
STRATEGIES FOR RESOLVING WORKPLACE CONFLICTS: A COMPREHENSIVE ANALYSIS OF ACAS INTERVENTIONS

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ABSTRACT

This article analyses a pension conflict within the higher education sector in the UK, including many institutions and the participation of the Advisory, Conciliation, and Arbitration Service (ACAS). In addition to this instance, it delves into conflict escalation theories, intervention tactics, and their relevance in organisational settings. The conflict escalation model, formulated by Deutsch and further developed by Glasl, classifies phases into win-win, win-lose, and lose-lose, establishing a basis for customised third-party interventions. Facilitation is considered useful during the first phases, while mediation is considered appropriate for more advanced levels of escalation. Zartman's theories on the state of being ready for a conflict and the significance of hope emphasise the need to choose the right moment and have a positive outlook in order to effectively solve problems through collaboration. In many cases, the involvement of a third party is required when the situation reaches a point of deadlock and both parties are experiencing significant negative consequences. The article recommends preventive measures, including early-stage treatments, interest-based negotiating training, and transparent frameworks for social discourse. The strategy emphasises a holistic method of resolving disputes, which includes not just reducing the impact of conflicts but also implementing efforts to restore relationships and address long-term consequences. In general, it offers significant perspectives on the dynamics of conflict and techniques for resolving it in organisational contexts.

Keywords: ACAS Arbitration, Conflict Escalation, Third-Party Interventions, Preventive Industrial Relations, Restorative Measures

Introduction

The pension dispute in the UK is a prime illustration of a collective sectoral conflict, with several higher education institutions being engaged. In the UK, workers possess the right to engage in strikes without the need for prior efforts to seek resolution. Resolution achieved via the process of conciliation or mediation. It is evident that despite ongoing activities, the involved parties have sought the involvement of ACAS as a neutral third party to arbitrate in the dispute.¹ ACAS provides a range of third-party services, such as facilitation, conciliation, and mediation, which address conflict formation, escalation, and the parties' wishes. Usually, when disputes begin and intensify among groups, several third parties and interventions might be used.² This article begins by introducing a model that explains the evolution of these conflicts. Additionally, it discusses treatments that are relevant to these conflicts.

Conflict Escalation: Stages and Interventions

The term "escalation of conflict" refers to the gradual intensification of a conflict, which is characterized by the use of more aggressive tactics, the widening of the range of issues under discussion, the elevation of minor issues to the status of major ones, the involvement of more people and groups, and a change in the parties' objectives from advancing their own interests to harming the other party.³

The primary catalyst for escalation is the refusal of one side to acknowledge the assertions made by the other. Deutsch categorised conflict escalation into three primary stages: win-win, win-lose, and lose-lose. Later, Glasl expanded on these stages in his nine-stage model. Third-party interventions should be customised according to the degree of escalation, with facilitation being particularly effective in the first stages, while mediation is more suitable for greater degrees of escalation.⁴ Alternatively, arbitration and legislation, or unilateral exercises of authority, may be used to resolve the dispute.

¹ Brown, W. (2014). Third party processes in employment disputes. In W. K. Roche, P. Teague, & A. J. S. Colvin (Eds.), *The Oxford Handbook of Conflict Management in Organizations* (pp. 135–149). Oxford: Oxford University Press.

² Zartman, I. W. (Ed.). (2000). *Traditional cures for modern conflicts: African conflict "medicine"*. Lynne Rienner Publishers.

³ Bush, R. A. B. (2002). Substituting mediation for arbitration: The growing market for evaluative mediation, and what it means for the ADR field. *Pepperdine Dispute Resolution Law Journal*, 3, 111–117.

⁴ Schein, E. H. (2013). *Humble inquiry: The gentle art of asking instead of telling*. Berrett-Koehler Publishers.

