



**Introduction of the mediation culture in the Human Resources area within the company  
(Pepsi Celaya, Mexico)**

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# Dissertation Submission Form

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*Janette Castro Ortega*

## I. Abstract

This research work referred to the proposal to establish Mediation as a tool in the Resolution of Labor Conflicts in the company Gepp (Pepsi, Mexico) to provide efficient solutions to problems within the workplace.

The work carried out in its initial stage was developed based on the need of the personnel to improve the company's human relations, internal communication relations, conflicts, conflict resolution, and mediation.

Its middle phase of the investigation presents the surveys carried out on the part of the internal staff. In addition, to obtain accurate and objective information, the deductive method was used, which helped us analyze the problem objectively. Techniques such as survey and interview were also used for a better understanding of the results with the espective analysis was carried out. interpretation of each of them, the results obtained became the fundamental basis to evaluate the viability of the proposal for implementing the culture of mediation in the company.

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## 1. Introduction

***"We cannot solve problems by thinking in the same way as  
when we created them" Albert Einstein (1879-1955)***

Conflicts that arise within organisations due to personal, interpersonal causes or derived from the structure and culture of the organisation itself are a source of significant economic and human losses, which can even lead to the closure of many companies.

In the 21st century and a country hit by the economic crisis, new paradigms are emerging to find solutions to new problems and those that have increased over time.

We are afraid of change to resolve current conflicts. We use memory, think about how we have resolved similar situations in the past, and apply the same criteria to the current problem, leading to error. The solutions to past problems are not good options at this time because the situations, the people, and the times, are not the same.

The objective of this work is to offer a review of the current literature on conflict resolution with the use of the mediation methodology as a tool in the Human Resources department of the Gepp company (Pepsi, Celaya, Mexico) specifically.

In Mexico, mediation is a very recent topic in the business and legal vocabulary; Therefore, being a new topic and has not been developed in the industrial sector, it is an exciting proposal that aims to help resolve conflicts within the company.

Due to the work experience of the investigator in previous years in Mexico, where I worked in the Human Resources area at Pepsi de México, the investigator was interested in investigating and proposing a culture focused on mediation to deal with recurring problems in this area.

Since, as explained above, it is a new topic; therefore it opens the opportunity for us to innovate and introduce a culture that companies are currently alien to and that they have heard of but are not familiar with the concepts.

When we talk about companies, we unquestionably talk about people operating the systems that make them work, so human resources are vital for the survival of companies. There is undoubtedly the potential capacity for problems or conflicts to be generated, regardless of the nature or severity, as we know where there are people.

When we talk about conflicts and companies, we generally forget that a person or group will be in charge of resolving them. Still, unfortunately, on many occasions, we find departments that do not have the knowledge to react appropriately to specific situations, thereby aggravating the problem.

After a brief investigation in the sector, the investigator realised that the inefficient use of standards to solve problems within the work has caused the lack of human relations, preventing organisation and teamwork that should be handled in each area in which they work.

Within the professional field, conflict resolution techniques aim to incorporate a new way of solving problems and being able to be used in different circumstances and times, thus achieving a change inside and outside the workplace.

Therefore, the development of this work has been challenging since we face specific problems in obtaining previously developed information or applying it in the environment in which we are proposing.

The work here developed by giving a general theoretical framework of what the company is and specifically focused on the area of Human Resources; the fact that the investigations take place in the Human Resources department does not mean that this area is the most important in the company, but is one of the vital factors for the personnel.

Within the theoretical framework, I consider it essential to develop the company's history, briefly commenting on the types of companies, how they are formed, etc. We will also see how human capital becomes quite significant. The changes in society's mentality that gave rise to This led to the development of what we know today as Human Resources.

Therefore, it is essential to describe in the same way what the Human Resources area consists of, what its objectives are, its activities, its challenges, etc. The approach that the investigator has on this topic is the approach of human resources and the company in general from the point of view of Mexico and Latin America since, even though we are a globalised world, it is essential to point out that culture largely determines how we work and develop.

The objective is to propose the application of a culture of mediation for Conflict Resolution to improve labour relations, thereby benefiting employees of the company Pepsi México GEPP SA de CV (Planta Celaya, Guanajuato) to achieve the change you want to achieve.

To develop the work, we support professionals developing activities in the Human Resources area currently working in the company. The approach with them was essential to know the current

problems they face. The objective is to provide a framework in which they can support themselves to manage the conflicts generated optimally.

Regarding our study method, it was developed qualitatively. In it, we requested the support of 70 workers to find out what their knowledge and relationship with mediation was and if they considered that mediation could change the way of solving problems within the company. The sample was taken from various strata of the organisation, from administrative personnel, including the human resources area and the operational area.

## 1 Review of the Literature

### 1.1 The Company

Before starting to develop this work, it is important to position ourselves in the history and development of the company and the establishment of the human resources area within it.

It is essential to mention the origins of the company as we know it today, so we feel the need to mention the stage of the Industrial Revolution that transformed the way the world was managed. We continue to see how everything we know today as business and administration has arisen from this system change.

In the nineteenth and twentieth centuries, especially the industrial age, when the Taylorist workers were conceived as mere instruments within standardised production processes and when the division of tasks relegated the worker to little more than a replaceable instrument, Until now, in which we are entering the era of knowledge and where organisations strive to attract the best professionals in each speciality, a time has passed in which the different schools of socioeconomic thought have come a long way and have radically changed the conception of the participation of people in the company.

So it is essential to know the beginning of history and how companies arise

#### 1.1.1 Industrial Revolution

The Industrial Revolution was a period in history where technological and scientific changes arose. These new elements and means allowed the human being to improve the production, the economy and the social development of man and the whole society.

The Industrial Revolution is the evolutionary process that leads society to transform from a traditional agricultural economy to another where mechanisation appears to make goods on a large scale. This process did not seem simultaneously throughout the world but instead occurred at different times.

It is a constant process of change and continuous growth in which various factors intervene: technology, theoretical discoveries, social and economic transformations, agricultural revolution and demographic growth. Europe's economy depended on agriculture and crafts by the mid-17th century.

Agriculture had not been developed on a large scale, and only what was necessary to survive and pay expenses was produced. So agriculture was an activity-based mainly on self-consumption, and marketing was scarce.

At the same time, cities were smaller, and there was little population growth. The need for better living conditions was the main engine driving industrial development.

The Renaissance of European culture after the Middle Ages and entering the Modern Age was one of the most important antecedents of the Industrial Revolution. As a result, it represented an appreciation of knowledge and science; they were free from the yoke of faith and more focused on human reason (an inevitable effect of the Scientific Revolution that occurred in the 17th century)

Capitalism had begun to be established due to the Bourgeois Revolutions, and the abandonment of the Old Regime was another of the events that preceded the Industrial Revolution. The liberal thought of the non-absolutist monarchical nations, Protestantism, and the need to produce consumer goods were decisive.

### 1.1.2 Capitalism

As Karl Marx or Max Weber thought, is capitalism a European invention, or are there traces of it in many societies, from the Muslim Arab world to the China of the Song, as the French historian Fernand Braudel maintains?

Numerous contemporary works, especially in global history, agree with Braudel, compared to Marx and Weber. Indeed, various theses maintain that Europe imported its commercial and financial techniques from the Arab world or China. Still, they also suggest that the economic prosperity of Asia drove the economic development of the Old Continent.

Therefore we can define capitalism as such.

Historians debate intensely about its genesis when capitalism seems to reign even in the last corners of the planet. From some investigations, it was marked as a task to review the economic history of non-European regions from beginning to end.

Therefore, capitalism would consist of searching for monopoly positions, obtained above all by lengthening the commercial circuit until it became opaque.

The best example of this practice is found in the trade practised by Venetian merchants or by members of the Jewish, Arab or Indian diasporas who, since the first millennium, transported their merchandise from the Mediterranean to the Indian Ocean, from the Black Sea to China. (Dortier, s.f.)

To recount a little the idea of how capitalism arose, we can say that it is a story that we cannot take as accurate, but it illustrates what this whole group of thinkers developed at the time. Resulting in several theories in different areas, not only in economics.

"Off the coast of present-day Chile stands the small Isla de Masa Tierra belonging to the Juan Fernández archipelago and currently known as Robinson Crusoe Island. At the end of the 18th century, the Island was a refuge for British pirates and corsairs who made a living by stealing Spanish ships: To rest on that Island, on one occasion, some pirates landed a few goats and let them populate the entire Island, the Spanish authorities wanted to avoid the presence of pirates, they brought dogs to the Island that did not take long to multiply, feeding on the goats the population of dogs grew to a certain proportion concerning the population of goats, these did not disappear but rather remained several animals significantly large enough to support the population of wild dogs that had grown there."

The story before mentioned probably never happened, but it appeared in the 1786 dissertation on the law of the poor by the British economist Joseph Townsend; regardless of the fact narrated behind this story hides a significant change in modern intellectual thought.

The logic that underlies the story is the existence of a ratio between the rate of reproduction of individuals and the rate of food production, a percentage that is generated spontaneously and is maintained over time; this theme was later taken up by the British economist Thomas Malthus in his essay on human overpopulation which later inspired Charles Darwin in his theory of natural selection.

In earlier times, it was considered that social order was the responsibility of the good arts of the ruler, so economists assumed that human society had its natural laws, and no king or any authority could change those laws, despite the principles that govern the market economy are usually believed; they arose before the industrial revolution; that is, the technical and technological revolution, the new age of the machine began when intellectual thought imagined human society as a machine subject to its laws.

For many liberal thinkers, all you had to do was let these laws operate freely for society to function correctly.

### 1.1.3 Company Definition

The company is an economic unit of production, characteristic of the market economy in which capital and labour factors are combined" (Sablich, 2007)

Fernandez, José "It is the product or service unit that, constituted according to practical or legal aspects, is integrated by resources and uses the administration to achieve its objectives".

Ricardo Romero, the author of the book "Marketing", defines the company as "the body made up of people, material goods, aspirations and common achievements to satisfy its customers" (Romero, s.f.)

Julio García and Cristóbal Casanueva, authors of the book "Business Management Practices", define the company as an "entity that, through the organisation of human, material, technical and financial elements, provides goods or services in exchange for a price that allows replacement of the resources used and the achievement of certain objectives" (Casanueva, 2001)

According to B. O. Wheeler, "Business is an institution organised and operated to provide goods and services to society under the incentive of private gain."

In the investigator's opinion, a company is an element that produces a good or service intending to obtain an economic benefit for those who run it. A company is a source of economy and work in which intellectual capacity and workforce in exchanged for monetary compensation.

In the same way, the company is an entity made up of people, aspirations, achievements, material goods and technical and financial capacities, all of which allow it to dedicate itself to the production and transformation of products and the provision of services to satisfy the needs and desires existing in society.

#### 1.1.4 Importance of the company

In the investigator opinion, the company is a social system in which a group of people and means are integrated with which they achieve an objective; achieving these objectives requires an organisation that makes it possible, which is why the company is essential.

Every company can be viewed as an entity made up of tangible elements. We can list the following (human factors, material goods, financial capacity and production) and intangibles that can be included as aspirations, transformations and technical capability).

As the investigator mentioned before, the purpose is to satisfy the needs and desires of its target market to obtain a profit or benefit.

Within the importance of the company, we have three aspects:

##### (a) Economic Aspect

"The globalisation process is carried out through the commercial flows of capital, information, and knowledge, which circulate the world and involve most countries to a greater or lesser extent." (Garcia & Pulgar , 2010)

In the investigator's opinion, an economic aspect is a unit that generates financial resources with which it produces goods or services for a specific market. Thanks to the financial part, the company can increase its production and offer better services with quality technology, thus involving others countries.

(b) Legal Aspect

"The company is constituted by a patrimony attached to a profit-oriented commercial purpose and generates contractual relations with external and internal agents, shareholders, workers, clients, banks, public administration, etc."

It is a unit that generates jobs satisfying the social need of those who make up these companies, so the company provides a space in which people can provide their workforce and be paid for them.

(c) Political Aspect

"Protectionist and discriminatory policies, practised by nations, prevent most countries from actively participating in commercial and financial exchanges" (Garcia & Pulgar , 2010)

Within this aspect, it is considered that the company is a progress for the country since it generates economic stability by exporting and importing products whose taxes are for the country; however, the limitations in the countries with which it negotiates are not always beneficial for both parties.

#### *1.1.4.1 Companies in Mexico*

In the particular case of Mexico, companies are classified as follows:

The formation or formation of companies corresponds to the need to cover a service or necessity in a particular environment that represents the possibility of profit. To do this, the entrepreneur or group of entrepreneurs gathers the necessary economic and logistical resources to face this business challenge, achieve established goals and use all the resources that they have. The definition of company is quite big, as it has the possibility of classifying in different business ways, based on a large number of criteria such as the nature of their activity, organisational chart or their size

Due to the size, depending on the number of workers they manage, in this classification, we find the following:

#### *1.1.4.2 Micro companies or Family companies*

Integrate for one person, which means that they are usually created by a professional and typically has two or three people who help in the activities of that company. For example, in this case, we can mention the doctors who have their office and usually have a secretary and an assistant or, in the case of an accounting office where the accountant is located and one or two professionals who help or carry out certain activities.

And when it comes to revenue from these small businesses, we're talking about any company that generates less than \$100k per year.

#### *1.1.4.3 SMEs that are small businesses (Small businesses)*

The company has no more than ten people; for example, we could say that we are talking about a restaurant or a cafeteria with five or six people; in terms of their income, we can refer to the fact that it is generally considered three times more the income of micro-enterprises 300 k dollars per year.

#### *1.1.4.4 Medium Business*

This classification includes those companies that have between 35 and 50 employees; most of these companies, in monetary terms, we are talking about 1 million dollars of annual sales.

#### *1.1.4.5 Large Companies*

Generally known for being industrial factories with more than 100 workers, they are few and are the largest contractors in the countries of labour and usually require a lot of work; we speak of 10 million dollars of annual sales.

### **1.2 Needs Maslow's Pyramid**

However, if a company does not cover its needs, it could stagnate, go backwards and, in the worst case, disappear. Covering these needs adequately helps the company improve its productivity. Likewise, it delivers products to the market of the best quality and price, satisfying its customers and generating enough income to continue operating and achieving success and projecting its benefits to society.

It is important to note that Abraham Maslow designed Maslow's pyramid to prioritise human needs.

However, the Maslow pyramid can be a helpful tool to determine and prioritise the needs of a company. Based on Maslow's pyramid, the needs of the company are ordered as follows:

#### 1.2.1 Basic business needs

Just as basic needs are indispensable for human survival, for a company, its basic needs are related to the structural functions without which the company cannot exist.

Indeed, they can be structural elements such as buildings, machines, technology, and the necessary raw materials. That is, the minimum structure to be able to function.

#### 1.2.2 Business security needs

Likewise, suppose it is important for a person to have a certain income and resources assured. In that case, a company must be profitable because this ensures that it continues to operate, and this requirement helps the company achieve its medium-term objectives.

Naturally, this makes it possible to maintain agility in the production processes through the work team. It involves the necessary logistics to fulfil the commitments, achieve efficiency in its production processes and make it possible to obtain sufficient profitability.

#### 1.2.3 Need for affiliation or corporate social

Indeed, every person needs to integrate and belong to a group or a social environment. Similarly, a company needs to be integrated into a market since you must direct your products toward your customers.

