Why Should You Care?

Possible causes for workplace disputes are almost limitless. To name just a few, the disputes could be over

- selection, hiring, firing, promotions
- misunderstandings or comments about age, race, ancestry, culture, religious beliefs, sexual orientation or other differences
- sexual harassment
- rumours and comments
- performance or rewards
- job security

For every conflict, there is a price to be paid. It may be paid by individuals through psychological stress or poisoned working relationships. It may be paid by an organization through increased recruitment, hiring and administrative costs, inferior workplace performance or drawn-out formal dispute settlements, sometimes through the courts. Alternatively, the price can be paid by investing time, effort and resources into solving the disputes as soon as possible.

It may be hard to make dollar comparisons. However, if disputes can be improved or settled early and at a low level, they can prevent conflict escalation, limit damage and preserve existing relationships. It will save organizations time and money, while reducing stress and anxiety for individuals.

Using six-step issue-based problem-solving does require a time commitment to become familiar with and to apply the method. Hiring conflict resolution professionals for facilitation will likely require additional resources. Either way, the effort is worthwhile.

Talking may not always be cheap, but in most cases, not talking costs more.

Add up the advantages

Issue-based problem-solving can benefit you and your workplace by

- giving employees, employers and supervisors a sense of ownership, fairness and self-direction
- providing everyone with a voice
- building trust in management and among employees
- helping to maintain good working relationships
- increasing appreciation of others' interests
- opening discussion of issues beyond the immediate cause of the conflict
- encouraging creative options and flexible solutions
- improving communication within organizations
- supporting diversity by acknowledging and valuing differences
- avoiding imposed solutions
- saving employers, employees or unions time and money
- limiting work disruptions and lost productivity
- reducing employee turnover and associated hiring costs
- upholding human rights and personal dignity
- fostering cultural change in the workplace
- increasing employee contributions to workplace

Benefits in the workplace and beyond

This publication can help you deal with conflicts directly at an early stage and at the lowest possible level. Use issue-based problem-solving to put out workplace fires before disputes become more complex or costly.

Issue-based problem-solving is also about prevention. By moving beyond the expectation that conflicts must always produce winners at the expense of losers, issue-based problem-solving leads to solutions that benefit everyone. Dealing effectively with confrontations also results in a more efficient, productive and profitable organization.

While this publication focuses on the workplace, by now you probably realize that once you feel comfortable with six-step issue-based problem-solving, you can use it outside the workplace. You might find the technique useful in dealing with family disputes or in sorting out disagreements that arise within associations, religious groups, unions or elsewhere in the wider community.



*Issue-based
problem-solving
leads to solutions
that benefit
everyone.*

Putting Problem-Solving to Work in Unionized Environments

Unions and employers in a number of Alberta workplaces are committed to using informal dispute resolution procedures such as the method outlined in this publication as part of their collective agreements. The following case studies show how this method is being used in a couple of unionized settings.

Case 1: Find a different path to agreement

A large, integrated Alberta organization with several thousand employees, most belonging to unions with collective agreements, faced a situation where one union alone had almost 100 outstanding grievances filed under its collective agreement. The employer had undergone significant restructuring. It was time to try something different, so the unions and management successfully worked together to design a new process for settling workplace disagreements.

This joint effort resulted in a commitment by the unions and management to use an interest-based (i.e. flexible, respectful, non-adversarial) approach to problem-solving. Now, workers and supervisors with disagreements are encouraged to resolve issues through early, direct discussion at the lowest level of the organization and involve as few people as possible. This requires making an honest effort to understand each other's needs or interests and discussing options leading to a solution agreeable to everyone.

If employees are not satisfied with the result of a problem-solving attempt with their supervisor, or if they feel uncomfortable attempting a one-on-one discussion with their supervisor, the process can move to consultation. The frontline supervisor and the worker attend the consultation meeting, along with a union representative (usually a business agent or shop steward) and a human resources representative who act as facilitators. The facilitators' main role is to create

a climate for effective problem-solving and to lead the participants through a problem-solving approach that includes examining issues, interests and options to find a solution. Sometimes the facilitators suggest options or solutions, but they do not advocate a position. It may take a follow-up consultation before those involved agree on a solution.

If the consultation stage does not produce satisfactory results, the dispute may be advanced to the formal review stage. Then, those directly affected by the dispute, along with human resources and union representatives, meet with the department general manager, who serves as facilitator. Just as in consultation, agreements reached at a formal review are confidential, are confirmed in writing and don't prejudice the legal or contractual rights of the parties. If an agreement is not reached, either side can take the grievance or dispute to arbitration.

A key factor contributing to the success of this new dispute resolution process was training in interest-based problem-solving and facilitation training for human resources and union representatives. Hundreds of employees, managers, supervisors and union representatives have attended employer-sponsored seminars on collaborative problemsolving. This training continues to be provided on an ongoing basis.

