

*Are there benefits of promoting Alternative
Dispute Resolution in solving in-house workplace
disputes?*

Are there benefits of promoting Alternative Dispute Resolution in solving in-house
workplace disputes?

By

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Abstract

Solving disputes within workplaces has been an attractive way for all the parties due to the way of maintaining or enforce relationships and avoid time, costs and other resources that the alternative dispute resolution offers instead of litigation.

This research was focused on identifying if there are of promoting Alternative Dispute Resolution in solving in-house workplace disputes and there were other objectives within the study:

- To explain the Alternative Dispute Resolution process in Ireland and identify the advantages of Alternative Dispute Resolution versus litigation.
- To evaluate promoting Alternative Dispute Resolution for resolve disputes in-house workplace.
- To analyse the importance for design a system of alternative dispute resolution in workplace disputes.

The research included a hypothesis and was based on the fact that there are some different options and opinions that could derivate on choose or not the alternative disputes resolution for solve disputes within workplaces and if there are benefits for promoting the alternative dispute resolution in the workplaces. The research was limited to Ireland but included background and references from other countries for definitions and comparisons or experts in the subject.

The study concluded even the organisations have procedures for solving disputes within the workplace, some employees don't know the process for solving the disputes. This means that the organisations could improve or design systems that help the employees to solve disputes. The study as well concluded that the organisations are using alternative dispute resolution to solve disputes in-house but using a mediator that is external to the company and some organisations have employees that have been trained to solve the disputes within the workplace.

The study supported that the employees prefer to solve the conflicts internally for the advantages that the alternative dispute resolution include. This means that using alternative dispute resolution could be promoted by the organisations, the organisation could improve the way of spreading the procedures for solve disputes in-house and explain the benefits of the alternative dispute resolution to the employees.

Introduction

Conflicts in workplaces have been a subject within organisations. The organisations are seeking different options to solve the conflicts in a simple way and reliable, that can dismiss time and costs for the organisations. (Doherty, et al., 2013)

As well, the organisations seek to have workplaces in which employees feel comfortable and can trust that if they have disagreements, complaints or issues within the organisation, so the employees can have a canal for solve or being listened for by a party that will not judge them and they will find the best outcome for their necessities and a balanced power during the process. The conflicts in the workplace if they are not managing correctly could result in absenteeism and affect employee loyalty. (Huan & Yazdanifard, 2012)

Workplaces are focus on restore relationships after a conflict, seeking alternatives in which the parties involved can resolve the disputes. (WRC, 2020)

After the conflict has been identified, commonly, the parties involved have to solve the issue to get a good environment for the employees as is mentioned above and then the employees can be loyal to the organisations. Some of the ways to solve the conflicts could include the use of alternative dispute resolution.

The method that could be used is alternative dispute resolution. Nevertheless, there are other options in the litigation process. As Eurofound mentioned some parties prefer the traditional way to solve issues that use an alternative dispute resolution. (Eurofound, 2010)

It could be necessary to explain what it is an Alternative Dispute Resolution and its characteristics and then the organisations could evaluate if the alternative dispute resolution could help solve disputes.

There are as well different ways for Alternative Dispute Resolution. It could be solving in-house workplace disputes.

The alternative dispute resolution could offer the organisations an easy way to get an agreement without the necessity of using external institutions or other bodies. (Doherty, et al., 2013)

This research aims to identify if there are benefits of promoting Alternative Dispute Resolution in solving in-house workplace disputes, and the objectives of this research are:

- To explain the Alternative Dispute Resolution process in Ireland.
- To evaluate promoting Alternative Dispute Resolution for resolve disputes in-house workplace
- To analyse the importance for design a system of alternative dispute resolution in workplace disputes

The research will be helpful to the organisations to understand the process of the alternative dispute resolution and then evaluate promote Alternative Dispute Resolution in solving in-house workplace disputes and finally the importance for design a system within the organisations for solving the disputes.

As well, this research will include concepts related to a conflict due to it is important to understand first the origin and then find a solution.

This dissertation will be divided into three main objectives related to this research:

"The Alternative Dispute Resolution process in Ireland"; this chapter will describe the process of the main methods used as alternative dispute resolution that are available in Ireland for solve disputes.

"Evaluation of promoting Alternative Dispute Resolution for resolve disputes in-house workplace"; the chapter will include advantages and cons for the alternative dispute resolution. The study includes the advantages and cons of litigation as well for avoiding a bias of just showing the pros of the alternative dispute resolution.

"Designing an Alternative Dispute Resolution system in workplace disputes". The chapter will research the challenges and the study of systems that have been designed to solve disputes within the organisations and referencing the example of organisations that have developed this system and some opinions related to this system. Even some companies have implemented alternative dispute resolution, the study would find if there are benefits of promoting within the organisations that there are systems in-house for solving the disputes. Because the fact that there are systems within the organisation, that doesn't imply that the employees know about the way of solving the issues in the workplace

1. Literature Review

1.1 The Alternative Dispute Resolution process in Ireland

1.1.1 What is an Alternative Dispute Resolution?

“Alternative Dispute Resolution is a collective term for the ways that parties can settle disputes, with (or without) the help of a third party.” (Harvard Law School, 2021) The Harvard Law School considers that the Alternative Dispute Resolution includes the processes and methods for achieving an agreement instead of using litigation. These processes or methods help the parties to get an agreement exploring the interests of the parties within a conflict.

The Alternative Dispute Resolution is not a new resource to solve disputes, this movement started in the United States in the 1970s (Shamir & Kutner, 2003) due to the necessity to find different alternatives to litigation. Shamir and Kutner have argued that even the conflicts could include a risk within organisations or international relations there is the possibility of creating an environment to solve the conflict and get a win-win solution for the parties involved.

Shamir and Kutner, and the Harvard Law School agree that the Alternative Dispute Resolution could be the way to facilitate to the parties to solve a conflict without use litigation. It seems that the Alternative Dispute Resolution contributes that the outcome has a balance for the parties there is a chance for the parties involve to get an agreement that is suitable for everybody.

Some of the alternative dispute resolutions are negotiation, arbitration, conciliation and mediation. (Harvard Law School, 2021) The main purpose of negotiation is to advance the discussions by ensuring mutual understanding of the parties positions and to extract settlement strategies. (Berman, 1995). In arbitration, the arbitrator is typically chosen by the parties or nominated by an independent third-party nominating body. Arbitrators will usually have specialist knowledge of the matter/s in dispute. The parties can decide on the location and timing of the hearing to facilitate the parties and any witnesses. (The Bar of Ireland, 2021). The conciliation: the process is where a third party acts only as a facilitator by maintaining the two-way flow of information between the conflicting parties and encouraging a rapprochement between their antagonistic positions. (Dobbins, 2010). And mediation means a confidential, facilitative and voluntary process in which parties to a

dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the dispute. (Government of Ireland, 2017)

The Alternative dispute resolution described above allows the parties to understand their positions because the process included that the parties can hear each other and it facilitated by a third party that guides the process, meanwhile litigation is a highly structured and formalized dispute resolution process. Litigation includes rules and procedures that cannot be modified and as usual, the outcome is determined by a third party that in a base of evidence concludes the outcome. (Moffit & Bordone, 2012) Litigation is conducted by a third party and the process doesn't allow that the parties can participate in the outcome and the chance of a win-win agreement is not reached easily like the alternative dispute resolution.

Alternative Dispute Resolution has been accepted as a process more flexible and less complex and litigation is a strict process that follows rules by the court. (Shamir & Kutner, 2003)

1.1.2 The process of Alternative Dispute Resolution in Ireland

Mediation

In Ireland, Mediation is ruled by the Mediation Act 2017, this Act and part 2 describes the general process for solving a dispute by Mediation.

The act says that the participation of the parties is voluntary. In this process, the parties can be assisted by a person or a legal advisor but is not a party in the process. The parties can get legal advice during the mediation. The mediator can withdrawal from the process but the Act specifies the steps.

The Act describes the role of the mediator that doesn't have a conflicting interest and cannot be the mediator if this conflict exists.

The mediator ought to proportionate to the parties' information as to qualifications, training and experience. The Act describes as well that the mediator must act with impartiality and integrity and treat the parties fairly.

The mediation is a confidential process, which means that all communication and records must not be disclosed.

The parties shall determine if the settlement will be enforceable.

This process as well as the Act describes is suggested by the court.

In mediation, the parties are encouraged for a mediator to explore the interests and position of each party. The mediator has the opportunity to meet with each party separately and together, this helps the mediator to discover how to support the parties to reach an agreement. (Harvard Law School, 2021)

This process includes some characteristics that as Shamir and Kutner argue about the alternative dispute resolution is attractive for a win-win agreement for the parties and the parties can express themselves and listen to the other party to clarify some issues. Another point is that the process is voluntary and confidential, this could mean that the parties could feel more confident in a process that they have accepted and that is guided by a third party that doesn't have any interest in the outcome as the Act mentions.

Arbitration

The Arbitration Act 2010 describes arbitration as (a) an international commercial arbitration, or (b) an arbitration that is not international commercial arbitration.

The chapter V of the act describes the process. This chapter mentions that the parties shall be treated equally and have the same opportunity of presenting their case. The parties are free to agree on the procedure to be followed. The parties can decide the place. The arbitral proceedings in respect of a particular dispute commence on the date on which a request for that dispute to be referred to arbitration is received by the respondent. The end of the process is when the decision is making by the arbitrator. If there is settle this should be recorded as an award.

Even in this alternative dispute resolution, the award is decided by a third party, the process includes that the parties involved have a balance in the process because they can argue their position and the parties can decide some elements in the process this means that it is a flexible process for solve disputes.

Conciliation and negotiation

These processes are not governed by a specific Act, nevertheless, the process is similar to mediation. But one of the main differences is that the conciliator or negotiator in this process pushes the parties to reach an agreement, giving suggestions to the parties if the settlement

is not achieved. (Law Society of Ireland, 2018) As usual, this process is in different sessions and the parties have the opportunity to listen to each other and to express themselves.

Meanwhile, in litigation, a judge sits and listens to an argument on the interpretation of the relevant law as applied to the particular dispute and then decides as to who wins and who loses. A trial can take several days (or weeks) and it is not unusual for the cost to each party to exceed the amount in dispute. Although court lists have been shortened (partly because of early resolution through effective Alternative Dispute Resolution), it is still usual for a case to be heard a year or more after proceedings have started. One of the disadvantages of taking a case through the courts is that the result can only be an outright winner and an outright loser, and the redress is financial damages (or an injunction, if that is the issue) and award of costs. (Richbell, 2008)

It seems that the authors emphasize that the Alternative Dispute Resolution offer to the parties achieve a goal that is good for both sides and that the Alternative Dispute Resolution as well reduces cost and other resources. Helping to improve the relationships and dismiss resources. These processes are more sensitive because they focus in allow the parties to express themselves, opening a channel for communication. The parties are part of the process and even in arbitration the outcome is decided for a third party, the parties can be being involved in how the process will be and mediation, negotiation and conciliation the parties decide the outcome. This is important to mention because when the outcome is achieving there is a chance to improve the relationships of the parties involved as Snook explained.

1.1.3 Advantages and Cons of Alternative Dispute Resolution for solving disputes

Even each Alternative Dispute Resolution is a different process, the advantages are in general the same, some of the advantages of these processes are (Snook, 2021):

- Costs are lower than legal fees.
- Less time than a court process.
- The parties have control of the outcome.
- Alternative Dispute Resolution is less formal, so the parties have the opportunity to express their ideas.
- The parties have the opportunity to understand the conflict and get a win-win outcome.
- The relationships can be restoring

All those advantages versus litigation process that as Olive Keogh describes is a process that involves stress, often protracted and expensive. (Keogh, 2016)

In an interview with Dermot McEvoy who is a partner with law firm Eversheds, he considers that Mediation allows the parties can talk and the environment is safer, this process is controlled by the parties and can reach an agreement with the help of the mediator. He suggests that companies should consider using this process as a way to solve disputes in workplaces. (Keogh, 2016)

In the study conducted by Cynthia E. Cohen and Murray E. Cohen about the assumption of how Alternative Dispute Resolution offer to the parties a greater satisfaction due to the control over the process and the outcome through a small experiment in which some students simulated disputes that were resolved by Alternative Dispute Resolution. The study concluded that the students ranked the Alternative Dispute Resolution higher than processes that involve that a third party has the control. This study suggests that the satisfaction of real cases about Alternative Dispute Resolution should reflect the effect in the organisations for training employees to get skills for processes like the negotiation for disputes in workplaces. (Cohen & Cohen, 2003)

Nevertheless, Alternative Dispute Resolution as well could have some cons for solve disputes in workplaces. The Alternative Dispute Resolution within all the advantages related to costs, time, parties can have control of the process and the outcome and avoiding a process like litigation, it looks like Alternative Dispute Resolution is the perfect solution for solve disputes but as Isaac D. Benkin in his article “Alternative Dispute Resolution saves time, money, but can’t cure all” compare the Alternative Dispute Resolution versus litigation showing some cons of the Alternative Dispute Resolution.