Also, you need to develop convenient and sustainable business relationships to be successful. For this purpose, the company establishes communication processes. Outward communication processes help you connect your offer with your demand. Meanwhile, inward communication processes manage to keep human resources integrated.

#### 1.2.4 Business recognition needs

Of course, people must achieve a particular success and prestige and feel appreciated. The need for recognition for companies is satisfied by their products' recognition or positioning in the market.

Of course, the commercial recognition of the products, the degree of customer loyalty and word of mouth recommendations provoke feelings of self-esteem. The company's workers will also be able to obtain recognition for their work and the results obtained in the market.

Undoubtedly, the companies that meet this need have highly prestigious products, well-positioned brands and strong business identities.

### 1.3 Human Resources

The term Human Resources Management has three meanings:

- a) HR as a function or department. In this case, HR refers to the operating unit that functions as a staff area, as an element that provides services in the field of recruitment, selection, training, remuneration, communication, hygiene and safety at work, benefits, etc.
- b) HR is a set of human resources practices, and it is how the organisation manages its recruitment, selection, training, compensation, benefits, communication, hygiene and safety at work.
- c) .HR as a profession. They are the professionals who work full-time with human resources, namely: recruiters, trainers, salary and benefits administrators, safety engineers, occupational doctors, etc. (Chiavenato, 2009).

Survive with growth comes more complexity in the resources they need for their operations, such as increasing capital, increasing technology, support activities, etc. On the other hand, it causes an increase in the number of people and the need for them to apply more of the knowledge, abilities and skills essential to maintain the competitiveness of the business.

The context of human resource (HR) management is made up of people and organisations. People spend a good part of their lives working in organisations which depend on them to function and be successful. On the one hand, work requires effort and occupies a reasonable amount of time in people's lives who rely on it for their subsistence and personal success. (Chiavenato, 2009)

Some other authors define human resources as follows:

"This is the group of people who provide their service in the company and make it possible to achieve the proposed objectives at all levels (personnel administration, professional expectations, participation and recognition of work, research and development)."

From the point of view of the researcher, they are the essential resources for the formation of a company; since they are the ones who will manage the resources mentioned above, human resources must have vital characteristics in companies such as creativity, initiative, knowledge, and skills, among others. Depending on their function, they can be classified as workers, administrative staff, supervisors, technicians, directors, or managers.

We live in a society of organisations; we are born, learn, serve, work and spend most of our lives within them. Therefore, organisations and people represent the context in which human resource management is situated.

As we have already anticipated, the resources and capabilities approach is the basic theoretical framework of this work, mainly because it is the discipline that allows for building a conceptual bridge between human resource management and business competitiveness, as well as its ability to offer "a compelling explanation as to why human resource practices enable competitive advantage" (Wright, et al., 2001)

In this sense, the usefulness of the resources and capabilities approach to the field of research in the direction and management of human resources summarises it in three significant contributions that, in addition, represent the hypotheses of the strategic management approach From Human Resources. First, it allows recognising the need to apply systems or sets of human resources practices to improve the company's competitiveness. The analysis of the relationship between human resources and results, we have gone from the study of isolated practices to the study of systems of techniques that are coherent with each other.

Secondly, it allows recognising the determining importance of the human factor in the organisation's success.

The different human resources policies –training, selection, job design, etc.- are tools that allow some human resources to meet the desirable characteristics of all resources to become a source of competitive advantages.

To understand the dimension that human resources have currently acquired, it is necessary to refer to the company's evolution in the financial world.

Administration as science is effectively responsible for the objectives of the organisation through economic, material and human resources

No company is the same as another. They are distinguished by their objectives, their organisational structures and, above all, by the talent of the people and teams that make them up.

### **1.3.1 Human Resources Administration Duties**

The functions within the human resources department are very different, and all of them are important. Among them, we highlight the following that the human resources administrator must develop.

#### **Compliance with the labour laws of the country**

- ✓ The heads of human resources must ensure that labour laws are complied with within the organisation.

#### **Staff Administration**

- ✓ It refers to the management of all administrative procedures relating to workers. In addition, it consists of the management of all the documentation once the new staff is hired.

### **Staff planning**

- ✓ Design of jobs, the definition of functions, requirements, etc.
- ✓ Selection of personnel and recruitment
- ✓ Both to recruit talent and for the selection of personnel. It is responsible for correctly choosing each employee of the organisation, thanks to specific selection tests.

### **Training and professional development plans**

- ✓ For employees to continue updating their knowledge according to the changes and evolution of their sector, the Human Resources department must facilitate training programs.

### **Career plan, promotion and advancement within the company**

- ✓ It refers to all programs aimed at the progression of employees within the company once they meet specific requirements and experience.

### **Performance evaluation**

- ✓ The analysis of the performance of the personnel is very relevant to anticipating and solving specific imbalances that may be occurring within the organisation.

### **Talent retention**

- ✓ Having talent within the company must be one of the main objectives of human resources since it makes the company meet its objectives.

### **Incentive programs**

- ✓ Human resources also develop incentive programs for staff to motivate and thus meet established objectives and goals.

### **Labour relations and conflict management**

- ✓ Much of this work is based on an internal communication plan favouring labour relations and communication between the company and employees.

### **Job satisfaction**

- ✓ Ensuring a good climate and job satisfaction is crucial for meeting the objectives. Knowing the company climate and employee satisfaction will help to take the most appropriate measures in this regard. Work-life balance, for example, is usually one of the main reasons for job satisfaction in companies.

## **Prevention of occupational hazards**

- ✓ A key area within the company is to guarantee employees' occupational health and safety. It is essential to have a PRL plan that contributes to occupational health and hygiene.

### **1.3.2 What is the role and importance of people in an organisation**

Given the context, it is difficult to separate people's behaviour from that of organisations. These operate through people who form them and decide and act on their behalf. People who work in organisations are designated by various terms, which define how to call people: workers, employees, clerks, staff and operators when they treated them that way.

If they treat them as human resources, collaborators, and associates, they can call them human resources. They are also called human talent, human capital or intellectual capital when people are of great value to the organisation. The name organisations give to people reflects their degree of importance to them. Many organisations still classify their staff as workers hired by the month and by the hour to separate those working in offices and factories. Others incur the absurdity of calling them direct or indirect labour; Some go further.

They call them productive or unproductive staff. So, the name that organisations give to the people who work in them has a significant meaning; it indicates the role and value they attribute to people.

### **1.4 Latin America Context**

When we talk about human resources, it is essential to mention how their management is carried out in Latin America, since culture strongly influences the management of companies, since we cannot compare the management of resources of a company located in the United States with one based in Mexico or Chile.

Researchers and analysts interested in the Latin American management model describe it as in transition or the process of development (Abarca , et al., 1998); because Latin American companies constantly seek to use theories, methods and systems proposed by developed countries (De la Cerda & Nuñez , 1993)

Latin American management is defined by cultural traits that, once identified, could explain many of the forms and practices of work in the region. Furthermore, we assume that the Latin American work culture results from a unique historical process derived from a particular economic, political and social structure. Therefore, we conceive of Latin American organisations immersed in historical traditions, despite the fact that the forces of globalisation are causing profound changes in the region. This combination of historical and global processes has given rise to unique characteristics and has created a hybrid management model. Therefore, to contribute to the

development of human resource management in the region, we must first study the local culture in which these practices were developed.

Hofstede defined culture as "... collective programming of the mind that distinguishes members of one group from another... Culture, in this sense, includes the value system; and values are part of the infrastructure of culture. " (Hofstede, 1982).

#### 1.4.1 Culture and administration of Human Resources in Latin America

Latin Americans prefer to depend on someone else in the workplace (Lenartowicz & Johnson, 2002) . Accepting authority originates behaviours aimed at avoiding conflict and confrontation with superiors and, therefore, generates friendly relationships.

Conflict or confrontation in public is considered an offence to both supervisors and colleagues (Osland, et al., 1999) because it is like a denigration and subordinates can be labelled as disobedient and be transferred or even punished (Page & Wiseman, 1993).

A nuance that opposes this representation is observed in Chilean executives with a high level of education who consider themselves assertive and ready to face the consequences of their actions.

A different attitude is found at lower levels of the organisation, where employees project a dependency on experts with international experience to avoid risk in their decisions (Abarca , et al., 1998) On the other hand, Latin Americans value status within a hierarchy because it indicates the social distance between superior and subordinate.

Hierarchy, in this sense, serves as a mechanism of social differentiation and symbols such as job titles and additional benefits contain a high local meaning of power distance due to the social status they represent.

#### ✓ **Social relationships**

Collectivism in Latin America has specific representations in the workplace: personal contact, group loyalty, and popular customs. The personal touch is vital in Latin America, where supervisors must interact face-to-face with subordinates.

Personal relationships in the workplace carry a high emotional content, which is why Latin Americans expect and prefer cordial and affectionate treatment in work relationships. In addition, personal relationships provide a functioning structure for organisations. Loyalty, trust,

flexibility and managerial efficiency are based on relationships of personal empathy (Osland, et al., 1999).

### ✓ **Work Systems**

The Latin American collective culture tends to favour the implementation of work teams; because Latin Americans value social relationships manifested through personal communication and empathy among employees, both of which are important to the concept of teamwork. One barrier to implanting this concept in the region is the tension to share authority or decentralisation, which collides with Latin American preferences for centralisation and organisational hierarchy.

Shared decision making with management also illustrates the hybrid model because Latin Americans want to avoid conflict and confrontation, not only with superiors but also with their colleagues; they accept a managerial leadership style that mediates between conflicting parties, a style that may be needed during the dynamic of teamwork. Finally, the use of work teams also facilitates the cooperation and commitment required today. Workers are motivated to share team responsibilities (Chatell, et al., 1999) Chantell et al., 1999). This attitude can be interpreted as a way to reduce individual risk by sharing decision-making with other individuals in the company.

Modern management systems can fail in Latin America because of the historical rivalry between workers and employers during the region's industrialisation process. Entrepreneurs and organised workers are sometimes considered enemies due to the perception that the former exploits the latter, and Mexican managers or workers are portrayed as indifferent to the development of the industrialisation process and even in open opposition to it (Robles, 1998).

However, this historical rivalry is transformed into a feeling of unity when Mexicans, for example, see that their work is in danger of disappearing due to foreign investment (Diaz-Saenz, 2000) , and Latin American nationalism emerges that provokes the desire to manufacture better quality products and use technology more efficiently, aspects that make top management learn to share information with employees.

## ✓ Labor Relations

Labour relations in Latin America derive from various historical processes. Trade unionism is a social and political phenomenon with many ramifications, although we focus on the human resources perspective on conflict resolution and negotiation styles. Several values support the negotiations and conflict management styles in the region. First, personal contact is essential because companies seek harmony and a good working environment. Social interaction and friendship are important conditions for good and stable working relationships in situations of this type. Therefore, courtesy and diplomacy are highly valued in labour relations. Latin Americans do get into conflict, but they prefer a particular style of confrontation.

### 1.4.2 Human Resources Administration in the Latin American Context

Latin American human resource practices developed alongside the region's industrialisation process, being profoundly affected by the dominant universal theories imported through the practices of foreign multinationals, illustrating the hybrid management system. Often, by implementing such practices in their original design, they fail. Human relations theory developed in industrialised countries assumes a culturally mature worker seeking individual achievement in the workplace. This description does not fit the average Latin American worker: complex theories are not needed to control Latin American workers (Montaño, 1991) ; we review human resource practices through Latin American work values.

## 1.5 Conflicts

According to the researchers, conflict is understood as a fight or problem that arises between people; it is also considered as a confrontation between two or more people because of different interests, for which the human relationships that should occur within an area of conflict are destroyed worked.

### 1.5.1 Definitions Conflicts

"Conflict, confrontation of interests between the different subjects of the Collective Labor Law, considering that the parties must be legitimate representatives of both workers and employees." (Monesterolo, 2011)

According to the thesis students, a conflict is considered as a difference of opinions or thoughts between two or more people; within the labour area, a conflict affects in a direct way since the work would be at risk, that is why labour conflicts must have an adequate follow-up so that in this way it does not affect the work and thus those who make up the company manage to work as a team, each contributing new ideas that promote the development of the company.

### 1.5.2 Origin and Causes of the Conflict

According to the investigator, conflicts between human beings originate as a result of the perception of danger concerning Maslow's theory on the needs for physical survival, security, belonging, recognition and self-realisation.

The origin of the conflict occurs as a result of the danger that the human being perceives in the space in which it develops is for; the well-known Maslow's Theory called the theory of needs intervenes; the theory starts with the principle that the motives of human behaviours reside in the individual. Therefore its motivation to act and behave is derived from forces out them. One of the levels related to the need for security is the one that acts at the moment of forming a conflict.

The conflict also originates because there are differences in the perception and definition of the situation, needs and interests of the parties involved, and values and beliefs that defend their position and may disagree with the other parties.

### 1.5.3 2.3 Evolution of the Conflict

According to the thesis students, from the moment a conflict arises, different stages are observed that make the conflict evolve if we have:

#### **a) The escalation of the conflict**

"It is the process in which the conflict worsens, increasing the overall tension of the meeting or negotiation" (De la Rosa & Rivas, 2018)

It is the stage in which the conflict worsens, causing the problem to increase without being able to prevent or solve it.

#### **b) Stagnation of the Conflict or Impasse**

"In this second stage is when the parties stop arguing, but the intention to win the other is not abandoned" (De la Rosa & Rivas, 2018)

In this second stage, the parties involved leaving the discussion. Still, neither of the two parties intends to lose or agree with the other, so they believe in a possible solution but do not abandon their interests.

### **c) De-escalation of the Conflict**

"At this stage, the conflict becomes understandable for the parties and allows mutual understanding of people" (De la Rosa & Rivas, 2018)

This stage of the conflict makes the two parties reach a mutual agreement in which neither of them has to abandon their position, and thus a mutual understanding is achieved.

## **1.5.4 Types of Conflicts**

According to what was investigated, the conflicts can be classified in different ways; they are disclosed below:

### **a) Communication**

"The origin of the conflict is in the lack of understanding of the parties, that is to say, that one or both have expressed poorly what they wanted to say and one or both have misunderstood what the other has expressed."

The origin of the conflict is mainly due to the lack of understanding of the parties; that is, by not expressing well what is meant, the one who receives the message will also assimilate it in a wrong way due to the lack of understanding.

Thus, communication is an essential element in preventing and resolve a conflict.

### **b) Relationship**

"The origin is in the lack of personal harmony between the parties involved, there is no sympathy, and that leads to problems" (Rodríguez, 1988)

The origin of this conflict is the lack of sympathy between the parties involved, that is to say that the way of acting or thinking of one of the parties does not like the other, that is why conflicts originate.

#### **c) Needs**

"The origin is in the present moment, something that one party does prevent the other from feeling good, there are two different needs that cause a disagreement because if one does what they need, the other is left without what they need" (Rodríguez, 1988)

According to the researchers, the origin is that one of the parties seeks to meet their needs regardless of the other party's needs. The conflict occurs, causing a confrontation in which people want to fulfil their objectives by sacrificing the other party.

#### **d) Security**

"The origin of the conflict lies in the cultural values that each person has assimilated, which generally cannot even be stated because it is something that is deeply internalised in us, but when we meet people with other cultural characteristics, that conflict arises" (Rodríguez, 1988)

The researchers consider that the origin lies in each person's values and causes a conflict to arise when they meet people with different characteristics and values.

