

DISPUTE RESOLUTION:

CASE STUDY: "DISCRIMINATION IN THE CONSTRUCTION INDUSTRY".



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DISSERTATION

DISPUTE RESOLUTION:

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PRESENTED BY

ENGINEER CESAR AGUSTÍN SURO TRINIDAD

REGISTRACIÓN NUMBER: 51717328

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SUPERVISOR

RACHEL HARDING

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Abstract

Discrimination is a fundamental behavior that has been normalized to this day. Unfortunately, vulnerable sectors have been forced to endure abuses in the labor aspect to provide their family with a decent income or have a better quality of life.

The construction industry is and will continue to be an essential element in the economic development of national and international society. From the project stage, jobs are created, from skilled and qualified professionals to unskilled physical laborers from poor areas who have decided to migrate to the big cities in search of better-paid work and to start a new life.

The best way to understand the conflicts affecting the construction workers' sector is to interact with the environment in which they operate. To expose situations of discrimination and conflicts those have not been documented.

Discrimination directly affects these people, who, because of their social position, ethnicity, or simply because of their low level of education, are relegated to physically demanding jobs and long working hours for minimum wage, suffering social exclusion and deprivation of human rights.

Conflicts in the workplace are dynamic. Every conflict is different; however, depending on the socio-economic position the employee is in, he or she is listened to and can access conflict resolution methods such as mediation and arbitration. Nevertheless, what happens when a person, because of his or her social position and low level of education, is not aware of their rights, so is it possible to access fair conflict resolution?

Abuse of low-ranking workers is common, and they do not have access to a fair dispute resolution process.

This study aims to identify the sources and causes of problems in the construction industry, such as abuse and extortion by employers, and provide fair and equitable treatment in dispute resolution to achieve a comfortable and equitable working environment.

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"Show me a worker with big dreams, and in him you will find a man who can change history. Show me a man without dreams and in him you will find a simple worker".

James Cash Penny (1875 – 1971)

Introduction

The construction industry is a multidisciplinary area that aims to satisfy the needs of society through the construction of buildings and infrastructures appropriate to the social environment, living in harmony with the environment, and taking advantage of natural resources for social development. It is therefore of great importance for the development of a country.

The economic viability of a city's inhabitants and the activities in it define its urban image. For example, the city of Dublin has a diverse and multicultural population, ranging from poverty to important financial districts where large transnational companies are based; the visual impact is striking because it represents wealth and a stable economic position in the world. On the other hand, an area lacking basic public facilities such as drinking water, drainage, and recreational parks is a belt of misery around the big cities of Latin America with urban developments that lack urban planning, reflecting neglect by the authorities that represent them.

It is vital to identify workers who are overlooked by authorities and are victims of racism in various places throughout the world due to their being different from the majority.

The construction industry offers job opportunities with diverse characteristics for people who migrate from their places of origin to seek better opportunities. However, in most cases, being unskilled accepts high-risk jobs within the industry, as it tends to hire people willing to work long hours and minimum wages.

These people are primarily of different ethnicities than the majority who are discriminated against because of their socio-economic status, physical appearance, and in most cases, because they do not speak the language of the destination country, resulting in social relegation.

Conflicts occur at all hierarchical levels and require a solution; however, some people, such as migrants, are unaware of their rights and, consequently, of alternative forms of conflict resolution. The focus of this work is to evaluate through experiences and current legislation. With these legally binding alternatives, these employees can be considered a fundamental part of the project and be granted rights without distinction, promoting labor equity. The most important is the right to be heard and work in an environment of integration and equality.

Discrimination today is still a common practice for adults who have normalized various compartments experienced. For example, many people have the prejudice or stereotype that white people are entitled to wealth and aspire to better-paid jobs.

The diversity of workers in the construction industry fosters frequent interactions with shared and conflicting interests. Thus, alternative methods of conflict resolution can be widely adopted to promote dialogue at all levels under the premise of inclusiveness and equal opportunities, leading to overall change. However, it is necessary to find and understand the causes of conflicts to have the right measures to intervene and break the bad vices that undermine workers' rights in the workplace.

The present research will not consider legality or illegality in terms of a country's long-term viability. The research focuses on demonstrating the vulnerability of neglected sectors in construction industry companies, referring to the lowest strata of the organization, such as laborers, cleaning staff, or loaders, who primarily work on a casual basis and without any personal or social security, making them invisible to society.

Alternative methods of conflict resolution have a human side that seeks to solve conflicts through dialogue without involving the courts, which motivates to understand what happens in vulnerable sectors that have learned to live with conflicts arising from discrimination and social relegation.

Through social interaction with people involved in the construction industry, the main problems and triggers experienced daily within the industry are demonstrated clearly and objectively.

Evaluating a correct method of dispute resolution for workers at all levels in clear and simple language is essential to give a voice to people who have been silenced by the need for a job and labor relegation destined to only follow orders from their superiors. The main goal of innovating existing dispute resolution methods is to restore the identity, resulting in a clear and precise method that can be constantly evaluated. Workers believe their labor rights protect them, even though they frequently disregard them.

Generalities

Discrimination is unequal treatment and contempt for a minority or a person; this practice has been normalized. We have learned to live with it so that there are times when it is unrecognizable. However, at some point, we have practiced it or received it.

There are segments of the population, often immigrants, who face discrimination every day because of their appearance, customs, or simply because of the language in which they communicate.

A person's ethnicity, age, gender, sexual orientation, disability, and, above all, economic and social status are differences that have led to segregation, exclusion, and, in some cases, restrictions, including on the ability to access justice.

The discrimination hurts people as it forces them to live with inequality, leading to isolation and exclusion from marginalized and poor areas called the poverty belt. There is little hope of promoting economic activities that foster self-employment and increase economic income. They are forced to do manual work with low wages and long working hours

.Identified discriminatory practices:

- Restricting opportunities to access, remain in, or be promoted in a job.
- Differential working hours, wages, benefits, and working conditions.
- Denying or conditioning health care services in the event of an accident at work.

(CONAPRED, 2021)

Classism is a common type of discrimination that seriously affects the society we live in. Especially in the workplace, certain positions, mainly executive positions, are reserved for the power elite, making access to this social circle practically inaccessible to people with different characteristics from others, leading to the stagnation of the individual's position in the workplace.

Unlike discrimination, classism has an extra feature: it has a hierarchical social order in terms of the money individuals own, making it an individual attitude because it is tied to others' perceptions, such

as how much you are worth. (Girondella Mora , 2017) This refers to leads to the diversification of social classes.

Classism and discrimination go hand in hand, as societies live between the rich and the poor, forcing the vulnerable to conform to one way of life and submit to the repetition of the same rules to act like their ancestors.

With the former two factors in place, we can show how class and discriminatory discrimination directly affect the workings of the formal and professional sectors and neglected sectors with Lower-level jobs that have been neglected by public and private institutions.

Chapter I Review of the Literature

Discrimination in the construction industry is a broad topic because it is a global practice that has not yet been eradicated; however, there are studies and detailed information on its triggers worldwide. In order to create an egalitarian and inclusive society at all levels, it is necessary to know the background and current practices. Because of its economic dynamics, the construction industry is an ideal place to identify discriminatory practices that violate human rights. Several authors have published and postulated their ideas about conflicts arising from discrimination.

In 2022, alternative methods of conflict resolution are popular because they promote the integration of those involved in the conflict at all levels within the industry, supported by dialogue, to resolve the conflict in question.

The literature consulted provides a general idea to identify the development of human conflict and its resolution. Worldwide authors focused on the labor sector have been considered with the purpose of knowing and evaluating their studies on conflict resolution, in addition to having carried out an exhaustive consultation in international public bodies to identify the current situation of the procedures in operation and thus have the capacity to compare and issue comments about their deficiencies and their legal participation, with a labor focus in order to provide proposals and innovations to the methods of conflict resolution that adapt an integral and egalitarian system, in addition to promoting training and information to workers in a friendly and simple way about their rights in the event of a conflict situation.

1 Historical Framework

1.1 Coexistence and Society

Society is determined by how humanity is divided into groups and subgroups that share space and time with common interests, ranging from a simple form to a complex form with written or unwritten rules of coexistence.

According to Theodor W. Adorno, "society is prejudiced because society is identical with the individuals who compose it.

However, society is identified by the result of the acts of individuals since the individuality of the members in the environment is conditioned by their behavior and interests determining the course of society as a group of individuals. Therefore, society does not have a classificatory concept (Quinonez, 2011, pp. 3-8)

"Man is a social being by nature" Aristotle (384-322 B.C.) The life of the human being is composed of a series of learning that he needs to relate to other individuals, such as language, culture, and the incorporation of behaviors.

To survive, human beings have a series of basic needs that must be covered to survive. In his work "The Theory of Human Motivation," Abraham Maslow describes five levels which, in hierarchical order, are Physiology, Security, Affiliation, Recognition, and Self-realization. Today this theory is still used to explain human behavior. (European Graduate Institute IEP, 2018)

The security, affiliation, and recognition mentioned by Abraham Maslow can only be obtained through the coexistence of the individual in society. This coexistence is due to the mutual interests that individuals have. The establishment of goals and objectives will make society functional, and only in this way will the individual reach self-realization.

Social success will be qualified depending on the organizational level through rules and procedures to promote social order. With the election of authorities with sometimes unwritten rules such as customs and good faith acts, the individual will feel identified as social. (National Library of Congress of Chile, 2021)

"Man in isolation is either a brute or a god" Aristotle (384-322, B.C.); living outside a group is challenging to preserve and develop life. (National Library of Congress of Chile, 2021)

Society is made up of several individuals who share common and opposing interests, needs, and motivations that often do not coincide with those of the other members, marking differences between them and causing disagreements so that as members of society, they are forced to reach a consensus so that the relationship and peace prevail within the group. Conflicts are fortuitous and will continue to exist due to the individuality of the members, and it does not mean that they are bad or

good. They exist. The interaction of individuals in the face of social conflict will force those involved to seek strategic allies, giving rise to subgroups in society. (Ore, 2019)

In all societies and communities, some norms and rules facilitate coexistence. Otherwise, life among several people with different characteristics, interests, ideas, etc., is challenging to live, especially when the rights and duties that each person has equally must be respected. (Council of the Judiciary, 2021)

1.2 Discrimination

Discrimination assaults and belittles the human being himself. Discrimination means giving away the human rights of any individual for the simple fact of living their personality for believing in what they believe in, and above all for looking the way they do is harmful and perpetuates social inequality. (Amnesty International, 2022)

We must be treated equally, regardless of physical appearance, race, ethnicity, beliefs (religion), sex, gender, language, sexual orientation, gender identity, sexual characteristics, age, health status, or another status. Nevertheless, we are often participants in some form of racism or discrimination in the role of either victim or perpetrator for being who we are because of the color of our skin, our level of education, or simply for being different in the face of the social stereotypes implanted by a globalized world. These practices are standard and practiced by people in privileged positions of ethnicity or power.

Every day new stories are born of people and individuals who suffer from the institution of social stereotypes and decide to take a step further in the world, such as migrating or applying for employment options that, until today, belong to the power of the white race as if the color were an obstacle to develop professional and artistic skills. (ACCEM, 2022)

Discrimination occurs when an individual or group does not enjoy human rights, including legal rights, on an equal footing because of an unjustified distinction made by regulatory bodies and even judicial procedures. (Amnesty International, 2022)

Discrimination takes different forms in the world society based on the mechanics of globalization. Therefore, the following three forms have been generalized through various studies and institutions.

Direct discrimination is the most common and, consequently, the most reported due to a "direct distinction between groups of people or towards an individual who is usually less able than others to exercise their rights." (ACCEM, 2022)

Indirect discrimination is when the law, legal instrument or policy, despite being pronounced in neutral terms, disproportionately disadvantages certain, most vulnerable groups" (Amnesty International, 2022)

Benefits are granted to legal and illegal immigrants, granting advantages to permanent residents and citizens, mainly in employment and education. (Amnesty International, 2022)

As to amnesty international (Amnesty International, 2022) intersectional discrimination occurs when one or more forms of discrimination combine to disable vulnerable individuals from exercising their human to constitutional rights by diversifying the wage gap between ethnicities and legal status.

1.3 Stereotypes

Stereotypes are those beliefs or ideas rooted in society, culture, and customs related to what should be the ideal behavior or role of people or behavior in society, safeguarding the good customs imposed by society itself. These unwritten rules have no justification as they are unconsciously prescribed. In this way, particular characteristics are identified in the traits and attitudes, behaviors, and standards that precede the gender or social position in which people find themselves. According to society, that is to say, right and wrong, pigeonholing men or women, rich and poor, into an unwritten role that they play in society and thus their behavior.

The study of stereotypes is still valid today due to the population dynamics because society constantly evolves day by day. Hence, the sociological study of stereotypes becomes essential because it is necessary to know the changes originating concerning a social phenomenon. (Castillo-Mayén & Montes-Berges, 2014, pp. 1044-1045)

Stereotypes are so strong that, depending on the lifestyle that individuals share in society, they are ideas and behaviors that are difficult to refute since society acts as a judge of what is good and what is wrong, taking up the idea of who can do an activity and who cannot.

Such as the stereotype that the migrant, poor and black person is relegated to activities that require physical strength and are economically unprofitable. As is the case of any Mexican behind the grill preparing tacos in a restaurant far from home.

Stereotypes, prejudices, and discrimination go hand in hand when it comes to intimidating a person who is different from the stereotypes of the white world. It would seem to be a crime to look different in a land where we pretend to contribute and innovate and live together well. However, the utopia of an ideal world is far from reality if skin color continues to matter.

1.3.1 Black and White

In the sample preparation to justify the process of this dissertation through a survey of random people by electronic means, the following question was asked has the color of your skin ever been a reason for discrimination or harassment in your work. The result was that 50% of the people surveyed have been discriminated against or harassed because of their skin color. This is due to the stereotypes and prejudices that society still has against people different from the majority; in the case of the Republic of Ireland, most of them are white.

It is, of course, knowing that people's physical conditions are governed by the geographical and natural conditions in which they have evolved. (Barahona, 2001, pp. 11-13)In this way, human beings have evolved in response to the natural adaptation to their environment. However, human beings do not have physical or intellectual limitations that result in discrimination. The ability to adapt has provided advantages in climatic and geographical conditions.

Even though we are genetically predestined to possess unique adaptive characteristics, globalization and international dynamics have for centuries created white supremacy that has conquered indigenous peoples to appropriate natural resources and extend territories for enrichment and war and political power, as has happened with the conquests of America. (Brooks, 2021)

In the interview with Fernanda Ramirez, a graduate in International Relations, she expresses her own personal, academic, and work experience of discrimination and classism, where skin color is related to the main stereotype that "a person of color cannot have access to wealth." (Ramirez, 2022)

The stereotype of a white person represents a status of power, as this practice has been normalized over the decades, called white power, which is the one that has a tremendous sense of empathy among themselves as well as obeying beauty standards. These characteristics provide social opportunities as suffering social rejection would be unlikely.

Despite the international fight against racism, Fernanda Ramirez comments, "White people talk about racism when they have never been victims of it" (Ramirez, 2022) making the fight against discrimination a product to be seen in front of the media. It puts a new act of racism under the spotlight and is congratulated by society.

International collectives have conducted social experiments, referring to discrimination based on stereotypes and emphasizing the vulnerability of ethnic and cultural sectors that have been violated for years.

The normalization of the lack of access to opportunities for minorities has been accepted in households by complete resignation, as demonstrated by the 1940s "Doll test" experiment.

"It is easier to disintegrate an atom than a prejudice.

"Albert Einstein" (1859 – 1955)

In 1940, Kenneth and Mamie Clark, psychologists by profession, conducted a social experiment called "The Doll Tests" to study the psychological effects on African-American children.

The experiment used four identical dolls differentiated by color to test the children's racial perceptions. The experiment took children between the ages of 4 and 7 who were asked to identify essential characteristics of the dolls, such as race. It was asked to choose the color of their preference. The children mainly chose the white doll assigning positive characteristics. The conclusion was that prejudice and discrimination resulted in the segregation of African American ethnicity, and consequently, the children demonstrated a sense of inferiority and low self-esteem. (Clark, 1985)

This experiment helped change the course of American history, as it helped reduce segregation in schools and change the perspective of the black race in this country. However, 60 years later, Dr. Toni Sturdivant decided to replicate the experiment by questioning 200 black children between 3 and 7 years old with the same procedure as Kenneth and Mamie Clark, "Are things going to be different?"

The result was surprising and unexpected, asking questions such as

- Which doll would you like to play with?
- Which doll looks terrible?

The result was not so far from the original. The results were that two-thirds of the children selected white dolls with positive attributes and black dolls with negative attributes". (Sturdivan, 2021)

Does race lead to class? This question has direct implications for international society - is a person of color condemned to poverty and marginalization?

Is the modern world prepared to engage in dialogue between two people of different colors and ethnicity?

Alternative dispute resolution methods possess unique characteristics to provide a guide to resolving a conflict in a dignified manner by providing both parties with a comfortable and legal environment to have an approachable exchange of ideas to change the course of history and interact as a whole society.

Black and white is a racial connotation with the black person being relegated to being unable to fend for himself and having to be helped by the white person to survive, although "Reverse discrimination does not exist as there are no records where a white person has been denied opportunities or even an opinion on racial issues that violates the person of color." (Ramirez, 2022)

1.3.2 How much you have. How much you are worth

Fame, race, money, and power reset patterns nationally and internationally as cultural diversity supported by migration begins to break down implicit stereotypes of skin color.