Efforts are paying off, and according to a union business agent: "A lot of issues are solved at the consultation stage—especially where there is a problem but no clear violation of the collective agreement. I think we are able to achieve more under this process."

For one human resources officer, it means that the traditional roles of human resources and union representatives, as advocates of either the management or union perspective on an issue, have changed. "As facilitators, we assist the parties to arrive at a solution that they can both agree on—and that works very well."

Case 2: Deal with workplace harassment and discrimination

Harassment, and discrimination based on characteristics such as race, gender, disability or religious beliefs, are sometimes hard to prove. Even if never proven, claims of workplace harassment and discrimination, left unresolved, can poison working environments. Harassment or discrimination claims may also trigger grievances under some collective agreements. At times, those affected may press matters further through the Alberta Human Rights Commission or through civil or criminal courts. This can be time-consuming and costly. Once formal procedures begin, it can be hard to settle the differences and restore good working relationships.

A large Alberta employer, along with its unions, recognized the value of dealing with sexual harassment and on-the-job discrimination quickly and at the lowest level possible. The employer and the unions acknowledged difficulties in using grievance procedures under a collective agreement to settle harassment and discriminatory disputes. Instead, they adopted an informal harassment and discrimination complaints procedure.

Employees with such concerns are first encouraged to talk to their supervisor. However, that is not always practical, especially if an employee feels the supervisor is part of the problem.

To help the process, all employees can access any one of about 20 employee contacts pledged to confidentiality. Although contacts are trained in the informal complaints process, they don't offer advice on resolving conflicts. However, they do help employees better understand harassment and discrimination. For those employees who believe

they've suffered harassment or discrimination, these contacts can recommend help, including assistance from an outside facilitator.

Those involved in a dispute have the voluntary option of informal mediation or facilitation. An independent mediator or facilitator, paid for by the employer but acceptable to all, examines the conflict. Then, by talking to those directly involved and using issue-based problem-solving, the facilitator helps find a solution.

If this leads to a mutually satisfactory solution, the parties sign an agreement. Only those directly involved in the mediation, including the facilitator, keep copies of the agreement. That can end the matter. No information about the agreement or the conflict reaches other managers or the unions.

If the informal process fails, the next step could be a formal investigation where an investigator's findings are submitted to the organization's chief executive for a decision. This decision can be appealed to the employer's board of directors, through the courts or through the Alberta Human Rights Commission.

So far, three investigations and one appeal have occurred, a sign that an employer representative says means the informal problem-solving is working. "When we get to a formal investigation, it means we've failed. Neither informal mediation nor formal investigation is cheap. But contrast that with not protecting a working relationship and having the issue hanging unresolved over the people's heads."

Helpful Resources

The Government of Alberta supports safe, healthy and fair workplaces by providing programs and services for employees and employers alike.

Alberta career, learning and employment publications

For government publications on workplace, labour market and career topics,

- order or download a copy from the Alberta Learning Information Service (ALIS) website at alis.alberta.ca/publications
- call the Alberta Career Information Hotline at 1-800-661-3753 toll-free in Alberta or 780-422-4266 in Edmonton and surrounding area. Callers who are deaf or hard of hearing – request transfer to Alberta Career Information Hotline 1-800-233-7215 toll-free in Alberta and 780-427-4999 in Edmonton and surrounding area. Hours are Monday to Friday from 8:15 a.m. to 4:30 p.m.
- visit an Alberta Works Centre (check alis.alberta.ca/awc for office locations)

For articles on a wide range of workplace-related topics, visit the ALIS website at alis.alberta.ca.

Contact Government of Alberta from your mobile phone

Certain mobile service providers have a shortcut for contacting the Government of Alberta phone directory from your mobile phone, with no long-distance or airtime charges applied. Dial *310 (Rogers) or #310 (Bell or Telus), followed by the 10-digit number for the office you want.

Alberta Child Support Services

The Alberta Child Support Services program helps low-income parents with court orders and family maintenance.

humanservices.alberta.ca/css

Phone: 310-0000 toll-free and ask for the Child Support Services office in your area

780-415-6400 in Edmonton and surrounding area

403-297-6060 in Calgary and surrounding area

TTY (callers who are deaf or hard of hearing—request transfer to Child Support Services):

1-800-232-7215 toll-free in Alberta

780-427-9999 in Edmonton and surrounding area

Alberta Human Rights Commission

The Alberta Human Rights Commission provides public information and education programs, and helps Albertans resolve human rights complaints. Contact the commission about

- an employer's duty to accommodate
- equal pay for the same or similar work
- workplace harassment, including sexual harassment
- respect in the workplace
- workplace discrimination

albertahumanrights.ab.ca

Email: Due to confidentiality concerns, the commission cannot accept or respond to complaints by email.