#### **e) Labor Conflicts**

According to the researchers, labour conflicts are those problems that usually arise in the workplace and affect the company's activities since the environment becomes unpleasant; the conflicts can be differences that exist between the workers of a company.

#### **Classification of Labor Conflicts**

They are classified into three criteria to analyse labour conflicts that will help better understand this labour problem.

#### **f) Due to the subjects involved**

"Due to the subjects involved, labour conflicts can be classified generically between workers and employers, between workers and between employers" (Dávalos, 2000)

According to the investigator, this criterion refers to the different situations that arise at work; conflicts within the labour area can be classified between workers and employers, between workers and between employers.

#### **g) Conflicts between workers and employers**

The investigator considers that these conflicts are common within companies since it is due to production, work and capital factors when employers demand employee compliance with activities and vice versa when employees disagree with a dismissal or if the workers' rights are not complied with.

#### **h) Conflicts between workers**

According to the investigation, conflicts are the most common since they can arise due to situations of promotions in which one of the parties feels affected by the other; it also occurs due to the assignment of responsibilities in which one of the parties feel affected by having excess duties while the other party does not fulfil its activities with commitment.

#### **i) Conflicts between patterns**

Conflicts between bosses are sporadic since those who run a company usually share ideas; in cases of confrontation between bosses, they occur because of actions by the workers, so some of these cases are resolved almost immediately, unlike conflicts between workers.

#### **j) Depending on the nature of the conflict**

"The doctrine, jurisprudence and the law consider that depending on the nature or content of the conflict, these can be legal or economic" (Dávalos, 2000)

According to what was investigated, the nature of the conflict we have: the economic conflict refers to the modification of working conditions; this may be related to salary, reduction of personnel or different activities in which employees feel harmed.

#### **k) By the interest rate that is affected**

"This classification refers to the hierarchy of interest that is affected by the conflict, without it being simply a numerical affectation, that is, it does not respond to the number of contenders" (Dávalos, 2000)

Within this level, we have a sub-classification that is:

- ✓ Personal conflicts that affect the interests of one or several workers.
- ✓ Collective disputes involve the interests of groups of workers' unions.

According to the researchers, a labour conflict affects the work area, no matter how small, since a pleasant atmosphere and teamwork by those who make up the company are not achieved. Within companies, existing conflicts must be monitored to prevent and, as far as possible, reduce this problem that affects the labour area.

#### 1.5.5 Conflict Resolution

According to research in the workplace, many conflicts affect the work environment. Conflict resolution aims to improve and prevent these problems; it is necessary to look at conflicts as part of our lives, leading us to learn new things

##### *1.5.5.1 Definition of Conflict Resolution*

"Informal dispute resolution is intended to provide a voluntary, flexible, confidential and informal procedure for resolving problems in the workplace". (OIT, 2000)

So it could say that conflict resolution has the purpose of solving a problem in the workplace, thus achieving mutual understanding and respect in which none of the affected parties is harmed; conflict resolution must contain methods and strategies that achieve change in each of the employees and thus have a harmonious environment.

##### *1.5.5.2 Importance of Conflict Resolution*

According to what was investigated, before resolving a labour conflict, it is essential to analyse the situation, clarify how it will be done, what means will be used, create a plan and a scheme, resolve the conflict between two or more people, it must contain a practical solution that prevents this problem is repeated or generalised to other employees, it is not only about solving but also about containing

Multiple causes can separate labour conflicts: misunderstandings, friction between employees, personal situations, lack of compliance in the processes, and lack of understanding, among others.

#### *1.5.5.3 Steps to deal with conflicts to Reach a Resolution*

##### **a) Preparation**

According to the investigator, to begin to address a conflictive situation, the first thing we have to do is create the conditions so that the meeting between two people in conflict can be constructive.

Getting to this point requires preparation on both sides, which means moving from "I'm absolutely right" to being open to the fact that something different can happen.

##### **b) Understanding**

According to what was investigated, communication work should be done: express ourselves and listen until we understand each other. This task always starts from a situation of disagreement, so generally, going from conflict to understanding is a laborious, complicated and often long road. It begins by expressing to each one how they lived what happened; it is told how the origin of the conflict was, how it has evolved, and the current state for each one, then it is a matter of agreeing between both of the problems has been.

##### **c) Proposals**

The investigator considers that the proposal is the time to see possibilities to face a problem that we have already defined; it begins by proposing solutions. To reach a solution, we first have to make proposals that will help us to arrive at other, more interesting proposals. That is why we are interested in starting with different proposals; then, we will define the solutions more clearly and possibly determine the needs that we feel to resolve the conflict.

After a while, the contents that have the solutions that both parties need are seen, and past and future measures must be included.

#### **d) Agreement**

Search for solutions leads to the establishment of an agreement; this means opting for one or more of the proposed solutions; It also means specifying the solution as much as possible, that is, seeing what it implies for both sets and each of the parts. The establishment of an agreement has to provide clarity to the relationship for a time; for this, each party must know what to expect in the issues related to the conflict.

#### **e) Evaluation**

According to what was investigated, this method establishes a necessary route to resolve a conflict; reconciliation is the fruit that comes out of this work of communication and resolution; When the disputes are simple in a conversation, it can be done almost all the way, while for long or deep conflicts it will be necessary for each step to mature.

#### **1.5.5.4 Techniques for Resolving Conflicts** (Villa, 2012)

According to the investigator, the most applied techniques in conflicts are presented below:

##### **a) Troubleshooting**

Bring one person from the conflicting parties together to identify the problem and resolve it in a frank discussion; this will help improve the conflict environment.

##### **b) Higher-order goals**

Set a common goal that cannot be achieved without the parties' cooperation in conflict; a settlement will not be reached without the parties involved collaborating.

##### **c) Expansion of Resources**

When a conflict is caused by a lack of resources (money, opportunities for advancement, office space), expanding them can be a good solution for everyone. It is better to maintain a pleasant atmosphere, expressing each party's discomfort.

##### **d) Evasion**

Get away from conflicts or suppress them; in some cases, it is better to avoid being part of a conflict; the most appropriate thing is to avoid it so as not to prolong the existing problem.

**e) Break-in**

Downplay differences while emphasising the common interests of the parties to the conflict

**f) Arrangement**

Each party to the conflict gives up something of value. Thus, achieving a favourable settlement for each party is essential to contribute something that makes the other feel better.

**g) Mandate**

The administration uses its formal authority to resolve the conflict and communicates its wishes to the parties.

**h) Modify the human variable**

Apply behaviour change techniques, such as human relations training, to alter attitudes and behaviours that cause conflict.

**i) Modify the structural variables**

Change the formal structure of the organisation and the relationship schemes of the parties to the conflict by changing the design of positions, transfers, creation of coordination positions, etc.

**1.5.5.5 Methods for Resolving Labour Conflicts**  
(Robbins, 2011)

According to what was investigated, the most used and efficient methods are:

**a) Negotiation**

It is the search for a peaceful solution to a conflict through argumentation and cooperation between the parties. The negotiation seeks to develop a joint proposal to end the impasse.

## **b) Arbitration**

It is a mechanism by which those involved assign a third party, known as an arbitrator, to resolve their dispute. The arbitration resolution must be accepted voluntarily by both parties.

## **c) Mediation**

It is a third party alien to the parties who assumes a neutral position for the benefit of eliminating the dispute. The mediator fulfils the function of bringing the protagonists of the conflict closer together and accompanying them in exploring a solution.

## **d) Reconciliation**

It is an alternative resource in which two or more people try to settle the discrepancies, autonomously and with all legal guarantees, assisted by a third party called a conciliator.

## **e) Friendly composition**

The alternative mechanism through which two or more people entrust one or several third parties who act as their agents to solve the conflict that confronts them. These people are called Friendly Composers and have recognised prestige, experience and moral solvency to decide how disputes should be resolved.

## **Recommendations for Conflict Management**

The investigator then present some recommendations for conflict management:

- ✓ Leadership is the ability to guide others towards fulfilling common goals and guide human relations to create a respectful, friendly and pleasant environment, which facilitates productivity and healthy coexistence.
- ✓ Hence, before assuming his hierarchical role, the businessman must fulfil the leader's tasks and helps his team resolve conflicts and grow together.
- ✓ Do not ignore the signs of disagreement or a tense situation between two or more people in your organisation. It is best to deal with the problem directly before its outcome affects the company.

- ✓ Avoid assuming a position for the benefit of those involved; as a leader, it is up to you to be impartial when facing any controversy.
- ✓ Take preventive actions after identifying the possible causes of a conflict between the company members; prevention can save you many headaches in the future.
- ✓ A leader not only listens to all those involved in a problem but is also in charge of visualising possible peaceful and consensual solutions.
- ✓ Ensure that dialogue, respect and tolerance prevail in moments of tension.
- ✓ Identify the causes of the conflict and the people who may be generating recurring discomfort in the work team.

## 1.6 Mediation

It is as old as the conflict; it was born with man's life in society. What happens is that a few decades ago, a new idea appeared about mediation that implied technical principles, knowledge and skills of the mediator and ethical norms for the exercise of it.

Some historians place mediation in ancient civilisations, including the Sumerian, Greek, and Roman. But the practice understood as it is practised in the 21st century began in 1970.

Mediation arose in the United States in the 70s to resolve the slowdown in Justice due to the courts' collapse and a large number of complaints. The classic example is Abraham Lincoln, who, being a lawyer, told his colleagues to discourage litigation and warn litigants that the formal winner is often the real loser in expenses, fees, and wasted time. This was in 1850, and lawyers were urged to become peace-makers, "peace-makers" (Cressey, 1991)

In the 1980s, mediation was imported to the UK and Australia and over the next decade to Europe and South Africa. In the 21st century, Asia has been brought into mediation.

It is important to note that mediation or mediators were strongly influenced in 1990 by the Harvard Negotiation project developed by William Uri and Fisher in their book called *Getting to the Yes*. The authors developed a model of Negotiation principles in which they focused on the needs of people.

Currently, mediation is in a dispute in which some practitioners define it as an ideology and a process, so instead of calling medication a profession or business, it is preferable to see it as a way of doing the job. Good in the world. Since his practice focuses on a common benefit for the parties. (Walker, 2016)

Business Mediation is a problem-solving process that allows companies to resolve their conflicts through non-litigious means, preserving confidentiality, commercial relations and the quality of labour relations. Conflict resolution in this area will also apply to institutions or organisations.

Mediation is a procedure in which a neutral third party (mediator) without decision-making power helps the parties to find a solution to their conflicts. Unlike what happens in the judicial process, in which the parties delegate the resolution of their dispute to a third party, the interested parties themselves have control over the final solution since no agreement can be imposed.

Private and public companies spend millions of euros a year on litigation. Conflicts dealt with in court are only a tiny part of organisational conflicts. The conflict is not the problem; it is its non-resolution (Grover & P., 1996).

The cost of the time the people involved in the conflict must need to resolve it is pretty high. If instead of defending each one's interests, there is a rapprochement of the parties, there is no increase in costs or problems in the execution of the projects. The organisation's problems become problems of communication and isolation, which we can observe, for example, in some Town Halls where each department works in an isolated manner as it does not have any contact with the rest of the areas.

"Ignored" conflicts can trigger situations of moral harassment between colleagues, superiors and subordinates, causing (Baixauli, 2010) problems of low self-esteem, anxiety, depression and suicide in the There are three levels of action in business mediation.

The first level is the hiring of an external mediator.

The second consists of training one of the company managers, having the figure of "the mediator manager". The third goes further than the previous ones because it is committed to establishing a management culture of constructive and effective conflict resolution. This last level involves equipping all those who have staff under their charge with conflict resolution skills. These subjects would solve all the difficulties within a workgroup or between teams of equal hierarchy. Then, mediation is culture; it is a process favouring communication between people; it is prevention. Prevention of communication deficits, which prevents conflicts of different kinds from occurring. (Lostato, 2004)

With the dissemination of the culture of mediation, we will be able to seek dialogue and empathise with other people to achieve a culture of peace (Mata , 2005)

But mediation is also a work tool which allows us to solve specific problems. A tool with a series of rules depends on its proper use for its correct operation (Reina, 1996).

Peace Studies and Conflict Resolution is defined as the intellectual and practical, transdisciplinary space that embraces the set of knowledge of all kinds about peace and conflict, including techniques such as mediation, negotiation or conciliation, among many others, as well as methods, strategies and systems of treatment resolution of disputes. Alternative Conflict

Management and Mediation emerges as an alternative to Peace Studies and Conflict Resolution (Baixauli, 2010).

According to (Acland, 1993), mediation is a negotiation in which the help of a third party intervenes.

### **1.1 Fundamental elements of mediation**

- ✓ The presence of a third party
- ✓ A not able
- ✓ A catalysis (catalyst)
- ✓ A communication (dialogue)

Two things are obtained from the definitions: the existence of two differentiated parties and the participation of a third party, alien to the parties, with the aim of helping them. It is essential to differentiate the concept of mediation (what it is) from the methodology (the techniques) to put it into practice (how it is done). Mediation is voluntary; the parties are free to attend, start and end it. There are no winners and losers; it is about seeking agreements that benefit the people who come to mediation.

During the process, empathy is sought, knowing how to put ourselves in the other person's place. Everything discussed during the sessions is confidential, and mediation facilitates dialogue between people in conflict (Musitu, 1994).

Along the same lines, (García, et al., 2008) consider that mediation in organisations establishes communication channels between the parties, employers, workers, unions, and other agents to bring together positions that favour an agreement, resolving conflicts and reducing the cost they generate.

The truth is that regardless of the definition, there is no mediation without a mediator. Therefore, mediation involves the interposition of a third person between the parties. When the parties request the mediation service, they expect to obtain the same results as in any other process; that is, everything is contextualised in a dichotomous win or lose. They are surprised that the mediator explains that it is about finding the best solution for the parties and, therefore, a win-win.

When the culture of mediation comes into play, carrying out one mediation after another. It shows the parties that the conflict that attracted them can be seen from a different perspective: the transition from positions to needs (Baixauli, 2010)

In this work, a preventive intervention is proposed, a secondary intervention by way of mediation, assuming this is a process that allows companies to resolve their conflicts through non-litigious means, preserving confidentiality, commercial relations and the quality of labour relations.

Conflict resolution in this area will also apply to institutions or organisations. The training would consist of senior and intermediate managers in conflict resolution and mediation through a theoretical-practical course.

Mediation is presented as an effective way to resolve disputes that are based on organisational culture.

### 1.6.1 The mediator

In the past, have always been people who have adopted the role of mediators or conciliators, such as the figure of the "good man" in Catalonia. In the towns, a person whose mission was to help solve problems was used, appointed at the local level as a judge (Reina & Gimeno, 2010). We define the mediator as the presence of a neutral and impartial third party who, through his intervention, helps the parties settle, identify, and clarify the controversy or conflict between the parties.

The mediator, unlike other conflict resolution systems, such as the judiciary and arbitration, does not impose a solution to the conflict but only helps to temper the conflict situation and favours the interrelationship that makes the agreement possible, leading the parties to find for themselves, the bases to achieve it (Redorta , 2014)

His fundamental task is to create a channel of communication between people that allows them to reach solutions and agreements that are valid for both. The mediator will deal with everything time to transform the parties' positions into interests expressed in the same code so that the cards are put on the table. It will never take for granted that the other party understands what is being represented to understand the cultural reasons for the conflict, the vested interests, and the emotions associated with them (Baixauli, 2010) .