The case of Sarah Rector, a black person, born in Oklahoma in 1902, daughter of African-American parents whose family benefited from a treaty in 1866 granting them citizenship and territory to abolish slavery. Her life changed when she explored her property with the help of the Standard Oil Company, which carried out soil viability tests and found her fortune in the black gold on her property. In 1911, oil extraction began on the Rector territory, which produced quite profitable quantities for the time, i.e., the extraction amounted to 2,500 barrels a day, giving Sarah Rector the title of the richest colored girl in the world. From this fortunate fact, her life changed forever. Forced the state of Oklahoma to grant her the title of white person since they considered that there could not be a person of color with those economic capacities; being this way, socially, she was pretended even by white men taking for granted that the wealth only belonged to the whites. (MIGUEL TRULA, 2017)

High purchasing power is linked first and foremost to society through the credit-debit relationship, codifying human behavior to give more human value to those with more wealth. (Tcherneva, 220, pp. 1-15)

Classism is an example of inequality between the privileged class who by birthright have inherited fortunes and seek to subjugate the working class through prejudice and stereotypes "Being poor makes you an ignorant person" or "The color of your skin prevents you from accessing wealth" (Ramirez, 2022) countries such as Mexico is manifested through the white color of the people and economic situation.

This issue goes beyond economic position and focuses on ethics and exemplary behavior, as the economic position is overvalued, subjecting social strata to the service of the privileged classes. It feeds the belief that the upper classes are the saviors of the disadvantaged. This does not detract from the value of people in their human condition. (Ramos López Duplan, 2021)

"In the land of the blind, every one-eyed man is king." This Mexican phrase means that when a person has challenged the stereotypes and standards in which they were born by transforming their lifestyle for the sake of increasing their economic income, they will threaten the rights of people they have somehow surpassed in opportunities, transforming their cultural ideologies and subjugating people or

simply belittling them, with the false belief that they have excelled. Their value as a person is no longer equal to that of other people.

2 Construction Industry

The construction sector in Ireland, as in most countries, is one of the most representative sectors for the development of a country, as it provides essential elements for the wellbeing of society by building roads, schools, hospitals, etc. (Ofhori, 1990)

This activity has a direct and indirect impact on the internal economy as it uses inputs from various industries such as steel, cement, wood, and, above all, the generation of jobs. Its activities range from the restoration, remodelling, and construction of private and public buildings.

Today the construction industry is promoting gender equality, and women's employment in the industry is growing at 13% and 87% of men, employing 676,301 people annually as of 2018 (INEGI, 2018) and growing at approximately 8% per annum in Ireland alone. (Ireland, Government of, 2019, pp. 13-16)

The construction industry is internationally recognized for generating jobs for many people at all social and professional levels. However, these conditions vary considerably worldwide, so the relationship between employers and employees is regulated at the political and legal levels to ensure fairness and good performance of activities governed by technical, economic, and legal aspects. (International Labour Organisation, 1996-2022)

The most important aspects directly involved in the construction industry are the political, economic, and, above all, the social aspects.

2.1 Political Aspect

Political aspects greatly influence decision-making regarding the growth of cities and small towns to generate and foster the right environment to boost the country's economy and welfare. (Construction Blue Print , 2019)

A stable and forward-looking policy is imperative to ensure the sustainability of the construction industry. (Ireland, Government of, 2019)

The policy projects goals and objectives at different timescales as development is incremental to the requirements of the city or community, as it involves a series of processes that intervene at specific times to achieve the goal, i.e., long-term planning is accompanied by funding, investment, research and development for growth and social benefit. For example, the Republic of Ireland considers that for non-housing projects above 500,000 euros, it will have a rate of 7.5% over twelve months, taking into account annual inflation in the cost of materials and labor. (Ireland, Government of, 2019, pp. 13-16) Although the construction industry is sustainable, it should always be on the policy agenda of any government as growth and the creation of new infrastructure will benefit society, and especially in the case of public works, it is directly affected by public spending expenditures. (Construction Blue Print , 2019)

2.2 Economic Aspect

From an economic point of view, the construction industry is focused on generating resources for itself, as it is in an economic market that allows it to generate income through clients who intend to build some infrastructure, whether public or private. (Construction Blue Print , 2019)

From a corporate point of view, creating projects involves clients who seek to obtain a budget that includes all components from construction, maintenance, and operation of the infrastructure, generating meetings to resolve operational and economic conflicts. Negotiations and mediation are imperative in the construction project process to safeguard the relationship with the client and discuss changes in legal policies or their operation. (Ofhori, 1990, pp. 1-5)

Economic growth at the local or national level due to the construction industry has direct implications for the procurement of products necessary for the construction of any infrastructure, considering that constant or volume procurement benefits manufacturing industries such as aluminum, steel, glass, etc., promoting employment and the flow of a steady economy. (Ireland, Government of, 2019, p. 15)

An essential characteristic of the construction industry is that it is not limited to the creation of new infrastructures but also offers preventive or corrective maintenance services that guarantee the

correct functioning of the building, thus promoting the constant purchase of inputs as well as guaranteeing employment through the specialized labor necessary for each of the activities that comprise the construction industry. (Ireland, Government of, 2019, pp. 4-13)

Private investment, always firm in its interests, seeks to generate economic resources by financing new technologies. In this case, we can cite the example of clean energy as its efficiency has proven to be environmentally friendly with low-cost production. Industry is involved in the production, storage, and distribution of energy. (Greenpeace & SOTO, 2020)

2.3 Social Aspect

Civil Engineering and Architecture are professions committed to society. Over the years, the development of practical tools has promoted technically adaptable means for all levels of society, thus acting in a versatile way, obeying society's needs such as communications and infrastructure. (Autonomous University of Mexico, 2021)

Multidisciplinary employment in the construction industry is the main economic factor that benefits society, bringing economic growth to the localities where a project is carried out. In the case of the Republic of Ireland, it represents 6.4% of the Irish economy with a constant growth of 8% per year since 2009, being a source of employment with stable jobs, with the capacity to employ people from 15 to 65 years old. Benefiting in percentage proportion of 35% people from 35 to 44 years old. (Ireland, Government of, 2019, pp. 16-20)

The social impact of the construction industry has a direct impact on the quality of life in society in all social strata since, through the creation and modernization of public or private infrastructure, it promotes health, education, and recreation. (ACI USA, Inc., 2016)

3 Conflict Theory

According to Karl Marx (1818-1883), during the rise of capitalism, the conflict between the bourgeois class and the proletariat arose because the more potent class sought its benefits by oppressing the vulnerable sector, giving rise to inequality and inequality. (Peiro, 2022)

Conflict theory aims to explain the emergence of conflicts in social classes and other aspects marked by globalization, such as family, commercial, and labor conflicts. It aims to explain the motivations and triggers to understand them. Conflicts arise when there is a clash of ideas and interests between classes and social groups to obtain benefits that provoke imbalances in social interaction, leading to the revelation of group members and producing a change. (Entelman, 2002, pp. 61-71)

Power and domination exist in society and are triggers for conflict, especially in labor, where arbitrary decisions cause discontent and insubordination of employees, forcing the intervention of a third party either as an alternative means of dispute resolution or a legal aspect forcing litigation as a last resort. (International Training Centre of the International Labour Organisation, 2013, pp. 19-21)

The central premise of conflict theory is that despite conflicting interests and opinions, a consensual agreement can be reached through dialogue, promoting a change in social structures to achieve an integrative society.

4 Conflict identification

Conflict, according to Remo F. Edelman, defines the concept of conflict as "An intentional confrontation between two individuals or groups with the same hierarchy addressing each other in a hostile manner." (Entelman, 2002, p. 45)

"The authors of conflict are human beings" Max Weber (1864-1920). Although it is a truism to his saying, this saying is taken up in the capacity of human beings to be sociable since conflicts can develop in society as plural or collective actors: especially if they are organized.

Work interaction can become basic and complex. However, when decision-making is involved in exercising dominance over co-workers without considering that they may be affected, interaction becomes problematic due to disagreements, e.g., unfair and unconsented shift rotation can trigger group conflict. The acceptance of arbitrary decision-making will depend on the particular characteristics of each individual, on the willingness and ability to interact, since strategies can be developed with solid arguments to reach a mutually acceptable result considering a negotiation between bosses and subordinates. On the contrary, if rigid positions are adopted, interacting will be null.

Therefore conflict is inevitable. Employee-employer interaction in an active economic environment points directly to the inevitability of conflict, as it is driven by the economic interests of the employer and those of the employee. When the separation of interests between employer and employee does not mean that there must be constant conflict, they can work together to resolve their differences through "ethically binding" dialogue and come to a mutual agreement without this disagreement due to the separation of interests becoming a fully identified conflict. (International Training Centre of the International Labour Organisation, 2013, pp. 17-18)

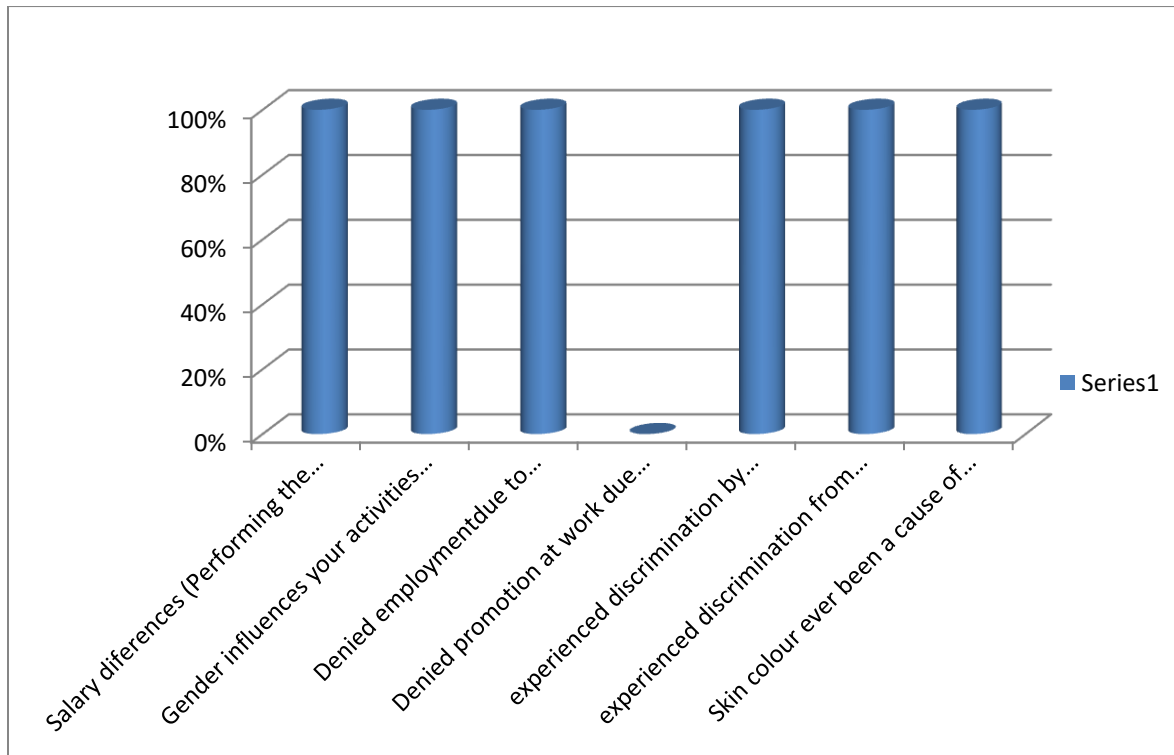
Conflicts identified in the workplace at all levels have two aspects that can be related to rights and interests;

- Individual conflict occurs when it is directly between the employer and an employee.
- Group or collective conflict arises when a conflict or dispute involves more than one person in a grievance, usually when they are dissatisfied with working conditions or wages.
- Conflict over rights refers to violating statutory rights such as non-payment, denial of holidays, or unjustified dismissal.

Conflicts over the interests of the employees this type of conflict can turn into a group or collective conflict due to changes in company policies regarding new obligations and changes in working hours, which, although they have a legal basis, affect the interests of the employees.

Once conflicts have been fully identified, dialogue and negotiation should be considered as a precondition for a conflict resolution mechanism. Once these have been proven to have failed due to a hostile stance, the intervention of a third party will be required to help resolve the conflict. (International Training Centre of the International Labour Organisation, 2013, pp. 20-23)

A survey of 100 people on workplace discrimination found that despite bullying being identified as targeting people of a different race than most, it remains an inappropriate behavior that has become the norm. The data provided is as follows.



Graph No. 1 "Racism in the work environment". (Suro Trinidad , 2022)

Victims of gender and identity-related abuse at work are identified by between 40% and 70% of the respondents, with gender-based violence being the highest, followed by discrimination by co-workers and bosses who deal directly with the workers, which is above 40% of the total sample surveyed. Considering the hypothesis "Dispute resolution methods allow for the integration of an egalitarian work environment in the construction industry," we can see the need for an alternative for the workers to have a relaxed and confidential approach to demonstrate these behaviors that affect productivity due to the worker's stability.

5 Behavioural code

Society is in a crisis of values, which this study denounces, emphasizing the normalization of discriminatory behavior that intimidates non-majority groups daily in the work environment by various actors, including employees and supervisors. Behavior is a characteristic of power.

This type of practice within a company causes a loss of credibility and trust in its employees. Therefore, the damage to the image causes economic and human capital losses, creating strong

conflicts at all levels, both internal and external, thus affecting suppliers and customers. Therefore, ethics in both the personal and professional environment is imperative to have a legal and conflict resolution approach that regulates what is right and what is wrong according to labor coexistence, respecting humanity without losing good manners and acts of good faith.

Consequently, we must understand how ethics is involved in a company and its applicability as a basis of corporate values that govern the company's policies to create an ethical environment, which is obliged to respect the respect, fairness, and integrity of all those involved a corporation. (Arroyo Chacón, 2018, pp. 86-87)

Ethics as a discipline, according to (Gonzales, 2004) can be defined as a norm that qualifies individual or collective behavior as right and wrong; it is therefore defined as a "set of "moral" norms that codify collective or individual behavior."

"Codes of conduct in a work environment such as the construction industry is imperative due to the cultural diversity we find working in it." (OFORI, 1990, pp. 10-11)

The code of conduct establishes rules of behavior observed by the company, which are mandatory for employees and for all those who have any relationship with the company, such as customers, and suppliers, based on values, ethics, and acts of good faith. (International Labour Organisation, 1996-2022) Defines that this code of conduct should be fully public to publicize policies, rules, and codes, which those involved are obliged to comply with to promote respect.

Codes of conduct incorporate a series of principles based on ethics, written by companies in a clear and precise language to be easily understood at all levels of work involved with the company and determine the consequences of non-compliance with the code of conduct. In this way, the rules described helping those involved achieve their objectives efficiently and effectively.

The code of conduct clearly describes which behaviors are permitted and which are not and what sanctions will be applied in case of non-compliance. It provides the employee with legal security if their integrity is violated by another employee who violates the code of conduct. (Arroyo Chacón, 2018, pp. 93-95) However, for this project, dialogue and the alternative dispute resolution system are

involved in abolishing bad habits through dialogue and the integration of the staff, generating awareness of coexistence and thus clarifying the panorama in terms of internal conflicts.

The types of behavior based on the bibliography consulted and the criteria used in the research project can be defined as follows.

Behaviours

Mandatory	Behavior that follows ethics and morals is in line with good behavior and healthy coexistence in favor of respect and integration of individuals.
Optimum	Behavior that voluntarily seeks to improve individual and collective development so that it universally benefits collective integration and the risk of conflict is considerably reduced.
Desirable	Individuals are expected to comply with the minimum necessary behaviors in terms of respect and fairness.
Forbidden	Refers to conduct that threatens and violates the human rights of others, causes internal and external conflicts

Comparison chart I "Behaviours" (Suro Trinidad , 2022)

The fact that a company has codes of ethics allows for the prevention of both internal and external conflicts, as workers will be trained to act in the face of threats to their rights in terms of what is permitted and what is not permitted, to act ethically and practice mutual respect, thus creating a set of regulations that promote healthy coexistence and integration at work. Improving the efficiency and quality of work, benefiting loyalty, operability and companionship.

6 Alternative Dispute Resolution Methods

6.1 Mediation and Arbitration

Mediation, Arbitration, and Negotiation are the most popular dispute resolution procedures as their exercise and execution are multidisciplinary and do not require the intervention of courts or the execution of trials. These three alternative dispute resolution procedures possess an exceptional quality that allows the parties involved to resolve their disputes in a quick and potentially cost-effective way. This quality is the entire voluntariness to appear before a third party who does not have the authority to decide on the dispute but will guide the parties involved to reach an agreement that benefits both parties. The role played by the third party involved is hired by both parties by unanimous decision by assessing their professional qualities that are suited to the conflict at hand, be it family, commercial, or labor.

6.1.1 Arbitration

Arbitration, by its definition, is a method or procedure of dispute resolution where the parties voluntarily and confidentially agree to submit their disputes for a decision to an impartial third party.