Phone: 310-0000 toll-free in Alberta and enter the 10-digit regional office phone number

780-427-7661 north of Red Deer

403-297-6571 south of Red Deer

Alberta Labour Relations Board

The Alberta Labour Relations Board administers the Alberta Labour Relations Code, which outlines the rights of employers, trade unions and employees in labour relations. Contact the Labour Relations Board about

- submitting a grievance on your union's collective agreement
- submitting a grievance if you believe your rights on the job have been violated
- mediation to settle labour-management disputes
- permission not to belong to a union based on religious grounds

alrb.gov.ab.ca

Email: alrinfo@gov.ab.ca

Phone: 1-800-463-2572 toll-free in Alberta
780-427-8547 in Edmonton and surrounding area
403-297-4334 in Calgary and surrounding area

TTY (callers who are deaf or hard of hearing—request transfer to the Labour Relations Board):

1-800-232-7215 toll-free in Alberta
780-427-9999 in Edmonton and surrounding area

Alberta Mediation Services

Mediation Services provides dispute resolution services to the labour relations community. Contact Mediation Services about

- mediation of collective bargaining disputes under the jurisdiction of the Labour Relations Code
- the appointment of an arbitrator to resolve grievance matters

work.alberta.ca/mediationservices

Email: jstl.mediationservices@gov.ab.ca

Phone: 310-0000 toll-free in Alberta and
enter 780-427-8301
780-427-8301 in Edmonton and surrounding area
403-297-4334 in Calgary and surrounding area

TTY (callers who are deaf or hard of hearing—request transfer to Mediation Services):

1-800-232-7215 toll-free in Alberta
780-427-9999 in Edmonton and surrounding area

Alberta Supports Contact Centre

The Alberta Supports Contact Centre provides information and support for social-based programs and services. Contact Alberta Supports about

- adult and child health benefits for low-income Albertans
- child care subsidy
- disability supports
- employment and training
- seniors assistance

albertasupports.ca

Email: aahb@gov.ab.ca (Alberta Adult Health Benefit)
achb@gov.ab.ca (Alberta Child Health Benefit)

Phone: 1-877-644-9992 toll-free in Alberta
780-427-6848 in Edmonton and surrounding area

TTY (callers who are deaf or hard of hearing—request transfer to Alberta Supports):

1-800-232-7215 toll-free in Alberta
780-427-9999 in Edmonton and surrounding area

Hours: 8:15 a.m. to 4:30 p.m. Monday to Friday

Employment Standards Contact Centre

Call or email the Employment Standards Contact Centre for information about the minimum rights and responsibilities of employers and employees relating to

- employer records
- general holidays, vacations and pay
- hours of work and overtime
- maternity, parental, compassion and reservist leave
- minimum wage
- termination of employment
- young person employment

work.alberta.ca/es

Email: employment.standards@gov.ab.ca

Phone: 1-877-427-3731 toll-free in Alberta
780-427-3731 in Edmonton and surrounding area

TTY (callers who are deaf or hard of hearing—request transfer to Employment Standards):

1-800-232-7215 toll-free in Alberta
780-427-9999 in Edmonton and surrounding area

Alberta Temporary Foreign Worker Helpline

Phone: 1-877-944-9955 toll-free in Alberta
780-644-9955 in Edmonton and surrounding area

TTY (callers who are deaf or hard of hearing—request transfer to Temporary Foreign Worker Helpline):

1-800-232-7215 toll-free in Alberta
780-427-9999 in Edmonton and surrounding area

Dispute Resolution Program

A web-based program offered by Employment Standards, outlines options for addressing workplace disputes related to payment of earnings, leaves, etc.

Access the program at work.alberta.ca/es-elearning.

Occupational Health and Safety Contact Centre

Call or email the Occupational Health and Safety Contact Centre for information about:

- the *Occupational Health and Safety Act*, Regulation and Code
- unsafe equipment
- unsafe work practices and workplaces
- workplace bullying, harassment and violence
- health and safety planning

work.alberta.ca/ohs

Email: whs@gov.ab.ca

Phone: 1-866-415-8690 toll-free in Alberta
780-415-8690 in Edmonton

TTY (callers who are deaf or hard of hearing—request transfer to Occupational Health and Safety):

1-800-232-7215 toll-free in Alberta
780-427-9999 in Edmonton and surrounding area



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Let's Talk

a guide to resolving workplace conflicts



Whether you're an employer or an employee, this self-help resource will guide you through conflict resolution.

You'll discover ways to settle conflicts and resolve disputes in your work environment and learn when you need to seek outside help. The sooner you take action to resolve conflicts, the better, and the information in this book can help you make it happen!