Zartman introduced three more notions to the theory of escalation: the 'ripeness' of a dispute, which is necessary for reaching a resolution, and the role of hope. Industrial ties inside organisations often evolve into adversarial relationships, and achieving societal harmony necessitates allowing this conflict to mature before implementing a more comprehensive resolution. Zartman posited that two prerequisites are essential for parties to engage in collaborative problem-solving: firstly, a state of 'hurting impasse' characterised by significant costs, both in terms of finances and the potential jeopardy of the firm or relationship; and secondly, a sense of optimism that including a third party may lead to an amelioration of the prevailing circumstances.⁵ The presence of a stalemate and hope serves as a driving force for parties involved to actively seek out a mutually agreeable solution, sometimes with the assistance of a neutral third party.

Strategies to Manage Industrial Conflict

Escalation theories concentrate on the expansion of conflict, starting with a preexisting disagreement or even the potentiality of a work stoppage. The field of industrial relations is characterised by a significant potential for conflict arising from the divergent interests of employers and workers, as well as their mutual dependency.⁶ Interdependence refers to the mutual reliance of employers and workers in order to achieve their objectives and maintain their collaboration even after resolving conflicts. Nevertheless, they possess distinct and perhaps contradictory interests. The five stages of conflict development are Win-Win, Early Stage, Confrontation, Loose-Loose, Ending and Restoration, and Rebuilding Working Relations.⁷

Win-win conflicts are characterised by the absence of public conflict, but conflicts of interest remain hidden. The early stage is characterised by escalating tensions between parties, with argument replacing discussion and the emergence of open disagreements.⁸ Confrontation hinders talks, fosters alliances, involves threats, and encourages competitive strategies from

⁵ Cutcher-Gershenfeld, J., Kochan, T., & Calhoun Wells, J. (2001). In whose interest? A first look at national survey data on interest-based bargaining in labor relations. *Industrial Relations: A Journal of Economy and Society*, 40, 1–21.

⁶ Schein, E. H. (1999). *Process consultation revisited: Building the helping relationship*. Reading, MA: Addison-Wesley.

⁷ Della Noce, D. J. (2009). Evaluative mediation: In search of practice competencies. *Conflict Resolution Quarterly*, 27, 193–214

⁸ Rubin, J. Z., Pruitt, D. G., & Kim, S. H. (1994). *Social conflict. Escalation, stalemate and settlement* (2nd edn.). New York: McGraw-Hill.

both sides. Loose-Loose disputes include intentionally harming one another by methods such as strikes, unilateral acts, layoffs, and by obstructing communication channels, hence escalating competitive and aggressive behaviours. Ending and restoration include the processes of reconstructing functional relationships and addressing the harm caused.

Unless a significant transformation, financial insolvency, relocation, the dissolution of a union, or significant workforce reductions resolve the issue, parties frequently continue to work together after a storm. In the absence of appropriate measures, the consequences of a single conflict incident will perpetuate a cycle, strengthening a culture of conflict.⁹ It is crucial to allocate resources towards preventative interventions and initiatives aimed at restoring trust. These procedures should not just rely on organisational dynamics.

Third-Party Interventions in Organizational Conflicts

The five-phase model offers a structured approach to analysing potential third-party interventions at each stage of conflict progression. Training during the latent conflict period is essential for developing positive and robust industrial relations in organisations.¹⁰ Allocating resources to establish a transparent framework for social discourse and fostering a cohesive atmosphere among a work council, management, HR, and influential union members may provide significant benefits during times of crisis.

Early-stage facilitation is another crucial preventative technique in conflict resolution. During disagreements, it is advantageous for the involved parties to have a facilitator who assists them in adopting a constructive and problem-solving mindset, identifying shared interests, and seeking reliable information.¹¹ There is a growing inclination towards implementing "early-stage intervention" and providing training in "interest-based bargaining," which has shown positive outcomes in resolving collective labour disputes.