In this article, Isaac describes 3 Alternative Dispute Resolutions and empathises that litigation could be preferable for issues in which a non-long term relationship between the parties and expresses the idea that the costs could be seen like cost-benefits. (Benkin, 1994)

Alternative Dispute Resolution as well couldn’t be suitable for all the cases, for example when it is needed to set a legal precedent and if the dispute is collective. (American Management Association, 1990)

Some other disadvantages of the Alternative Dispute Resolution are that the evidence sometimes could not have a legal action. And even Alternative Dispute Resolution is more

friendly than litigation, the truth is that if the dispute is not solved with an Alternative Dispute Resolution this means that the parties have spent time and money. (Coyle, 2013)

In the alternative dispute resolution as mediation, the mediator has not had the power to impose a solution and this could do that the process doesn't finish easily if the parties don't collaborate to get an outcome. (Grensing-Pophal, 2019)

There are other reasons for not using alternative dispute resolution as a method for solving disputes, but these don't mean that are disadvantages. These are some reasons when the alternative dispute resolution is not suitable (Kerobyan Mediation, 2019):

- When Jury Trial Desired: When one or all the parties prefer a jury trial because for using alternative dispute resolution the parties involved in the dispute should agree to the process, the alternative dispute resolution tends to be a voluntary process.
- When Imbalance of Power Exists: If the parties believe that there is a significant imbalance, the stronger party could have an advantage in marshalling and then the other party could believe that the process is not fair and the judicial process is being more could offer a trusted method.
- When One Party Is Stakeholder: A party who has the use of the money at issue may benefit from a delay in litigation.
- When Linkage Exists: When the lawsuit is part of a larger dispute involving other lawsuits and parties.
- Where There Are Substantial Legal Issues: Alternative dispute resolution tends to be for disputes that involve disagreements, misunderstanding, for clarifying issues.
- Where There Are Substantial Credibility Questions.
- Where There Are Multiple Parties.
- Where Legal Precedent Sought: ADR may not be appropriate if one of the parties desires to establish a judicial precedent.
- When Adversary Is Unreasonable: This means that if one of the parties is not ready to solve the dispute in an open channel this means that the alternative dispute resolution could fail.

It could be argued that the different points of view of the authors related to the pros and cons of the Alternative Dispute Resolution allow the organisations and parties involved in the conflict to choose the method that is more suitable for their necessities. Even the Alternative Dispute Resolution looks with a lot of advantages, the truth is the sometimes is not the best way

to solve the disputes for reasons that are mention above like keep a legal record.

However, when the alternative dispute resolution is used for solving disputes in workplaces the pros could be tangible for the organisations because they are invested in training the management for being ready to solve conflicts and this means that the management has developed more skills to help the organisation to keep in-house the issues or to solve other kinds of situations that need staff trained for solving the disputes.

As it is mention above in the study conducted by Cynthia E. Cohen and Murray E. Cohen the alternative dispute resolution has in the participants a good result when they feel that they are part of the process and the outcome. This is an interesting point in the conflicts in workplaces the parties must achieve an outcome that is win-win because the relationships could be restoring after the conflict as Snook argue in some advantages.

Even there are cons in alternative dispute resolution, some of these cons are more related to what kind of dispute will be solved. The alternative dispute resolution is not suitable when the outcome needs to be recorded or the conflict could be formalized under legal procedures or when the parties are not satisfied whit the outcome. It is important to mention that the use of the alternative dispute resolution is proposed by the court as the first instance the process could help the parties to solve disputes that are being created by misunderstandings or for clarifying issues.

1.2 Evaluation of promoting Alternative Dispute Resolution for resolve disputes in-house workplace

1.2.1 What is the conflict in workplaces?

Prachi Juneja defines conflict as a clash between individuals arising out of a difference in thought process, attitudes, understanding, interests, requirements and even sometimes perceptions. (Juneja, 2021)

Organizations are facing every day solving conflicts. Conflicts shouldn't be avoided, the management in the organisation should solve them to maintain a good environment in the workplace. (Dujak, 2008)

The importance of maintaining a good environment in the workplace after a conflict should be assisted by the organisations using some alternative dispute resolution within the workplace. As some advantages were mentioned before, the alternative dispute resolution

helps to clarify issues, misunderstandings and restore relationships after solving the conflict.

Nevertheless, even the conflict could be seen as a negative situation for the organisations the truth is that the conflicts can be considered constructive when there is a solution for the problem, the people grow and change from the conflict and the members of a team can build a cohesiveness. (Capozzoli, 2018)

Capozzoli in his article "Conflict resolution: a key ingredient in successful teams" considers that the importance of solving issues in a team could improve the relationships and develop the skill for resolving conflicts. In this article the author enlists the steps for getting success at a productive conflict resolution (Capozzoli, 2018):

- Explore the reasons for the disagreement: It is important to identify if the people involved in the conflict have a strong emotion connected to the disagreement, understanding the reasons for the disagreement. When the parties are expressing their perceptions about the disagreement they can trust that they will be heard equally and that they won't be criticized.
- Once the reasons for the disagreement are determined, alternative solutions must be advanced. At this point, the parties can suggest the method for solving the dispute and the management should offer them all solutions that can be considered.
- In this step the parties before deciding the way for solving the dispute, they should explore each solution and agree on the most appropriate solution.
- The solution must be implemented.
- When the solution was implemented it is important to evaluate if it was successful or if it fails and identify the reason for the failure.
- Finally, the organisation can practice learnings about each conflict.

In the stages that Capozzoli mentions above, some of the alternative dispute resolution as mediation, negotiation and conciliation converge with some of their characteristics in the process. These processes allow that the parties can express themselves and listen to the other side of the dispute or conflict, also the parties can decide the outcome as in the mediation process suggest or get an outcome that could be suitable for them that is proposed by a negotiator. This alternative dispute resolution within an organisation could help to improve the relationships in the team after a conflict because this is one of the advantages that it is mentioned by Snook about how the alternative dispute resolution help to restore relationships.

The organisations nowadays are trying to solve the conflicts, this means that the

management is ready to stop run away from the issues and find the solutions within the organisations. Before the move to find a solution that management within an organisation should recognise that a conflict exists. (Dujak, 2008)

As Dujak mentions that conflicts should not be avoided and organisations are facing conflicts every day. However, Capozzoli reminds us that conflicts must not be seen as negatives. The point of view of Capazzoli helps to understand that the conflicts include positive practices to the organisations after the conflicts are solved. That's important to include the meaning of the conflict in this research because this helps to notice that if the organisations can find a good way to solve the conflicts this would improve the relationships and also skills for solving conflicts within the organisations. The understanding of what is a conflict and its impact on the organisations help to evaluate if the alternative dispute resolution could be suitable within the organisations. The characteristics of the alternative dispute resolution that could help to solve the conflict within the organisation. The conflict sometimes as it is said before it is the result of different perceptions or misunderstandings and if the conflict is not solved the environment could be affected. So, the alternative dispute resolution is the method the includes solve the conflict and the organisations would get learnings for the future and improve the workplace.

1.2.2 Common causes of conflict in the workplace

The conflict is often viewed negatively as Capazzoli mentions, but if the organisations focus on finding solutions the perception could be different. The first steps in resolving conflict are to identify the problem and then identify what caused the conflict.

Art Bell suggests six reasons for conflict in the workplace: conflicting needs, conflicting styles, conflicting perceptions, conflicting goals, conflicting pressures, and conflicting roles. Brett Hart discusses two additional causes of conflict: different personal values and unpredictable policies (Derek Farnsworth, n.d.):

1. Conflicting Needs

This reason is related to the resources that are provided by the organisation to each member of the company, the employees should feel sure that they have enough resources that are needed for they can perform their activities and get a good performance within the organisation.

2. Conflicting Styles

Each member within a team has different ways of developing a task, skills, personality, point of view, manners and cultures. It is often that all those varieties within the same team maybe are the cause of clashes within the organisation. People are trying to defend their posture and don't accept new ideas that are against their ideas.

3. Conflicting Perceptions

As individuals, each member within an organisation can understand or has different perceptions of any situation. When the members don't have enough communication or trust to ask again or express what they understand is a reason for a conflict because each one will whatever they understood instead of clear the idea or task.

4. Conflicting Goals

This conflict can happen because the members of a team don't understand the goals of the project or even the goals of the organisation. If the members of a team are working on different projects, this means that they have more than one goal to achieve and the leaders should help to delegate the projects in order.

5. Conflicting Pressures

This conflict happens when the individuals have the pressure of time, resources, multi projects and if they don't have the communication at the right moment to prevent a delay the conflict will be there.

6. Conflicting Roles

"Conflict of power", means that the organisation is not clear about the levels and the responsibilities within a team.

7. Different Personal Values

Some tasks could be difficult to manage for some members of the team because of them believes, religions, perceptions of ethic, and other reasons that could interfere in the performance or activities.

8. Unpredictable Policies

This means that the policies within the workplaces could be not read by the employees.

Following the causes of the conflict in a workplace within a workplace and its relation with this research it is that the communications seem to have a role that the Alternative Dispute Resolutions could help for the parties involved due to characteristics of offering a communication channel in the process. Solving the conflict within the organisation using the alternative dispute resolution could help forget feedback that would improve the skills of the management for solve issues as Capazzoli suggests and the organisations could be ready to deal with them in the future.

The alternative dispute resolution allows the conflict can be understood for the parties involved in the conflict and other parties as to the management or human resources. For example, if the disputants have issues for “conflict perceptions” the alternative dispute resolution will open the chance that each side of the conflict can express and heard the other party and clarify issues or misunderstandings. The main issue of the conflicts as the common causes described is the lack of communication, so the alternative dispute resolution could be a good solution for solving the conflicts. However, even these causes of the conflict could be understood with the alternative dispute resolution, it is important to remind that if the conflict is related to issues that need legal precedent litigation is the best way to solve the conflict.

1.2.3 Solving disputes in-house workplace

Some disputes in workplaces like discrimination, sexually harassed and others. sometimes are solving drastically. This kind of dispute tends to be solved with a winner and a loser. (Wilburn, 1998). Each conflict in a workplace should be managed as unique. And the companies could have policies and procedures for deal with disputes, these procedures and policies should be promoted by human resources. (Baltimore Mediation, 2018)

If the results of a dispute tend to give more power to one of the parties involved because the companies chose methods that are not enough neutral and partial maybe for the lack of experience of the management. Some of the alternative dispute resolution as mediation and negotiation are guided for a third party that it's neutral (The Mediators' Insitute of Ireland, 2018) and allow that the parties involved in the conflict can have a balance in the process. The Alternative Dispute Resolution could help to solve the dispute in the workplace with an outcome that would be fair for both parties due to the opportunity to clarify misunderstandings as Derek agree when talks about the causes of the conflict.

Nevertheless, employees as well are looking for different ways for solving disputes with

legal remedies available. (Wilburn, 1998) Some of the Alternative Dispute Resolutions are included in some Acts that have a legal framework like the Mediation Act. This means that this kind of Alternative Dispute Resolution could be the option that helps employees solve disputes with “legal remedies”.

Companies are looking to solve disputes in the workplaces avoiding costs in a process like litigation. "Alternative Dispute Resolution can be a much cheaper alternative to court proceedings and can allow for the resolution of matters at a much earlier juncture." by James Sherwin, partner with law firm Sherwin O' Riordan. (Murray, 2020) However, there are others kind of benefits like the confidential process, the opportunity to reach an agreement that it is decided for the parties as in mediation, or for an agreement that is proposed for a third party as negotiation and the time because these processes don't include a long process like in the courts.

The Irish system for solving disputes tend to be collected and employers work with one of the public agencies that are named "Labour Relations Commission ("LRC")". The mission of this agency is 'promoting the development and improvement of Irish industrial relations policies, procedures and practices through the provision of appropriate, timely and effective services to employers, trade unions and employees. (Teague, 2005)

However, research by Roche and Teague for the British Journal of Industrial Relations has identified the conventional and Alternative Dispute Resolution practices in Ireland for solving disputes and the results are that employees prefer traditional and Alternative Dispute Resolution practices for solving conflicts. (Roche & Teague, 2011)

In this article, the authors have identified that the system in Ireland for solving disputes is a hybrid Alternative Dispute Resolution system.

The Alternative Dispute Resolution in Ireland in a study by Roche and Teague describes that Alternative Dispute Resolution practices are more pronounced. The Alternative Dispute Resolution for solving conflicts in workplaces in Ireland tend to be solved by firms and for Human Resources management. (Roche & Teague, 2011)

As Murray, Roche and Teague agree that in Ireland the way to solve disputes within workplaces is the Alternative Dispute Resolution, but the alternative dispute resolutions have been used as a hybrid. Nevertheless, the Alternative Dispute Resolution within workplaces is not all the times conducted by the management, sometimes they are

conducted by external firms, this means that the companies hire an external source to solve the dispute due to the lack of experience of the management for solve the issues but still within the organisation even they are hiring a third party for help them in the process.

The next case explains the process of one on the Alternative Dispute Resolution for solving a dispute. The study case was researched in Erwin Mediation Services Ltd that is a firm specialising in helping parties to resolve their disputes. This firm is hired by the organisations to solve issues within the workplace, this is recognized as a way to solve disputes in-house when the company uses services for a private mediator. (Eurofound, 2010). The case was adapted for the original due to keeping confidentiality:

THE ISSUE

An employee got a bad performance review and countered with a claim of bullying.

An employee got a bad annual review and blamed it on their manager's behaviour. They lodged a bullying claim. At the mediation, both told their version of events and both agreed that they needed to put the disagreement behind them and agree with a modus operandi to enable them to work together.

The HR director of the company called the specialist in disputes (Erwin Mediation Services Ltd) and asked him to mediate a dispute between the two employees who had agreed to mediate the dispute rather than having it investigated through the formal investigation process contained in the Dignity at Work policy. Erwin Mediation Services Ltd had mediated employment issues for the company before.

PRE-MEDIATION

The mediator met both parties separately for pre-mediation meetings. These were confidential meetings at which the mediator listened to what each party had to say, explained the mediation process and went through the draft Agreement to Mediate.

THE MEDIATION

The mediator met both parties one week later for the mediation. Neither party wanted to have anyone else with them at the mediation.