#### 1.6.1.1 Mediator Characteristis

The mediator will be neutral with the content and impartial with the process, will not make decisions regarding the parties in conflict, and therefore will not have the role of the protagonist of the process.

- ✓ Active listening.
- ✓ Respect for the other,
- ✓ Empathy, knowing how to put oneself in the place of the other person,
- ✓ Neutrality and impartiality must be more present than in any other field of mediation.
- ✓ He must dominate the mediation process and adapt it to the characteristics of the parties, ensure their dignity, generate a climate of trust, and guarantee communication and active listening.

- ✓ Maintain an attitude of humility.
- ✓ It must allow the passage of positions to interests.
- ✓ The mediator needs to act sometimes as a devil's advocate or agent of reality; he must avoid power imbalances between the parties (Reina & Gimeno, 2015).

And finally, he will provide information, look for the BANA (the best alternative to a negotiated agreement), the existing alternatives and will ensure the possibility of the agreement, its execution and follow-up. Once the characteristics and methods of the mediator have been established, the mediator acquires a series of roles or functions of great importance in the mediation process so that the mediation is convenient and successful.

Such functions or roles are related depending on the moment in which we find ourselves in the different phases of the process of mediation (Baixauli, 2010)

Likewise, we highlight:

- ✓ Mitigate the level of aggressiveness tension of the parties.
- ✓ Listen with attention and interest.
- ✓ Allow the parties to define themselves and clarify their positions.
- ✓ Think creatively.
- ✓ Work to generate and earn trust.
- ✓ Encourage communication.

#### **Personality characteristics:**

- ✓ Intelligence. The parties look for a mediator who facilitates the path of resolution with an agile and efficient mentality. Must be able to see issues on multiple levels, deal with facts complex and analyse problems.
- ✓ Patience. It is important that the mediator can wait for the necessary times as required by the parties.
- ✓ Empathy. The mediator must be able to assess the perceptions, fears and history that each party reveals in the discussion.
- ✓ Trust is installed from this personal stream.
- ✓ Sensitivity and respect. The mediator must be respectful parties and sensitive to their strong evaluative feelings, including gender, race, and cultural differences.
- ✓ Active listener. The parties must feel that the mediator has heard the respective presentations and sayings. Imaginative and skilful in resources.
- ✓ The mediator must have the ability to contribute and generate new ideas.
- ✓ Energetic and persuasive. Through the conduct of the process, the mediator must intervene effectively to achieve flexibility in the parties, although he must direct the dynamics and control the audience without being authoritarian.

- ✓ Ability to take distance in attacks. If any of the parties makes a derogatory or aggressive comment toward the mediation or the mediator, it is advisable not to act defensively; otherwise, a new dispute would be established.
- ✓ Goal. The mediator will be more effective if he remains detached from the emotional aspect of the dispute.
- ✓ Honest. You should not promise the parties something that you cannot deliver. Trustworthy to keep confidences.
- ✓ Have a sense of humour. It is necessary to loosen tensions and create a favourable climate.
- ✓ Persistent. When the parties reach an agreement slowly, the mediator must endure the wait and the anxiety that this causes.
- ✓ The mediator is a catalyst, puts the parties in contact and guides the process. It must be neutral regarding the content and impartial regarding the parties (Newstrom & Davis, 2015) . If we meet the personality characteristics and perform our functions well, we will contribute to the mediator's role being considered as a profession.

The attitudes to be avoided by the mediator are: ignoring conflicting or sensitive issues, not examining solutions offered too early, ignoring the expression of feelings, leaving aside issues related to the relationship, ignoring the diversity of the problems, focusing on just one, filling the silence, ignoring the indication that a party has heard or understood something new, ignoring apologies, not forcing apologies, not imposing our agenda, not repeating attacks or negative statements, not giving an opinion on a subject even when asked, do not interrupt the obtaining of information, do not impose information, do not interrogate, ask open questions, do not force agreements (Baixauli, 2010).

## 1.6.2 Mediation models

### **a) Facilitative Mediation**

It is the one that promotes better communication, contains and overcomes emotions, clarifies interests, invents options, seeks mutual gains and facilitates agreements; this is the traditional measurement.

### **b) Evaluative Mediation**

It is the one that clarifies problems and exchanges information, facts and data; it reduces the discussions, evaluates the possible judicial results, tests the realism of the parties and reassesses the "no agreement" alternatives. This is the variety of measurements that are being imposed more and more in conflicts

The Harvard model or Traditional-Linear model seeks to reach agreements, focuses on the content of the communication and does not consider the relationship between the parties.

**c) Transformative** model of Bush and Folger explains that what is essential is the recognition of the other and the revaluation of oneself, regardless of whether or not they reach agreements.

**d) Circular-Narrative** model encourages reflection.

It seeks the transformation and change of meaning of the provided stories. It seeks agreement between the parties, but it is not its primary objective.

Mediation receives contributions from the Psychology of Social Intervention, Pedagogy, Gestalt Psychology, and Neuroscience to highlight empathy, the ability to put ourselves in the other's place. In this way, we will be able to listen and understand what the other is telling me, change our attitude towards the conflict and achieve a greater range of alternative solutions.

We will go from the winner and the loser, from the strong to the weak, from the winner and the loser to equal conditions to speak and be heard, valued, and express our rights and be taken into account. The mediation process can be applied in different areas, depending on the object of intervention (Baixauli, 2010).

### 1.6.3 Mediation Styles

#### **a) Strategic Negotiator**

It has a pragmatic character to reach an agreement and emphasises more on what people are specifically looking for. In these cases, the mediator assumes a directive role that leads the parties towards the agreement, the mediators make the parties talk and then make them focus on some topics to reach certain points of agreement: it is not talking for the sake of talking, but talking to achieve an end.

The essence of this process is negotiation, the mediator does not accept that the parties blame each other, nor does he accept the version that the participants give of the facts, these mediators are usually very firm and even authoritarian.

#### **b) Therapeutic Strategy**

This mediation style places greater emphasis on the emotional content of conflicts and gives greater importance to the communicational aspects of the mediation process. It teaches the parties the importance of resolving disputes through a pacifying discourse and controlled encouragement toward the free expression of their feelings.

### 1.6.4 Principles of Mediation

According to the investigator, several principles of mediation are disclosed below.

### **.Voluntary**

At this stage, the parties involved freely decide whether to join the process for conflict resolution.

### **. Flexibility**

The pre-mediator or mediator, together with the parties, freely establishes the rules and mechanics of the process.

### **Commitment**

The commitment is essential In order to negotiate and reach an agreement with their active intervention, to strive to find a negotiated and consensual solution.

## **1.6.5 Benefits of Mediation in the Social Environment**

- ✓ Develops learning respect for the other, valuing the other party's interests, needs, and feelings.
- ✓ Helps improve interpersonal relationships and increase dialogue and active listening capacity.
- ✓ Leads to seek shared solutions for both parties

## **1.6.6 The mediation process**

Mediation does not have exhaustively established phases that make up the mediation process; it will depend fundamentally on the mediator and his way of working and on the parties' will, who, prior advice from the mediator, will detail the process together.

The first contact is made by phone, they briefly explain the problem to us, and we also explain what mediation is. From that moment, we request the phone number and data of the other party. This is where the mediation begins; we call the other party and try to explain why it is essential for them to go to mediation and briefly explain the process.

They can hang up the phone, answer us aggressively, answer us assertively, or go to mediation (Musitu, 1994).

Before receiving the parties, we have to ask ourselves questions, what kind of conflict are we facing? Can mediation be a good alternative? Am I the right mediator? Am I going to meditate alone? And we begin to generate a hypothesis. If we believe that the conflict is unsolvable, mediation will not be effective, or we will have to refer to arbitration (Baixauli, 2011).

Once the mediation is accepted, we meet the parties in our office (it is essential to carry out the mediation on neutral ground so as not to generate mistrust). The weather is a

This is essential because we must transmit confidence, organise the office through furniture that favors communication (round tables, armchairs, chairs), and have a flipchart or blackboard, paper, and pens.

It is true that for mediation to be effective, it must be structured in phases:

### **The contract**

- ✓ information gathering
- ✓ schedule setting
- ✓ resolve each key point by "brainstorming."
- ✓ the final agreement

### **Phase I- The contract: presentation of the process and the rules.**

The mediator introduces himself, and so do the parties; we ask them how to address them, smooth out the harshness of the environment, and try to make them feel and feel comfortable.

We can ask them if they know the mediation process or cause a monologue the presentation (who am I, what is the role of the mediator), the process (what is mediation, the importance of not hiding information and trust, what is a caucus, rules of the process), other important details (fees, duration of each session, duties of each party, what documents will be necessary), the role of others who may appear (lawyers, experts, experts), the contract (obtain the commitment of the parties to participate and follow through), keep in mind the aptitude of the case to mediation.

When the parties go to mediation, they are told that it is necessary to comply with a series of rules such as not interrupting, taking turns to speak, treating the other person with respect. In other words, we ultimately teach them to listen, to take into account the other's opinion, to try to understand what they say, to know how to put themselves in the other person's place.

### **It is essential to take into account the attitude of the case to mediation:**

- ✓ positive, the relationship will continue, future problems will be avoided, problems that cannot be resolved in court.
- ✓ Refusal, incorrigible power imbalance, the inability of one party, one party demands that the only solution is zero-sum (win-lose).

- ✓ Within the framework of business mediation, we must ensure the confidentiality of the mediation process through the consent of the mediation or contract. At this stage, the decision to use mediation to resolve their conflict and promote confidence in the mediator is reinforced. The content and meaning of the mediation consent are explained to them. If the parties and the mediator agree, the second phase begins.

## **Phase II**

Collection of information, review and reformulation of information, and identification of critical points. The person who begins the exhibition is established. If there is no easy agreement, they are offered to be the ones who contact the mediator or draw luck.

The other is told not to interrupt and write down everything you want to say when it is your turn and that you will have the same time at the time. For five to ten minutes, each party has to speak. At the end of each narration, a return is made summarising what has been exposed, and they are asked to confirm it. Expressed emotions are collected.

Essential information and sentiments are reviewed to let the parts know that you understand them and make sure we know.

The mediator reformulates the negative, asking about other topics to be discussed; the mediator must maintain the balance between the parties, and both parties must speak.

The mediator recognises and points to agreements and common interests.

## **Phase III- Establishment of the agenda.**

The mediator develops the list of critical points to be explored during the mediation, making use of the flipchart or blackboard

We will ask them for the order of the list.

## **Phase IV- Solve each key point: "Brainstorming".**

It gathers more information about each point, uses broad, precise and direct questions, and encourages constructive communication. During the "brainstorming", the parties use creativity; it is brainstorming, and they do not comment or criticise. Subsequently, the parties evaluate the options, negotiate and choose solutions. A deadlock process may occur; in that case, we would hold a caucus (individual interview with the party that is not favouring the negotiation), and we will check the BATNA (best alternative to a negotiated agreement).

The mediator will review interests, use breaks from a few minutes to several days, request more documentation and information, call an expert, or change the negotiation topic.

Finally, the mediator will review the partial agreements and their progress.

#### **Phase V. The final agreement.**

The solutions achieved with the words of the parties are collected in the documents. The negotiation of all the key points is confirmed if the agreements are satisfactory for all and if they are willing to comply with them. They are also asked if they would return to mediation in the event of further disagreements or breaches of agreements. They are congratulated on the success of the process.

#### **Characteristics of the agreement:**

- ✓ Is in writing
- ✓ It is easy to understand
- ✓ Distributes the text explaining the responsibilities so that it does not appear that one party gives more than the other
- ✓ Sets precise dates and amounts; further instructions are also necessary
- ✓ Has a clause for the parties to go back to mediation if there are problems complying with the agreement
- ✓ Informs of the need to review the agreement with a lawyer if validation is necessary.

All phases are carried out in the shortest possible time, with the greatest effectiveness and efficiency of the process since time in the company is very valuable. A review is a session that summarises the content of the previous phases in a single session. Both participants are present, and the agreements and the possible problems for their fulfilment are reviewed.

## **2 Research Methodology and Methods**

### **2.1 Framework**

### 2.1.1 Characterisation of the Gepp Company (Pepsi, Celaya, Mexico)

The year 1890 It's a calendar of a soda fountain in New Bern, North Carolina. History records of New Bern were the state's first capital, that the town's claim to fame is Pepsi. It was the creation of an apothecary owned by the local pharmacy. His name was Caleb Bradham. Here he dispenses medicine and advice in the traditional fashion of a 19th-century pharmacist, behind a soda bottom.

He served a refreshing elixir that customers called Brad's drink. It wasn't first intended as a refreshment. Right, but mixed oils and extracts were soda bicarbonate for many years. Its goal was to create the perfect health drink.

The inspiration may have come as early as 1893, but in the summer of 1898 young, energetic druggist again sold his drink by the name, PepsiCo. It didn't take long for business to take off.

First, he sold it by the glass, then by the gallon, and before long, random was moving five-gallon kegs of Pepsi syrup out his back door. Caleb Bradham and his body used vigour and values. Bern was prominent and popular. And so it was his new drink. Time to register a trademark and form a corporation by New Year's Day 19 Three; Caleb Bradham was president of the Pepsi Cola Company. In the first year, Pepsi sold almost 8000 gallons of syrup with its earnings bred and reinvested.

#### **GEPP ( Pepsi Celaya,Mexico)**

GEPP was born from the integration of GEUSA (Grupo de Embotelladoras Unidas), a company of Mexican origin, with EMPRESAS POLAR (the #1 company in the private sector in Venezuela) and PEPSICO.

GEPP is the only beverage company that has operations, manufacturing, distribution, and marketing of carbonated and non-carbonated beverages and jugs of water throughout the entire territory of Mexico. GEPP was integrated in 2011 to give consumers in Mexico the power to choose from a diverse portfolio of brands for different times and lifestyles.

GEPP manufactures its brands such as Epura and associates, including Gatorade, Lipton, Pepsi and 7up, being the exclusive bottler of PepsiCo in Mexico. GEPP currently provides direct employment to more than 40,000 employees, making it one of the leading employers in the private sector in Mexico.

The Gepp group is distributed throughout the country, with several bottling plants and distribution centres.

In the case of our research, we took as a reference the plant located in the municipality of Celaya, Guanajuato, Mexico. The bottling factory has approximately 500 employees assigned to the production plant; Similarly, there are 10 distribution centres where the sales force is

concentrated; these centers are distributed around Guanajuato and approximately 900 contracted employees.

The processes carried out by the bottling factory located in Celaya, Guanajuato, go from the blowing of the bottles. They have three blowing lines, where several commercialised products are handled.

Another process is the filling of products, which goes directly to the market and finally, there is the purified water bottling area.

#### 2.1.2 Mission

Contribute to the vitality of Mexicans and their families

#### 2.1.3 View

To be a global leader in beverages

#### 2.1.4 Values:

- ✓ Passion and conviction for what we do
- ✓ Growth
- ✓ Excellence
- ✓ Service

#### 2.1.5 Principals

- ✓ Unit
- ✓ Humanely
- ✓ Integrity
- ✓ responsible freedom

#### 2.1.6 Corporate Policy

Pepsi (Gepp) is committed to a policy of customer satisfaction through a strict quality assurance system that includes BMPs (Good Manufacturing Practices), HACCP system (Hazard Analysis and Critical Control Point), analysis of danger and critical points control, and procedures that guarantee a product with quality and safety.