This method of dispute resolution is extrajudicial to settle a dispute between two or more parties who have voluntarily decided that a particular tribunal (the Arbitrator) will render a solution based on the stories and evidence provided by the parties giving a similar characteristic to a court.

In this case, the agreement signed in an arbitration process will be dictated with legally-binding effects for the parties assimilating this process into a judgment. (Mireles Quintanilla , 2005)

Arbitration has several special features, including flexibility, speed, and economy; the flexibility of this process refers to less formal rigor during the mediation process; furthermore, the parties involved can hire the Arbitrator that suits their needs according to their experience and skills; speed depends on the speed with which the parties reach an agreement, unlike litigation, since the result depends on the agenda of the judge in charge of passing sentence. Finally, in the event of reaching an agreement, the dates and fees agreed with the Arbitrator will be fixed.

Arbitration is regulated by law in each country where this procedure is carried out; in the case of Ireland, it is the Arbitration ACT 2010. (Government of Ireland. Oireachtas , 2010) Alternatively, by considering the Arbitrator's focus on customary or bona fide acts with an ethical approach.

6.1.2 Mediation

Mediation involves a neutral third party whose primary function is to guide and advise the parties to take positions to try to resolve conflicts quickly and concretely by signing an agreement.

The mediator guides and guides the parties to find a solution through dialogue and voluntarily. Mediation is functional in many professional and social fields, requiring skills that, in many cases, depending on the nature of the conflict itself.

In countries such as Ireland and the United Kingdom, mediation is a process that must be considered before legal proceedings before the courts through the civil rules process, and the number of mediators is increasing every year. (Walker, 2016)

Mediation is based on the voluntary and free decision of the parties and the intervention of a third person (mediator) willing to find a solution that fully satisfies them.

Mediation has significant advantages from the individual and collective points of view. The parties are aware of their real interests and the limits of their claims; with the help of mediation, the parties will be able to propose their positions freely. The mediation process is suitable for conflicts in which the parties seek confidentiality, urgency in the resolution of the matter, or when the relations are close, as is the case between partners, companies of the same group, as well as family disputes, etc. (Meyer, 1997)

Mediation, like arbitration, is regulated by legal regulations before the courts, which in Ireland is the Mediation Act 2017. (Government of Ireland. Oireachtas, 2017) This clearly and explicitly describes the procedures and, above all, the exceptions for conducting a mediation process

6.1.2.1 Phases of mediation

Mediation, as a process, must comply with a series of steps to be considered successful, so it must offer certain guarantees that a successful resolution of a dispute can be achieved.

This procedure directly involves the mediator with the participants, where the mediator will dictate the rules and procedures that the parties involved must follow. (Viana Orta, 2014)

1. - Pre-mediation: This phase is important for recognizing the client, as the rules and commitments that comprise a mediation process for conflict resolution will be presented separately.

2. - Demonstration and rules of the game: The advantages and rules of the mediation process are explained. This step is independent of each mediator, as the rules may change depending on the context and scenario of the conflict being mediated, and clients are reminded to sign a legally binding mediation agreement, as well as the voluntary and confidential nature of the process, with exceptions

3.- Expose the version of the conflict: mediation by its concept is that a third person involved helps the parties to resolve the conflict, so the parties will have to tell their version of the story; in this way, the mediator will help to focus on future results to perpetuate the relationship between the parties.

4. - Clarify the problem: at this stage, the mediator should be clear about the conflict and all the issues to be addressed to maintain the parties' interest in finding a solution.

5. - Proposing solutions: the mediator, with a guide, should explore and identify what each party is willing to do and highlight the positive aspects.

6. - Reaching an agreement: In this last aspect, the mediator will consider what is balanced, realistic, specific, and concrete to avoid misinterpretations by any of the parties. Afterward, the agreement will be signed, which will be legally binding. ("Appendix 3)

6.3 Negotiation

Negotiation is a process where stakeholders agree on a particular topic, issue, or business where it is necessary to exchange information and evidence of formal commitments. In this way, *parameters* are

a basis for a possible change in the parameters or clauses of previous formal commitments such as a contract.

The negotiation procedure begins with the dialogue between the parties involved where the interests of each of the parties are raised, making explicit reference to what the parties can offer. However, the conflict lies in the fact that one of the parties does not agree to accept or is not in a position to offer. (Roldán, 2017) Thus, the process will begin by inviting the other party to give up its position and obtain a common good; however, the point will be reached where there will be only one winner since, in most cases, only one party will benefit, and the other will have to give up its position to preserve the relationship and continue working together, although it is vital to bear in mind that the rupture of the relationship may be imminent (Aldao - Zapiola, 2009), although the negotiation agreement is legally binding, it will form part of the background for the exercise of legal action if it goes to court. The decision-maker is a judge who will consider the evidence to issue a ruling in favor of the party with clear evidence.

Negotiation has some characteristics that are different from mediation and arbitration.

The parties involved are related and seek to create or modify a legally binding agreement that directly affects the interests of each party.

The process is dynamic as negotiation sessions can be held whenever one of the parties needs to modify previous agreements.

Legal and financial advisors may participate as appropriate but do not influence the decision-making process for the resolution of the dispute.

6.4 Uses in the labour field

Industrial relations comprise employers and employees within their organizations or companies, influenced by governmental or private interventions. Such interactions occur at all levels, e.g., between the employer and an employee within the company, between a group of workers, trade unions and the employer or the owner of the company, or between legal representatives and groups of workers. This implies that the relationship and interactions can be.

- Individual and collective
- Between groups of companies and industries

These employees and employers will always have common and conflicting interests. However, some characteristics denote differences between the interacting individuals; these are power, values, and the environment they operate. Concerning decision making, the above aspects trigger that one of the parties is the one who exercises dominance and makes decisions without considering the affected party; thus, the interaction becomes null and void. Detonating the conflict since, in the work environment, the difference in salaries and responsibilities directly dictates who has the power of decision; however, if the abilities of the subordinate surpass the one who dictates the instruction, it generates the conflict and a disagreement that must be resolved expeditiously with the purpose of not compromising the performance of the workers within the company. (International Training Centre of the International Labour Organisation, 2013, pp. 03-25)

In order to resolve the conflict, according to the International Labour Organisation, four approaches are required. (International Training Centre of the International Labour Organisation, 2013, p. 20)

- Elution: when one party is unable to deal with the conflict.
- Power: when one person forces another to do something they do not want to do.
- Rights: When one person exercises legality and norms to resolve a conflict.
- Consensus: when collective conformity is sought

According to the (International Labour Organisation, 1996-2022)the above approaches give an example of the proportion in which they should be applied for a successful conflict resolution. That is to say, depending on the origin of the problem, avoidance, power, rights, and consensus should be applied proportionally. However, through its narrative process, an alternative conflict resolution such as mediation can define the proportion in which the approaches proposed by the (International Training Centre of the International Labour Organisation, 2013) should be applied.

The above to determine the proportion of the approaches to assess the conflict directly according to the characteristics of the conflict resolution alternatives by providing the opportunity for dialogue; since the dispute resolution alternatives are non-formal procedures that allow conflict resolution to

have a more human aspect, as the intervention is voluntary and confidential, although legally binding. With the help of an impartial third person who acts as a facilitator specialized in conflict resolution, they will guide those involved to obtain a solution and prevent conflict. (Fuquen Alvarado, 2003, pp. 265-267)

The opportunity for dialogue with an impartial third party is the most appropriate way to solve a labor conflict, as they will be able to express their point of view and experience and the development of the conflict in such a way that through narration by the parties, the triggers of the conflict will be identified. In this way, the problem will be stopped. A solution can be reached before it spreads to more people or even areas and causes damage to the company's productivity and deteriorates the relationship of those involved.

There are two alternatives for conflict resolution and mediation in the labor field. In the table below, a comparison is made between them, adding litigation, which is considered the last option for conflict resolution.

	Arbitration	Mediation	Litigation
Availability	Restricted availability	Independent (Civil order)	Availability Constitutional right of access to the Courts
Adjudicator	Chosen by the parties/via an agreed appointment process (by independent 3rd party)	Chosen by the parties/via an agreed appointment process (by independent 3rd party)	Pre-determined (Judges appointed by the President)
Issues	Controlled by the parties	Controlled by the parties	Jurisdiction determined by Constitution &/ legislation

Comparison chart 2 "Comparative table of alternative dispute resolution methods. (Suro Trinidad , 2022)

6.5 Regulatory Framework

In the case of Ireland, there are regulations in force that describe the correct way to initiate a process correctly, whether it is mediation or arbitration. This meets the minimum requirements necessary for them to fulfill their essential characteristic of being legally binding.

Alternative dispute resolution methods, being procedures regulated by the countries where their validity is accredited, have exceptions and restrictions that must necessarily be solved before the courts prove crimes or put minors at risk. Having said the above, the regulations that involve each of the processes are listed below.

Arbitration

- Institute of Mediation, Arbitration and Conciliation (ACAS) in the UK, established in 1976
- Irish Labour Relations Commission (LRC), established in 1991
- Commission for Conciliation, Mediation and Arbitration (CCMA) of South Africa, established in 1995
- Ghana's National Labour Commission (NLC), established in 2005; and Tanzania's Commission for Mediation and Arbitration (CMA), established in 2007
- Statute: Arbitration Act 2010
- Treaties & Model Law: New York Convention, 1958, Washington Convention, 1965 (ICSID), UNCITRAL Model Law, 1985
- Procedural Rules: UNCITRAL Rules (latest 2013), ICC Rules, LCIA Rules
- Guidelines: IBA Rules on the Taking of Evidence in International Commercial Arbitration, IBA Guidelines on Conflicts of Interest in International Commercial Arbitration

Mediation

- Irish Statute Book, Mediation Act 2017 Ireland
- Irish Labour Relations Commission (LRC), established in 1991
- Federal Mediation and Conciliation Service (FMCS) of the United States, established in 1947
- Commission for Conciliation, Mediation and Arbitration (CCMA) of South Africa, established in

1995

- Ghana's National Labour Commission (NLC), established in 2005; and Tanzania's Commission for Mediation and Arbitration (CMA), established in 2007

Chapter II Research Methodology and Methods

Since ancient times, the construction industry has been present in society, so it is necessary to know the labor history and forms of admiration that give rise to the hierarchical order to which employees obey.

The bibliography consulted is focused on contemporary times, as several authors have carried out research and postulated social dynamics that have marked considerable changes in terms of labor equality and equity at all levels, identifying triggers of conflicts such as discrimination and social separation of workers, identifying their positions in terms of skills and performance.

The analysis of international literature is imperative, as the migratory and multicultural aspect of people working in the industry comprises different principles, values, and customs, provoking conflicting interests that will generate conflicts that will be inevitable at some point.

The participation of staff who, because of their ethnic and socio-economic background, are discriminated against and relegated to the lower strata of the industry promotes social research to answer questions about their lifestyle, work situation immersed in poverty, and lack of opportunities due to negative stereotypes, encapsulating their performance in areas ignored by the corporations because of the eventuality and constant turnover of staff.

The purpose of promoting conflict resolution through an internal control body is to humanize public and private authorities for decision-making in the event of a conflict, considering the human aspect of the worker, defend legality and human rights, and provide more significant opportunity for the worker to expose the origin of the conflict, whether between colleagues or bosses.

Therefore, opting for research tools such as interviews, surveys, and questionnaires help those involved to comment narratively on their experiences of conflicts within the construction industry, identify the triggers of a conflict, and answer the question, "Why have they been ignored?"

1 Approach to the study

1.1 Description of the problem

As a general approach in this thesis, *discrimination* in employment is a phenomenon of global proportions affecting mainly certain social groups or minorities, which are particularly vulnerable for different circumstances and reasons.

As a general definition, discrimination mainly affects numerous sectors in the global society, including children, women, the elderly, people with different abilities, migrants, refugees, people with sexual orientation different from the majority, etc.

Discrimination is practiced in various situations throughout people's lives; however, it has been identified that this practice is most pronounced in specific areas related to accessing and exercising rights to benefits, goods, services, or access to justice. (ACCEM, 2022)

Discrimination is versatile and dynamic and therefore takes various forms in practice. It is often exhibited through denial of access to essential goods and services such as education, healthcare, health, employment, justice, etc., through attitudes of rejection.

Discrimination has serious consequences, as it has consequences that all sectors of society suffer, such as their family and friends. The impact of discrimination on an individual level creates low self-esteem, making them feel less valuable or valued, and reduces their opportunities in the workplace. (ACCEM, 2022)

These employment and social inequalities and marginalization create a "vicious circle" that is difficult to break because if an individual has difficulties integrating into society and therefore into the labor market, this will have repercussions on the satisfaction of basic needs such as food, housing, and education, thus increasing social inequality.

Discrimination in the workplace in Ireland has become commonplace over time; however, it is unacceptable behavior in its direct or indirect forms. This type of discrimination or harassment can be detected in two ways: physical or verbal, although nowadays, with new technologies, it also manifests itself on virtual platforms. During working hours, discrimination may be perpetrated by one or more

persons in the workplace. Therefore, it can be considered a reasonable way to violate a person's right to dignity at work. (Kitt TD , 1999)

Discrimination is a common practice in Ireland that has grown in recent years due to the country's economic boom in the European Union, and access to excellent incomes that represent a better quality of life has encouraged a migration dynamic. Work permits have made the Celtic Tiger an attractive place for migrants from all over the world in a legal and controlled manner. However, migrants are forced to start from scratch, entering the labor force in the food, manufacturing, hospitality, and construction industries under the minimum statutes required to practice a profession in Ireland. These industries are the most ethnically diverse. In these industries, people are singled out because of their physical and cultural conditions and are relegated to temporary occupations that are fully replaceable by the demand for labor due to their low skill requirements and language ability; employees are constantly changing. In the Republic of Ireland, the labor relations system has a versatile characteristic of being essentially voluntary, which represents a series of legal loopholes that cause a state of helplessness for the workers.

On the contrary, the parties must agree on the best way to determine the conditions for developing the work with the employer. This voluntariness defines the wages or the minimum hourly wage and working hours and benefits such as holidays, rest periods, and the number of hours per week or month, as the case may be. (M WARD, 2021)

Since such characteristics respond to significant aspects and features in a conflict resolution, such as voluntariness and confidentiality, the proposal of Anastasia M. Ward B.L. opens an opportunity to apply alternative methods of conflict resolution in the labor aspect, especially when unwritten and completely voluntary agreements have been made when entering a job.

1.2 Problem Formulation

- Why does discrimination in employment occur?
- Who is affected by discrimination in the workplace?
- What are the consequences of discrimination for people in the work environment?

- What methods of dispute resolution are suitable to stop discrimination in the workplace?

What does the law say about it?

1.3 Primary Problem

The main problem lies in the influence of discrimination on workers' productivity; as Richard Allen Lester mentions, "Workers have expectations of growth in the labor market because their academic preparation or skills allow them to apply for a better position within the company, hoping that their performance will be taken into account, thus improving their salary." (Allen Lester, 2014)Discrimination is the main problem that prevents workers from developing optimally to meet the challenges of the economic sector in which they work. A discriminated worker will have a low performance that will generate losses for the company in which he/she works and will affect his/her situation with low self-esteem and little recognition of his/her work, forcing the worker to assume an unimportant role at work and in everyday life.

1.4 Secondary Problem

How do we get senior management to recognize equality and integration of staff?

How to eliminate prejudice in the work environment?

Prejudices and stereotypes are ingrained in cultures all over the world; therefore, the formulation of these two questions addresses all hierarchical levels in a company because, as Anastasia M. Ward B.L. describes in her lectures, "discrimination occurs both physically and verbally." (M WARD, 2021)This exemplifies that physical, social, and cultural conditions are susceptible to discriminatory labeling consciously and unconsciously, and information and awareness-raising for staff at all levels can impact inclusive and integrative practice.

2 Objective

By identifying social groups that suffer from discriminatory and classist practices, conflict resolution procedures can be implemented to benefit them and improve practices within the construction industry.

2.1 General Objective

Develop guidelines for resolving disputes between construction workers and their employers arising from discriminatory or classist practices.

2.2 Particular Objectives

Identify the labor practices of construction workers throughout history concerning social classes.

Determine the origin of the implementation of conflict resolution practices in the construction sector.

Propose specific guidelines for the resolution of conflicts in the construction industry arising from discriminatory and classist practices.

3 Delimitations of the research

3.1 Time Delimitation

The research process was delimited to three months, taking into consideration the dissertation times foreseen by “Independent College Dublin” according to research work, data analysis, and results.

3.2 Spatial Delimitation

The research was conducted in Dublin City, Ireland, using electronic and physical research media and surveys and interviews conducted via zoom and email on an international basis to gather multicultural and disciplinary experiences.

3.3 Social Delimitation

The social sampling conducted in this research involves people from various hierarchical levels in the construction industry, emphasizing workers such as bricklayers, labourers, and site managers as well as middle managers such as cost managers and managers of contracting and tendering procedures.

4 Research Limitations

The construction industry in terms of discrimination is quite broad; however, the study process is complicated due to the participation of those involved at all hierarchical levels. Due to the

characteristics of a project, it is necessary to protect its confidentiality of the same. Specific policies restrict employees from reporting abuses and acts of corruption within their facilities, conditioning silence with the permanence in employment.

4.1 Difficulties

The group's participation under analysis is low due to the fear of losing their jobs based on the possible evidence of discriminatory acts by their immediate bosses and being sanctioned with the loss of their jobs.