John was an employee who had issues with punctuality and this was leading to poor performance. Mary was John's manager and was very irritated with John's timekeeping. On

the morning of the day, Mary was to conduct the annual performance review John came in late yet again Mary, in front of the other employees, said "good afternoon John – nice of you to join us". The performance review was held later that morning and Mary marked John down on several items including timekeeping. John then lodged a claim for bullying against Mary citing the public comment about his lateness.

The mediator asked both parties if they had ever discussed John's punctuality issues and they both said it had never been discussed. The mediator teased out with John the reasons for his habitual lateness and asked him to be prepared to talk through it at the mediation.

At the mediation, both parties told their stories and John was asked to explain why sometimes he was late. The reason was due to the school run – the school only took pupils from 8.15 and depending on the traffic he might make it to work by 8.55 or more often by 9.05 or 9.10. His partner couldn't do the run so he had no choice.

In the mediation, the parties explored the possibility of John officially starting later, of shortening his lunch hour or lengthening his hours at the end of the day. – it was agreed that he would start at 9.15 and shorten his lunch break by 15 minutes. Mary agreed that if she had an issue with John in the future she would raise it with him privately and not wait for the annual performance review. If John had an issue he would raise it privately with Mary. It was agreed that the matter was at an end and that HR could be told that they could close the file.

THE OUTCOME

The benefit of the mediation was that the parties could tell each other, in a safe space, what the issues really were and devise the solutions to the problems together. The mediation helped them to focus on their future working relationship and resolve the claim quickly before it gathered legs. From the company point of view, it meant it had dealt with a formal complaint very quickly and the parties could get back to productive work.

As it is mentioned in the study case the mediation as Alternative Dispute Resolution was successful and the conflict was solved without the necessity of going to tribunals and the relationship wasn't getting worse and the company has the benefit of continuing with both employees.

The study case shows that the employees using the mediation could have the opportunity of listening and clear some misunderstandings. If litigation was used in this case, there is a

chance that the outcome was decided by a jury based on evidence from the parties and talking about bullying like the example one of the parties could have finished with legal issues and no chance of restoring the relationship between the parties involved.

Caryn Cridlan is the Founder of Mindful Mediation and she explains the Benefits of Executive Conflict for Business, in this article Caryn, believes that some benefits could be that the leaders can improve skills like empathy, resilience, and humility, take responsibility and be prepared to adapt in the face of challenges. She enlists 5 benefits that are described as following (Cridland, 2021):

1. Increased self-awareness and an ability to quickly and easily make changes to the way executives lead and work with others:
2. Creation of high-performance teams/organizations
3. Bits of help define values, goals, visions and make effective decisions accordingly
4. Great role-modelling for staff that is it ok to sometimes get it wrong
5. Exponential professional and personal growth for leaders

Caryn has worked resolving workplace conflicts and she believes that executives and other leaders could find the magic in the pain. This means that leaders could develop skills for manage conflicts within the workplaces, understanding and contributing to the situation.

She remarks that leaders should stop to avoid, run, blame, forget or forget the responsibility that they have with the rest of the employees and take action to have a better workplace.

Caryn Dujak agrees with the importance of solving conflicts within organisations. This would help the companies to have leaderships that are ready to deal with conflicts.

1.2.4 In-house workplace disputes

In Ireland the way of solve disputes in the last years by Alternative Dispute Resolution are the following (Eurofound, 2020):

- Informal mediation service provided by the Equality Tribunal. This way of solving workplace disputes has increased since 2000 due to its faster than other alternatives. This service has resolved disputes within 6 months, compared with 18 months for investigation with other Alternative Dispute Resolution. The process involves negotiation between the parties and is voluntary. The agreements are not public and when are signed the agreement is legally binding and enforceable.

- Private independent third party. This way has been increased in the last five years. As usual, this way is solved by arbitration or mediation services provided by former managers, trade union officials or staff from state-run third-party bodies.
- In-house Alternative Dispute Resolution mechanisms. This reflects a concern to keep conflict in-house as much as possible and avoid referring disputes to external dispute resolution institutions and getting caught up in external legal wrangling's.

One characteristic of in-house Alternative Dispute Resolution is that this way of solving disputes is free for the employees but employers have to pay the service of a third party if the organisation doesn't have trained people for being in charge of the process.

By the CPA in mediation and arbitration, 90% of disputes that decided to used mediation or arbitration in-house were solved and the 10% weren't solved and used other legal methods for the unsuccessful result of trying to solve internally. Some of the companies that have adopted in-house dispute resolution systems without hiring a third party as a private mediator are CIGNA, Federal Express, McGraw-Hill, Chemical Bank, J.C. Penney. The companies have tried to include in their culture this system and working in the design due to the benefits of reducing costs, time, improving relationships and a continuous learning process for improving a better workplace. (Wexler & Zimmerman, 2000)

There are some examples of the success of the companies that have used in-house systems for solving disputes (Carver & Vondra, 1994):

- Chevron: Mediation process, cost 25,000 USD. If they'd used an external mediator the cost could have been 700,000 USD and the court 2.5 million in a period from 3 to 5 years. In this example, the company reduced time and costs during the process.

In a study by Maynooth University about the importance of promoting mediation in workplaces the author concludes that some bodies as the Mediators' Institute of Ireland and individual mediators could impact the role of mediation as a way for solving disputes in the workplaces. And the government could offer support to pilot projects and sponsoring researches for implement mediation in the workplaces. In this study as well the author shares her opinion about some barriers that could be the lack of understanding of the mediation process. (Kokaylo, n.d.)

Even the companies are implemented to resolve the conflicts in-house because there have been positive results when the dispute is solved, it is important to talk about the point of

view of the people who have implemented this system for conflict management. In an interview in Qualco, some of the answers from the people interviewed were summarized that there is a lack of confidence and capability in handling issues for resolving disputes. (Saundry & Gemma, 2012)

When the mediation was introduced in Qualco for solving disputes in-house had some benefits. This system had provided a mechanism that reduced costs, time and relations damaged. Qualco invested in the training for the people who supports mediation in the workplace and was satisfied that the people gained skills to solve the disputes. Nevertheless, Qualco has employees who practice informal mediation due to the lack of training but with a good result. (Saundry & Gemma, 2012)

‘I think you’re better to do it yourself [mediation] because you know your people...you know what way they work and what makes them tick and how they react to different things.’ (Operational Manager) (Saundry & Gemma, 2012)

Some companies are using Alternative Dispute Resolution to solve disputes internally. The staff of the companies have taken the role of ombudsman, mediator, and members of a peer review or management review panel and arbitrator. The Mediators’ Institute of Ireland (MII) has developed an ‘organisational and workplace chapter’ to disseminate professional standards. (Eurofound, 2010)

1.2.5 Mediation as an Alternative Dispute Resolution mechanism in the resolution of workplace

In the circular by the Department of Public Expenditure and Reform in 2017, it is suggested the mediation in the resolution of the workplace, contract and other disputes involving Government Departments/Offices and public bodies. This circular encourages the managers of using mediation in the resolution in the workplace, contract and other disputes involving Government Departments/Offices and public bodies. The circular suggests that many of the disputes can be solved by the management, they believe that mediation could be used as the first option instead of using other methods like arbitration, adjudication or the court. (Department of Public Expenditure and Reform, 2017)

Mediation has been used in different sectors and areas for solving disputes due to its main principles from the Mediation Act 2017 (Department of Public Expenditure and Reform, 2017). This could help the process within the organisations can be clear and organised

because even mediation is more flexible than litigation, the mediation process is ruled by an Act. Mediation is still a legal process even it is not done in a jury.

Mediation for example in cases that involve trauma the parties tend to use it because take care of the interests of the parties. (State Claims Agency Newsletter, 2014) Mediation and other alternative dispute resolution are confidential and allow that the parties could feel in a process where they can express their feelings without the fear of their issues could be known by other parties that are not involved directly in the issue.

The Department of Public Expenditure and Reform considers why and why not using mediation:

Factors favouring the decision to use mediation:

- The parties involved in a conflict as usual are looking to solve the disputes in a short time and mediation offers this factor.
- Mediation could improve the relationships between the parties.
- The parties have the opportunity to express themselves as a natural “desire”.
- Mediation is without prejudice.

Factors arguing against the use of mediation:

- The case could set a precedent and have implications for other cases.
- A principle of law is involved and needs to be resolved.
- One party is concerned that there is a publicly stated resolution of the matter.
- One party is precluded because of the application of the regulation, law or public policy from modifying its position on the question at issue.
- Previous frustration/delay of the process by one of the parties.

In the study conducted by The International Journal of Human Resource Management the conclusions related to mediation in the workplace, the investigators exploring the mediation as efficiency, voice and equity in the workplace. In its study, most of the cases were for disciplinary issues. The study shows the mediation is attractive due to the rights of the employees that enjoy having a voice in the process and the participants believe that it is an easy way to solve the dispute. (Saundry, et al., 2018)

Mediation in the workplaces following Nora Doherty improves the relationships, Nora as well defines this process of mediation in the workplace as following (Doherty, 2008):

“Mediation is a structured process whereby an impartial mediator facilitates communication between those in dispute for them to understand each other better and for them to come up with mutually acceptable solutions that will improve the working relationship in the future.”

Mediation is the opportunity for employees to remove dilemmas. This method as well prevents that conflicts get out of hand. (Valdez, 2003). Mediation in workplaces as well bring a human element because the process involves a personal or emotional element. The process has the balance between the formal way to have an agreement and the emotional aspects within the conflict. (Weinstein, 2001)

In Ireland is being promoted at both organisational and national level as an effective process of workplace dispute resolution, and yet the extent to which it is used seems to lag behind its purported potential. (Kennedy Institute Workplace Mediation Research Group, 2016)

Mediation is suitable in the workplace when there is a lack of communication and respect when the people have differences that are personal or when a working relationship is broken and issues related to a disciplinary procedure or grievance are raised. (BDO Ireland, 2021)

“The recently enacted 2017 Mediation Act, has finally given mediation recognition as an effective and successful approach to resolving disputes in a wide variety of contexts. Conflicts and disputes are expensive and painful experiences and mediation has the potential to transcend and transform these challenges. And it can do this, more quickly, creatively and at much less financial and other cost compared to litigation or adversarial dispute resolution processes,” incoming President Margaret Considine (The Mediators' Institute of Ireland, 2018).

All the arguments above come together about how mediation helps organisations to solve the issues in-house. The process includes benefits for the parties involved as well because they can express themselves and being part of a process that is neutral and impartial. So, the management and the parties involved can have a process that could improve relationships and have the opportunity of being listened to and express themselves when the issue is raised by lack of communication, misunderstandings, or other causes of the conflicts. If the parties just choose litigation as a process for solving the conflicts, one of the sides could feel that there wasn't a balance and the process could just focus on a legal framework that doesn't allow that the parties can express their feelings.

1.3 Designing an Alternative Dispute Resolution system in workplace disputes

1.3.1 Why an Alternative Dispute Resolution system designed could or not work to resolve disputes in-house workplace?

A study by Van Gramberg describes how Alternative Dispute Resolution in the workplace is practised. In this study, the companies expressed that some of the practitioners that are being training to solve disputes they are not showing how they are balancing the process before concluding the training. The conclusion of this study was the importance of training staff to develop skills for solve disputes internally in the companies. (Van Gramberg, 2006) The importance of trained staff is to avoid hiring external mediators that involves costs and don't help the organisations to improve skills for the employees and to get learnings about the conflicts.

The Alternative Dispute Resolution has been taken as a system in the companies for resolve disputes in the house due to the attractive characteristic of cost-effective and confidentiality, and employees can have a voice in the conflict resolution, but this system for the corporations is implemented with some struggles when the Alternative Dispute Resolution system is designed within the organisation without previous experience. (Medlin, 2001)

After the efforts of the companies to use Alternative Dispute Resolution instead of litigation, sometimes employees prefer the traditional system to a new one. But if the companies work hard in design a good Alternative Dispute Resolution system to solve in-house disputes this can satisfy all the parties as Sander and Bordone explain in their article. "A successful dispute system factors in the incentives, motivations, skills, and resources of those who will use it." (Sander & Bordone, 2005)

In Ireland, since the Mediation Act came into law has helped that Alternative Dispute Resolution has seen a rise to keep conflicts out of the court. "Should divert many families, civil, commercial and community disputes from our courts", Sabine Walsh, president of the Mediators' Institute of Ireland. Mary Connaughton, director of the Chartered Institute of Personnel and Development believes that managing conflicts within the workplace are the first step to try and solve a dispute. (O'Connel, 2017)

There are implications when the organisations decide of using alternative dispute resolution in the workplace, for example, if they implement mediation the organisation should be sure that the staff that will be the mediator has enough skills, accreditations, training and

qualifications for a good performance in the process. (Kennedy Institute Workplace Mediation Research Group, 2016)

Conflict management is the opportunity to reduce costs. This means that the organisations could have a system for solve disputes within the workplace. The system should support employees and managers to find a solution within the workplace instead of using expensive alternatives. There are benefits in this system as reducing costs and stress and the most important is that this kind of system help that employees, managers, partners can work together to achieve the common goals. (Slaikau & Hasson, 2012)

“Solid HR fundamentals remain among the best defence mechanisms to identify and resolve workplace problems that often grow into class actions.” Gerald L. Maatman, Jr.,
a senior partner and co-chair of the firm’s class action defence group

Gerald L. Maatman in an interview for Forbes suggests some advice for the leaders related to workplace issues (Segal, 2021):

- Administer robust workplace policies and practices that provide “workplace due process.”. This will help to be clear about complaints, grievances or problems to define if the issue can be solved by the policies of the organisation or to solve the issue by a legal procedure.
- Consider using workplace arbitration agreements with employees that contain class action waivers.
- Invest in rigorous compliance with workplace laws—especially federal, state, and local laws that govern how workers are paid— to eliminate problems that often result in workplace class actions.