Basing its actions on the commitment and development of its employees, promoting a work culture of continuous improvement, respect for the environment and social responsibility; fundamental pillars for the sustainable development of the company and the community.

### 2.1.7 SWOT Analysis

<b>STRENGTHS</b>  1.- The company has annual training programs. 2.- There is a budget to allocate employee training	<b>OPPORTUNITIES</b>  1.- There are specialised places for training Human Resources 2.- Creation of a figure of a mediator to resolve conflicts
<b>WEAKNESSES</b>  1.-There is no training to resolve conflicts adequately 2.- There is no immediate follow-up to provide solutions to conflicts. 3.- Lack of control by the people in charge of directing the different areas of the company	<b>THREATS</b>  1.- Intrapersonal conflicts that occur with employees 2.- The instability of employees in the company. 3.- Abandonment of work.

## 2.2 Methodological design

In the dissertation process, descriptive research will be used, contributing to the search for solutions to existing problems through mediation for the resolution of labour conflicts; it also allows measuring, evaluating, and collecting data with which the company can identify the current situation.

During the research process, descriptive research will be taken into account, which will help us reflect on the situations and problems in the various areas of the company and the causes for which conflicts arise within it.

For this investigation, it was a pivotal point to be in contact with the people in charge of the human resources area in Mexico; due to the distance, there was a physical impediment that we were unable to present ourselves at the facilities.

But through talks with the head of Human Resources and several people we have contact with, it was possible to broaden the vision of what is happening in the company.

One of the main reasons for conducting the research was the researcher's experience, having experienced the administration of this company years ago.

### **2.2.1 Research Methods**

For this research, the following methods will be used:

#### **Deductive Method**

This synthetic-analytical process begins with concepts, principles, laws or general norms from which specific conclusions are drawn through logical reasoning; assumptions can be deduced that explain the particular facts; its steps are: application, understanding, and demonstration; this method will be used in the development of the investigation, this will be applied from the analysis that was carried out in the company Pepsi (Gepp).

### **2.2.2 Research techniques**

#### **The Interview**

It is considered an information-gathering technique; therefore, an interview will be applied, addressed to the Head of Human Resources of the private company Pepsi (Gepp). Was important to know the point of view of the head of Human Resources.

## **The Survey**

It is a technique that helps us obtain direct information about different opinions on a given topic; within this technique, there is the ease of asking open and closed questions, the same ones that provide us with the information for the study. Therefore, this technique is applied to the plant administrators and workers of the Pepsi company (Gepp), which are a total of 70/80 respondents.

## **Methodology**

This research will analyse the feasibility of introducing the culture of medication for conflict resolution within the company in order to provide a viable alternative as a researcher.

## **Non-Experimental**

This methodology will be used since no type of manipulation of the variables will be carried out during the investigation.

### **Population and Sample**

The research carried out will be stated if the population or universe will be worked on; in the case of this research, it will be done with 14% of the employees.

## **3 Result Interpretation Alternatives**

### **3.1 Descriptive Statistics**

For the verification of the results, descriptive statistics will be used, which will allow organising and classifying of the quantitative indicators and thus obtain the data and represent them utilising frequencies, graphs, etc., and interpret the results obtained; therefore, it will contribute to establishing the best possible way the respective analysis of the acquired results.

### **3.2 Presentation of the Data**

To carry out this research, mediation was taken as the basis of the project; the researcher's consideration is a fascinating topic, and it gives us a lot of help when we talk about conflict resolution.

Mediation, as stated above, is a new concept in the administration of Mexican companies and generally in any field; The negotiation process is better known than, from the researcher's point of view, it is the one we study from the first semesters of the university.

That is why mediation can become confused with negotiation, and it is more likely that in the business context, it will be confused.

That is why the investigator decided to focus on mediation and its 100% application in the Mexican industry since it is the opportunity to provide a new point of view to the administration.

It was also decided to focus on human resources, as it is one of the researcher's areas of experience and great interest.

And through this research, it was possible to open a bridge between the current Mexican administration and mediation from the point of view of a different country and other legal systems.

So the investigation has enriched both parties; since in the course of the time that contact was made with those in charge and some of the personal employees, it was pretty interesting to think about the possibility of changing the perspective of how conflict resolution has been handled until today.

The research is carried out through the application of surveys and interviews directly with the head of human resources, collecting extensive information that reflects the openness of the human resources department to adopt new tools and see the possibility of working on an implementation shortly.

On the other hand, the information obtained through the study allowed us to see a broader picture referring to the perception of employees towards mediation and specifically to the figure of human resources.

On many occasions, they tend to get quite confused between conflict resolution through mediation and negotiation. The staff see human resources as part of the company and not as a figure that can help solve their problems.

That is why this project will help raise awareness in the human resources area so that they can see workers as equals and not always see the company

### 3.3 Data Analysis/Findings

#### 3.3.1 Interview with the Head of Human Resources of the company Gepp (Pepsi)

##### 1. Do you consider that there are conflicts within the company?

The Head of Human Resources of the company, Alma Patricia Aguilar stated that there will always be conflicts within all companies since no company can be perfect; she also considers that there are no improvements or advances that help correct company errors without conflicts.

##### 2. Are conflicts resolved in the short, medium, or long term?

The Head of Human Resources explained that each conflict is unique, but it is always good to seek solutions as soon as possible so that the conflict does not drag on; however, improvements can be found in the long term.

##### 3. How often do you receive talks about Human Relations and the workers of this company?

The head of Human Resources was able to state that the courses on Human Relations still do not have specific dates since the company at this time has focused on training related to product quality and customer service.

##### 4.- Are techniques or strategies used within the company that help improve interpersonal relationships?

The Head of Human Resources affirmed that teamwork is essential. When there is a conflict, the personnel involved meet and debate in obtaining solutions that help manage existing problems. This is one of the central and efficient techniques used within the company.

##### 5. If mediation is applied for Conflict Resolution, would this help improve teamwork?

Ms Alma Aguilar was able to state that applying mediation as a method for Conflict Resolution would undoubtedly help to improve teamwork; however, she considers that the staff involved must learn and adjust to changes taking into account that any change within a company is good and much more if it is about applying techniques that help to resolve conflicts since it is a

company that works for different areas directed by a supervisor which causes constant labour problems.

6. Do you consider that if a mediation figure is created with rules or norms of Conflict Resolution, the company's work environment would be improved?

The Head of Human Resources of the company considers that the implementation of the culture of mediation would help improve the work environment of the company, taking into account that today there are innovative techniques that help improve relationships and work; he also expresses that a tool like this would be of great help to those who direct their workgroups since by applying different techniques or methods, a pleasant atmosphere of camaraderie and teamwork would be achieved, which is scarce within it.

At the end of the interview with the Head of Human Resources of the company Gepp (Pepsi), she expressed that the work proposed by this dissertation is of great importance for the change that is needed as a working group, for which he considers that the proposal to introduce a culture of mediation in the Pepsi company based in Celaya, Mexico, will have positive results for the company.

As can be seen, there is a lot of openness from the head of Human Resources to support this project, which will also be used as a tool to find out if the public within the company is open to adopting new practices for problem-solving.

When a culture of mediation is discussed as part of the procedures within the company, it can bring about a change in the employees and the perception of how the company deals with conflicts within the company.

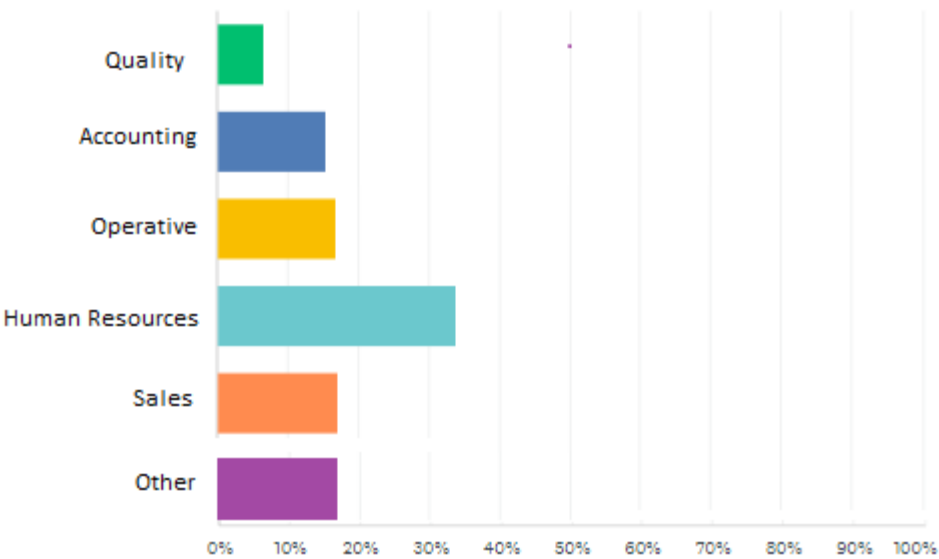
It is also important to mention that this project initiative begins in one of the branches of this great Pepsi company and thus be able to propose it to the entire country.

Below are the surveys conducted by the company's staff.

Survey of Gepp employees (Pepsi Celaya)

As a note, it is essential to mention that, given that the company is located in Mexico, where the language is Castilian (Spanish), the surveys were prepared in their language to have the possibility of being applied.

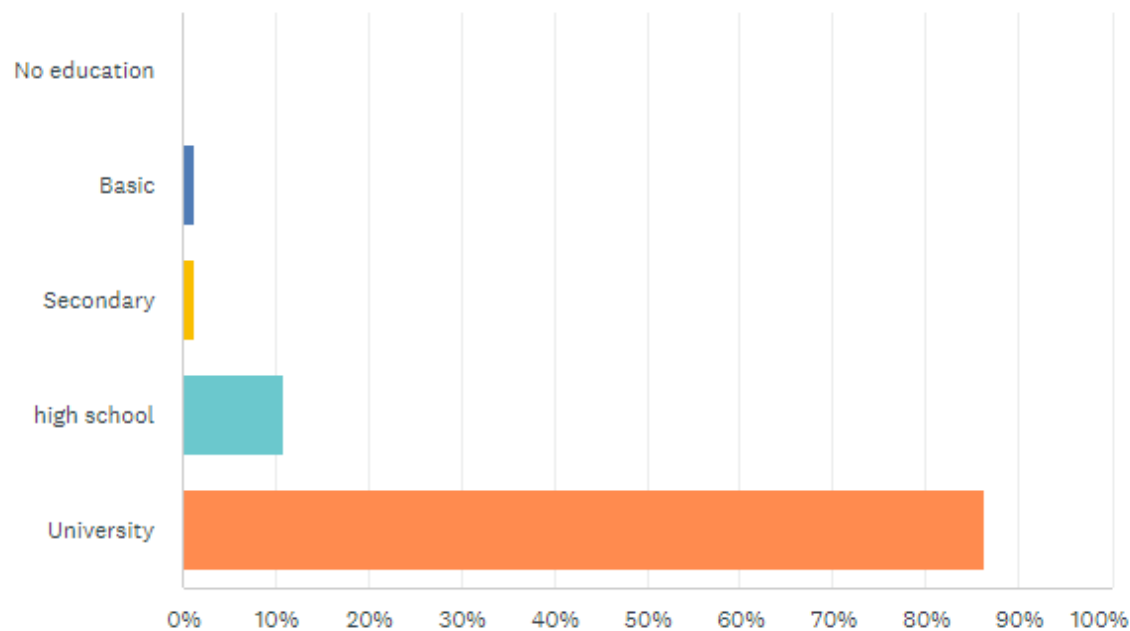
1.- Please mark with the work area in which you are located



OPCIONES DE RESPUESTA	RESPUESTAS	
▼ Quality	5,71 %	4
▼ Accounting	14,29 %	10
▼ Operative	15,71 %	11
▼ Human Resources	32,86 %	23
▼ Sales	15,71 %	11
▼ Other	15,71 %	11
Total de encuestados 70		

As we can see in this graph, we had an active response to our survey request, where we can locate the work areas in which the surveyed staff is located. It is important to note that the Human Resources area had a good response since the opinion of various members within the Gepp group was taken. The other section has the maintenance, marketing, pricing, and warehouse area.

2.- Educational level

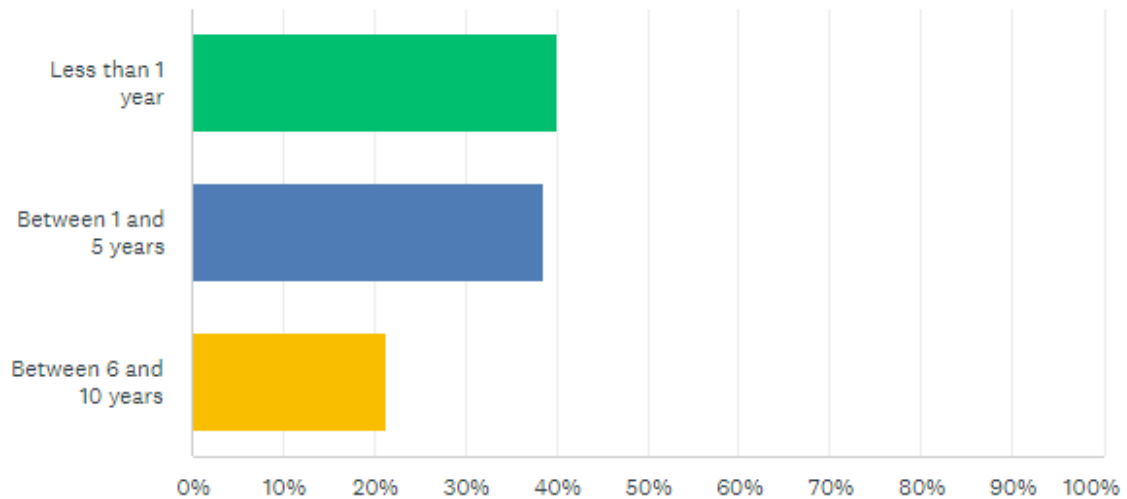


Regarding the studies that the people surveyed have, we realise that our largest population has

OPCIONES DE RESPUESTA	RESPUESTAS	
No education	0,00 %	0
Basic	1,37 %	1
Secondary	1,37 %	1
high school	10,96 %	8
University	86,30 %	60
TOTAL		70

university studies, represented by 86.30%, followed by high school workers by 10.96%.