Professionals in the construction industry provide missing and sometimes incomplete information to show a friendly face of the industry to society.

Lack of interest in resolving conflicts related to discrimination in the construction industry with the main objective of generating income and job stability while consciously ignoring the problems caused by the differences caused by discrimination.

Information on discrimination is constant and redundant so finding background information focused on employment becomes repetitive.

The issue of dispute resolution is an international issue, as being involved in various issues of dispute, getting information from the construction industry is complicated because the organizational procedures in each country are different.

5 Justification of the Importance of the Research

Conflict resolution in the construction industry must be in line with its characteristics and specific context, since its technical nature makes it particular in the development of its work and therefore its conflicts, according to Beatriz Rodríguez de la Flor de Marcos, in her 2014 manuscript, she mentions that conflict resolution in the construction industry is almost non-existent, Since its application is relatively new in European countries, the construction industry is regulated by a series of administrative-legal bases that do not provide for the resolution of conflicts voluntarily and confidentially that is friendly to the interests of workers and employers or between workers, the HSA in its section on Employer obligation, the HSA, in its section on the "Conflict resolution in the

construction industry", states that the conflict resolution in the construction industry is almost non-existent, since it is a relatively new phenomenon in European countries (Health & Safety Authority, 2022)The law sets out the obligations of employers, but does not provide for a regulation in case of disputes between employees or employee-employer.

Mediation as a method of dispute resolution has been successfully applied in countries such as the United Kingdom, the United States, and Canada the concept of Court-Linked Mediation, according to Nicholas Gould in his report "The Use of Mediation in Construction Disputes." (Gould , et al., 2009)

According to Anastasia M. Ward B.L., the voluntariness and confidentiality of alternative dispute resolution methods (M WARD, 2021)allow the involvement of these processes in a business context both at the outset and during formal proceedings.

Discrimination as a trigger for unequal opportunities and employment and access to justice justifies the intervention of an alternative dispute resolution process to avoid a litigation process.

As well as helping to prevent discrimination, this will consistently help to improve the quality of decision-making and conflict resolution through open communication between those involved, giving preference to honesty on issues of relevance to the personal or working relationship, depending on where the conflict has arisen and thus fostering the legitimacy of the opinion of the other party involved. (L. Ury, 1999)

Chapter III Presentation of the Data

The data collected in the field through interviews and surveys allow for the corrective approach to the hypothesis in this dissertation work, to provide data and verdicts that correspond to the current situation of the conflict.

As mentioned above, the appropriate technique to be able to retrieve this data is to identify workers working in various positions within the construction industry in order to have a friendly approach that allows an atmosphere of trust between the interlocutors in order to obtain statements of the conflicts and types of discrimination they have been victims of in the work environment both in their countries of origin and in the Republic of Ireland.

The surveys were carried out to address specific points for this dissertation topic; however, the surveys and interviews, which by their particularity of being able to formulate open questions, allow those involved to tell their experiences in a narrative and friendly way with the interviewer, thus being able to touch on topics that other authors have ignored.

1 Research Hypothesis

Dispute resolution methods allow for integrating an equal working environment in the construction industry.

2 Research Populations and Sample

A survey was administered to 100 people internationally with questions asked on issues of discrimination in the workplace, emphasizing whether respondents have been victims of discrimination in any form, whether direct or indirect. Whether they have been denied access to rights or justice in any way based on their migratory, social, or ethnic status. ("Appendix 4"), the questions were as follows:

1. - Have you ever felt discriminated against because of your immigration status?
2. - Have you been discriminated against because of your physical condition?

3. - Have you ever felt that your salary is lower than that of your colleagues? (Performing the same activity)
4. - Do you consider that your gender influences your activities and salary?
5. - Have you been denied employment because of your ethnicity?
6. - Have you been denied promotion at work because of your ethnicity?
7. - Have you experienced discrimination by your immediate bosses or superiors?
8. - Have you experienced discrimination from your colleagues at work?
9. - Has skin colour ever been a cause of discrimination or bullying in your work?
10. - Have you been denied access to employment justice because of your physical or ethnic condition?

The questions were designed to highlight differences between individuals in the workplace.

From question number one to question number 4, they seek to find out the immigrant status and how it influences the possibility of having a well-paid job with social benefits.

Question number 5 deals with gender discrimination since women are in the surveyed population. The aim is to find out the perception of the female sector on gender discrimination today.

The questions from number 5 onwards aim to reveal the percentage of workers discriminated against because of their physical appearance.

The short survey aims to find out the perception of today's employees by referring to research and authors who have generalized the triggers of conflict in the construction labor sector.

Skin color has been a trigger that reflects people's social position, highlighting white supremacy in accessing employment and social benefits because they are supposed to be equitable; however, it is still a cause of discrimination, as highlighted throughout this research.

Teasing and singling out people because of their physical appearance under camaraderie is not an exception to discrimination in the workplace.

Questions seven, eight, nine, and ten highlights how these discriminatory behaviors jeopardize workers' well-being by relying on the abovementioned stereotypes as demeaning triggers.

The appropriate way to measure the population's responses is to find the percentage ranges to be able to present the data in a graphical form for easy understanding and identification of the surveyed population.

As indicated in the previous chapters, there are many workers in the construction sector: professionals, skilled workers, and people who can do basic jobs without previous training, all of the victims of conflicts between co-workers and superiors.

This discrimination and social undervaluation are rooted in the lack of knowledge of dispute resolution methods in the country of destination, facilitating extortion by employers and resulting in constant staff turnover.

Model questionnaire 1 ("Appendix 5"), addressed to middle management in the construction sector, focuses on the technical and legal aspects of knowledge of alternative dispute resolution methods and seeks clear answers as to how the procedures are carried out in the construction sector from a business point of view. In addition to the way to act in case of suffering any abuse by promoting dialogue and a confrontation where respect is involved.

The questions are as follows:

1. - What is your profession?
2. - Could you provide a summary of your work history?
3. - What is your opinion on racism, classism and discrimination?
4. - In which professional field do you work?
5. - Do you consider that equality and integration are practiced in the public sector?

6. - In your experience in the construction industry, do you consider that integration exists at all levels?
7. - Do you have knowledge of alternative dispute resolution methods?
8. - Considers this method to be applicable at all levels?
9. - Do you think that the lower strata, such as bricklayers, are listened to in the event of a conflict?
10. - Do you have experience in defending discrimination cases?
11. - Have you been a victim of discrimination?
12. - Could you cite a personal or advocacy experience of discrimination?
13. - Do you think it is important to give vulnerable sectors the opportunity to use an alternative dispute resolution method?
14. - Which is the right one?
15. - Do you think that the legal department could take on cases of conflict without generating chaos within the corporation?
16. - Do you think that dismissal is appropriate in the event that a solution is not reached?
17. - In your opinion, dispute resolution agreements are legally binding.

The Model 2 questionnaire ("Appendix 6") focuses on people living in the Republic of Ireland who have migrated in search of better employment opportunities to improve their quality of life, most of them currently working in subordinate service jobs. This questionnaire is intended to demonstrate the orientation of the migrants, most of whom have a professional education but are engaged in blue-collar activities; the questionnaire emphasizes discrimination and violence between colleagues and the relationship with the employer-employee company. They are often victims of deprivation of justice and rights.

The questions are as follows:

1. - What is your nationality?
2. - What is your profession?
3. - When did you arrive in Ireland?
4. - In which economic sector do you work?
5. - In your country of origin, had you carried out this activity?
6. - What activity did you carry out in your country of origin?
7. - What differences do you find in terms of employment between your country of origin and the Republic of Ireland?
8. - Do you consider your salary to be fair?
9. - Are you familiar with the concept of discrimination?
10. - Do you consider that you have been discriminated against in the Republic of Ireland?
11. - In your workplace, have you witnessed discrimination?
12. - How does discrimination affect you?
13. - Do you consider skin colour to be relevant in your workplace?
14. - What percentage of immigrants do you think work with you?
15. - Is immigration status relevant to your salary?
16. - Do you expect to grow in your job?
17. - In 5 years' time, do you consider continuing in the same job?
18. - What was the first impediment to getting a job in the Republic of Ireland?
19. - What is your main incentive to work in the Republic of Ireland?

3 Data Collection Results Obtained

3 Data Collection Results Obtained

The surveys were conducted among people at the international level and yielded the expected data to test the hypothesis since the sampling was conducted among people related to the construction industry from the technical to the managerial sectors. The surveys were sent to specific individuals to obtain industry-specific results.

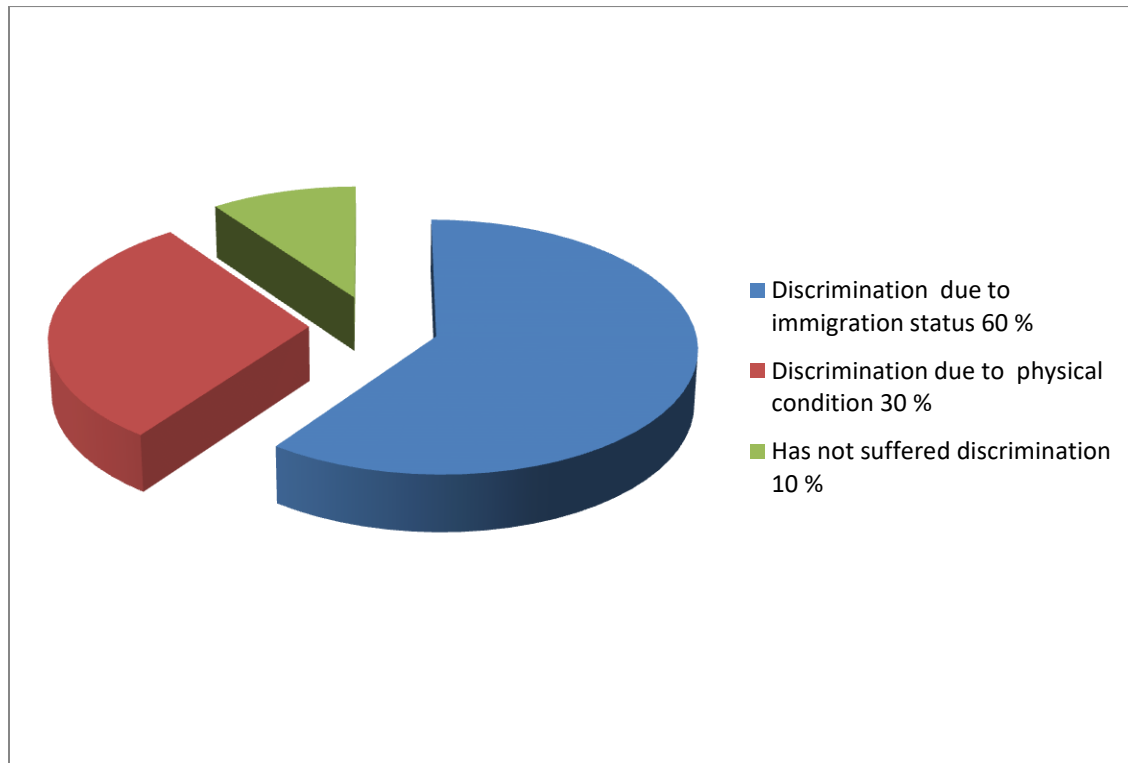
The questions were asked to determine the level of discrimination in the personal, employment, and access to justice spheres.

On a personal level in the Republic of Ireland, the sample was made up of migrants from both the European and Latin American communities, as they perform similar functions. On an international level, most of the sample is of Mexican nationality. This research aims to provide a glimpse of the differences that are present in an international community, taking into account the multicultural community that performs these tasks in the Republic of Ireland.

The first concept shown in the graph refers to whether people have been discriminated against because of their migratory status since most people in the construction industry compete for jobs based on the work capacity that Irish migration provides, as the case may be. The blue color represents the 60% of the sample space that has suffered this type of discrimination.

The second concept is more open as the physical condition immediately points to stereotypes and prejudices in people's everyday way of life. Discrimination could have happened on the street in a leisure center or through attacks by white radicals against migration. The red color represents 30% of people who have suffered discrimination somewhere in the country or their lives.

Furthermore, the last concept makes it evident that one has not suffered any discrimination. Green represents people in the sample space who have not experienced discrimination within the Irish territory or at some point in their lives.



Graph No. II "Discrimination in everyday life". (Suro Trinidad , 2022)

The second figure, titled Discrimination in the Work Environment, presents more complex results, supporting the hypothesis that dispute resolution tools can create inclusive work environments in the construction industry. The presented findings show the following results.

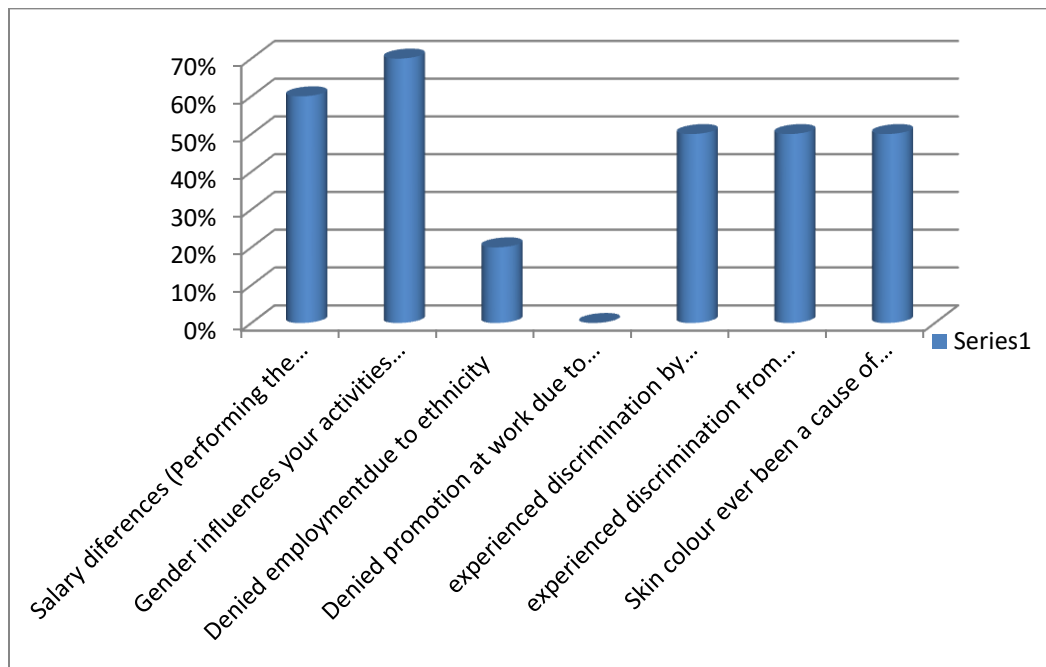
First, the gender pay gap remains an example of inequality in the workplace, considering that 70% of people still experience pay-related gender discrimination. To not be controversial, I will not identify the genders with higher participation in this survey, but the results presented show little progress on gender equality.

Have you been denied employment because of your ethnicity? And number six. - Have you been denied a promotion at work because of your ethnicity? Interestingly, 20% of the surveyed population responded that they had been denied employment because of their ethnicity, but 0% responded that they had not been denied a promotion at work because of their ethnicity, which shows that it is more difficult to find a job because of ethnicity than it is to receive a promotion once in employment. The above validates the hypothesis that the means of dispute resolution create an atmosphere of

integration in the construction work environment, as they allow dialogue and consensus through interaction to demonstrate their technical or professional skills to obtain a better job position regardless of stereotypes or social prejudices that a person of a different origin than the majority can actively collaborate at a higher level in the hierarchy of the company.

Finally, the results obtained reflect that bullying continues to be a common practice by bosses and colleagues, making skin color a relevant trigger for bullying, since in general terms, defining three questions aimed in the same direction reflects that 50% of the people have suffered this type of harassment, however, the normalization of the practice does not severely affect the individual, although he/she is fully identified.

In this way, it aims to prove the hypothesis that conflict resolution methods can create an integrative environment in the construction industry since, through the opening of dialogue with a third party in the mediation process, the harassing party can understand the negative effects suffered by the violated party, generating an integrative environment without having to reach formal instances of conflict resolution.



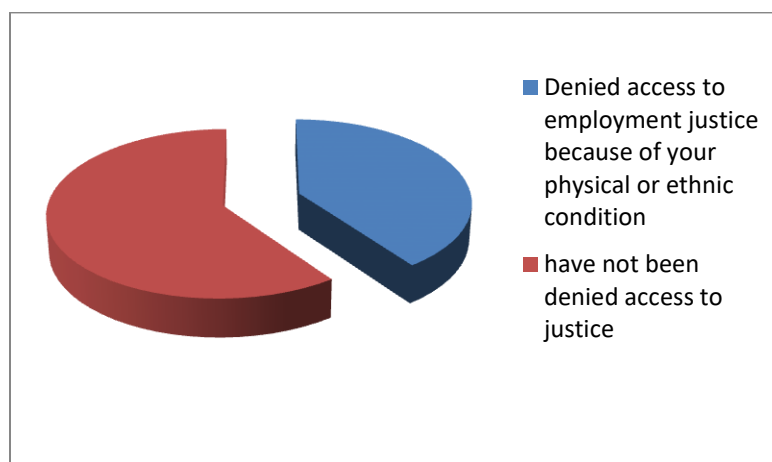
Graph No. III "Discrimination in the work environment". (Suro Trinidad , 2022)

When we talk about free access to justice, we are not only referring to the criminal sphere but rather to access to justice in civil, labor, and commercial matters, among others.