Examples of when to use (BDO Ireland, 2021):

- Two teams are unwilling to communicate or share ideas, due to a lack of resources and competitive goals. Both teams begin to miss deadlines and submit sub-par work due to the limited access to information. The two teams begin openly arguing and disrespecting each other.
- A team is finding it hard to adjust to a new system, processes and tighter reporting deadlines and the group is fracturing a bit and needs to be pulled back together as a unit.

- Two teams (Sales and Marketing) are struggling to agree on the approach to the allocation of resources for existing clients and new business development.
- A leadership team needs some facilitation to enable the group to reach alignment on emotive issues.

The examples above prove that the alternative dispute resolution in-house is a good tool for organisations due to sometimes the issues are just misunderstandings. The authors agree that the management could improve skills for solve conflicts when the organisations have decided to implement an internal system for solve disputes. Even the process needs investments to train the management, this would bring some benefits in the future for the organisations.

1.3.2 The system of alternative dispute resolution in-house (examples)

In the essential guide to alternative dispute resolution there are ten steps that the authors suggest for implementing an effective alternative dispute resolution system (Doherty, et al., 2013):

1. Define the strategic opportunity: In these steps, the authors suggest that the organisations could study the impact of the alternative dispute resolution as reducing costs, lowers the risk of use litigation to solve the disputes and improve the relations within the workplace.
2. Building leadership commitment: This could help the managers, supervisors or other higher levels the importance as leaders to look after their teams. This means they could have the skills to identify conflicts and address the conflicts for the best tool for solving the issues.
3. Form a design team: It is important to have people that can represent employees and Human resources or the management, this means that employees know how it is the person in charge for a talk in the first instance about the conflict and the organisation through human resources is ready for help them to solve the issue or to manage to conflict.
4. Diagnosing the current internal situation: When there is a design team, it is important that they have enough skills and that they can have access to previous documentation about conflicts in the past because they can have an idea of how to solve the conflict or understand if there is a conflict that must be solved by alternative dispute resolution or

by another way, or identify if this issue can be managed before using the alternative dispute resolution.

5. External research and benchmarking: Organisations could follow the best practices like the Labour Relations Commission Advisory Service or specialist experts in Alternative Dispute Resolutions. This will help to see the experience of this system or maintain the system.
6. Employee focus groups: Have a qualified facilitator.
7. Design the system: The design would be aligned to the objectives and the culture of the organisation. Design the scope and decide if the process will be voluntary or mandatory before using an external process if necessary.
8. Pre-launch: Identify who will be the person or people in charge of the system.
9. Launch the system: In this stage, the organisation should decide how will the system will be known by the employees. Maybe with marketing within the organisation, training. An explanation of the system by intranet, or making that the managers are ready for share that the system is available.
10. Assessment: The authors suggest that every 12 months the system should be evaluated, this includes that asses that the system has achieved the objectives and getting feedback from the design team, managers, employees and others within the organisation.

Following some examples from companies that have used the alternative dispute resolution in-house for solving disputes (Doherty, et al., 2013):

1. General Electric and Marriot International: The system consists of having a panel with two employees (no managers) and two managers for appeals from the employees. When the panel review the evidence and then they can decide the outcome that will be binding. This system allows that if the outcome has not been enough for one of the parties, the parties can appeal and other parties that are not involved in the conflict can find an outcome. This outcome will be binding even it is not made by a jury.
2. Intel Ireland has a system called "The Intel open model". The employee that has the issue raise it with an employment service. This could be with a help desk or by the intranet. In this stage, all the policies, procedures and guidelines related to human resources are available to the employees. One of the benefits of this stage is that the employees can get answers in a short time. The system operates in four levels:
 - i. "The informal level": The employee fills a template with the issue, then the employee raises to its manager/supervisor with the template after the

manager/supervisor address the issue and finally they have to respond using another template.

- ii. The start of the formal open-door process. In this level if the issue was not solved in the first level then the issue can be escalated to another line of management and the manager and the employee will be coached by human resources. The issue is investigated but the human resource is just an advisor in the process.
- iii. At this level, if the issue is still not resolved, there is the possibility to use another line of management to ask for the human resource legal investigation team.
- iv. The employees are encouraged to use the open door system to solve the issues before using other methods.

“The focus is on resolving the vast majority of issues at the first level which serves to support and enhance the primary relationship which is that between manager and employee. This is key to maintaining the credibility of the model.” Eamonn Sinnott,

Plant Manager of Intel

These examples support the idea that if the organisation has its system for deal with the conflicts within the organisation and the employees could feel safe that the organisation take care of them and that the process is reliable. The employees have the opportunity of being listened to by the organisation and the organisation can keep the issue in-house without the necessity of used external resources or use a litigation process.

Another benefit for the organisation when the system is developed internally is the management or human resources could develop more skills as leadership for solving the issues within the teams.

2. Research Methodology and Methods

2.1 Introduction

The research will be conducted through the methodology for understanding the aim of understanding if there are benefits of promoting Alternative Dispute Resolution in solving in-house workplace disputes.

The methodology will be the base that ensures the aim and describing why this is important research for the organisations and the employees within the organisation.

The study was conducted to human resources and other employees to understand via a survey (see Appendix A) their perspectives about experiences or points of view regarding the Alternative Dispute Resolution in solving-in house disputes. Also to avoid a bias and just thinking on one side of the process.

All the answers were analysis and any participants were excluded from the analysis. The survey was launched by google forms.

2.2 Research Methodology

2.2.1 Philosophies

Due to the aim of the research about if there are benefits of promoting Alternative Dispute Resolution in solving in-house workplace disputes, **relativism ontology** that it is the way of how each human has an interpretation of the facts, and the reality of each individual it cannot be generalised (O'Grady, 2002), that's why this approach was chosen because there are different approaches for solving disputes in workplaces and any individual has the right to decide the approaches that they consider appropriated for their outcomes and necessities, also each organisation has policies and procedures for solve disputes. (Baltimore Mediation, 2018)

Considering the different points of view from the organisations and parties involved in a conflict the emic epistemology was chosen due to the reality of each person. (Given, 2008)

In this dissertation, the study was conducted in different groups in LinkedIn and other resources in Ireland to ask about their experiences, knowledge and point of view about the

Alternative Dispute Resolution for solving conflicts. The grouse included human resources, groups specialized in alternative dispute resolution and public groups for employees and human resources.

2.2.2 Approaches

The **inductive approach** for this research is the best since Alternative Dispute Resolution are not the only option for solve disputes in workplaces in-house workplace disputes (Harvard Law School, 2021), so it cannot generalised that Alternative Dispute Resolution is selected for every organisation or every party because the Alternative Dispute Resolution involves different tools for finding the best outcome for each party, seeking for agreements that could depend on the emotions, beliefs, rights of the parties involved; that's why the research aims to explore if there are benefits of promoting Alternative Dispute Resolution in solving in-house workplace disputes. (Eurofound, 2020)

The inductive approach was chosen for the reason that this study is not coming from a theory and it is not trying to disregarding theories as to the deductive approach, the main of this study is to understand the information that was collected to understand the findings (Business Research Methodology, 2011) and get an answer for the aim of this dissertation.

2.2.3 Strategies

The **survey** was chosen for this research since the selection of a population that was segregated for understanding why people could consider resolving disputes within the organisation instead of using other ways different than Alternative Dispute Resolution and in the cases that Alternative Dispute Resolution was chosen how this was the best option and if the organisations have promoted and the employees know about that they can solve in-house the disputes.

The survey included questions that were opened but just to identify the success or failures for Alternative Dispute Resolution, for seeking the process within the organisation for solve disputes in-house, for understanding the point of view as Human resources and employees about the process and closed questions for the rest of the questions.

2.2.4 Choices

Qualitative research is defined as “the study of the nature of phenomena”, including “their quality, different manifestations, the context in which they appear or the perspectives from which they can be perceived” (Busetto, 2020)

As the aim of the research is to identify if there are benefits of promoting Alternative Dispute Resolution in solving in-house workplace disputes. The parties involved in a conflict can choose the best way to solve their dispute (Harvard Law School, 2021), this means that there are perspectives of the selection of the Alternative Dispute Resolution and the research is not ranked information, the information gathered includes answers that are more related with the qualitative information.

2.2.5 Time horizon

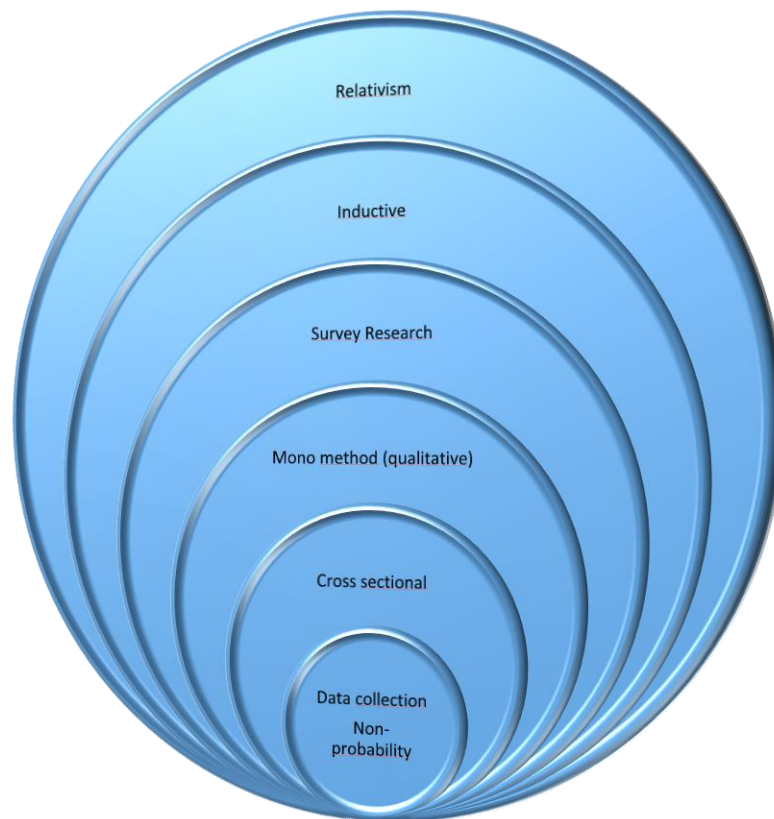
This research is focused on the Alternative Dispute Resolution for solving in-house workplaces nowadays, so the cross-sectional suits since the research seek to promote Alternative Dispute Resolution in the present and the future period. And considering that Alternative Dispute Resolution is still developing in Ireland. (O'Connel, 2017)

I believe that the longitudinal cannot be suitable because the research is focused on increasing the promotion of Alternative Dispute Resolution, work in strategies that are new in this area, and it does not seem appropriate for a long timeframe. And alternative disputes resolution has been developing in the last years differently (Shamir & Kutner, 2003).

2.2.6 Data collection and analysis

The research population is all the workplaces in Ireland, however, the population is large and different Alternative Dispute Resolutions can be chosen, so the results are not predictable because each individual can decide on other options, that's why it is difficult to generalise the population. The sample used is non-probability sampling and all the answers were analysed. The study didn't exclude any participants in the research.

The following figure has been made to summarize the methodology used in the research, following the Saunders Onion as a guide:



2.2.7 Research limitations

The aim of the research is just understanding if there are benefits of promoting Alternative Dispute Resolution in solving in-house workplace, but not like a rule for the disputes so that the analysis didn't generalised the results because it is a non-probability sampling and even the results included all the participants, this not mean that the study is including every organisation and employees in Ireland.

The research well is not looking for one truth, because solving disputes will depend on the parties involved, the resources within the organisations and what they are expecting; so the research emphasized the benefits of the Alternative Dispute Resolution in solving an in-house workplace.

Considering the relativism ontology, this research included different points of view and the information collected included answers that were difficult to segregate for being analysed.

Another limitation is the fact that the answers that were collected did not have the way of being tested for proof of the veracity of the people who have participated in this study.

3. Presentation of the data

The research was done by survey in google forms to the Human resources department and employees in LinkedIn and other social media by online resources.

Nevertheless, there were closed questions to classify and understand the results obtained in the process and to obtain more specific information that was necessary for the research. And opened questions to gather more information about the topic.

When the information was gathered, the analysis looked for characteristics that were common in groups for organisations that prefer Alternative Dispute Resolution in-house than other tools, and for those that have chosen Alternative Dispute Resolution in-house. The questions as well obtained some strategies that have been successful in the organisation for promoting mediation within the organisation and if the employees feel satisfied with the Alternative Dispute Resolution in-house or if they preferred other resources. As well, the answers that were related to the alternative dispute resolution were analysed to understand if there are fails in the use of the alternative dispute resolution in workplaces.

All the information gathered helped to support or argue the conclusions of the point of view of some of the authors in the literature review.

3.1 Sample

Forty-one participants were interviewed for this research, but two of them didn't finish the survey and just submitted the survey without answers. This means that the research just includes the 39 participants that conclude the survey. The research was divided into 2 groups: not employees (36%) and employees (64%). Any participant was excluded from this research.

After segregating the participants, of the 64% that are employees I could identify that 35.9% have been working in Human Resources and the other 64.1% are employees within an organisation that are not working in the Human Resources area.

The survey included people that weren't employees but there had previous experiences in workplaces.

The answers that were included in this research were not modified from the original transcription and referred to the number of the participant.