### 3.- I have been working in the company

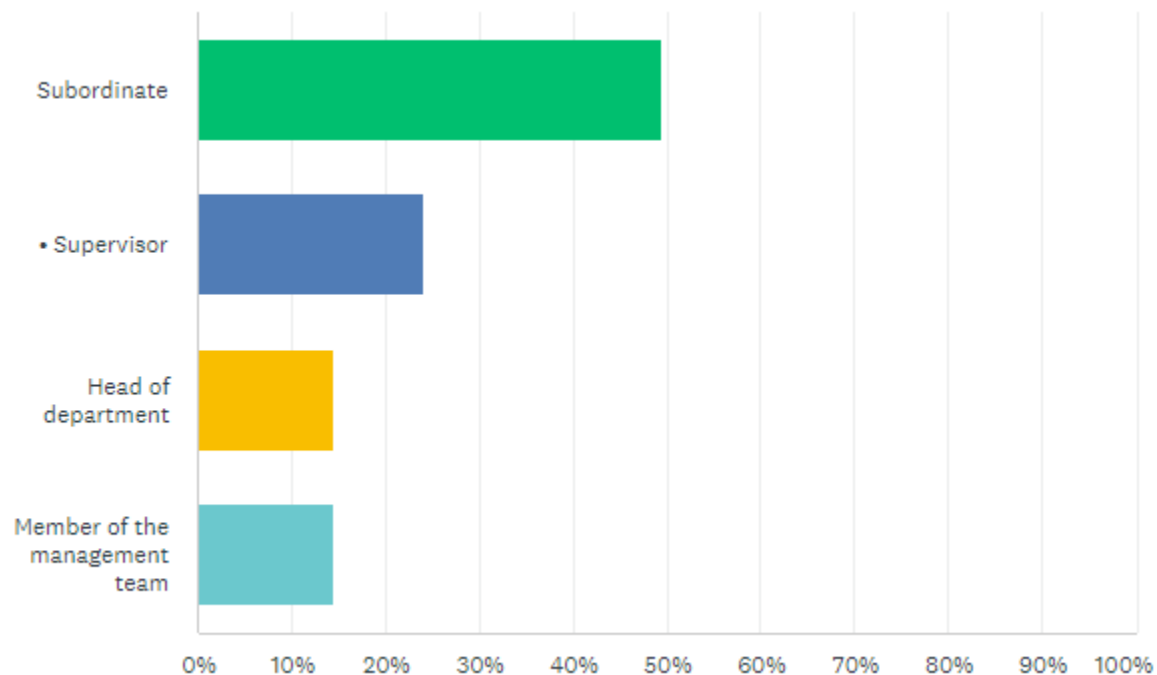


OPCIONES DE RESPUESTA	RESPUESTAS
Less than 1 year	40,00 % 28
Between 1 and 5 years	38,57 % 27
Between 6 and 10 years	21,43 % 15
TOTAL	70

In the previous table, we can see that 40% have less than one year in the company, followed by 38.57% of people between one and five years old and finally 21.43% of the population are between six and ten years in the company.

It is important to note that, like any company, it has a nature where the staff can be rotated, as in any work environment. Therefore, as part of our objectives for this project, through the implementation of the culture of mediation, we can also improve the levels of rotation throughout the organisation chart.

#### 4. In what hierarchy I am located?

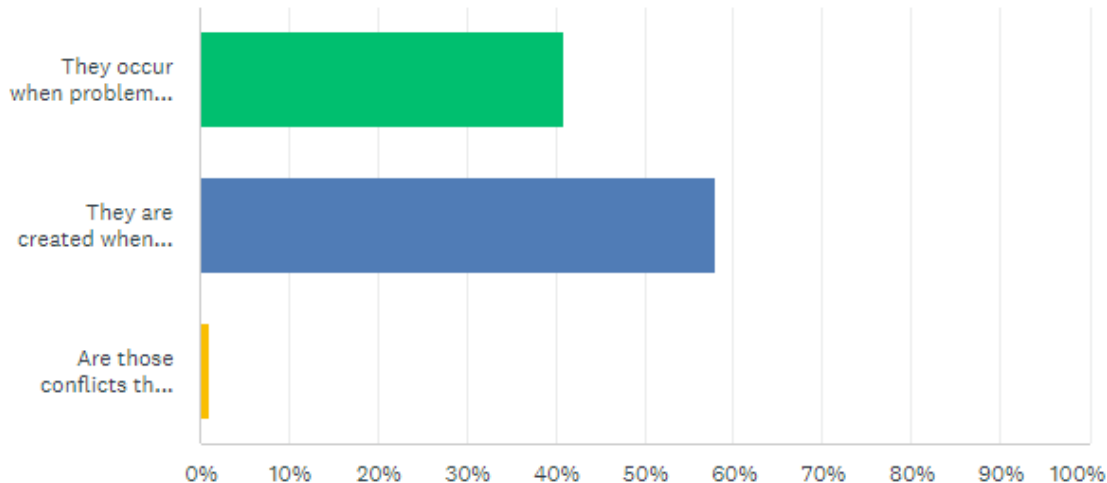


OPCIONES DE RESPUESTA	RESPUESTAS	
▼ Subordinate	49,40 %	41
▼ • Supervisor	24,10 %	20
▼ Head of department	14,46 %	12
▼ Member of the management team	14,46 %	12

Within the previous graph, we can see that the sample greater than 49.40% is in the subordinate range, which leads to people who are under the authority of a superior and that, in general, the work is based on the follow-up of orders to achieve the objectives of the team working together.

Followed by 24.10% of people who are in a position where they have staff under their charge, which leads us to think that at some point, these people must face various problems that arise within the department, so The answers below will help us visualise from what perspective we can implement the culture of mediation.

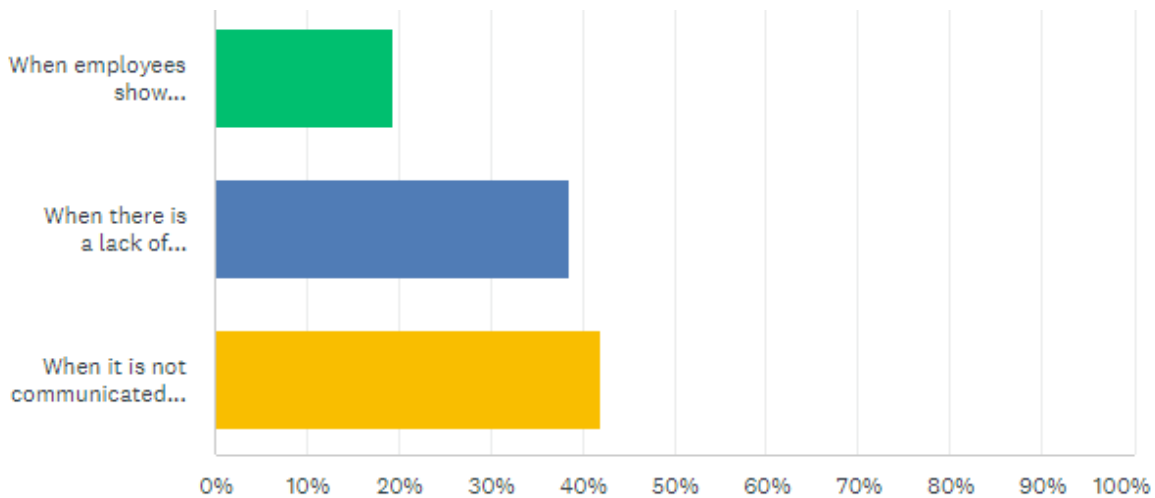
## 5. For you, what a labour conflict is?



OPCIONES DE RESPUESTA	RESPUESTAS
▼ They occur when problems arise between co-workers	40,91 % 36
▼ They are created when there is a dispute involving a group or an entire department of the company.	57,95 % 51
▼ Are those conflicts that an employee may have with themselves	1,14 % 1

One of the results that this graph gives us helps us understand that 57.95% consider that labor problems are generated within the company's departments, either due to lack of communication or cross instructions; we will have a big problem that can affect the entire organisation; On the other hand, we have 40.91% of people who think that the problems are generated from problems with co-workers; therefore, moving it to the immediate future can seriously affect the work environment and cause a turnover. These two problems are just some of the Human Resources department faces every day.

## 6.- When do you consider that a conflict arises?



As

discussed in the previous graph, we know that problems arise when there is a lack of communication within the different levels of the institutional organisation chart. In the graph,

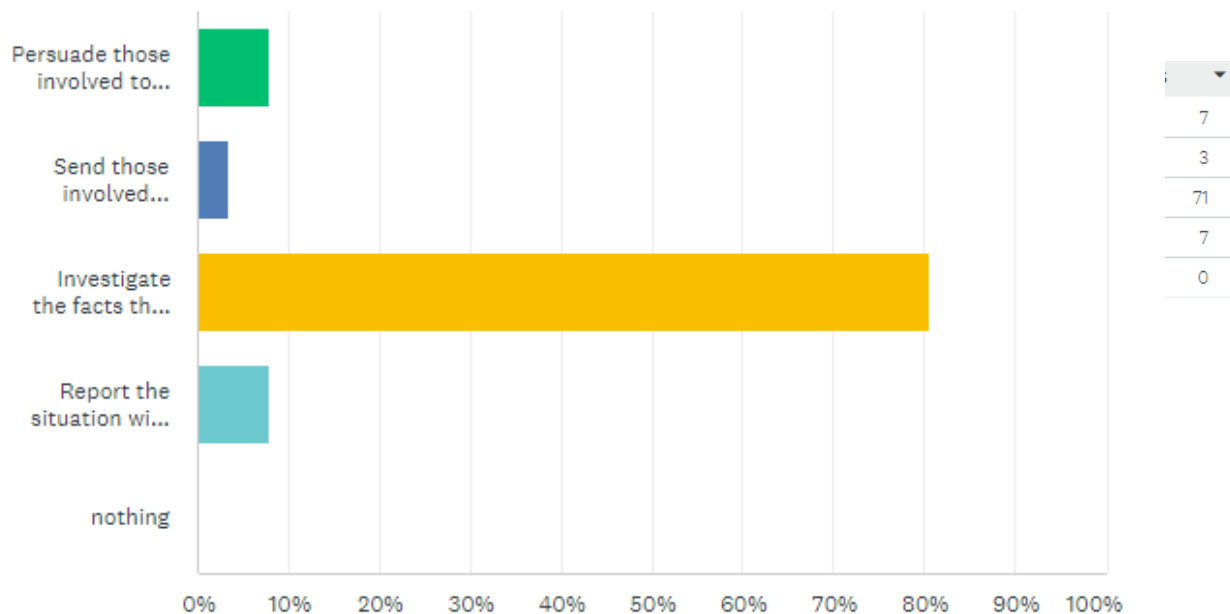
OPCIONES DE RESPUESTA	RESPUESTAS	
▼ When employees show disagreement with a management decision	19,32 %	17
▼ When there is a lack of understanding between co-workers	38,64 %	34
▼ When it is not communicated adequately, for example, the objectives must be achieved by employees	42,05 %	37

we  
can  
see

that 42.05% of the population believes that the most significant cause of problems within the departments of the company are originated from the lack of communication of the supervisors towards the subordinates, having a climate of confusion, and, the same time there is no clarity in the work objectives.

And again, we are faced with a lack of understanding among employees, with 36.64%.

**7. When you face a severe operational issue, how would you solve the problem with the employees?**

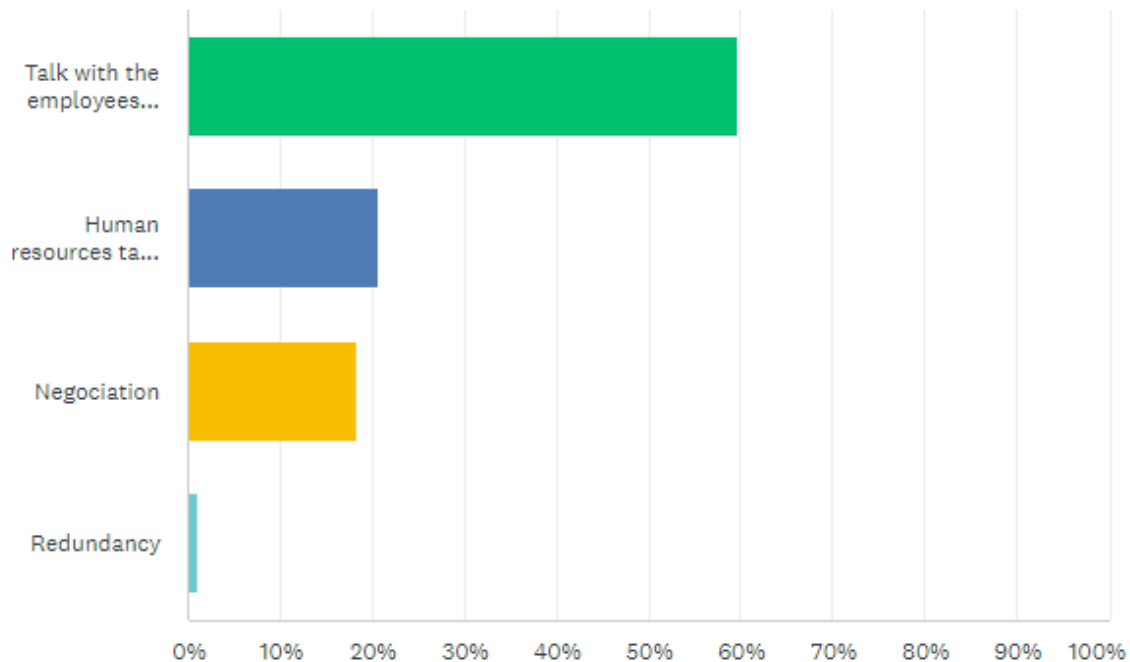


Due to the fact that our population is made up mostly of human resources personnel, the graph shows us that when faced with the question that is asked about how they face conflicts originating within the company, the answer that obtained an 80, 68% is where the antecedents of the problem are investigated, to identify the cause and, as a result, provide a solution to the problem.

An important fact is that this is the general way of solving problems within Mexican companies through a scientific method since the cause is known through research.

Therefore, it is important to humanize the problem. In the researcher's opinion, mediation is the best tool to achieve it; solving it in a cold way in the future will exacerbate the root of the problem that is now being faced.

## 8. What strategies are currently used to resolve disagreements among employees?

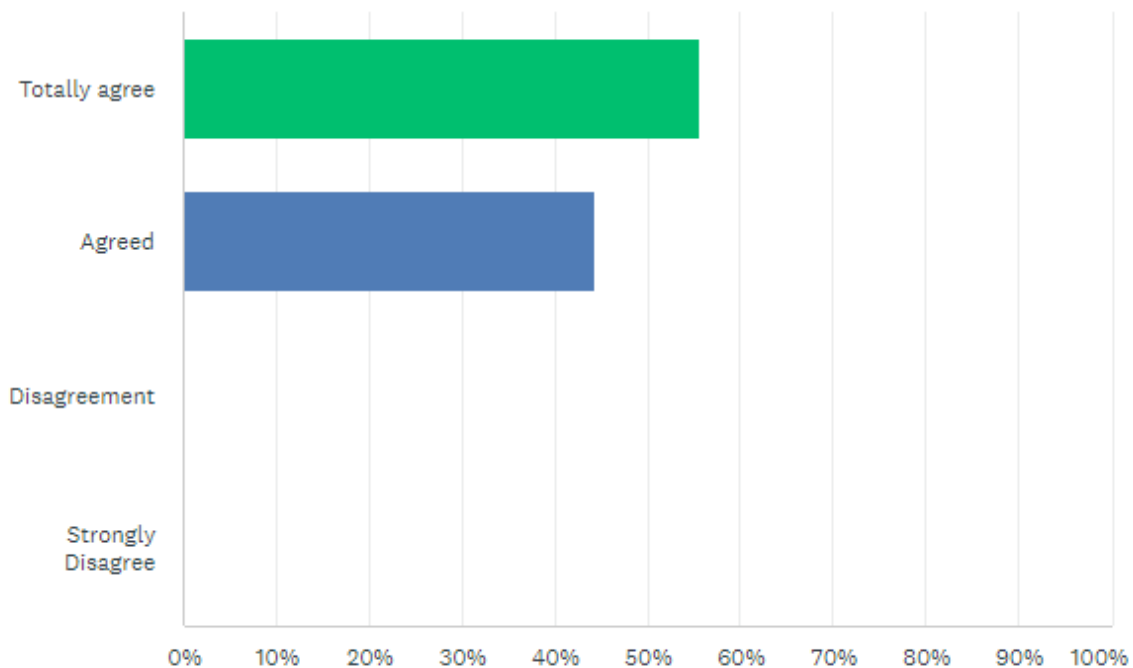


OPCIONES DE RESPUESTA	RESPUESTAS
▼ Talk with the employees involved	59,77 % 52
▼ Human resources takes care	20,69 % 18
▼ Negociation	18,39 % 16
▼ Redundancy	1,15 % 1

This graph helps us visualize in a broader way how problems are currently solved within the organization, and again we realize that the investigation of the situation through talks with the person involved represents 59.77% since the human resources staff is the one who leads the survey.