Labour justice has been denied to migrants in conditions of defenselessness, conditioning their silence to keep their jobs or the fact of not being accused before immigration authorities who could sanction the worker with deportation.

The living wage, as stated in the National Minimum Wage Act, 2000 of the Iris Statute Book (Government of Ireland, 2000) should be paid either by hours worked or by the period, obliging the employer to be punctual with the payments, however, for reasons beyond the employer's control, the company falls into non-compliance with wages or holiday entitlements, with direct repercussions for the worker. Confronting the employer about such anomalies and getting no response is a denial of justice.

In this respect, the survey asked, "Have you ever been denied justice?" This aspect is the most common, and of the 100 people surveyed, 40% have been denied some kind of justice in the labor sphere. Answering the hypothesis does not fulfill this type of question because despite being an act of discrimination in case it is an isolated or individual problem, a dispute resolution process cannot demand the result of action as its purpose is to guide those involved to find a solution by themselves and not to take action on the conflict. Blue represents 40% of respondents who have been denied access to justice in the workplace at least once in their lifetime.



Graph No. IV "Labour Justice". (Suro Trinidad , 2022)

Two types of questionnaires were carried out with different characteristics: the first questionnaire was addressed to professionals working in the Republic of Ireland and their own countries, and the second one was addressed to people living in the Republic of Ireland who arrived through an English language course with the particularity that it offers the opportunity to offer a part-time work visa. The purpose of the study was to explore two particular aspects: the position in which they work, and, their experiences of classism and discrimination. To test the hypothesis, "Dispute resolution methods enable the integration of an egalitarian working environment in the construction industry."

The focus of two different questionnaires is primarily to analyze two aspects, the proportion of direct or indirect discrimination and the job role in which the participants find themselves, and how easy access to conflict resolution is in case of a conflict.

The questionnaire model 1 "Appendix V" represents the perspective from behind the desk, as the role in which the respondents find themselves is somewhat privileged as their hierarchical level is managerial. They have subordinates who deal with disputes all the time and often intervene as the third person to help guide the resolution of a conflict, Although their role is not that of mediator, they do have power in the work interaction of their subordinates, forcing them to respect ethics and good manners through dialogue or through a sanction, the most popular being suspension from work, through the taking of an arbitrary decision that generates a conflict between the worker and the boss.

The questionnaire model 2 "Appendix VI" is the counterpart as it is focused on blue-collar workers who, as soon as a conflict arises, are obliged to solve it by themselves, often due to the apathy of the bosses to get involved as a third person to guide the conflict resolution, The questionnaire asks about fundamental aspects of coexistence in their workplaces, such as discrimination and abuse, as well as the impediment to access to labor justice, forcing them to leave their jobs for the sake of emotional health and conflict avoidance.

Those involved are people with professional academic backgrounds as the normalization of conflict and conflicting interests with bosses are overlooked. They are aware of the bad practices but accept them because of the need for employment, especially in a country far from home.

The unification of both questionnaires to issue a commentary to test the hypothesis since, in both scenarios, discrimination and conflict resolution go hand in hand; on the one hand, for managerial positions, an atmosphere of integration and fairness represents a better working environment which as a result has higher productivity of employees at all levels and on the other hand workers feeling listened to and treated respectfully and somewhat work with greater confidence and increasing their productivity.

"Dispute resolution methods allow the integration of an egalitarian work environment in the construction industry."

The hypothesis is proved by analyzing the answers of both questionnaires since the integration of the personnel through an alternative method of dispute resolution will create links and perpetuate the labor-management relationship, increasing the integration and trust of the workers with the corporation in which they work.

4 Conflict Resolution Flowchart

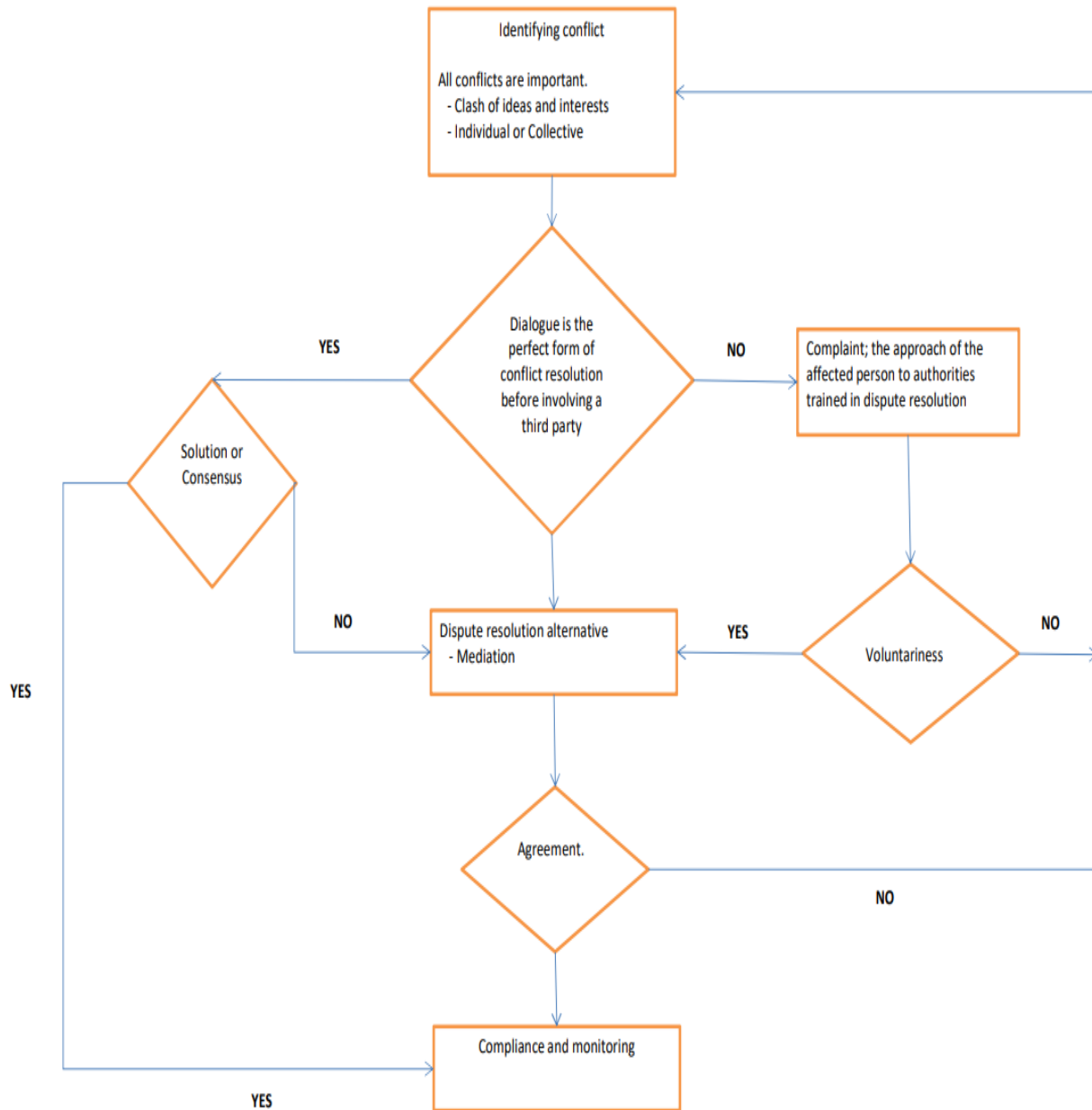


Diagram I "Conflict resolution flow chart". (Suro Trinidad , 2022)

Chapter IV Data Analysis/Findings

Background information is vital, so data will be collected from official and governmental bodies such as the International Conciliation and Arbitration Board, which has been the main public body supporting workers' rights. The rights are stipulated in constitutions and laws that have been modified according to the evolution of employment in the world, so the laws and law proposals in favor of recognizing vulnerable workers because of their position in the company will be analyzed.

To this end, the information is presented in comparative tables, charts, and graphs to allow for a general and detailed analysis of the data.

Generally, the positive aspects of any historical event are always documented; rarely are documents found that describe the negative aspects, such as dispossession, injustice, discrimination, extortion, and racism. Thus questionnaires and surveys will yield the actual results presented in this paper. Define innovations and proposals for dispute resolution methods in the construction industry.

The proposal of a suitable conflict resolution for the construction industry is based on the hypothesis that "Dispute resolution methods enable the integration of an egalitarian working environment in the construction industry." It is based on research data collected from people working at all levels of the construction industry. In an egalitarian and holistic way, they promote workers' connivance and safety.

1 Labour Dynamics in the Construction Industry

The construction industry refers to a sector in the professional, working, professional and social environment, which makes it a diverse sector in its technical and social activities and even adapts to the dynamics of internal and international migration.

As already mentioned in this dissertation work, the "construction industry" is diversified into several categories;

- Civil engineering or construction refers to constructing roads, airports, dams, bridges, and irrigation systems.

- Industrial engineering or construction deals with the infrastructure of pipelines, canals, mining, gas pipelines,
- Residential engineering goes hand in hand with architecture, as it works in housing and commercial buildings, such as shopping centers and residential housing.

In all the subcategories mentioned above, the labor field comprises professionals (civil engineers, architects), legal and administrative personnel, technicians, electricians, and manual workers. This range of workers brings together the experience and knowledge to carry out a common objective, which is the construction of an infrastructure that is beneficial to society. The size of a construction company can range from a small company focused on refurbishment and maintenance employing less than 100 employees to a large transnational such as Bouygues Construction which employs 130,000 people in 80 countries with a turnover of millions of dollars annually.

In most countries, the construction industry is a crucial component of the national economy; however, its global importance is reflected in the source of income, as 5-10% of formal jobs are generated by the construction industry. (Bosch & Philips, 2003) According to Gerhard Bosch Peter Philips, it is a productive industry through mechanization and prefabrication of infrastructure components. It relies on resources such as steel which is exploited internationally for any infrastructure, cement, and timber. This means that there are employment opportunities for labor in all areas within the construction industry.

2 Casual labours

The construction industry is directly dependent on labor; however, programmatic developments that are directly relevant to the progress of the project mean that workers in certain areas of the construction industry are no longer needed, making it impossible to retain all the workers, on the contrary, On the contrary, new workers are required for different jobs, for example, preliminary works such as land clearing and excavation will only be necessary at the beginning of the project. However, electricians and bricklayers will be needed for the next stage, this dynamic means that jobs will be temporary for short or medium periods.

The construction industry, although technically good at the time of execution, needs workers as they have an economic inclination to align with technological and financial planning advancements, so indefinite contracts are common as the cost savings for the consortium are significant because, first of all, It is migrants who work shifts willing to underestimate their labor force to generate income to meet their basic needs (Wells , 1996) because buildings cannot be relocated to save costs.

The migrant-focused construction industry continues to be dangerous and poorly paid with a low status that achieves great results.

The blue-collar work is attractive to migrants because most of them face language problems as they speak a language foreign to their own, so the effort and physical work is internationally recognized as it is focused on visual results and good performance, so at a glance, it can be determined whether it is a good or bad job. For this reason, the construction industry is an excellent option to start from scratch as a migrant.

House projects are the most representative in terms of temporary jobs since the project's durability is short-term, allowing generating temporary jobs in a small town or a big city by hiring local people since, as a corporate body, the activities are developed where they are called. (BUCKLEY, et al., 2016)

Migrants, from a general point of view, could be seen as a disposable human resource since their illegal migratory status obliges them to take on dirty and high-risk temporary jobs to meet their basic needs, promoting discrimination and vulnerability of human rights. However, there is protection for migrants, and deportation is a latent sanction to which they are exposed, truncating their aspirations for economic growth.

In an interview with three people living in the Republic of Ireland as migrants, they were asked the following question - In 5 years, do you consider continuing in the same job? All three answered no. After all, they have been employed in different industries with the premise of starting from scratch because with the development of skills and language learning, and they aspire to better working conditions and better pay than at present. They are currently unable to grow within the company, either because of the type of passport or simply because of discrimination, since senior positions are reserved for white people.

3 Difficulties in obtaining fair work in the construction industry.

As mentioned in previous chapters, migrants leave their places of origin in search of economic security that allows them to obtain a better quality of life and to support their families in their place of origin; however, due to the characteristics of their ethnicity, physical conditions and migratory condition, they are discriminated against directly, pointing out their condition and pretending that they are lesser because of their conditions.

This is because leaving the country of origin presents new challenges such as poor quality housing, labor exploitation, or simply treatment that violates the human rights of individuals. (Amnesty International, 2022)

In most cases, although the country of destination offers better opportunities to achieve the dream of a better quality of life, the greatest difficulty is the illegality typified as a crime whose sanction is deportation dictated in national legal frameworks that are exclusive and that motivate contractors to have discriminatory practices, exploitation, and extortion such as the extraction of fees that imply the generation of debts that migrants acquire with the same people who have offered them work in an unregulated manner. (BUCKLEY, et al., 2016)

Sallie Yea, in her work "The art of not being caught: Temporary strategies for disciplining unfree labor in Singapore's contract migration," has documented false denunciations by construction employers, intending to intimidate workers and generate fear of losing their jobs or even being deported if they demand any act of justice, as they threaten the intervention of the police and the Ministry of Labour. In this way, they exercise control over migrants, especially illegal migrants who, encouraged by fear, become resigned to the fact that their rights are minimal or null and void, limiting themselves to obeying and keeping their needs to themselves. (Yea , 2017) This practice affects migrants at all levels, including at the corporate level, as they do not belong to or possess the nationality of the destination country and lack certain social welfare benefits, e.g., employment insurance, health, housing programs, increasing the cost of living and their way of life.

This type of abuse stems from the massive subcontracting in the construction industry, which means that there is no optimal registration of the people who perform activities within the project. In the

case of migrants, the figure decreases considerably. For example, in Ireland, a company can make an offer for a general worker, "construction laborer," at 25 Euros per hour, and the subcontractor will receive that amount; however, the demand for labor among migrants is so high that he can offer much less to an illegal person, and the offer can be as low as 12 Euros. (BUCKLEY, et al., 2016) or less as they are willing to work, obey and ask no questions, which allows the subcontractor to make an additional profit with no contracts and nothing to tie him to the worker as payment is in cash either at the end of the day or weekly.

Migrant workers being at the bottom of the hierarchy in the construction sector and their instability in the country of destination, employers make a practice of withholding wages to finance or guarantee the workers in case they leave the job, which means getting new workers quickly and causing losses in terms of time and production in the construction sector. (Tommy , 1991, pp. 94-105)

One of the most common conflicts is that when it comes to construction sites of all levels, workers are transferred to the construction sites, sometimes providing temporary housing or accommodation within the same construction site in inhumane conditions, being monitored throughout their stay and their freedom is restricted as their daily activities consist of work and accommodation within the same site, preventing mobility and restricting the socialization of individuals to avoid the knowledge of their rights through civil associations. (Cowen & Siciliano, 2011, pp. 1516-1541)

4 Consideration of changes in the structure of the dispute resolution procedure

Dispute resolution methods in the work environment with emphasis on the construction industry have already been implemented; however, the procedures are before governmental bodies that protect workers' rights, and these organizations do not encourage dialogue since the way of acting is to instruct the employer through regulations to fulfill their obligations that by law they are obliged to do.

Innovation and improvements to any particular legal instrument are applicable due to the labor dynamics that are changing day by day as the needs and interests of employers and employees are adjusted to social and economic changes; these changes to a system of prevention and conflict

resolution fall under the legal administrative responsibility of either government or individual with adherence to the laws and regulations in force.

For this research, it should be understood that the innovation of conflict resolution methods is intended to give life, to renew with the specifications that have changed concerning labor change considering real aspects and with a view to the future.

Making internal adjustments to an already implemented method aims to improve service delivery to the user of the system or method.

Revitalize by making internal adjustments to the system to provide better services to the system users but without a major restructuring or reorganization. This innovation, change, or revitalization does not involve changing the method's purpose but rather improving and optimizing existing processes.

To be able to carry out a revitalization approach and for the change to be beneficial, an evaluation process is carried out that takes into account some important aspects:

- The number of successful negotiation and mediation processes.
- The records of the processes are non-existent or difficult to access.
- The staff is not accredited in dispute prevention and resolution.
- The planning approach is not integrative.
- There is no fixed physical area to conduct dispute resolution proceedings
- Individuals who wish to undergo a dispute resolution process do not know how to do so.

These changes are imperative for the proper functioning and integrative approach to bringing workers into a dispute resolution procedure. There are departments such as human resources that involve workers in all processes of their working life, from recruitment to termination of employment.

For a correct approach to change and innovation in dispute methods, it is necessary to give more importance to shortcomings and not underestimate the level of conflict.