3.2 Data collection

All the answers were analysed by Microsoft excel through pivot table "

This process was helpful for the researcher to analyse the open and closed questions in the survey and to understand the main two categories in the study. The first one is for employees that don't work in the human resources area within an organisation (group 1), and the second one is for human resources employees (group 2).

Group 1

In the next step of the analysis, it was disaggregated group 1 into two subgroups. The subgroup "A" were employees that have experienced a conflict in a workplace and the second subgroup "B" was for employees that haven't experienced a conflict in a workplace. In this stage of the study, the research showed if there was a connection or a link between the following questions.

Within-group "B" for employees that haven't experienced a conflict in a workplace, one of the participants further answered that he has issues in the workplace that were raised in the workplace internally by Negotiation and its answer was included within the group "A".

Subgroup "A"

In this stage, the participants that have experienced a conflict in a workplace subgroup "A" shared the kind of conflict. These were the conflicts that the participants shared in this subgroup.

"Former supervisor was verbally abusive." Participant 1

"Difference in work pattern." Participant 2

"Leaders make bad decisions that address few of the collaborative challenges faced in meeting our collective mission." Participant 3

"Amendment to contract terms." Participant 4

"Different kind of conflicts", Participant 5

"Interpersonal relationship." Participant 6

** participant 7 didn't explain the issue.*

For all the participants that have experienced a conflict in a workplace, they answered that they raised the issue of the conflict in the workplace and these are to whom they raised the issue of the conflict.

- Human Resource Department, Participants 1 and 3
- Colleague, Participants 2, 5, 6 and 7
- Manager/Supervisor, Participant 4

This means that 29% of the participants raised the conflict with Human Resources Department, 57% with a colleague and 14% with a manager/supervisor.

When the question was if the conflict was resolved to their satisfaction, participant 1 answered "No" and provided that *"never heard back from Human Resources"* and the issue did not involve a dispute resolution process due to there was not a response from Human Resources. As well, this participant in further questions shared that they tried to solve the issue internally but the organisation doesn't have alternative dispute resolution for employees. Nevertheless, this participant asserts that he has had personal experience with alternative dispute resolution and he believes that the Alternative Dispute Resolution process has value or merit within the workplace in identifying, raising and/or resolving conflict.

The rest of the participants expressed that the conflict was solved adequately. Then the next question related if the conflict was discussed with someone internal or external to your workplace, all the participants answered that the conflict was discussed internally.

In this part of the survey, there is a gap when participant 5 answered that the issue was solved internally but in this case probably the misunderstanding of what is an alternative dispute resolution. In the question related if a dispute resolution was involved in the process, the participant answered "No" and he provided that the issue was handled by human resources through the mediation process, this means that the dispute involved the resolution of a dispute, even the answer was "No".

Considering the answer like "Yes" from participant 5, 75% of the participants that solved internally the issue used a dispute resolution process. The 25% was solved by the management without a dispute resolution process: *"The management tries to solve the issues themselves"*.

The participants that used a dispute resolution process clarified the 75% Mediation was the

method of Alternative Dispute Resolution used and in the next question and the 25% by negotiation: If you resolve your conflict through an Alternative Dispute Resolution process, do you think it was easier and better for you to have resolved your issue internally? the answers were 100% "Yes".

Some of the participants explained the reason for the answer:

"It provides us a chance to understand both sides and it helps us to come up with a better solution", Participant 2

"Better for documentation purposes", Participant 6

"Less time and resources", Participant 7

Even the participants solved the issue internally, 75% answered that the employer did not aware of a conflict resolution process within the workplace and 25% answered that the employer did aware of a conflict resolution process within the workplace by Human Resources.

The 50% of the participants were themselves who tried to solve the issue internally and the other 50% were themselves and a college.

In the following answers, the issues that were solved internally not all of them used an internal Alternative Dispute Resolution. One of the participants' asses that the organisation used the garda in the workplace to solve the issue: *"Garda came to my workplace to solve the issues"*.

50% of the organisations that don't use an internal Alternative Dispute Resolution, 25% has an internal Alternative Dispute Resolution and the other 25% didn't answer.

The use of an Alternative Dispute Resolution within the organisation was known for the participants by the company policies and in the details contained in a work contract.

The **subgroup "B"** didn't participate in the rest of the survey, which means that they didn't answer that questions.

Group 2

The second category of this study is focused on the human resources employees and the analysis was the following:

The 50% of the people interviewed that work in the area of human resources answered that in the organisation avail internal alternative dispute resolution and the other 50% don't do it.

The internal alternative dispute resolution that is used by the organisations are as following:

- Mediation
- Mediation and arbitration are utilized for disputes. The employer is a mix of union and non-union staff. Negotiation is utilized as well particularly for issues involving hours, wages, and working conditions.
- Human resources Business Partner are meeting with the 2 people in conflict either 121 or together. Give both the opportunity to tell their perspective, what their needs are and how they would like to have the conflict resolved.

The organisations that don't use any internal alternative dispute resolution explained the reasons why they are not used:

- Senior Management is not engaged in conflict management
- CEO does not support Alternative Dispute Resolution
- Not aware of any departmental approaches to Alternative Dispute Resolution

Even the next question was for the organisations that don't use any internal alternative dispute resolution, there were some participants which organisation use internal alternative dispute resolution and at the same time are using external alternative dispute resolution. Of the 50% of the organisations that don't avail internal alternative dispute resolution, the group was divided into the half that uses an external alternative dispute resolution and the other half neither internal or external alternative dispute resolution. And there was one participant that explained that his organisation uses internal and external alternative dispute resolution.

The detail of the companies that use external dispute resolution is the following:

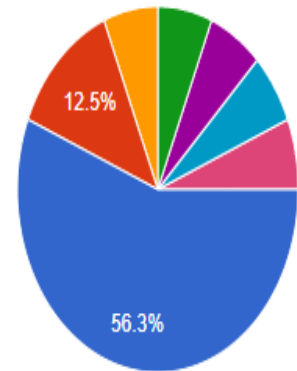
- On an ad hoc basis, mediation is sometimes used
- Claimants suggested.

And the organisations that don't use internal or external alternative dispute resolution explained:

- Not aware of any departmental Alternative dispute resolution policies

In the section in the survey regarding the way of how the Alternative dispute resolution within the organisation it is informed to the staff for knowing that the process is available to them, the answers were the following:

- Company Policies 56.3%
- Details contained in a work contract 12.5%
- Distributions of leaflets within the workplace 6.3%
- Internal staff email 6.3%
- Workplace intranet facility 6.3%
- All of the above 6.3%
- Word of mouth (others) 6%



All the participant of this category agrees that they feel that an alternative dispute resolution process have value or merit within the workplace in identifying, raising and/or resolving conflict.

Some participants gave a reason for their answers:

Can address issues before they become detrimental to the team

This is something I plan on suggesting in the future. We have a culture of letting employees away with stuff cos of a fear of the union, keeping the peace, not wanting to upset the apple cart... I don't agree with this as it creates an unfair culture... We don't have the skills internally to resolve big disputes that could arise from this so I suggest we upskill but also go external for the really difficult stuff...

Cost and time savings and more effective problem-solving.

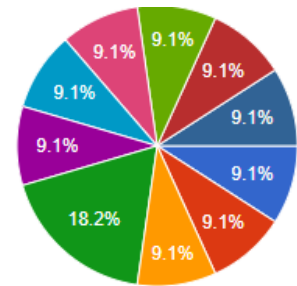
The more efficient way of addressing. Also, empowering parties promote ownership over the solution

Early intervention is critical in a conflict situation

For the organisations, that avail of internal alternative dispute resolution processes the 58.8% have employees who are accredited mediators who can facilitate an Alternative dispute resolution conflict resolution process and 41.2% don't have it.

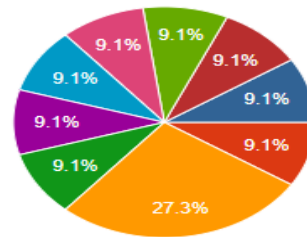
The mediators were accredited as follows:

- The Mediators Institute of Ireland 18.2%
- Mediation Foundation of Ireland 9.1%
- Centre For Effective Dispute Resolution 9.1%
- International Mediation Institute 9.1%
- The Chartered Institute of Arbitrations 9.1%
- 40 hours of training 9.1%
- Mediation Northern Ireland 9.1%
- Others 27.2%



And the organisation that avail an external alternative dispute resolution, the mediators were accredited as follows:

- The Mediators Institute of Ireland 9.1%
- Mediation Foundation of Ireland 9.1%
- Centre For Effective Dispute Resolution 27.3%
- International Mediation Institute 9.1%
- The United States of America 9.1%
- Federal Mediation and Conciliation Service (United States of America) 9.1%
- Mediation Northern Ireland 9.1%
- Others 18.1%



The 85.7% of the participants that have used an alternative dispute resolution process in solving workplace disputes, has been a success for the people in conflict and/or the organisation, the other 14.3% has not been successful.

Some participants expressed their experience, but even the question was for success or failures, just the participants that have experienced a success process answered.

Resolved the issue completely

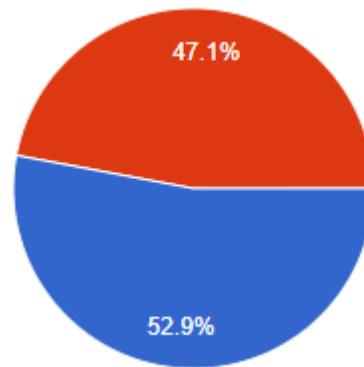
It is open and flexible

Have seen many dramatic changes given better processes / but “early” processes are often offered only months after the initial incident.

Avoided litigation people can move on and start to heal much sooner

Not only were the conflicts resolved, but the long term relationships were strengthened

52.9% of the organisations have a preference for using internal or external alternative dispute resolution processes and the 47.1% don't have any preference.



Within the organisations that have a preference to using internal or external alternative dispute the 55.55% prefer internal than external alternative dispute resolution, some participants express the reason of the answer for both alternative dispute resolution:

In house to ensure speed, but it does not work. Conflict First Aid is fixing this issue.

Building on existing relationships is good

Internal Alternative dispute resolution processes have a better understanding of conflicts inside the workplace

CEO does not value internal Alternative dispute resolution

Internal in the first instance assuming there are no conflicts of interest

Cheaper to use

The last question was regarding the unsuccessful in terms of resolving the conflict, the question as if the participants can you explain what happens next within your organisation:

Grievance procedure

The environment is toxic and the performance is affected negatively

They will take further action

Depends on... the policy gives options.

Nothing

A complaint is put "in abeyance" for the duration and loops back the following mediation.

Depends on the nature of the conflict

One or both parties decide to use an external mediation service

Go to WRC

Employee usually leaves

There is a board of trustees who reserve the right to arbitrate

Nothing

Try again

4. Data Analysis/Findings

This chapter contains the results of the analysis from the data collection, links the analysis for the research question, and the relation between the analysis and the methodology. Thirty-nine participants were interviewed for this study. The questions were structured to understand if there are benefits of promoting Alternative Dispute Resolution in solving in-house workplace disputes.

The study to avoid bias, included the perspectives from employees that don't work in the human resources department and the human resources department. This help to identify two categories and link the conclusion for both categories.

4.1 Workplace employees (no Human resources)

It is important to emphasise that employees preferred to raise the conflict with a colleague instead of a manager or the human resources as is mentioned in subgroup 1. However, the employees have expressed in the study that the experience with alternative dispute resolution has the merit of solving the dispute.

In their experience, mediation was the way to solve the conflict but not all of them was internally, nevertheless, they think that the mediation helped them to solve the issue. Some of the issues described by the participants were related to personal conflicts or perspectives, that why mediation could be the best option when they solved the conflict due to the characteristics that mediation offered for the participants to express themselves. (Baltimore Mediation, 2018)

During this stage of the study, from the perspective of the employees, they weren't aware for solve the dispute internally within the organisation. This means that even there are companies as the examples in the section of the literature review that has policies and procedures for use in the first option to solve the issue within the organisation, the answers of the participants suggest that the organisations don't have a system that could help them to know that there is an option for solving the conflict internally. It is important to notice that the companies in the example are big organisations that maybe if we compare the resources of these companies with small companies. The study didn't include questions to identify if the employees were working in a big organisation or small organisation, so it is difficult to conclude if this issue is due to the complexity of the organisation.

As employees, the study shows that they felt comfortable with the results using alternative dispute resolution in the process for solving the conflict. This supports the conclusions of some authors in the section of the literature review about the success of alternative dispute resolution for solve disputes in the workplaces. The answers suggest and support the advantages of the alternative dispute resolution of saving cost, time and help the parties to understand the position of each one and can find a solution that works for both sides.

This section of the survey helped to understand that the participants liked the process because they could understand better both sides of the conflict, and this is linked with some of the advantages described in the literature review about how the alternative dispute resolution open a channel of communication for all the parties involved. Because as it is mentioned about the causes of the conflicts, some of the conflicts are derivate from misunderstandings or different perceptions.

These results are related to the design of a system of alternative dispute resolution within the organisations, in the case of Intel, the first level is to solve the issue with the manager or supervisor. And the employees have the opportunity to know about the resources that are available by the media that Intel has for the employees. In the survey some of the participants raised the issue first at all with managers or supervisors in the workplace, and then they could solve the issue internally, this means that the system as Intel has developed is successful for solve internally the issue. As well, this suggests and support the importance of having personal that are trained to solve the issues within the organisation.

The organisations should be sure that the access for employees know where they can go when a conflict appears and as well encourage them to solve the conflicts within the organisations because the study suggests that some employees didn't know how they could solve the issues or some participants even they answered that the issue wasn't solved by an alternative dispute resolution in further questions they affirm that they used mediation. So, the employees must know what it is the process that is viable for them.