Another interesting fact that we can highlight that this graph shows us is that 20.69% consider that the best way to solve the problem within any area of the company is to send those involved to the Human Resources department, so they must deal with the situation and search for a solution.

9. According to C. Moore, Mediation is a process through which conflicts can be resolved, in which a third party helps the parties involved to have a conversation to reach an agreement. Considering the above, do you think that a mediation session can help in conflicts within your work environment?

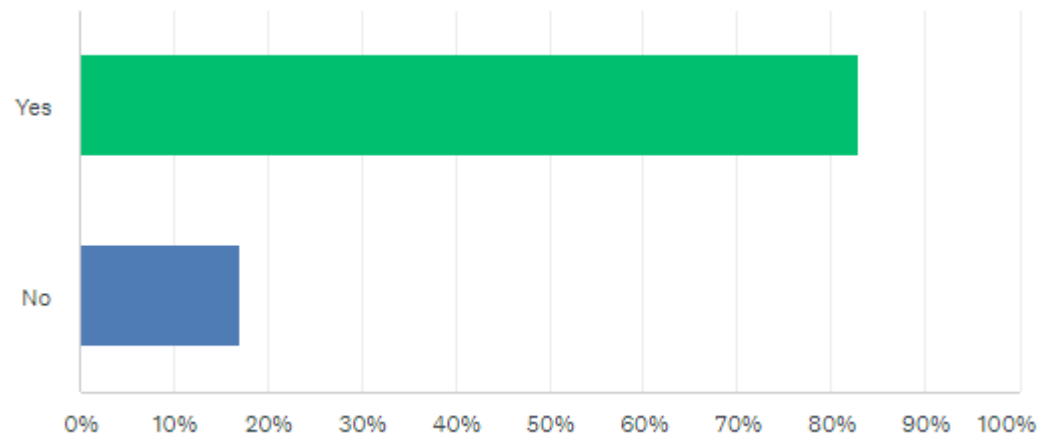


What we can observe here is that the staff, in general, is open to the possibility of discovering

OPCIONES DE RESPUESTA	RESPUESTAS	
Totally agree	55,68 %	49
Agreed	44,32 %	39
Disagreement	0,00 %	0
Strongly Disagree	0,00 %	0

new tools that can facilitate problem-solving. On the other hand, it is exciting since this gives us the panorama that the application of mediation as a conflict resolution tool can be carried out.

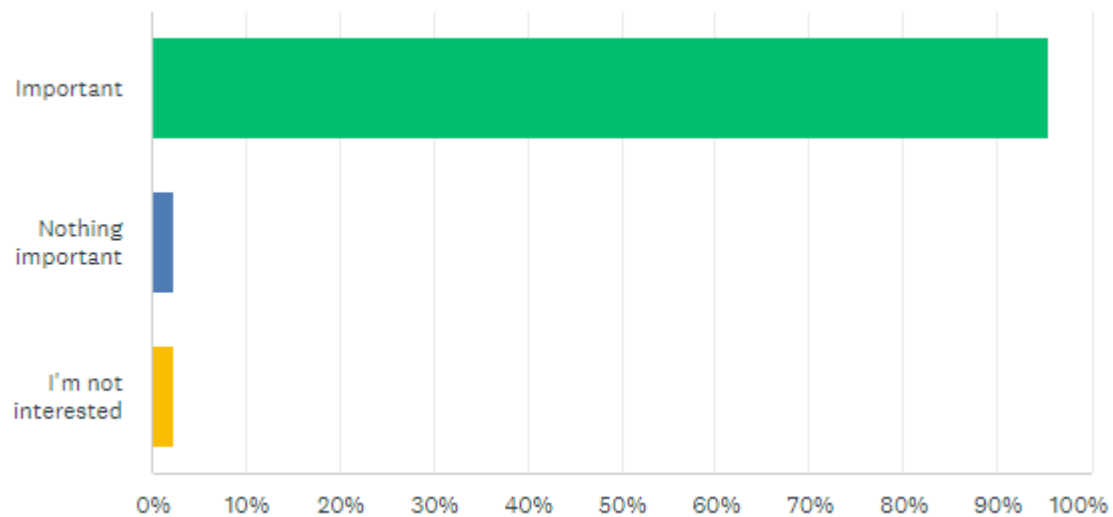
## 10. Are you familiar with the concept of mediation?



OPCIONES DE RESPUESTA	RESPUESTAS	
Yes	82,95 %	73
No	17,05 %	15

By posing this question, our purpose was to find out what was the degree of knowledge on the part of the workers about the concept of mediation, and we are faced with the fact that 82.95% have heard about mediation.

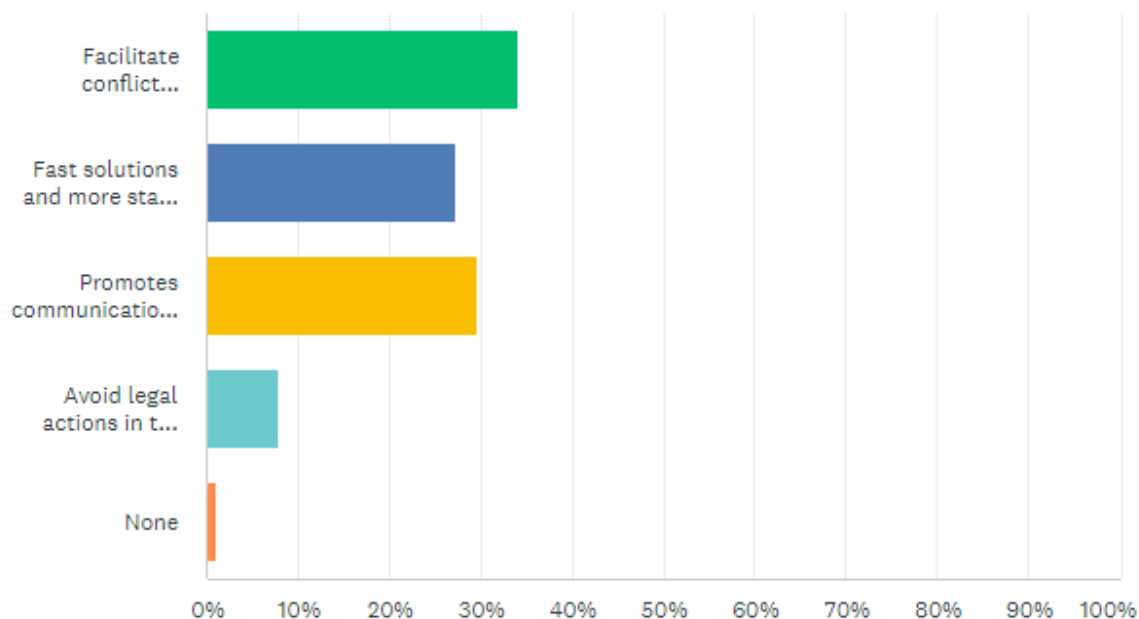
### 11. Do you consider the existence of a specialised person essential to resolving conflicts?



OPCIONES DE RESPUESTA	RESPUESTAS	
Important	95,45 %	84
Nothing important	2,27 %	2
I'm not interested	2,27 %	2

Once again, we find a very favourable response regarding people's openness to consider mediation as an essential tool to resolve conflicts within the business area.

12. What do you think are the benefits of implementing mediation in the company?

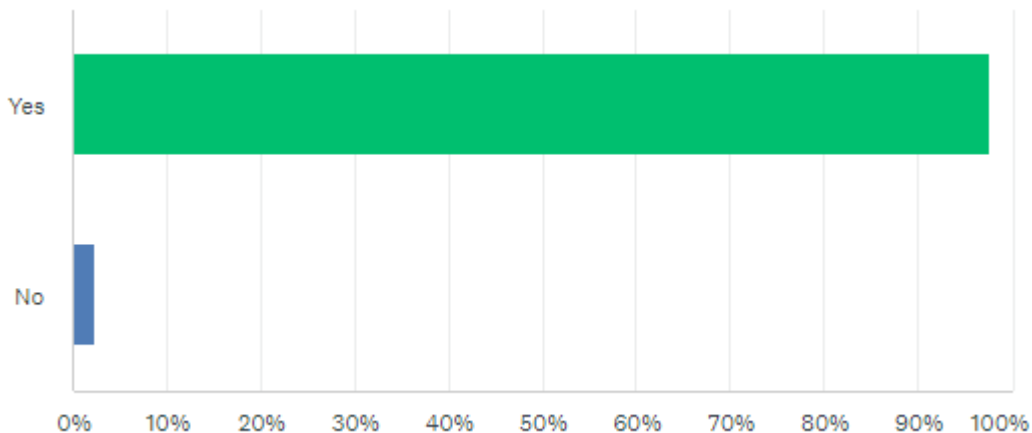


OPCIONES DE RESPUESTA	RESPUESTAS	
Facilitate conflict management	34,09 %	30
Fast solutions and more stable results	27,27 %	24
Promotes communication and peaceful coexistence	29,55 %	26
Avoid legal actions in the future	7,95 %	7
None	1,14 %	1

At the time of asking the previous question, the researcher was a little sceptical about obtaining favourable answers. Still, surprisingly, the solution that received the highest percentage was facilitating conflict management, which is an excellent start in the eyes of the investigator. For this reason, the investigator considers there is a perfect option to initiate a change of mentality within the organizational culture.

And the second most popular answer among our respondents was that mediation would help promote communication and coexistence between employees, which broadens our perspective to continue with this project.

### 13. Do you consider that mediation is helpful before going to a labour trial?



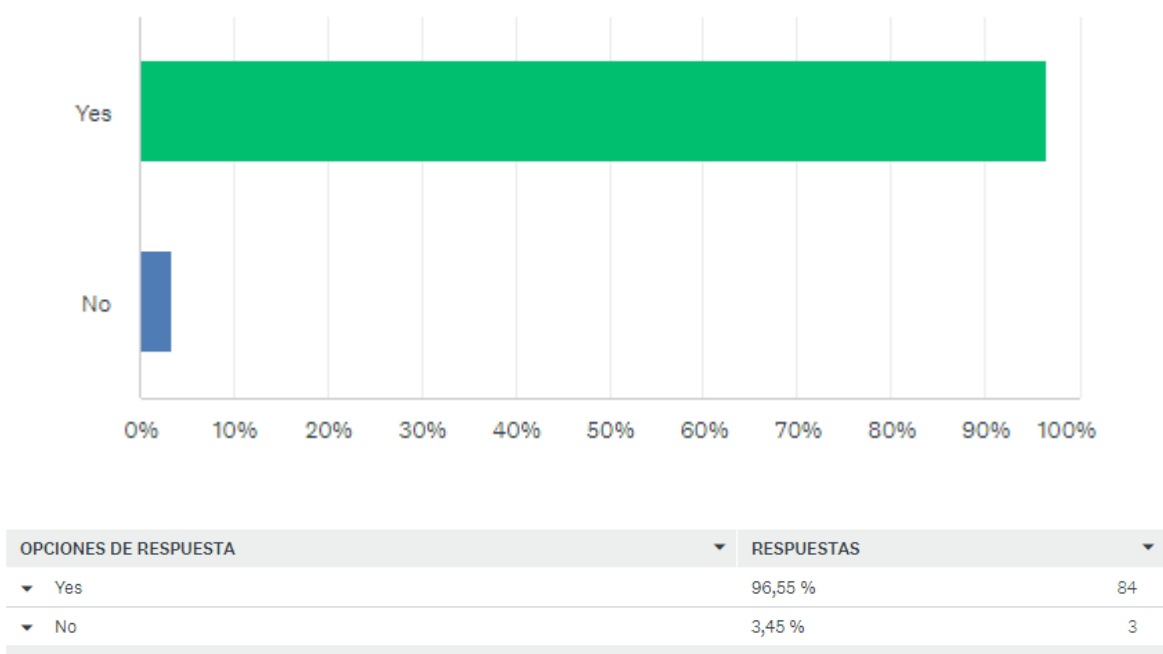
OPCIONES DE RESPUESTA	RESPUESTAS	
Yes	97,73 %	86
No	2,27 %	2

The previous question was decided to ask since due to the nature of the administration in the Mexican company, many times the termination of the employment relationship is a result of problems related to the interests of the workers and the company.

Is for that when that happens, we have a conflict as a result of making a dismissal. Therefore the person involved usually takes this issue to the authorities, costing thousands of pesos and a lot of time.

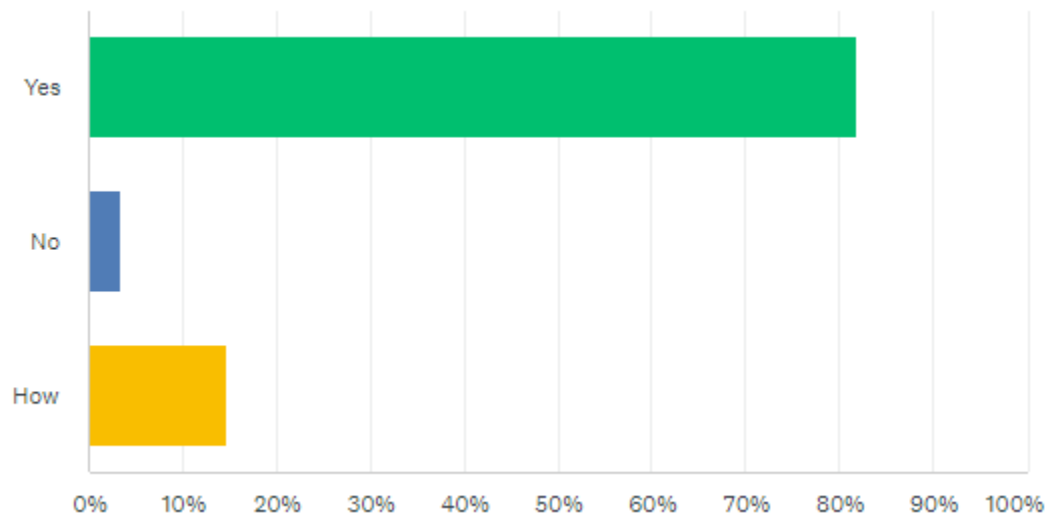
So we see a severe problem to be solved through the proposal handled in this investigation

14. Do you consider that the solution to the conflicts within your area would improve?



Once again, we see the openness of the public to consider that mediation is a tool that, if well applied, can significantly reduce conflicts that get out of control within departments.