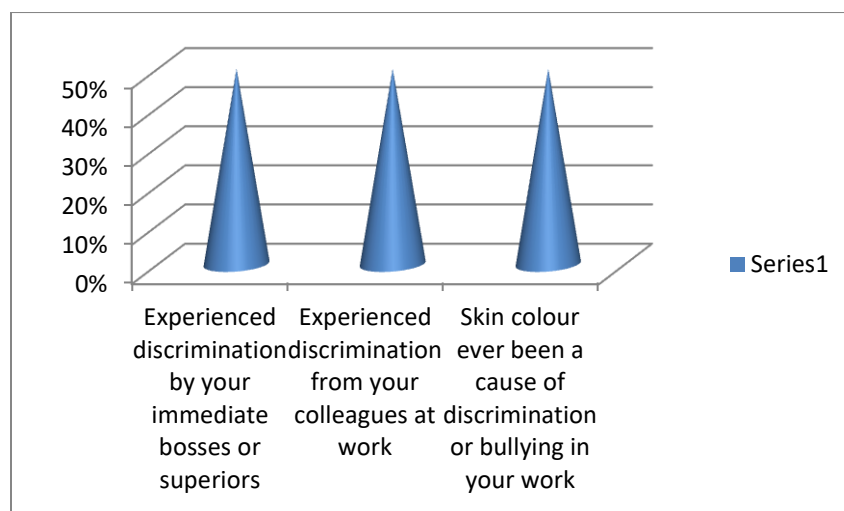
All disputes, even those that appear to be minor, must be considered. The following questions were asked to clarify this rationale for intervening in the structure of the dispute resolution process.

- What are the facts that continue to generate conflict?
- What is the correct procedure for accessing a conflict resolution process?
- Is there conflict monitoring in the work area?

In the survey of 100 people involved in the construction industry, they answered the following questions related to this chapter

- Have you ever experienced discrimination by your immediate bosses or superiors?
- Have you ever experienced discrimination by your co-workers?
- Have you ever experienced discrimination based on skin color?

50% of the respondents answered that they had been discriminated against somehow in their workplace, so we can find a deficiency in the monitoring processes of conflict resolution as this act happens to almost half of the respondents.



Graph No. V "Discrimination in employment". (Suro Trinidad , 2022)

This chapter presents the existing conflict resolution structure deficiencies in construction companies through a survey "Appendix IV" as conflicts are consistent with a considerable number of the surveyed space developing their activities in the construction industry. Provides insight into the main issues of this study, aiming to convince policymakers that structural changes to the conflict resolution process are needed in order for the system to benefit workers in the conflict resolution system.

Professionals in the construction industry interviewed ("Appendix 5") mention the correct planning of a dispute resolution method for their correct intervention with staff to avoid dismissal as a sanctioning action in a conflict.

According to their experience in the construction sector, the following questions were asked, which are relevant to this chapter, emphasizing the importance of planned integrative conflict resolution with an integrative structure and providing results together with training of workers

- Do you consider that integration exists at all levels?
- Are you aware of alternative methods of conflict resolution?
- Is it important to allow vulnerable sectors to use alternative dispute resolution?
- Do you think the legal department could take on conflict cases without creating chaos within the corporation?

Management should be trained in conflict resolution, as their position in isolated cases means that they will have to take action as the third person who, by definition in conflict resolution methods, will have to guide those involved to a solution.

The success will determine the success of this approach. The outcome will be determined by timely follow-up to ensure the expected results.

For example, training at all levels on the functioning and results of an appropriate method of conflict resolution.

They had an operations manual with user-friendly language at all academic levels so that all employees could understand it readily.

Test the operation with particular follow-up for newcomers involved in any level of conflict.

5 Assessment of the innovation of the dispute resolution method

As an approach to dispute resolution, mediation is suitable for conflict resolution due to its voluntary nature, as well as its confidential aspect. As mentioned in the previous point, easy access is determined by how easy it is for workers to understand the procedure, however, to determine success, the procedures must be re-evaluated from the perspective of whether they are meeting the expected expectations, thus presenting a proposal for evaluation.

The purpose of any evaluation is to help identify gaps in the operation of a labour dispute resolution system or procedure, some problems that arise in the structure that are often identified by the user, either because they feel uncomfortable or simply find it intrusive to them through intimidation rather than dialogue.

Dispute Resolution Procedure Tracking Form

Name:

Have you been involved in a labour dispute during the course of the year?	Yes	No
---	-----	----

Do you understand the procedures concerning employer-employee conflict prevention?	Yes	No
--	-----	----

If yes, how would you rate your satisfaction with these services and methods?	Good	Bad	Very Bad
---	------	-----	----------

How would you rate the results achieved?	Good	Bad	Very Bad
--	------	-----	----------

In the last year, have you used mediation procedures?	Yes	No
---	-----	----

If yes, how would you rate your satisfaction with these services and methods?	Good	Bad	Very Bad
---	------	-----	----------

How would you rate the results obtained?	Good	Bad	Very Bad
--	------	-----	----------

In the last year, have you used arbitration procedures?	Yes	No
---	-----	----

If yes, how would you rate your satisfaction with these services and methods?	Good	Bad	Very Bad
---	------	-----	----------

How would you rate the results obtained?	Good	Bad	Very Bad
--	------	-----	----------

Overall, what do you consider to be the main benefits of the labour dispute resolution process?

What do you consider to be its main shortcomings?

What suggestions can you make to improve the services provided by the dispute resolution system?

6 Proposal of an alternative means of dispute resolution

Workplace interactions and relationships manifest themselves within the workplace. The continuous interaction between individuals with common and adverse interests creates disputes between co-workers and employees. An alternative dispute resolution system is needed to prevent and resolve conflict as soon as it arises. (International Training Centre of the International Labour Organisation, 2013, pp. 06-07)

Competing interests as a trigger for disputes and conflicts create the need for dialogue and negotiation in the first instance prior to the process; mutual interest provides an opportunity to create a verbal compromise or agreement before a state or private sector-backed third party.

Alternative dispute resolution methods in most countries where they are applicable work acceptably; however, effective management to promote positive change must consider specific aspects appropriate to existing dispute resolution systems.

- Professionalism
- Forward-looking
- Innovation
- Ethical
 - ✓ Voluntariness
 - ✓ Impartiality
 - ✓ Confidentiality
- Variety of services and interventions
- Affordable services
- Formality
- Trustworthiness

Dispute resolution methods in their personal character have the peculiarity of being legally binding and are therefore governed and supported by legal instances adhering to the justice system of each country; however, and they do not lose their independent character in the civil jurisdiction. Conflict resolution supported by a third party whose function is to guide the parties involved to find an agreement on their own operates under its terms and conditions of administration which is reflected in the agreement to be signed by the parties involved at the end of the process, which describes its legal capacity to be legally binding.

Private intervention in dispute resolution methods is supported by the courts for civil litigation in a court of law, with the advantage of reducing time and costs. Depending on the promptness of the conflict resolution, the process will be concluded.

The mediation process whereby a third party mediator is hired or appointed by the parties involved in this case, Employer/Employee.

Before starting the process voluntarily, they must consider that the solutions must be honest and within their competence, having exhausted the means of dialogue and premeditation to eliminate those conflicts that are not necessary to put on the mediator's table. (International Training Centre of the International Labour Organisation, 2013, pp. 57-77)

Mediation in a labor dispute is undoubtedly the best option as it meets the requirements for easy integration and restoration of labor-management relations, allowing a dialogue in a legally binding exercise giving a sense of security and comfort to express the opinions and ideas that originated the conflict, providing a restorative dispute resolution that allows both parties to be satisfied with the outcome that on the contrary the negotiation will leave a loser as one of its main premises is the change of already constituted policies.

7 closure and agreement

For a mediation process to be carried out, the parties must express their willingness to intervene. The result of this voluntary acceptance will be an agreement that must be signed by all the participants, including the mediator, since, in the event of reaching an agreement, the parties will be obliged to comply with it, and the mediation agreement will record the obligations to which the parties commit themselves.

The mediation agreement in Ireland is regulated by the Mediation Act 2017 (Government of Ireland. Oireachtas, 2017), Which indicates the minimum necessary aspects required to be legally binding, collecting data from individuals as well as describing the agreements and terms to which they are committed; which consist of the following basic requirements.

Mediation agreement

Before the commencement of the mediation, the parties and the proposed mediator must prepare and sign a document Presented in this Act as a "Mediation Agreement" which includes the name of the mediator and the following information.

- (b) The form of payment and costs of the mediation
- (c) The time and place of the mediation
- (d) The mediation shall be conducted in confidence
- (e) The right of the parties to seek legal advice
- (f) Without prejudice to Article (6), how the mediation may be terminated

(g) as well as such other provisions (if any) as the Parties and the mediator may agree.

(Government of Ireland. Oireachtas, 2017)

In a breach of any of the parties' obligations, the mediation agreement can be used as evidence in court proceedings.

"Appendix I" shows a summary cover sheet presenting all the data of the conflict as well as the data of the parties involved and the statements they have made on the subject of the conflict to show a summary of what has happened since the beginning with the statements of the clients as the background of the conflict.

"Appendix II" presents the rules of the game and explains in detail how the mediation process will take place, emphasizing respect and explanation and their rights and obligations during the proceedings.

"Appendix III" of this research presents a proposal for a Mediation Agreement to exemplify a real case.

8 Regulatory Frameworks

Private parties providing Alternative Dispute Resolution services, despite having certain independence, are regulated by local and international regulations that accredit the quality of the services as well as the respect of human rights and individual guarantees. For the mechanisms employed to comply with the law before the courts and thus to be legally binding for any legal process, as mentioned above, any dispute resolution agreement can be used as evidence before the courts if required.

- Federal Mediation and Conciliation Service (FMCS) in the United States, established in 1947
- Institute of Mediation, Arbitration and Conciliation (ACAS) in the United Kingdom, established in 1976
- Irish Labour Relations Commission (LRC), established in 1991
- Irish Statute Book, Mediation Act 2017 Ireland.
- Commission for Conciliation, Mediation and Arbitration (CCMA) of South Africa, established in

1995

- Ghana's National Labour Commission (NLC), established in 2005; and Tanzania's Commission for Mediation and Arbitration (CMA), established in 2007

9 Alternatives to non-agreement

As conflict is inevitable and not reaching an agreement is optimal, it is a high possibility because the relationship is often too damaged. The parties involved are refusing to dialogue, missing the mediation sessions, or has a refusal not to agree.

In the mediation method proposed as an alternative method of conflict resolution, voluntariness is an essential quality since, without it, optimal results cannot be obtained; without the voluntariness of the parties, the narrative process that is intended to help the parties to resolve the conflict cannot be developed, since the role of a third party, in this case, called mediator, is only to guide the parties involved to find a solution by themselves. (Meyer, 1997)

As already mentioned in the chapter on mediation, mediation has a mediation agreement where the parties involved define their obligations to an agreement and are obliged to comply with it as it is a legally binding instrument that can be used as background and evidence in a litigation process before a court, local, national or even international. (Viana Orta, 2014)

A positive outcome is desirable as it resolves the conflicts of those involved and restores the relationship between them.

When there is no agreement in the personal sphere, there is definitely a rupture of relations if the conflict is not resolved, however, in the labour aspect, the relationship continues if it is not interrupted by a dismissal due to "non-agreement" as it can be a business strategy to resolve a conflict unilaterally as mentioned in the questionnaire model 1 "Dismissal is an alternative if sustainable evidence is found to consider that the person is the problem" "Appendix V" however when there is strong evidence that involves the company or collective a legal dispute resolution method is required, However, when there is compelling evidence involving the company or collectives, a method of legal dispute resolution is required, since, having exhausted alternative methods and dialogue, it aims to reach a resolution and restore the relationship of those involved,

and if not, to respect company rules and policies as well as codes of behaviour in order not to affect their workplace in terms of productivity.

Arbitration and litigation have important qualities in conflict resolution, which, based on evidence, can be taken up by one of the parties involved, forcing them to comply with conditions either contractual or in a formal prior agreement.

As mentioned in the chapter on arbitration, arbitration is an alternative method of dispute resolution that comprises the voluntariness of the parties involved. It can be selected by the parties considering their knowledge of the subject and their professionalism, which considers shortening deadlines and economic terms and is conditional on the number of sessions it takes to reach an agreement.

However, the litigation is prepared and adjusted to how busy the courts are. Above all, the judge can dictate a sentence that will be irremovable since it is typified as a sentence, and there will undoubtedly be a loser. It will be adjusted to the judge's decisions, obliging compliance with the sentence except for stringent sanctions indicated in the regulations and law in force.

In the following table, three differences between arbitration and litigation are mentioned, taking as the principal premise that they coincide in that a third person will decide on the conflict.

	Arbitration	Litigation
Availability	Restricted availability	Constitutional right of access to the Courts
Adjudicator	Chosen by the parties/via an agreed appointment process (by independent 3rd party)	Pre-determined (Judges appointed by the President)
Issues	Controlled by the parties	Jurisdiction determined by Constitution &/ legislation

Chart III "Arbitration VS Litigation" (Suro Trinidad , 2022)

10 Litigation

Litigation is a confrontation of conflicting interests that gives rise to a lawsuit. "Act preceded by the judge where the parties set out the conflict in question orally, as well as their claims" (Trujillo , 2020)that initiates a trial to resolve conflicting interests between the parties, which as central elements for its practice requires the parties involved. (Legal Concepts , 2022)

The need for a trial

As mentioned throughout this research for dissertation purposes, not all conflicts require a trial; however, when there is no solution to a conflict and dialogue has been exhausted, and there is no agreement between the parties involved, the authority of a third party is needed to resolve the conflict according to their criteria, evidence, and substantial, truthful and verifiable proof.

The trial before legal and juridical bodies has various jurisdictions adapted to the conflict, and the judicial process is different; for example, there is the criminal, civil, administrative, and labor. (Trujillo , 2020)

The trial in the labor aspect comprises the following characteristics to be able to be carried out.

For the lawsuit to be admitted by a judge in the case of Ireland, the mediation process must have been exhausted as indicated in the Irish Statute Book, Mediation Act 2017 part 4 Role of Court in Mediation. 16. Court inviting parties to consider mediation. (Government of Ireland. Oireachtas, 2017) This states, "16. (1) The court may take part in suggesting the process of mediation by providing appropriate information through counsel for the parties who are obliged to provide the benefits of a mediation process; once the court becomes aware of a dispute, it shall be informed of the steps to be taken in the act of mediation in the event of failure to proceed to litigation. Before being initiated, they will be informed of the costs and possible periods of meetings until a ruling is issued.

In labor lawsuits, as stipulated in the Irish Statute Book, a prior mediation or conciliation must be required, without which will not be able to go to court.

The labor or civil lawsuit must be conducted in the following order:

1. - Questioning those involved
2. - Presentation of evidence, documents that accredit the parties' intentions.
3. - Opinion of persons accredited in the professional legal order of the labor or civil courts as witnesses and veracity of the documents presented (Experts).
4. - examination of witnesses. In case of sexual harassment in a workplace, discrimination, or intimidation, the judge may call witnesses to testify their perspectives in the presence of the act.
5. - Conclusion of the parties; this step summarizes the parties' intention.
6. - Sentence, the sentence is the decision taken by a judge based on the evidence presented during the trial process, which is final and obliges the parties to comply with the obligations dictated by the judge.

However, the court process is terminated if the parties reach a private agreement or resume the mediation process. In this case, the trial is terminated. Irish Statute Book, Mediation Act 2017 part 4 Role of Court in Mediation. 16. Court inviting parties to consider mediation. (Government of Ireland. Oireachtas, 2017)

Chapter V Discussion

1 How do stereotypes affect people?

Stereotypes, as mentioned above, are an essential concept for understanding social dynamics in the world since stereotypes are born from the customs and habits of each society, ranging from the general to the particular. (Castillo-Mayén & Montes-Berges, 2014)

Latin American society has grown up with the stereotype of skin color as a trigger for access to wealth. The vast majority of people with solvent economic capacities in Latin America are headed by white people, reducing people of color to being subjugated by the white empire. The question is, why do people of color not have access to wealth? If we go back to historical periods, it was derived from the conquest of white peoples who plundered and modified both social and cultural ideals giving empowerment through violence and plundering of natural resources such as minerals. In this way, generations have inherited both skin color and wealth (INEGI, 2018) this behavior has been normalized throughout history, relegating people of color to work in jobs dictated by whites on the premise of obeying them.

The extent in the 1940s, the first experiment on color was carried out among children approximately seven years of age by Kenneth, and Mamie Clark (Clark, 1985) where children of color presented inferiority complexes before the white community, identifying white people as an icon of success and wealth in their lives.

So this makes sense and is worth summarising in this chapter because when an individual arrives in a destination country intending to put his or her labor skills into practice to improve his or her quality of life, he or she finds this gap an identity gap of having different characteristics from the majority and therefore is singled out or socially relegated by the simple stereotype that his or her skin color carries, indomitably employed in a service sector taking up the dynamics of color predestined to start from scratch, obeying and keeping quiet in the face of abuses due to labor necessity.

Does skin color matter today? The answer is yes, because in the present research, through surveys and consultation of various authors, stereotypes impact the first impression of all people, referring to their ancestry and the likely job positions to occupy. This is summarised as a constraint when faced

with a commercial and globalized world that pursues beauty statutes that not everyone carries, a reason for labor injustice, and predisposed to a habit of discrimination that the victims have had and will continue to endure for the rest of their lives. This limits homogenous access to opportunities and, in some cases, to labor, legal and social justice.

2 Why does discrimination affect the construction industry?

The construction industry is an integrated, multi-disciplinary area involving workers at all levels, who perform different activities according to their skills, so their experience of discrimination is also different.