4.2 Human resource department personnel

In the second category, in general, the perspective from human resources was similar, they have used mediation in almost all the cases and even the solution was internal or external the results were a success in the majority of the cases.

The study shows that it doesn't matter if the conflict is solved internal or external. The study suggests as well that an alternative dispute resolution is a good tool for solving the issues from the perspective of human resources. The human resources department agree that using the alternative dispute resolution help to solve the issues and have benefits for the organisation.

Another finding in this section is that organisations that have mediation as an internal resource for solving disputes have trained personal and personal that don't have certifications for manage this process. Even there is a person that doesn't have certification and have managed the conflict, it is supporting the idea of the management can develop skills to solve conflicts as is mentioned by Slaikeu and Hasson. If the organisations have personal that are trained they can solve the issues in-house and get feedback to have a better understanding of the conflict.

Some of the expressions from this category support that this process is opened and flexible and that help enhance the relationships as the advantages described in the literature review.

Even that employees don't think that the organisation promote the use of alternative dispute resolution, human resources think that they have the tools to share with the employees that these tools are available within the organisation.

5. Discussion

5.1 Main research findings

This dissertation started under the premise of research if there are benefits of promoting Alternative Dispute Resolution in solving in-house workplace disputes. There are several aspects to consider for the development of promoting the alternative dispute resolution in-house workplace disputes. In this dissertation, the aim is to contribute to the organisations and employees to understand the process of the main alternative dispute resolution, this understanding included the advantages and cons of this system for solving workplace disputes.

There are three different topics in this research: The Alternative Dispute Resolution process in Ireland, promoting Alternative Dispute Resolution for resolve disputes in-house workplace and the importance for design a system of alternative dispute resolution in workplace disputes.

5.1.1 The Alternative Dispute Resolution process in Ireland

In Ireland, some alternative dispute resolution is regulated by an act, like the Mediation by the Mediation Act 2017, Arbitration by Arbitration Act 2010. Nevertheless, the concept and objective of these processes are still in parallel with the U.S. Model.

In the Irish system as Teague described, the employers tend to solve disputes in agencies that are described in this dissertation. This system is known by the employees when they don't know that the organisations have a system for solving the issues. In the research, the employees show that they tried to rise the conflict with colleges instead of using external tools and from the perspective of human resources the organisations don't have a preference as Teague concluded.

Even though, the organisations prefer alternative dispute resolution no matter if it is internal or external due to the characteristics of these tools as the survey mentioned. In the research is mention that mediation for example sometimes is used by the organisation internally with employees that have the skills to guide the process or internally hiring a mediator to solve the issue within the organisation as the Eurfound described that the disputes are solved internally even the mediator is hired. (Eurofound, 2020)

When the organisations have used the alternative dispute resolution have had good results. The alternative dispute resolution has attractive advantages from the perspective of don't spend a lot of resources like financial, time, or being damaged the image of the organisation due to the characteristics of the process like confidentiality, don't appeals, and restoring the relationship between the parties involved.

At the same time, the point of view of the employees for choosing the alternative dispute resolution as this study showed was for the same reasons for employers.

When the alternative dispute resolution started in the united states of America as Shamir mentioned, was for the aim to avoid a traditional system that even to get there it was difficult to solve as soon as possible the disputes. But the success of this alternative dispute resolution in America was maybe so visible that other countries have adopted this system and Ireland is not the exception.

In Ireland, Alternative dispute resolution has still developed. It is important to remind that Ireland is a small country and then this means that the litigation system is not enough to solve all the disputes. These factors have made that the Irish system looks for different methods for solve disputes. (Heffernan, 2011)

Alternative dispute resolution could be a tool in workplace disputes that help employees, employers and the government to get successful results for the parties to involve and the Irish system focus may be on other issues or issues that cannot be solved by alternative dispute resolution.

5.1.2 Promoting Alternative Dispute Resolution for resolve disputes in-house workplace

The Alternative Dispute Resolution has been popular in different areas like the family, commercial and workplace. As it mentions in this dissertation the benefits of costs, time, confidentiality, a neutral third party helping in the process and restoring the relationships have been some of the attraction of these methods.

As human beings, we are looking to have listened. That's a normal necessity, and when people are in conflicts is difficult to change the position for being listeners to listen to other parties.

"Workplace conflict can be defined as a disagreement which the parties involved perceive as a threat to their needs, interests or concerns." (Doherty, et al., 2013)

Solve workplace disputes is not a new topic, but to rise the alternative dispute resolution seems like a trendy way to solve issues. This way of solve disputes is not capable for all kind of disputes in the workplaces, but using the alternative dispute resolution for conflicts in the workplaces have an impact for the organisation as is described by the article published my EBIC (Doherty, et al., 2013):

- Support for the management
- Participation of employees in the design of an alternative dispute resolution system
- Monitoring the outcome for changes procedures in the practice or for preventing more conflicts

The Alternative Dispute Resolution has more characteristics that are not limited just to a perspective of resources. The organisations should consider as well, that when the alternative dispute resolution allows that the parties can express their ideas, feelings, to clear misunderstandings there could be other advantages like it is mention above. When the process opens a channel of communication the management could identify the origin of the issue and the conflict and this could be helpful for prevent more conflicts. And the employees as well could feel that they form part of an organisation that takes care of them.

“There can be no room for complacency. A culture of co-operation and participation between management and workforce must be maintained at the enterprise level and the Government will continue to work to support this effort.” Kelleher, Billie

The use of alternative dispute resolution has an impact on the culture of the organisation because employees could be safe that they can raise any issue to the management and there will be someone to help them. In this point, I consider that there is a gap in this point because in the study it looks like employees tend to approach colleges instead of raising the issue with the management. The organisations should make an effort to create an environment that helps the employees to feel confident within the organisation to manage conflicts.

Some of the findings in this research support that the employees and the organisations have found in the alternative dispute resolution the way of express ideas, reduce time and other factors.

5.1.3 The importance for design a system of alternative dispute resolution in workplace disputes

Even the Alternative Dispute Resolution has increased as mentioned before, the truth is the not all companies have a system of alternative dispute resolution in workplace disputes. As mentioned in the literature review the ways for solving workplace disputes are the following (Eurofound, 2020):

- Informal mediation service provided by the Equality Tribunal.
- Private independent third party.
- In-house Alternative Dispute Resolution mechanisms.

The parties involved in a conflict have the option of solving the dispute in-house or externally.

As O'Connell suggest that solve within the workplace the disputes should be the first step. The study shows that the employees seem that they tried to go internally to solve the dispute, an example is that employees as they answered in the survey, tried to solve the issue with the manager or supervisor, which means that is solved internally.

But solving in-house disputes means that the organisations should have a system that is designed for this option (Doherty, et al., 2013):

- The organisations should consider an **open-door policy** that allows that employees know that they can approach supervisors or managers to solve the issue. This step could help to increase a better relationship between the teams.
- At the same time, the organisation should have a **Peer review** board just to challenge if there is a dispute or it is just a complaint.
- The organisations should choose what kind of alternative dispute resolution will be available, mediation, negotiation or others.
- When the organisation has decided the method, they should be sure that these methods are posted in the contract, handbooks, intranets. This means that the employees know that the procedure is formal.

“One of the rarest managerial skills is the ability to understand which tools will work in a given situation – and not to waste energy or risk credibility using tools that

won't.” Christensen, C. M., Marx, M. and Stevenson, H. H.

Even there are advantages for the use of alternative dispute resolution, there are challenges for implement these systems, not many organisations have a certified mediator or a designed system. (Todd, 2021)

“The absence of a mediator reflects in the overall productivity and workplace toxicity.”
Thomas Todd

To develop this system, the organisation should invest as well in the training for the people that will be in charge of the process to help them to develop the skills that are necessary for this task. If the companies can train employees to solve the issues they could find solutions and increase skills for solving conflicts.

That's why organisations should design a system to solve workplace disputes in-house. Because if there is no design how employees could trust in the process and the outcome?

5.2 Summary of main contributions

This dissertation has explored alternative dispute resolution since the understanding of basic concepts like what it is a conflict, workplace and some alternative dispute resolution. When the concepts were clear this research has tried to explain the process and compare each one of the main alternative dispute resolutions.

This will help the lector that there is more than one option for resolve workplace disputes, even external or in-house.

This research as well as was focused on both sides, including the perspective of human resources and the employees.

I considered important the fact that if the organisations consider that the alternative dispute resolution as the way of solve disputes and if they could design a system for these methods that could be promoted by human resources and the employees can know that there is a procedure within the organisation for solving the conflict.

The dissertation describes the advantages and cons of the alternative dispute resolution for don't have a bias. The lector can evaluate the pros and cons of those methods.

As well the study tried to seek the experiences of the participants, no matter if it was a success

or failure outcome, this could help the lector to understand or to get a better idea of how to solve the issues and the correct way of promoting within the organisation the way of how they solve the conflict.

The study will allow the organisations to understand the necessity of promoting that there are methods that are ready for the employees instead of using a court process and to invest in the training for the employees that will be in charge of the process to get enough skill for the task if the organisation decide for design an internal system. And if they decide to use an external system they can think of alternative dispute resolution like an option for the conflict.

5.3 Practical implications

This dissertation could have practical implications for the organisations. First, promoting alternative dispute resolution for solve workplace disputes and second, a brief guide for design an internal system.

The organisations could consider the opinion of the employees that participate in the research and as well for the people that have worked in human resources that are the personnel that have the documentation or the knowledge about the outcome, the failures and success in the process; the organisations could think about the benefits of these methods that were described in the dissertation not just talking about saving resources, they could go far and improve relationships within the workplace. The research well could help the organisations to improve how they have fomented enough trust from the employees to solve issues.

6. Conclusion

6.1 Conclusions

The aim of this research is if there are benefits of promotion Alternative Dispute Resolution in solving in-house workplace and as well were other objectives related with the aim:

- To explain the Alternative Dispute Resolution process in Ireland.
- To evaluate promoting Alternative Dispute Resolution for resolve disputes in-house workplace.
- To analyse the importance for design a system of alternative dispute resolution in workplace disputes

During the dissertation, the literature review helped to understand the process of alternative dispute resolution and the characteristics for solve disputes. When the process was explained as well, the research included the comparative versus litigation for solve conflicts in the workplace. The comparison was necessary for understanding the differences between alternative dispute resolution and the litigation process. After the comparison, the dissertation explained the advantages and disadvantages of each method for can understand when it works better and why; and appreciate if the alternative dispute resolution is suitable for conflicts within workplaces.

When the process of the main alternative dispute resolution was compared versus litigation, the research helped to identify that in the alternative dispute resolution the parties can be part of the outcome. The alternative dispute resolution allows that the parties can express feelings, opinions and at the same time the parties listened to the other party of the story.

“Conflict arises whenever individuals have different values, opinions, needs, interests and are unable to find a middle way.” (Juneja, 2021) This means that the alternative dispute resolution could help to solve the conflicts due to if the conflict included different points of view of the parties, the alternative dispute resolution allows that during the process the parties can listen to each other and understand the perspective of the other party and find an outcome for both sides.

In this research as well, the definition of conflict was crucial due to it is important to understand what is a conflict and then to find the best solution to solve it. The management within the organisations should be ready to understand what is a conflict, now it is time that the leaders

can get skills to solve conflicts. The leaders could make an effort to maintain a good environment in the organisations. This is important for the employees and their performance in the organisation. When an employee knows that the organisation recognise that the employee is the most valuable resource in the organisation its performance could be better. The leaders of the organisations should work following the culture and principles of the organisations, being a good example for the rest of the people within the workplace.

That's the importance of alternative dispute resolution, when the parties in the conflict clashed in their interests, opinions and other characteristics, the alternative dispute resolution will help the parties can understand the conflict and get the guide of the third party that is neutral and impartial.

Another finding is that the leaders have a significant role in solving the disputes in-house because they are the contact direct in some cases for the parties involved in the conflict. This is a challenge for the leaders because they need to develop skills for listening, empathy and others that make feel to the rest of the members of a team that they have someone that will listen if they have any issue. As it is described in Intel the organisation before any instance the managers or supervisor as leaders must be prepared to solve the conflicts and just be assisted by human resources; but if this doesn't work the employees can ask for other support to other areas like human resources. But the base is the manager as the leader in the teams or organisation, that's why they could have the skill to solve the issue to avoid other kinds of processes out of the organisations that could include more time, costs and damage the relationships.

As it is mentioned in the literature review in Ireland the system has adopted the alternative dispute resolution in-house for conflicts in the workplaces, but even the system allows these methods to solve disputes the parties are still using external resources to get the outcome that they need: The organisation used in some cases external mediator that even they solve the conflict within the organisation, the external mediator has implied costs and the management within the organisation are still nor ready for manage conflicts.

Nevertheless, the survey showed that alternative dispute resolution could be the best option from the perspective of the employees and the organisations, no matter if they are internal or external tools. People like to save time, money and be part of the process.

After understanding the process and evaluate the pros and cons of the alternative dispute resolution, it was important to identify how the companies could design a system in-house for solving disputes. In this point, the literature review helped to see that there are companies that

have designed this kind of process and they are a success for the parties involved in the conflict but the survey showed that companies are still using external agencies, this could be because the fact of having a system for solving disputes in-house should include training people for developing the skills for this process.

The companies that have adopted these systems have had good experiences as Eamonn Sinnot expresses about the system that is used in Intel. In that example, the organisation designed a clear system and encourage the employees to solve the issues internally. This is important to mention because the survey as well showed that the participants that have been involved in conflicts within the workplace, didn't know that they could solve the issue within the organisation or they don't know that they can choose other tools instead of litigation.