### 15.- Do you think having a mediation team would reduce conflicts?



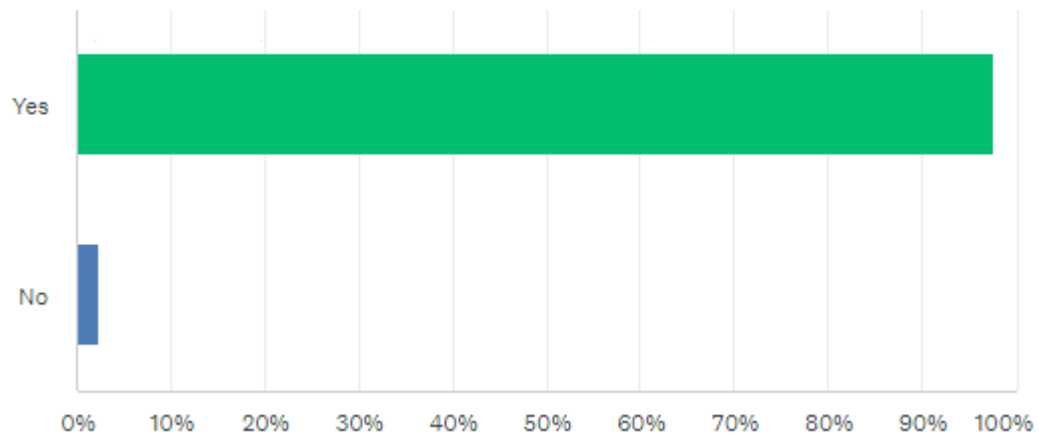
OPCIONES DE RESPUESTA	RESPUESTAS
Yes	81,82 % 72
No	3,41 % 3
How	Respuestas 14,77 % 13

The question asked earlier was very interesting since there were answers about what the staff thought about having a specialized mediation area; we can observe that 81.82% expressed themselves in favour.

But what is interesting is when analyzing the answers that the participants gave us, the majority considered that a specialized area would have a positive effect on the organization since they would take care of the problems by providing a prompt response and facilitating communication.

The exciting data is when some participants argued that it would be unnecessary since the human resources area or the legal area is in charge of it.

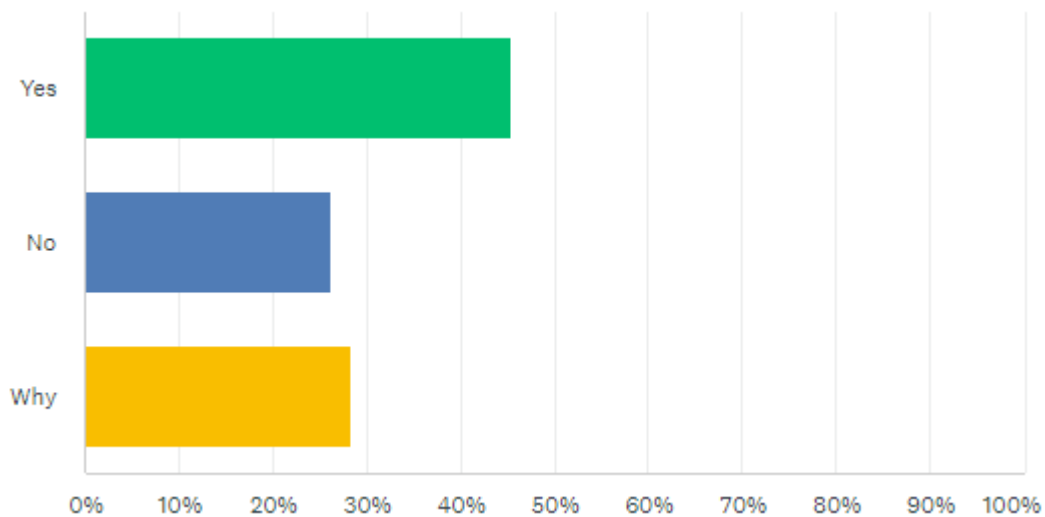
**16. Do you consider mediation to be a viable way to resolve problems within the company?**



OPCIONES DE RESPUESTA	RESPUESTAS	
Yes	97,70 %	85
No	2,30 %	2

Once again we find a favorable result for the implementation of mediation as a tool for conflict resolution. Since it opens a window of opportunity within the company.

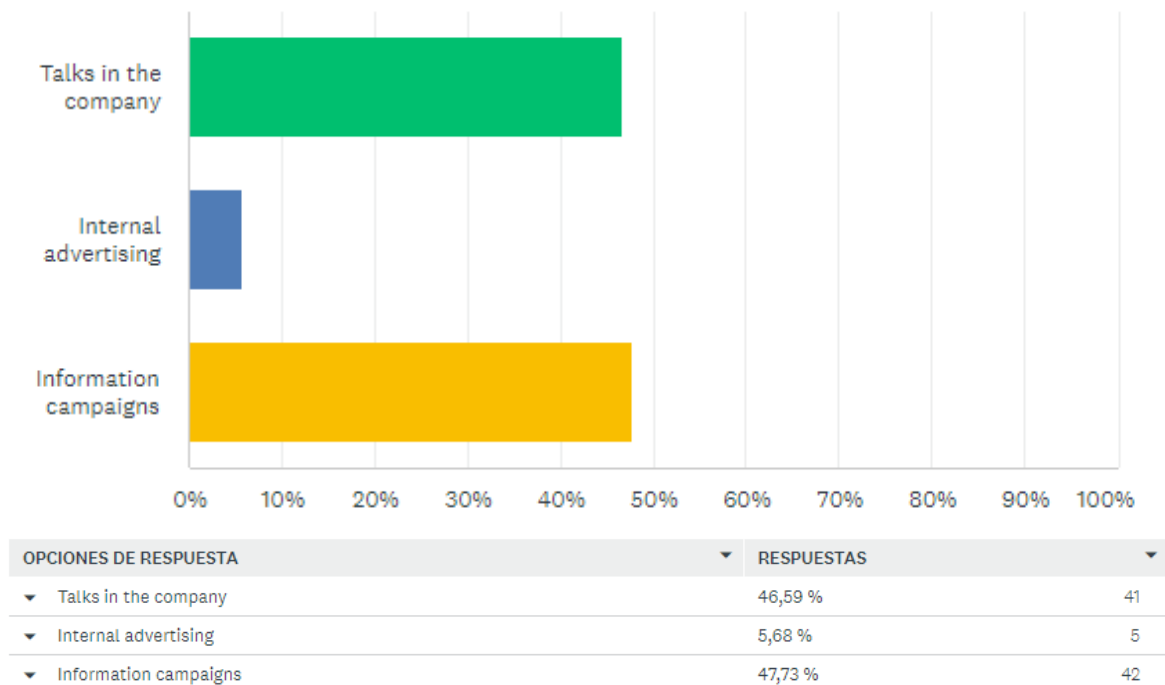
### 17.- Do you consider ideal that the HR staff will be the mediator?



OPCIONES DE RESPUESTA	RESPUESTAS	
Yes	45,45 %	40
No	26,14 %	23
Why	Respuestas 28,41 %	25

This question is quite interesting since our public has a divided opinion; on the one hand, they consider that the human resources area can be in charge of handling the figure of mediation, but on the other hand, they consider that by belonging to a department within the company would lack impartiality.

## 18. What do you think is the best way to publicise the culture of mediation?



In this question, we see that the best way to publicize mediation as a conflict resolution tool is through publicity campaigns and workshops.

As a result, it would positively affect the population of employees since they would know how to act in situations.

### *3.3.1.1 Analysis of the results of the interview and the surveys carried out*

The results obtained through the interview with the Head of Human Resources of the company, it was confirmed that it is necessary to implement a culture of mediation for conflict resolution since, at the moment, they do not have a tool such as the one mentioned above, which is of great importance since conflicts are frequent and require a short-term solution.

According to the applied surveys, it was possible to detect that the company's employees have a notion of what mediation is; this is important to mention since when this investigation began, there was doubt if it was a term that could be handled or not.

Since the company is located in Mexico and mediation is not part of the legal system. Still, the researcher realized that mediation is a topic that is on the rise at the moment, which favoured the response by employees by having a basic and general understanding of the concept.

Through the investigation carried out in the Company Gepp S.A (Pesi Mexico), it was detected that the conflicts originate from the inadequate management of work situations, thus damaging the environment in which the employees develop, also affecting the operation of the company and preventing its members from being effective.

The existing conflicts within the company undoubtedly affect its development; however, this research aims to provide efficient solutions to conflicts; the problems are indeed inherent in the life of all organizations and individuals that comprise it. , since human interactions are characterized by disagreement and conflict.

According to the researchers, no matter how small, a labour conflict affects the work area since a pleasant environment is not achieved, so the conflicts detected in the surveys must be followed up to prevent and, as far as possible, reduce problems that already exist.

The surveys detected that the human resources area is open to accepting and promoting mediation as a method for conflict resolution; this would undoubtedly be carried out through training.

But on the other hand, we see that the feasibility of the human resources area is responsible for carrying out this procedure is low since a significant percentage of the surveys does not say that impartiality, which is one of the essential characteristics of the mediation, it could not be fulfilled; since in general the human resources area is in a role of a game of interests.

## 4 Discussion

The inadequate treatment of the conflicts that are generated in a company is a problem that extends throughout the country (Mexico) since the amount of industry that is handled in it is very large; therefore, it is where many people meet every day to carry out various activities as a way of earning a daily living.

Conflicts, suppose a tremendous economic cost, sick leave, absenteeism, complaints before the court or before labour inspections, dismissal, and new employee training are just some examples that companies face today.

The growing increase in this problem led us to weigh new prevention tools. We raised the possibility of starting an investigation. We were allowed to enter the brain of a company with operations in Mexico, but that is only a tiny part of what we recognize worldwide.

The objective of the research was to determine the feasibility of implementing a culture of mediation in the company, mainly in the area of Human Resources, defined by the author Idalberto Chiavenato as “the operational unit that functions as a staff area; that is, as an element that provides services in the field of recruitment, selection, training, remuneration, communication, hygiene and safety at work, benefits, etc. (Chiavenato, 2009)

As we can see, the Human Resources department is the centre of everything that represents the human factor and could be compared to the company's engine. And as discussed throughout this work, this area is where 80% of the generated conflicts are handled.

When we talk about mediation we can say that it is a third party alien to the parties who assumes a neutral position for the benefit of eliminating the dispute. The mediator fulfils the function of bringing the protagonists of the conflict closer together and accompanying them in exploring a solution

Let us remember that mediation is a method that contains a structure. Those responsible for executing it must have training and preparation in the area to achieve the expected results. And as defined above, the designated person must meet specific characteristics.

In our surveys, we realized that the objective met one point of what was stated since we discovered that the staff and the company are open to embracing a culture of mediation where problems are faced more humanely.

But on the other hand, the surveys showed that due to the entire context raised regarding administration in Latin American companies, trust on the part of the staff had been lost in a mediating figure within the company (Abarca , et al., 1998).

As mentioned above, Latin Americans value status within a hierarchy because it indicates the social distance between superior and subordinate due to culture. And this causes the group to suffer from mistrust towards authority figures and, in our case, the figure of human resources.

The fact that the investigation yielded data that were not contemplated at the beginning is very enriching since it allows us to make a new proposal to the company while maintaining the essence of introducing the culture of mediation as part of the company but with the recommendation that this be carried out by external personnel.

The results are consistent with what has been stated in the previous literature, in which the benefits of training in mediation are detailed. Mediation is presented as an effective way to resolve conflicts that are based on organizational culture, such.

Those companies trained in mediation and conflict resolution techniques will reduce rates of harassment at work, as well as conflicts arising from role ambiguity.

However, as in most cases, there are some limitations to this study. It would be advisable to expand the sample to include different types of public and private companies. To thereby propose a model for the implementation of a culture of mediation

## 5 Conclusion

Referring in particular terms and to mediation as a tool for conflicts in companies, specifically the industry, due to the magnitude of personnel that is handled, tools must be implemented so that little by little the personnel become familiar with the figure of mediation and generate trust and a safe space where you know that your "conflict" and your needs will be heard and taken into account, many of the problems in the labor areas is the little trust that the worker has in the human resources department since in most of the cases tend to be ignored, these unresolved conflicts and the lack of empathy on the part of companies towards their workers leads to excessive turnover in certain industries, for example tourism, we demonstrate with this work and with the graphs the lack of trust that workers have in the human resources department, whether it is due to favoritism, preferences, the difference in hierarchies in Latin America we can also talk about classism and even racism between colleagues. Thus leaving sectors of workers in vulnerability.

Thus, mediation by a third party outside the company, in extreme cases outside the city, is a positive tool to generate a change of screw-in workers' relationships and in the management of conflicts by human resources when they are relieved. Of this responsibility and workload, it is

known of some cases where there has been retaliation; this would generate a doubly positive work environment for the company and the workers, resulting in a win-win.

As the investigation progressed, we took on the task of reading the needs of both parties, human resources and workers, and came to the conclusion that workers are willing to use this method of conflict resolution that is not so well known in Latin countries, as long as the mediator is external to the company and the conglomerate, it is known that the introduction of this method would not be so simple, due to the mistrust that has been generated. Still, by instructing the worker, with videos, workshops and exercises, we believe that it would be clear the figure of the mediator, which will keep the balance level for both parties.

Therefore, as has been commented throughout the investigation, mediation as a tool in conflict resolution within the business environment opens a new field for discussion in a controlled environment and, most importantly, in the hands of a professional, as I mentioned, many times the failure of human resources in conflict resolution is due to poor knowledge and involvement in the problem.

Since it is known and due to a lousy perception by the group that motivations move the human resources area in favour of the company; since it is considered that by belonging to the company, the department must watch over common interests, forgetting that human beings with needs, feelings and thoughts are also involved in conflicts.

From my experience, it is prevalent for the collective to label the human resources department as the least empathetic within the organization.

Therefore, it would be interesting to raise the possibility that through the implementation of the culture of mediation, in the same way, to be able to change the image of human resources and, at the same time, sensitize people within this area so that they can visualize the people as they are and not as a number or money.

On the part of human resources, relief would also be generated by not having to resolve conflicts that are often beyond their reach or understanding, since, by knowing the company's ranks, positions, areas, and knowing their colleagues, many. Sometimes there is a tendency to lean to one side of the balance, it is worth mentioning that they do not have proper knowledge as a mediator does in conflict resolution.

Resulting in higher productivity and a healthier and more rewarding work environment where workers are heard and their needs are met or at least seen, it is important to mention that dissatisfaction in jobs is a common denominator (the worker who does not feel heard usually ends up leaving the company) on the other hand human resources only manage the knowledge of the method, the contact of the mediator and does not bear the responsibility of resolving a conflict between his colleagues.

## 6 Reflection

Reflecting on what has happened in recent years in the world, having studied a master's degree and having done exhaustive research in a language other than my native language, has been a professional and life achievement.

This research has opened up to me the panorama of how inaccessible companies are (speaking of my country) when it comes to providing conflict resolution in the area of work, leaving it in the responsibility of human resources. It is where I have developed professionally, I have been able to learn and discover a new facet of myself, with better tools. I have acquired greater knowledge, in terms of the needs of the workers, now I am more aware that tripartite joint participation can give us greater benefits. I hope to be able to apply them in the future, either in human resources or as a mediator.

This research was essential for my personal and professional development.

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