Discrimination in the construction industry affects all levels. However, the lower strata are the most vulnerable as they are violated because of three specific conditions, their ethnic identity, socioeconomic status, and status in the country of destination. As a result, they suffer various types of abuses in terms of wages and threats from bosses who make their stay in the company conditional on migration threats, emphasizing the reduction of their rights.

In the interviews conducted with two types of people with different profiles, one of the workers directly involved in manufacturing and the other in white-collar positions who have a different perspective on conflicts and discrimination, although they are present in the same company, the working conditions are different (Board, 2022)

The questionnaire Model 1 "Appendix V" questions a person with a profile related to the construction industry, such as an architect, a civil engineer, and a lawyer, who report that they have rarely witnessed or been victims of discrimination due to their knowledge of their rights and obligations within the company as well as their knowledge of alternative means of dispute resolution which has enabled them to engage in dialogue in order to stop the conflict from escalating into a more significant issue such as joint disorder.

The Model 2 questionnaire "Appendix VI" has a more straightforward profile as it focuses on workers directly focused on manufacturing which currently reports direct discrimination by co-workers and bosses who violate their rights by making their work conditional on immigration authorities and asserting a position of total obedience in order to keep their jobs and in some cases not be deported.

The construction industry is affected by discrimination not only individually but also collectively as it affects the quality of work and the performance of staff, as workers do not create a relationship that binds them to the company by being ignored and undervalued for their work (Wells , 1996)

The main problem in the construction industry is the violation of the rights of migrant workers who lack information about their rights, resulting in mistreatment and underpayment of wages.

3 Mediation as a method suitable for conflict resolution in the construction industry

The primary characteristics of the mediation process are the voluntary nature of the parties and confidentiality (Fuqen Alvarado, 2003) however, a special feature is undoubted that the process is narrative and that a third person will act as a guide to help the participants to resolve on their own.

Under the premise of being a narrative process, mediation offers a great benefit for conflict resolution in the construction industry, because, beyond the confrontation of two people in search of a solution to the conflict, it is possible to understand the origin of the conflict and thus take optimal resolutions that benefit both parties.

Why is mediation appropriate in the construction industry?

Mediation is a duly regulated dispute resolution process, however, it does not lose its autonomy characteristic, so it adapts to the needs of the participants in the process. As mentioned above, the mediation process has a narrative characteristic, which can be used to create a comfortable environment for the parties, As already mentioned in this research, the sectors affected are vulnerable people in the construction industry, therefore, the proposed process is with a clear and simple language that allows the understanding of the process at all levels and thus encourage the participants to speak clearly and objectively where the truth prevails. (National Library of Congress of Chile, 2021)Companies in the construction industry have methods of corporate dispute resolution, but they have omitted the lowest stratum of workers who have not been able to witness discrimination and abuse by their employers. This dissertation has therefore proposed a clear method of complaint and evaluation with clear and easily accessible language allowing those involved to express their voice that has been silenced over the years.

4 Innovation of Conflict Resolution Methods in the Construction Industry

Companies have methods of conflict resolution in legal terminology, but the aspect of conflict prevention has been omitted. The prevention approach is indispensable because, with the help of training staff in conflict resolution and behavior in the work area, a warmer working environment can be created by promoting communication between colleagues and their superiors.

The importance of innovation refers to changing methods that become obsolete after a particular time because society is constantly changing.

Motivating those involved to adapt to the new working environment and combat the generation gap in the workforce can lead to conflicts as the interests of the workers are not the same, creating quarrels between them. The training aspect is taken up again, encouraging respect and tolerance.

On the business side, the timely follow-up of conflict solutions is indispensable as, in most cases, agreements can be reached.

However, staffs do not comply with them or refuse to submit to the decisions of a third party.

Innovation must consider the implementation of conflicts through sanctions that function as punishment, which by not complying with agreements will force workers not to ignore the process and demonstrate change.

5 Why does discrimination lead to litigation?

The only alternative to non-agreement in the face of alternative dispute resolution is litigation, as mentioned above, which is the worst case scenario, as a third party; in this case, a judge will be the one to decide by issuing a judgment, the party that benefits will be the one who presents evidence and truthfulness of the issue in question, thus providing the judge with the opportunity to make a fair decision.

Alternative dispute resolution methods are supposed to be entirely voluntary, but what happens when there is no voluntariness on the parties? The answer is simple: the next step is to complain to the authority.

In the construction industry, there have been conflicts between people in totally different conditions where a field worker coming from a humble sector of color finds himself in a dispute with a manager who is unwilling to engage in mediation due to the difference in levels, belittling and devaluing the person because of his condition.

Voluntariness has become a problem as one of the parties refuses to submit to dialogue, which stops mediation or any other method of dispute resolution from being prompted by discrimination and social class differences, thus losing its universality, as under this hypothesis mediation could be carried out between people of the same social, economic or political level.

Therefore, without further ado, staff information and training can provide access to their rights and not be afraid and confident that once alternative dispute resolution processes are exhausted, litigation is also a tool to raise the voice of all workers who are victims of discrimination.

The present dissertation proposes ambitious aspects of equality issues with the utopia of bringing these methods to all levels to solve conflicts in an entirely peaceful way, open to dialogue free of prejudices, combating discrimination, and shaping a universal society.

Conclusion

Alternative methods of conflict resolution have become a recurrent option used by public bodies and private individuals, intending to speed up processes to obtain a favorable outcome to a conflict.

Undoubtedly, labor discrimination is a vice that has not been eradicated because it has evolved massively. The victims, both in the social and labor sector, have come to normalize certain behaviors, which under pejorative qualifiers point out the differences between people, with the justification of coexistence and camaraderie. The problem, however, lies in the devaluation of human beings, which is a barrier to access to decent working conditions.

The research carried out with the help of interviews and surveys of people working in the construction industry allowed us to visualize the conditions under which people work. This revealed the abuses of employers and subcontractors, which creates a blind spot that makes it challenging to assess working conditions properly.

The construction industry serves various political, economic, and social areas, which is why its benefits are integral to society.

In this sense, the internal struggle to generate an egalitarian environment is still deficient. This research has proven that vulnerable sectors, generally migrants, develop under the slogan of only obeying their superiors; because of this conditioning, they keep quiet about discrimination abuses, from being singled out for their condition, to the violation of their labor rights, which are primarily unknown when they are in a foreign country.

Corporations have the necessary elements for the resolution of corporate conflicts with negotiations and mediations in favor of the budget and to generate profits. Therefore, the labor aspect is ignored as it generates unforeseen costs beyond their reach.

While individual and collective problems create conflicts that impact the performance of the workforce, alternative methods of conflict resolution focused on problem-solving could increase the profit margin in terms of productivity and job stability, curb the brain drain and become a joint exercise with new members of the corporate.

The methods used in this research are similar to mediation; however, the internal procedure lacks legality before legal entities and has forced them to relapse into the same conflicts without providing a long-term solution.

Likewise, the lack of monitoring of the sectors in conflict leads to omitting the agreed results and commitments. For this reason, innovation and substantial modifications in terms of legality and commitment are promoted so that those involved can commit themselves to implement the agreed resolutions with a sanction that is enforced as a legal instrument for similar conflicts in the future.

Now, the approach of an internal control body for conflict resolution would address essential characteristics of mediation such as voluntariness and confidentiality. It would also be a way of enriching the procedures used, as well as promoting training at all levels for the knowledge of current legislation easily and understandably since, in a professional context, knowledge of their rights and obligations leads to conflict prevention and avoids escalating into joint problems that would only affect companies.

In short, strategies such as training on labor rights and obligations would help workers to regain a voice that has been silenced by ignorance and lack of identity.

Reflection

It is well known that the construction sector is vulnerable, disenfranchised, and neglected by society as a dirty job that does not require academic accreditation to be performed. However, from a professional point of view, workers in the construction industry are highly skilled in the arts and crafts, transforming raw materials into something functional that allows for social operability in both the public and private sectors.

Discrimination is a clear example of the injustice that prevails in this sector, as the work and dedication of workers are undervalued, even though they offer a service that transforms an environment.

A detailed understanding of the problems and conflicts faced by construction workers allows a human value and empathetic perspective to be adopted. But, knowing this type of work promptly helps to have a clear picture of the importance of urban and residential transformation, which is built by hard-working hands and people with dreams and aspirations who have decided to change their residence for a better quality of life, thus not only transforming raw materials but their own lives.

Appendix I

COMPANY DETAILS

Company Name

Business Area

DETAILS OF THOSE INVOLVED

Name

Staff
Number

Position in the company

Principal Activities

Client 1

Client 2

Language The language used during mediation will be English

Venue Mediation will take place in Dublin, Ireland.

The signing of the Mediation agreements will take place in Dublin, Ireland.

Cost The cost of the mediation will be 500 euros an hour per person; the cost must be paid in full on the day of the Mediation Process, a deposit of 20% of the total amount agreed.

Dispute Description:

The parties declare that:

Part 1 Declares that:

Part 2 Declares that:

Issues in conflict:

Appendix II

Ground Rules

Between:

Client 1 _____

Client 2 _____

The present Mediation Agreement is dated the day: _____

The present mediation process has been requested by the above-mentioned clients to determine a solution to a conflict between private parties unanimously, both parties present themselves voluntarily.

The parties and the mediator agree as follows:

1. The mediation process is confidential; the documentation and evidence provided, as well as information generated during the process by the parties will be kept on the company's premises for a period of 5 years, after which time it will be destroyed, except for the mediation agreement.
2. This process is voluntary. Neither the mediator nor the parties involved in the mediation process are obliged to continue to participate in the mediation process or to conclude an agreement.
3. Honesty is imperative for the quality of the outcome.
4. The mediator will focus on future outcomes.
5. Violence and disrespect are not allowed as they can be a trigger to cancel the mediation process.
6. Each party will express his or her opinion and point of view; each participant will speak in turn and avoid being interrupted; the time provided to each party will be equal.

7. The mediator is impartial.
8. The mediator will guide the process to help the disputing parties reach an agreement on their own.
9. If necessary, the legal representative of each party may participate in the procedure.

After reading and understanding the above, we agree to abide by the following ground rules:

Signed	<i>Client 1</i>	Date
	_____	_____
Signed	<i>Client 2</i>	Date
	_____	_____
Signed	<i>Mediator</i>	Date
	_____	_____

Appendix III

Agreement to mediate

The names of those involved in the mediation process are:

Client 1

Client 2

The mediation process will be held at the venue _____
at _____ hours.

Both parties agree to resolve the dispute, to the extent possible, through mediation to be carried out
by _____ Mediator _____

1. - THE MEDIATOR

1.1. The parties agree that _____ Mediator _____ shall act as mediator, who shall conduct the process and the process shall be effective at the commencement of the process at the agreed date and time.

1.2. - _____ Mediator _____, As mediator, he/she shall not give any legal or other advice, nor shall he/she analyze or defend the legal position of any of the parties to the mediation process.

1.3. The mediator advises at the outset that he/she must follow the code of ethics and that the GDPR policy advises that all verbal and written communications should be kept securely on site for the next 5 years.

1.4. - If there is an agreement between the parties involved, they may ask the mediator to make a proposal, but the proposal will be the sole responsibility of the parties involved if they accept it. Therefore, the mediator is not responsible for the content of the proposal and its use.

1.5. - The parties shall be obliged to indemnify the mediator when they decide to claim for having made the proposal.

2. - COSTS OF MEDIATION

2.1- The cost of the mediation shall be borne by the parties concerned, which shall be divided into 50% per session and per participant, with a deposit of 20% in the mediator's bank account being necessary for approval. The total amount of the procedure must be paid in full 15 minutes before the start of the procedure.

3. - place and date of the mediation process

3.1. - The signing of the agreements will take place in Dublin, Ireland.

The mediation process will be held at the venue
_____ at _____ hours.

4. - LEGAL REPRESENTATIVES

4.1. - Each party is entitled to independent legal advice before, during and after the mediation process. Both parties agree to have been informed of their right to independent legal representation.

4.2. - The parties involved have the right to be accompanied by their legal representative or a person who is not a legal advisor or who is not involved in the mediation process, however, such persons are bound by the terms and conditions of this agreement and the will to be signed.

5. - CONFIDENTIALITY

5.1. - The parties, and any other persons involved in the mediation process, acknowledge that the purpose of the process is to reach a mediation and a negotiated settlement and that all communications are oral and that documents, records and notes relating to the mediation are confidential and non-adversarial. They shall not be admissible in any judicial or arbitral proceedings.

Confidentiality does not apply when evidence and records are requested by any court to prevent

- Physical or psychological harm to any of the parties involved.
- Is required by a judge
- Required to warn of or disclose a crime
- When either party is attesting to a threat
- Files or defends a civil action
- Files a complaint with a professional body alleging neglect or misconduct
- Any problem involving a child, e.g. physical, psychological or sexual abuse.

5.2. - All participants in the mediation process shall maintain confidentiality and shall not use any information disclosed during the process unless required to do so by a court of law.

5.3. - At the end of the mediation process, all documents submitted as evidence shall be returned immediately to the party who submitted them or destroyed.

5.4. - The mediator may conduct private sessions to hear each party's views clearly and in a safe environment. Information obtained during these private sessions shall be kept completely confidential and may only be disclosed with prior authorization.

6. - LEGAL PRIVILEGE

6.1. - There is no legal privilege covering mediation unless it is mentioned in the law, so the mediator is obliged to disclose to the judge what took place in the mediation process, however, judges may not question the mediator, but he/she may be called to testify at any time.

6.2. - If the mediator is questioned and refuses to do so, he/she will be held in contempt of court.

6.3. - However, the mediator can refer to this mediation agreement and explain to the judge the fundamental principle of confidentiality in the mediation process, mediators are bound by law to the protection of labor secrecy.

7. - WAIVER OF THE MEDIATOR'S STATEMENT

The parties and the mediator agree that the mediator will not be called to testify or take any action in connection with the mediation process and that the parties may not require the presence of a mediator or any documentation associated with the mediation process. 8. - End of MEDIATION

8.1. - Both parties have the right to withdraw from the procedure at any time without having to justify themselves.

8.2. - The mediator may withdraw from the process at any time by giving written notice of withdrawal.

8.3. - If no satisfactory action or resolution is reached, the mediator shall confirm in writing the date of termination of the procedure.

The parties declare that the _____ Mediator _____ will not appear or testify in any legal proceedings.

9. - HUMAN RIGHTS

Failure to reach agreement during the mediation process does not affect any rights that may exist under Article 6 of the European Convention on Human Rights.

10. - LAW AND JURISDICTION

10.1. - This Agreement is based on and governed by the laws of Ireland.

10.2. - The courts of Ireland shall have exclusive jurisdiction to hear and determine any dispute relating to mediation under this Agreement.

11. - Mediator's Qualifications

These mediator qualifications were sent to clients via email.

12. SIGNATURE OF THIS AGREEMENT

This is signed by each party and participants who are not members of the mediation. If you are a minor, it must be signed by your legal representative.

After reading and understanding the above, we agree to abide by the terms of this Agreement:

Signed	<i>Client 1</i>	Date
	_____	_____
Signed	<i>Client 2</i>	Date
	_____	_____
Mediator	<i>Mediator</i>	Date
	_____	_____

Appendix IV

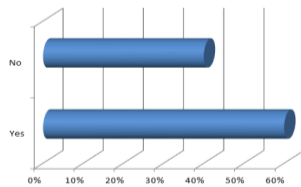
Discrimination Survey

1. - Have you ever felt discriminated against because of your immigration status?

YES **60%**

NO **40%**

OTHER COMMENT: **No Comments**

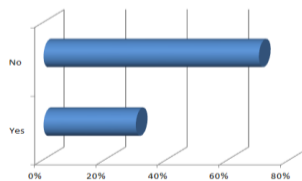


2. - Have you been discriminated against because of your physical condition?

YES **30%**

NO **70%**

OTHER COMMENT: **No Comments**

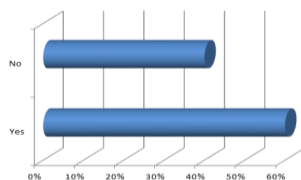


3. - Have you ever felt that your salary is lower than that of your colleagues? (Performing the same activity)

YES **60%**

NO **40%**

OTHER COMMENT: **No Comments**

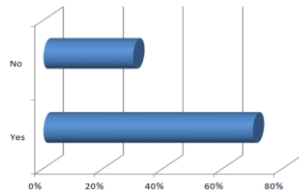


4. - Do you consider that your gender influences your activities and salary?

YES 70%

NO 30%

OTHER COMMENT: No Comments

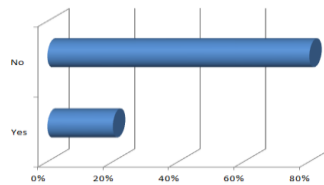


5. - Have you been denied employment because of your ethnicity?

YES 20%

NO 80%

OTHER COMMENT: No Comments

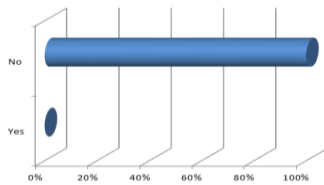


6. - Have you been denied promotion at work because of your ethnicity?

YES 0%

NO 100%

OTHER COMMENT: No Comments

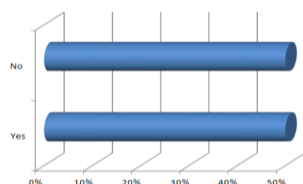


7. - Have you experienced discrimination by your immediate bosses or superiors?