These systems that have been working in some companies are the guide for other companies can follow a similar path and get a better system or at least try to have the system. The only issue that could exist is that this kind of system is difficult to implement in small businesses where there are no departments or enough employees to develop it.

Finally, the research concludes that there are benefits of promoting Alternative Dispute Resolution in solving in-house workplace disputes. Even the study explains that from the perspective of human resources the use of these methods are known and available, the employees are not familiarized with the methods and it looks like they would solve the issues internally. This means that the organisations could invest in the design of a system that helps them to solve the issues in-house and to promote that there are options for solving the conflicts internally.

This could have a good impact on the organisation because the employees would know that the organisation has the personnel that is qualified to solve the disputes and that the system is designed to get the best outcome for the parties involved. That could be the importance of this research, for the organisations to think about the importance that the employees know the benefits of solving the process internally and for the employees to understand the characteristics of the alternative dispute resolution and the advantages for use it.

6.2 Limitations of the Research

During the elaboration of the dissertation, there were some limitations for the collection of the data due to the limited number of questionnaires returned. Even I got answers it is difficult to measure the accuracy in the data if it is compared with the total of employees and human

resources personnel that are in Ireland.

Due to the restrictions of the Covid-19, it was difficult to collect data directly, and the use of just social media was the best way of collecting data. This means, that there was no way to prove the validation of the participants.

Another limitation in this research has been that the data of the results of other studies that were included in this research weren't tested and just following the conclusions of the authors.

6.3 Recommendations in the Dissertation

The dissertation could be useful for organisations that are interested in promoting alternative dispute resolution in-house for solving disputes. The organisations could understand that other companies have used alternative dispute resolution but as the survey showed the employees are not familiarized with the process.

The leaders within the organisations should have more conscious that the employees could increase or improve their performance when they know that the organisation take care of them. The leaders as well should understand why the conflicts are happening and learn about the conflicts, that's why it could be important that the conflicts were solved internally because the feedback would be internally for the management, human resources or the area in charge of solving the conflicts within the organisation.

In this era the leaders cannot limit just to have skill for delegate tasks, they must have the skills for listening and give support to the people that work with them. They must be ready to know how to solve the conflict or to advise the employees where they can raise their conflicts within the organisation.

The organisations could invest in a good system for solving the disputes in-house and promote the use of these methods within the organisations. Because it is not just to have the system, the importance is that the employees know about these systems.

If the companies have a system now a day, this research will help them to understand the point of view of the employees about how they are interested in solving the disputes internally.

It was not an objective of this research but as well it is important that the organisations could document the outcomes and could work in a better environment within the organisations for the employees and learn about the conflicts for further issues to prevent them.

The research includes cases from companies that have adopted a system to solve in-house conflicts, those examples could be a guide for the lector to implement these methods. Also, there are suggestions and opinions from experts and companies that have specialized in the area that could be a great guide for implementing the alternative dispute resolution in-house for the interests of all the parties involved.

The answers from the employees in the survey would help the organisations to notice that they want to solve internally the issues but they don't know the process.

7. Reflection

The experience of this project was a challenge that I enjoyed. The fact of how I can get deeper about the importance of promoting the alternative dispute resolution in-house for solve disputes. When I started to think about the topic I wanted to develop research to support the use of alternative dispute resolutions due to as an employee when I saw that my colleges had conflicts within the organisation, they didn't know the process for raising the conflict within the organisation. Even in the policies and other resources the organisations recommend the use of these methods as the first instance, the employees don't tend to read the printing letters.

This project as well was so joyful when I began to post the survey and I received comments from people that are interested in the conclusions of the research. I was expecting that people could be shown an interest in school research.

Another challenge was to can have an order in my ideas, everything was flying in my mind. How start? Will someone respond to my survey? What will happen if I don't get enough information to get a conclusion? but I think that in the end it was just focused on the topic and to let flow the ideas.

The dissertation as well as a tool for learning about cases from companies that are working hard to improve, create or modify a system in which employees can solve the issues in-house.

Appendix A “The survey”



RESEARCH DISSERTATION:

MASTER OF ARTS IN DISPUTE RESOLUTION

IMPORTANT NOTES

Purpose

This research has an academic purpose only.

There is no direct benefit from answering the questionnaire, but your participation will have an importance in the development and further understanding of the topic.

Confidentiality

Any answers provided will be sent to a link at Google Forms and the data collected will stored online in an electronic format protected by a password. Information such as name, email address or IP address will not be collected by the platform. As a result of this, all responses are completely anonymous and no identification is required.

Aim

The research aim is to understand the impact of mediation with respect to cultural conflicts in the workplace.

Declaration

This research is being carried out in accordance to the WMA Declaration of Helsinki ethical principles (available at: - <https://www.wma.net/policies-post/wma-declaration-of-helsinki-ethical-principles-for-medical-research-involving-human-subjects/>)

Concerns

In case you have any doubts or concerns in relation to this research, you are welcome to contact the research supervisor, Mr. John Dunne BL (john.dunne@independentcolleges.ie) and the research candidate Ms. Brenda Natalia Mucio Hernandez (mychem06@hotmail.com) who is a registered student at Independent College Dublin undertaking the degree of Master of Arts in Dispute Resolution.

In case you feel that this research has not been able to maintain ethical principles, please contact Independent College Dublin at the contacts below:

Independent College Dublin at Block B, The Steelworks, Foley St, Dublin 1, or by email : info@independentcolleges.ie

Proceeding with the questionnaire, you are automatically indicating that:

You have READ and AGREED with the above information

You agree to participate this research VOLUNTARILY

You are 18 years or over

Thank you for your time and for assisting me in the completion of my masters degree.

Question 1

Your role in the workplace (**please answer A or B**)

Are you an **Employee**?

Yes

No

If you answer ‘yes’, please proceed to answer Questions 2-11 inclusive.

Please DO NOT answer beyond question 11.

If you answer ‘no’, please proceed to Question 1B

Do you work in the **Human Resource (“HR”) Department** of the workplace?

Yes

No

If you answer ‘yes’ to Question 1B, please proceed to **Question 12.**

If you work in a HR Department, please DO NOT answer questions 2-11 inclusive.

FOR WORKPLACE EMPLOYEES ONLY**Question 2**

Have you experienced a conflict within the workplace?

Yes

No

If you answered ‘yes’, please provide some anonymised details giving reason for your answer

FOR WORKPLACE EMPLOYEES ONLY**Question 3**

Did you raise the issue of the conflict in the workplace?

Yes

No

If ‘no’, please explain the reasons for your answer

FOR WORKPLACE EMPLOYEES ONLY**Question 4**

If you answered ‘yes’ in Question 3: to whom did you raise the issue of the conflict with?

Colleague

Manager/Supervisor

Human Resource Department

Other

If you answered ‘other’ please provide some details giving reason for your answer

FOR WORKPLACE EMPLOYEES ONLY

Question 5

With respect to your answer in Question 4, was the conflict resolved to your satisfaction?

Yes

No

If you answered ‘no’ please provide some details giving reason for your answer

FOR WORKPLACE EMPLOYEES ONLY

Question 6

With respect to your answer in Question 5, was the conflict discussed with someone internal or external to your workplace?

Discussed with someone Internal to my workplace

Discussed with someone external to my workplace

FOR WORKPLACE EMPLOYEES ONLY

Question 7

Was a Dispute Resolution Process involved in your discussions?

Yes

No

If you answered ‘no’ please provide some details giving reason for your answer

FOR WORKPLACE EMPLOYEES ONLY

Question 8

If you answered ‘yes’ to Question 7, please clarify the method of Alternative Dispute Resolution used:

Mediation

Conciliation

Arbitration

Negotiation

Facilitation

Other

If you answered ‘other’ please provide some details giving reason for your answer

FOR WORKPLACE EMPLOYEES ONLY

Question 9

If you resolved your conflict through an ADR process, do you think it was easier and better for you to have resolved your issue internally?

Yes

No

I did not resolve my conflict through an ADR process

My conflict was not resolved

Please give reasons for your answer

FOR WORKPLACE EMPLOYEES ONLY

Question 10

Did your employer make you aware of a conflict resolution process within the workplace (i.e., internally)?

Yes

No

If you answered ‘yes’, please explain how the employer made you aware of the conflict resolution process:

FOR WORKPLACE EMPLOYEES ONLY

Question 11 (please answer sections A and B)

If you discussed your conflict with someone external to your workplace, did you, your colleague or your employer try to solve the dispute internally?

Yes

No

Who tried to resolve the issue internally?

I did

My Colleague did

Both I and my colleague did

My employer did

All three parties did

FOR HUMAN RESOURCE DEPARTMENT PERSONNEL ONLY

Question 12 (please answer both A and B)

A)

Does your organisation avail of any internal alternative dispute resolution (“ADR”) processes?

Yes

No

Please explain your answer

B)

If you answered ‘no’, in Question 12A, does your organisation avail of any alternative dispute resolution (“ADR”) process external to the organisation

Yes

No

Please explain your answer

Question 13

If you do avail of any ADR process within your organisation, how do you inform staff that such a process is available to them?

Company Policies

Details contained in a work contract

Distributions of leaflets within the workplace

Internal staff email

Workplace intranet facility

Other:

If you answered ‘other’, please explain your answer

Question 14

From a Human Resource perspective, do you feel that an ADR process have value or merit within the workplace in identifying, raising and/or resolving conflict?

Yes

No

Please give reasons for your answers

Question 15 (please answer both A and B)

A)

If your organisation does avail of an internal ADR processes, do you have any employees who are accredited mediators who can facilitate an ADR conflict resolution process?

Yes

No

B)

If you answered ‘yes’, in Question 15A) who are those mediators accredited by?

The Mediators Institute of Ireland

Mediation Foundation of Ireland

CENTRE FOR EFFECTIVE DISPUTE RESOLUTION

International Mediation Institute

Other

If you answered ‘other’, please explain your answer

Question 16

If your organisation does avail of an external ADR processes, who are they accredited by?

The Mediators Institute of Ireland
Mediation Foundation of Ireland
CENTRE FOR EFFECTIVE DISPUTE RESOLUTION
International Mediation Institute
Other

If you answered '**other**', please explain your answer

Question 17

If your organisation has used an ADR process in solving workplace disputes, has this been a success for the people in conflict and/or the organisation?

Yes

No

Please explain your answer

Question 18 (please answer A and B)

A)

Does your organisation have a preference to using internal or external ADR processes?

Yes

No

B)

If you answered '**yes**', is there a particular reason for this?

Please explain your answer:

Question 19

If a mediation process is unsuccessful in terms of resolving the conflict, can you explain what happens next within your organisation?

Appendix B “Application for Ethical Approval”

Form A: Application for Ethical Approval

Undergraduate/Taught Postgraduate Research

This form should be submitted to the module leader for the relevant initial proposal and/or the relevant supervisor if the proposal has already been accepted.

Please save this file as **STUDENT NUMBER_AEA_FormA.docx**

Title of Project	Are there benefits of promoting ADR in solving in-house workplace dispute
Name of Learner	Brenda Natalia Mucio Hernández
Student Number	51699273
Name of Supervisor/Tutor	John Dunne

Check the relevant boxes. All questions must be answered before submitting to the relevant lecturer / supervisor. Note: only one box per row should be selected.

Item	Question	Yes	No	NA
1	Will you describe the main research procedures to participants in advance, so that they are informed about what to expect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2	Will you tell participants that their participation is voluntary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3	Will you obtain written consent for participation (through a signed or 'ticked' consent form)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4	If the research is observational, will you ask participants for their consent to being observed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Will you tell participants that they may withdraw from the research at any time and for any reason?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6	Will you give participants the option of not answering any question they do not want to answer?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Will you ensure that participant data will be treated with full confidentiality and anonymity and, if published, will not be identifiable as any individual or group?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8	Will you debrief participants at the end of their participation (i.e., give them a brief explanation of the study)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9	If your study involves people between 16 and 18 years, will you ensure that passive consent is obtained from parents/guardians, with active consent obtained from both the child and their school/organisation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	If your study involves people less than 16 years, will you ensure that <u>active</u> consent is obtained from parents/guardians <u>and</u> that a parent/guardian or their nominee (such as a teacher) will be present throughout the data collection period?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	If your study requires evaluation by an ethics committee/board at an external agency, will you wait until you have approval from both the Independent College Dublin and the external ethics committee before starting data collection.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Item	Question	Yes	No	NA
12	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.) will you inform participants in writing that their grades and/or evaluation will be in no way affected by their participation (or lack thereof) in your research?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.), does your study involve asking participants about their academic or professional achievements, motivations, abilities or philosophies? (please note that this does not apply to QA1 or QA3 forms, or questionnaires limited to market research, that do not require ethical approval from the IREC)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Will your project involve deliberately misleading participants in any way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
15	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16	Does your project involve work with animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17	Do you plan to give individual feedback to participants regarding their scores on any task or scale?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does your study examine any sensitive topics (such as, but not limited to, religion, sexuality, alcohol, crime, drugs, mental health, physical health, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
19	Is your study designed to change the mental state of participants in any negative way (such as inducing aggression, frustration, etc?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
20	Does your study involve an external agency (e.g. for recruitment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
21	Do your participants fall into any of the following special groups?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<i>(except where one or more individuals with such characteristics may naturally occur within a general population, such as a sample of students)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>If you have ticked any of the shaded boxes above, you should consult with your module leader / supervisor immediately. You will need to fill in Form B Ethical Approval and submit it to the Research & Ethics Committee instead of this form.</p> <p>There is an obligation on the researcher to bring to the attention of the Research & Ethics Committee any issues with ethical implications not clearly covered by the above checklist.</p>	
<p>I consider that this project has no significant ethical implications to be brought before the relevant Research & Ethics Committee. I have read and understood the specific guidelines for completion of Ethics Application Forms. I am familiar with the codes of professional ethics relevant to my discipline (and have discussed them with my supervisor).</p>	
Name of Learner	Brenda Natalia Mucio Hernández
Student Number	51699273
Date	19 March 2021
<p>I have discussed this project with the learner in question, and I agree that it has no significant ethical implications to be brought before the Research & Ethics Committee.</p>	
Name of Supervisor/Lecturer	John Dunne
Date	21 March 2021

Bibliography

American Management Association, 1990. To Litigate or Not to Litigate. pp. 2-4.