Resistance to third-party involvement is seen at all levels of organisational conflicts, including collective labour disputes, between senior management and employee representatives.¹² Schein

⁹ Deutsch, M. (1958). Trust and suspicion. *Journal of Conflict Resolution*, 2(4), 265–279.

¹⁰ Pel, M. (2008). *Referral to mediation: A practical guide for an effective mediation proposal*. Amsterdam: Sdu Uitgevers

¹¹ Dix, G., & Oxenbridge, S. (2004). Coming to the table with ACAS: From conflict to co-operation. *Employee Relations*, 26, 510–530.

¹² Munduate, L., Euwema, M., & Elgoibar, P. (2012). *Ten steps for empowering employee representatives in the new European industrial relations*. Madrid: McGraw Hill

promotes a modest demeanour from third parties, emphasising the need to inquire about appropriate matters rather than offering personal views.

Conciliation is a first measure taken when a formal disagreement arises, when the involved parties might seek the aid of a neutral third party. Explicit acknowledgement of the disagreement is necessary and may be achieved via voluntary conciliation or mediation. As the issue escalates, parties may refuse to engage in negotiations until the other party takes action.¹³ The law governing mediation proceedings stipulates that superior authorities have the authority to designate a mediator.

Arbitration, which occurs when the expenses of disagreement become significant, is a kind of third-party intervention. Historically, third-party mediation often had a prominent evaluative nature.¹⁴

Nevertheless, in South Africa, there are alternative dispute resolution methods such as hybrid mediation and med-arb, which provide parties with the opportunity to reach a mutually acceptable resolution. Arbitration is a process where parties agree to abide by the judgement of an impartial third party. It may be useful in resolving conflicts when the parties are unable to reach a mutually agreed-upon resolution.¹⁵

Court verdicts are also taken into account when resolving conflicts that need a conclusion. The majority of nations have created dedicated labour tribunals, which may resolve the disagreement but may also include the use of mediation.

Ultimately, it is crucial to facilitate the process of restoring relationships if a disagreement has left lasting effects. There is a possibility that distrust, animosity, and a desire for retribution might dominate, resulting in harm to those who have been vilified. The aftermath of a war has

¹³ Elgoibar, P., Munduate, L., & Euwema, M. (2016). Building trust and constructive conflict management in organizations (pp. 1–13). Cham: Springer.

¹⁴ Lewicki, R., Elgoibar, P., & Euwema, M. (2016). The tree of trust: Building and repairing trust in organizations. In Building trust and constructive conflict management in organizations (pp. 93–117). Cham: Springer.

¹⁵ Foley, K., & Cronin, M. (2015). Professional conciliation in collective labour disputes. Retrieved from: http://ilo.ch/wcmsp5/groups/public/—europe/—ro-geneva/—sro-budapest/documents/publication/wcms_486213.pdf.

the potential to reignite the conflict, as seen in the Air France case in France.¹⁶

Concluding Remarks

Collective labour disputes often go through several stages. Due to the inherent character of industrial relations, there is consistently an underlying tension between the interests of employers and workers, even during periods of social harmony. These underlying conflicts have the potential to evolve into instances of open conflict and intensify to levels that are harmful or damaging. Various third-party interventions are accessible at various stages of disputes.¹⁷ Third party involvement is possible in most nations. Typically, this is primarily focused on certain stages of escalation, especially when there is a possibility of a strike or other collective measures. There is far less emphasis on organising preventative third-party assistance or taking restorative activities to rebuild relationships after a conflict episode.

¹⁶ Jordaan, B., & De Wulf, G. (2016). Towards an integrated workplace mediation system: Reflections on the South African experience. In *Advancing workplace mediation through integration of theory and practice* (pp. 127–144). Cham: Springer.

¹⁷ Glasl, F. (1982). The process of conflict escalation and roles of third parties. In G. B. J. Bomers & R. Peterson (Eds.), *Conflict management and industrial relations* (pp. 119–140). Boston, MA: Kluwer-Nijhoff.