Baltimore Mediation, 2018. *Baltimore Mediation*. [Online]

Available at: <https://www.baltimoremediation.com/efficiently-handle-discrimination-disputes-workplace/>

[Accessed 09 October 2021].

BDO Ireland, 2021. *BDO Ireland*. [Online]

Available at: <https://www.bdo.ie/en-gb/services/business-services-recruitment/workplace-resolution/workplace-mediation>

[Accessed 12 May 2021].

Benkin, I. D., 1994. *ADR saves time, money, but can't cure all*, *Electric Light & Power*. [Online]

[Accessed 3 April 2021].

Berman, G., 1995. *FACILITATED NEGOTIATION. An Effective ADR Technique*, s.l.: Dispute Resolution Journal.

Busetto, L. W. W. & G. C., 2020. *Neurological Research and Practice*. [Online]

Available at: <https://neurolrespract.biomedcentral.com/articles/10.1186/s42466-020-00059-z>

[Accessed 17 September 2021].

Business Research Methodology, 2011. *Business Research Methodology*. [Online]

Available at: <https://research-methodology.net/research-methodology/research-approach/inductive-approach-2/>

[Accessed 22 September 2021].

Capozzoli, T. K., 2018. *Conflict resolution: a key ingredient in successful teams*. [Online]

Available at:

<https://search.ebscohost.com/login.aspx?direct=true&db=buh&AN=131900414&site=ehost-live>

[Accessed 27 March 2021].

Carver, T. B. & Vondra, A. A., 1994. *Harvard Business Review*. [Online]

Available at: <https://hbr.org/1994/05/alternative-dispute-resolution-why-it-doesnt-work-and-why-it-does>

[Accessed 16 April 2021].

Citizens Information Board, 2020. *Workplace mediation*. [Online]

Available at:

https://www.citizensinformation.ie/en/employment/enforcement_and_redress/workplace_mediation_service.html

[Accessed 25 November 2020].

Cohen, C. & Cohen, M., 2003. Relative Satisfaction with ADR: Some Empirical Evidence. *Arbitration Practice*, pp. 36-41.

Coyle, M., 2013. *Lawdit Solicitors*. [Online]

Available at: <https://lawdit.co.uk/readingroom/adr-disadvantages>

[Accessed 13 April 2021].

Cridland, C., 2021. *Mediate.com*. [Online]

Available at: <https://www.mediate.com/articles/cridland-workplace-conflict.cfm>

[Accessed 13 May 2021].

Department of Public Expenditure and Reform, 2017. [Online]

Available at: <https://circulars.gov.ie/pdf/circular/per/2017/17.pdf>

[Accessed 23 April 2021].

Derek Farnsworth, J. L. C. J. G. A. W. a. K. K., n.d. *University of Florida*. [Online]

Available at:

[https://edis.ifas.ufl.edu/publication/hr024#:~:text=Art%20Bell%20\(2002\)%20suggests%20six,personal%20values%20and%20unpredictable%20policies](https://edis.ifas.ufl.edu/publication/hr024#:~:text=Art%20Bell%20(2002)%20suggests%20six,personal%20values%20and%20unpredictable%20policies).

[Accessed 10 May 2021].

Dobbins, T., 2010. *Eurofound*. [Online]

Available at: <https://www.eurofound.europa.eu/publications/report/2010/ireland-individual-disputes-at-the-workplace-alternative-disputes-resolution>

[Accessed 15 March 2021].

Doherty, L., Teague, P. & Naughton, M., 2013. *The essential guide to Alternative Dispute Resolution*, Mary Connaughton, Head of HR Development, IBEC: s.n.

Doherty, N., 2008. *VLeBooks*. [Online]

Available at: <https://r1.vlreader.com/Reader?ean=9780749454302#>

[Accessed 14 May 2021].

Dujak, D., 2008. *Conflict Management in Organization*.

Eurofound, 2010. *Eurofound*. [Online]

Available at: <https://www.eurofound.europa.eu/sl/publications/report/2010/individual-disputes-at-the-workplace-alternative-disputes-resolution>

[Accessed 13 May 2021].

Eurofound, 2020. *Eurofound*. [Online]

Available at: <https://www.eurofound.europa.eu/publications/report/2010/ireland-individual-disputes-at-the-workplace-alternative-disputes-resolution>

[Accessed 25 April 2021].

Given, L. M., 2008. *SAGE research methods*. [Online]

Available at: <https://methods.sagepub.com/reference/sage-encyc-qualitative-research-methods/n130.xml>

[Accessed 6 May 2021].

Government of Ireland, 2017. *Mediation Act 2012*. [Online]

Available at: <http://www.irishstatutebook.ie/eli/2017/act/27/enacted/en/print>

[Accessed 21 March 2021].

Grensing-Pophal, L., 2019. *HR Daily Advisor*. [Online]

Available at: <https://hrdailyadvisor.blr.com/2019/04/24/arbitration-vs-mediation/>

[Accessed 2 May 2021].

Harvard Law School, 2021. *Program Negotiation*. [Online]

Available at:

[https://www.pon.harvard.edu/tag/adr/#:~:text=Alternative%20dispute%20resolution%20\(ADR\)%20is,help%20of%20a%20third%20party.&text=In%20arbitration%20a%20neutral%20third,binding%20d](https://www.pon.harvard.edu/tag/adr/#:~:text=Alternative%20dispute%20resolution%20(ADR)%20is,help%20of%20a%20third%20party.&text=In%20arbitration%20a%20neutral%20third,binding%20d)

ecision%20about%20the%20dispute.

[Accessed 15 03 2021].

Heffernan, C., 2011. *Mediate.com*. [Online]

Available at: <https://www.mediate.com/articles/HeffernanC1.cfm>

[Accessed 3 April 2021].

Huan, L. J. & Yazdanifard, R., 2012. *Google Scholar*. [Online]

Available at: http://www.scienpress.com/Upload/BEJ/Vol%201_1_9.pdf

[Accessed 18 May 2021].

Juneja, P., 2021. *Management study guide*. [Online]

Available at: <https://www.managementstudyguide.com/understanding-conflict.htm>

[Accessed 02 April 2021].

Kennedy Institute Workplace Mediation Research Group, 2016. *Aran Library*. [Online]

Available at: [aran.library.nuigalway.ie/bitstream/handle/10379/6181/Shaping the Agenda 2-Implications for Workplace Mediation in Ireland.pdf?sequence=1](aran.library.nuigalway.ie/bitstream/handle/10379/6181/Shaping_the_Agenda_2-Implications_for_Workplace_Mediation_in_Ireland.pdf?sequence=1)

[Accessed 23 February 2021].

Keogh, O., 2016. Mediation in the workplace: It's good to talk. *The Irish Times*, 28 October.

Kerobyan Mediation, 2019. *Kerobyan Mediation*. [Online]

Available at: <https://www.kerobyanmediation.com/blog-1/adr-3>

[Accessed 12 March 2021].

Kokaylo, O., n.d. *Maynooth University*. [Online]

Available at:

https://www.maynoothuniversity.ie/sites/default/files/assets/document/4.Kokaylo%20FinDS_0.pdf

[Accessed 28 April 2021].

Law Society of Ireland, 2018. *Law Society of Ireland*. [Online]

Available at: <https://www.lawsociety.ie/globalassets/documents/committees/arbitration-and-mediation/adrguide.pdf>

[Accessed 01 April 2021].

Medlin, K., 2001. *HeinOnline*. [Online]

Available at:

<https://heinonline.org/HOL/LandingPage?handle=hein.journals/jadre3&div=28&id=&page=>

[Accessed 3 May 2021].

Moffit, M. & Bordone, R., 2012. *The Handbook of Dispute Resolution*. s.l.:John and Wiley & Sons.

Murray, M., 2020. How to manage conflicts?. *The Irish Times*, 22 April.

O'Connel, S., 2017. Keeping out of court. *The Irish Times*, 15 December.

O'Grady, P., 2002. *Ontological relativism*. Ireland: Acumen Publishing.

Richbell, D., 2008. *Mediation of construction Disputes*. s.l.:Mediation of construction Disputes.

Roche, W. K. & Teague, P., 2011. Firms and Innovative Conflict Management Systems in Ireland. *British Journal of Industrial Relations*, p. 436–459.

Sander, F. & Bordone, R., 2005. *Harvard Business school*. [Online]

Available at: <http://franksander.com/wp-content/uploads/2018/09/Early-Intervention-How-to->

Minimize-the-Cost-of-Conflict.pdf

[Accessed 14 April 2021].

Saundry, R., Bennett, T. & Wibberley, G., 2018. *Ebscohostq*. [Online]

Available at: <https://web.a.ebscohost.com/ehost/pdfviewer/pdfviewer?vid=3&sid=da7eae63-0222-441e-9ba1-82660a87c627%40sessionmgr4006>

[Accessed 17 May 2021].

Saundry, R. & Gemma, W., 2012. *Mediation and Early Resolution A Case Study in Conflict Management*, UK: ACAS.

Segal, E., 2021. *Forbes*. [Online]

Available at: <https://www.forbes.com/sites/edwardsegal/2021/01/05/after-setting-a-new-record-in-2020-workplace-related-litigation-will-remain-a-source-of-significant-financial-exposure-for-employers/?sh=3db330fc678b>

[Accessed 18 May 2021].

Shamir, Y. & Kutner, R., 2003. *UNEDOC Digital Library*. [Online]

Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000133287>

[Accessed 15 03 2021].

Slaikeu, K. A. & Hasson, R. H., 2012. *Controlling the Costs of Conflict: How to Design a System for Your Organization*. s.l.:John Wiley & Sons, 2012.

Snook, A., 2021. *i-Sight*. [Online]

Available at: <https://i-sight.com/resources/adr-in-the-workplace-when-to-use-it-and-why/>

[Accessed 20 April 2021].

State Claims Agency Newsletter, 2014. *Clinical Negligence Litigation: complex cases and simple principles*, Dublin: s.n.

Streefkerk, R., 2019. *Scribbr*. [Online]

Available at: <https://www.scribbr.com/methodology/inductive-deductive-reasoning/>

[Accessed 6 May 2021].

Teague, P., 2005. *TOWARDS FLEXIBLE WORKPLACE GOVERNANCE: EMPLOYMENT RIGHTS, DISPUTE RESOLUTION AND SOCIAL PARTNERSHIP IN THE IRISH REPUBLIC*, Dublin: The Policy Institute.

The Bar of Ireland, 2021. *The Bar of Ireland*. [Online]

Available at: <https://www.lawlibrary.ie/Legal-Services/Alternative-Dispute-Resolution/Search-for-an-Arbitrator.aspx>

[Accessed 25 March 2021].

The Mediators' Insitute of Ireland, 2018. *The Mediators' Insitute of Ireland*. [Online]

Available at: <https://www.themii.ie/mediators-building-on-the-new-mediation-act-and-shaping-the-future-of-dispute-resolution-in-ireland>

[Accessed 2 May 2021].

Todd, T., 2021. *Mediate.com*. [Online]

Available at: <https://www.mediate.com/articles/todd-modern-workplace.cfm>

[Accessed 11 May 2021].

Valdez, A., 2003. *EBSCOHOST*. [Online]

Available at: <https://web.b.ebscohost.com/ehost/pdfviewer/pdfviewer?vid=4&sid=89232652-babc->

44fb-8833-07d264356737%40sessionmgr101

[Accessed 19 May 2021].

Van Gramberg, B., 2006. *Research gate*. [Online]

Available at: <file:///C:/Users/bremda/Downloads/JIR-2006-VanGramberg-175-91.pdf>

[Accessed 16 April 2021].

Weinstein, R. J., 2001. *Mediation in the Workplace: A Guide for Training, Practice, and Administration*. s.l.:Greenwood Publishing Group.

Wexler, J. A. & Zimmerman, P., 2000. *EBSCOhost*. [Online]

Available at: [https://web.a.ebscohost.com/ehost/detail/detail?vid=4&sid=4bb8e1ca-1e5d-4878-94b5-](https://web.a.ebscohost.com/ehost/detail/detail?vid=4&sid=4bb8e1ca-1e5d-4878-94b5-1854d6c6a896%40sessionmgr4008&bdata=JnNpdGU9ZWZWhvc3QtbGl2ZQ%3d%3d#db=buh&AN=3933861)

[1854d6c6a896%40sessionmgr4008&bdata=JnNpdGU9ZWZWhvc3QtbGl2ZQ%3d%3d#db=buh&AN=3933861](https://web.a.ebscohost.com/ehost/detail/detail?vid=4&sid=4bb8e1ca-1e5d-4878-94b5-1854d6c6a896%40sessionmgr4008&bdata=JnNpdGU9ZWZWhvc3QtbGl2ZQ%3d%3d#db=buh&AN=3933861)

[Accessed 1 May 2021].

Wilburn, K. O., 1998. Employment disputes: Solving them out of court. *Management Review*, pp. 17-21.

WRC, 2020. *Workplace Relations Commission*. [Online]

Available at: <https://www.workplacerelations.ie/en/what-we-do/wrc/>

[Accessed 24 November 2020].