YES 50%

NO 50%

OTHER COMMENT: No Comments

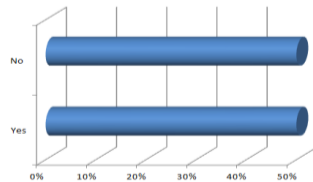


8. - Have you experienced discrimination from your colleagues at work?

YES **50%**

NO **50%**

OTHER COMMENT: **No Comments**

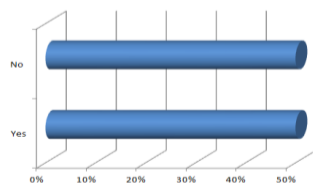


9. - Has skin colour ever been a cause of discrimination or bullying in your work?

YES **50%**

NO **50%**

OTHER COMMENT: **No Comments**

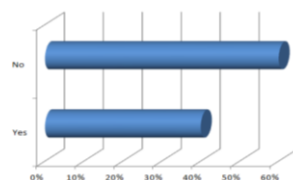


10. - Have you been denied access to employment justice because of your physical or ethnic condition?

YES **40%**

NO **60%**

OTHER COMMENT: **No Comments**



Appendix V

Questionnaire Model 1

1. - What is your profession?

Person 1 Lawyer

Person 2 Architect with postgraduate degree in Environmental Engineering

Person 3 Ingenious Civil

2. - Could you provide a summary of your work history?

- Person 1
- Social Service (2010)
 - Federal District Preventive Police Welfare Fund, now Mexico City (PAPREPOL).
 - Attention to various matters in Labour, Commercial and Administrative matters in favour of the Government of Mexico City.
 - Independent Bidder Lawyer (2010 - 2012)
 - Professional services in civil, family and commercial matters, in Mexico City and several states of the Mexican Republic.
 - Secretary of Works and Services of Mexico City / General Directorate of Special Projects (2012-2016).
 - Professional Services in favour of the Government of Mexico City, in Administrative matters for contracting procedures for the execution of public works in Mexico City.
 - Independent Bidder Lawyer (2016-2017)
 - Professional services in civil, family and commercial matters, in Mexico City and several states of the Mexican Republic.
 - Mexico City / Mayor's Office Benito Juárez / General Directorate of Works, Development and Urban Services (2017- to date).
 - Professional Services in favour of the Government of Mexico City, in Administrative matters for contracting procedures for the execution of public

works in Mexico City.

Person 2

- Ecdelari Obra Civil, S.A. de C.V. October 2021-Current
- Position: Technical Representative. Chief: Lic. Lizette Tenorio Morales
- Mayor of Coyoacán. December 2019-April 2021
- Position: Director of Public Works. Head: Arq. Federico Arias Hernández
- Dirección en Ingeniería y Arquitectura Integral, S.A. de C.V. May 2017-December 2019
- Position: Technical Representative. Chief: Lic. Lizette Tenorio Morales.
- Autonomous University of Mexico City. April 2016-July 2016
- Position: Head of Tenders. Head: Architect Humberto Rello Gómez.
- Autonomous Metropolitan University. February 2015-June 2015
- Position: Head of the Planning and Evaluation Section. Chief: Architect Gustavo Guerrero Luna.
- Álvaro Obregón Delegation. March 2013-January 2015
- Position: Coordinator of Physical and Financial Progress. Head: Architect Efrén R. Herrera Rodríguez.
- Álvaro Obregón Delegation. October 2010 - February 2013
- Position: Technical Coordinator. Chief: Architect Efrén R. Herrera Rodríguez.
- Fonatur Constructora, S.A. de C.V. October/2009 - January/2010
- Position: Superintendent. Chief: Ing. Alejandro Fuente Aguilar.
- Internal Comptroller's Office in the Xochimilco Delegation May - July/2009
- Position: Project Coordinator Leader. Chief: Eng. Demetrio González Pérez
- National Institute of Anthropology and History July/2007- February/2009
- Position: Head of Department. Chief: Arq. Eduardo López Sánchez.
- Impulsora de Desarrollo Integral, S.A. de C.V. February-May/2007
- Position: In charge of payment recoveries. Chief: Ing. Paul Zamora
- Internal Comptroller in the Secretariat of Works and Services of the GDF January/2002-January/2007.

- Position: Project Coordinator Leader. Boss: Efrén R. Herrera Rodríguez.
- West Zone Delegation of ISSSTE in Mexico City. April/2000- July/2000.
- Position: Head of the Department of Works and Maintenance.
- DICTEC, S.A. DE C.V. October/1998-October/1999.
- Position: Specialist Analyst. Chief: Ing. Ricardo Márquez
- General Comptroller of GDF. Junio/1993-octubre/1998.
- Position: Auditor. Boss: Ing. Helí López Hinojosa.
- Diseño e Instalación, S.A. de C.V. June/1990-May/1991.
- Position: Works Resident. Boss: Architect Horia Tanassescu.
- Corporativo de Construcción y Servicios, S.A. de C.V. July/1987-June/1990.
- Position: Project and Site Supervisor. Chief: Eng. Agustín García Guerra.
- ICATEC, S.A. de C.V. March/1986-July/1987.
- Position: Assistant Engineer. Boss: Ing. Miguel Campos García.

Person 3

- Pro infra, S.A. de C.V. Analyst Engineer 2012
- DIAISA, S.A. de C.V. Cost Engineer Analyst 2013
- Dirección General de Proyectos Especiales CDMX Technical Coordinator 2014
- Auditoría Superior de la Federación Auditoria Superior de la Federación Audit Auditor A 2016
- CABSAs, S.A. de C.V. Cost Manager 2017
- DIAISA, S.A. de C.V. Project Coordinator 2019

3. - What is your opinion on racism, classism and discrimination?

Person 1 Racism;

Aggressive discrimination that reflects an appreciation of superiority with respect to a community or a country, based on physical, ideological, religious or moral profiles, when these are contrary to good manners.

I believe it is a misapprehension of the real perspective of society.

Classism

Discrimination that can be addressed individually or in a group, with respect to a social class considered inferior, based on an assessment of socio-economic status within a community or in some sectors of the population.

I believe it is a false assessment resulting from poor ethical upbringing and social integrity.

Discrimination

It is the unequal, aggressive, limiting, unjust and unfavourable treatment of one community towards another and which is externalised in different instances and sectors, based on ethnic, religious, sexual, etc. origin.

I believe that it is a lack of social and moral empathy, by people who lack adequate psychosocial development.

Person 2 Belittling people because of the human group to which they belong (racism), or because of their social or cultural status (classism) or the simple fact of being different, is an act of arrogance, dehumanisation and even a complex of the people who carry it out.

For this reason, it is a practice that must be combated and eradicated through awareness-raising and training in human values.

Person 3 Racism is a way of looking down on people because of their physical conditions and religious beliefs because they are different from the majority.

4. - In which professional field do you work?

Person 1 Civil and administrative, public and private.

Person 2 In construction and academia

Person 3 Public Sector

5. - Do you consider that equality and integration are practised in the public sector?

Person 1 Yes, in accordance with the Federal Labour Law, there are practices of integration of both gender and sexual identity in favour of a free coexistence free of prejudices focused on the integration of teamwork and mutual respect.

Person 2 In public policy yes, but in practice discriminatory practices persist.

Person 3 No, there are still prejudices that violate people's integrity.

6. - In your experience in the construction industry, do you consider that integration exists at all levels?

Person 1 Yes, from my point of view, although my work is administrative, my dealings with construction personnel are continuous and I can identify that although there are applicable laws for labour integration, the construction industry applies the uses and customs safeguarding ethics and inclusion in each of its activities, from field and administrative personnel.

Person 2 No, discrimination against people of lower hierarchical rank still persists.

Person 3 No, there are still prejudices that people are worth less because of their physical appearance than the majority.

7. - Do you have knowledge of alternative dispute resolution methods?

Person 1 Yes, and even the Law contemplates it.

The methods of alternative dispute resolution deal with direct conflicts between private parties, so in my work experience I am focused on litigation since, due to the seriousness of the conflicts, litigation is the best alternative, since the resolution of a judge (sentence) is adapted to the needs of my clients, since most of them are government vs. private parties.

Person 2 Yes, mediation, conciliation and arbitration

Person 3 Yes, mediation, conciliation and arbitration

8. - Considers this method to be applicable at all levels?

Person 1 Yes, since, by constitutional right, all citizens have access to justice.

The field of construction is multidisciplinary so there is a concentration of personnel at all levels.

Person 2 Yes, with appropriate adjustments for specific cases.

Person 3 Yes, as classism and discrimination prevail at all hierarchical levels.

9. - Do you think that the lower strata, such as bricklayers, are listened to in the event of a conflict?

Person 1 Yes, the Labour Law covers all levels of employment, however, ignorance of the law and their rights often prevents access to labour justice.

Person 2 Generally no, because low-level construction jobs are seen as having to follow orders only and not to question.

Person 3 It is not a sector limited to following orders.

10. - Do you have experience in defending discrimination cases?

Person 1 No

Person 2 Yes, when some of my subordinates explicitly commit such acts, I have intervened as an impartial third person to solve the conflict.

Person 3 No

11. - Have you been a victim of discrimination?

Person 1 No

Person 2 Yes

Person 3 Yes

12. - Could you cite a personal or advocacy experience of discrimination?

Person 1 No, I have never witnessed one.

Person 2 When I applied for a job, I was rejected because I came from a public institution.

Person 3 Applying for high-level positions because of my indigenous status and being a graduate of a public school.

13. - Do you think it is important to give vulnerable sectors the opportunity to use an alternative dispute resolution method?

Person 1 Yes, because they are quick and in a certain way economical, but we have to consider that these types of resolutions are agreements between individuals and therefore generate a cost that most people from vulnerable sectors do not want to pay or are not in a position to pay.

Person 2 Yes, workers should be trained in the knowledge of their rights.

Person 3 It is important because they have the right to a quality of life free of prejudice and violence.

14. - Which is the right one?

Person 1 Mediation and arbitration mechanisms for public and/or private conflicts.

In which fairness and equality of conditions are respected, without discrimination and under the scrutiny of qualified personnel.

Person 2 In addition to raising awareness of workers' rights and obligations, it is necessary to set up a workers' ombudsman's office.

Person 3 Mediation as the implementation of dialogue as a first instance of conflict resolution

15. - Do you think that the legal department could take on cases of conflict without generating chaos within the corporation?

Person 1 Yes, as long as there is clear evidence of the conflict, since, on the other hand, an

investigation process would cause an extraordinary cost to the area based on the time spent by the staff to gather such evidence.

Person 2 Yes, this should be the case in the first instance and if it is not resolved, there should be a governmental or societal body to advise workers on issues of conflict arising from acts of discrimination, classism or racism.

Person 3 Yes, especially the human resources department that deals with staff from recruitment to termination of services.

16. - Do you think that dismissal is appropriate in the event that a solution is not reached?

Person 1 Yes, when there are justifiable causes, according to the Federal Labour Law.

Person 2 Yes, if the dismissed person is the one who provoked the conflict.

Person 3 Yes, when it has been proven that the individual caused the conflict.

17. - In your opinion, dispute resolution agreements are legally binding.

Person 1 Yes, as long as they are carried out before legal bodies and/or qualified personnel.

Person 2 Yes, they must be

Person 3 Yes, they must be

Appendix VI

Questionnaire Model 2

1. - What is your nationality?

Person 1 Mexican

Person 2 Mexican

Person 3 Nicaraguan

2. - What is your profession?

Person 1 Degree in Criminology and Victimology

Person 2 B.A. in international business and customs

Person 3 Engineer

3. - When did you arrive in Ireland?

Person 1 End of October 2019

Person 2 3 years and 4 months (2019)

Person 3 2019

4. - In which economic sector do you work?

Person 1 Food Industry

Person 2 Restaurateur (chef)

Person 3 Entertainment

5. - In your country of origin, had you carried out this activity?

Person 1 No

Person 2 Yes, I helped my dad sometimes in his taco business.

Person 3 No

6. - What activity did you carry out in your country of origin?

Person 1 IT Assistant

Person 2 I worked in the field of international trade and global freight forwarding.

Person 3 Food Engineering

7. - What differences do you find in terms of employment between your country of origin and the Republic of Ireland?

Person 1 Working hours, rest days and wages.

Person 2 The salary, mainly in spite of working in an activity in which the salary in Mexico is not well paid, in Ireland you earn very well and it allows you to have a good life.

Person 3 Regulations and benefits.

8. - Do you consider your salary to be fair?

Person 1 Yes

Person 2 Yes

Person 3 Yes

9. - Are you familiar with the concept of discrimination?

Person 1 Yes

Person 2 Yes

Person 3 Yes

10. - Do you consider that you have been discriminated against in the Republic of Ireland?

Person 1 Yes, because of my Latin features

Person 2 No

Person 3 Yes, because of the colour of my skin, and my English pronunciation.

11. - In your workplace, have you witnessed discrimination?

Person 1 Yes, in the aspect of bullying and in order not to get bored, men usually use nicknames referring to the physical appearance of their male and female partners.

Person 2 No

Person 3 No

12. - How does discrimination affect you?

Person 1 The relationship between staff and job opportunities by upgrading or benefits and perks offered by the company to members of the European Community only

Person 2 Personally it's not relevant, it doesn't affect me, I just do my job

Person 3 Access to better paid jobs.

13. - Do you consider skin color to be relevant in your workplace?

Person 1 No

Person 2 It is a possibility

Person 3 No

14.- What percentage of immigrants do you think work with you?

Person 1 95% although some are from EU member states.

Person 2 More than 50% of the staff

Person 3 More than 30%

15. - Is immigration status relevant to your salary?

Person 1 Yes, Europeans earn between 10% and 20% more for the same work, plus they can choose to work the morning shift.

Person 2 Yes, with European papers I could work full time and aspire to a better job position.

Person 3 Yes, as students we can only work part-time equivalent to 20 hours a week

16. - Do you expect to grow in your job?

Person 1 No

Person 2 No

Person 3 No

17. - In 5 years' time, do you consider continuing in the same job?

Person 1 No

Person 2 No

Person 3 No

18. - What was the first impediment to getting a job in the Republic of Ireland?

Person 1 Be a student on a Tier 2 visa (only part-time work allowed) and be a woman.

Person 2 3 years ago there were more immigrants and most of the positions were already filled but by constantly searching you find work fast.

Person 3 Have a work permit for 20 hours only, as most of them require a European passport.

19.- What is your main incentive to work in the Republic of Ireland?

Person 1 The salary is higher than what I used to earn in Mexico and it allows me to cover all my basic needs.

Person 2 Wages

Person 3 Job offers, salary incentives.

Appendix VII

INTERVIEW

Fragment of the interview with Fernanda Ramirez emphasizes the questions used in this dissertation.

Fernanda Ramirez currently lives in Mexico; the interview aims to get a professional overview of discrimination.

Cesar Suro: Hello Fernanda, how are you?

Fernanda Ramirez: Hello, Cesar I am very well.

Cesar Suro: What is your profession?

Fernanda Ramirez: I have a degree in international relations.

Cesar Suro: How long have you been working in your profession?

Fernanda Ramirez: In a professional capacity, I have been working for two years.

This short talk aims to get your point of view on alternative forms of dispute resolution for discriminated and socially neglected sectors for them to have access to justice, not so much legal but rather labor justice, taking discrimination as a first step.

Fernanda Ramirez: Do you think that poor people have fair access to conflict resolution, labor, or social?

Fernanda Ramirez: It is complicated, as it is a vice that has been repeated in generations with the main stereotype that the poor is an ignorant people predestined to live in specific sectors relegated by society and forgotten by the government that represents them. This results in the disregard of the rights of poor people because, for the elite, having a conflict with a poor person is of no relevance.

Cesar Suro: What do you think is the origin of this stereotype?

Fernanda Ramirez: At the international level, it is known that the conquests have been the consequence of the diversification of social classes, considering the physical differences, normalizing the identity of the conquerors as superior, perpetuating their position with the descendants of their families, promoting the role of service to the conquered peoples.

Cesar Suro: In other words, through ideologies of religion and punishment, the conquered people are subjected to the will of the conqueror.

Cesar Suro: Do you consider that physical characteristics influence the position of power?

Fernanda Ramirez: Yes, physical characteristics have a significant influence, and I am not talking about physical strength; I am referring to the stereotype of color, since nowadays the color white has been a cause of supremacy, promoting the idea that white, because of its attractiveness to society, continues to set firm stereotypes of power and wealth, relegating people of a color other than white to the service of the dominant class.

Cesar Suro: What social impact do you think, does the color of people have?

Fernanda Ramirez: It has been normalized that people of color are still the obedient ones; you can see it in the construction industry, most of the workers in the obedient sector are of color, and even prejudices have been taken among the active community of "working as black to live as white," so we can notice that the vulnerable sector aspires to the social concessions and way of life that a white person has. They are considering being white as a privilege.

There are white people in a social sector that is not privileged, but it has been demonstrated that they have been able to access jobs more quickly because of their white condition; the curious thing is that they themselves discriminate and point out people of color even though they belong to the same social sector.

Cesar Suro: Do you think that alternative dispute resolution methods are comprehensive?

Fernanda Ramirez: In the legal and commercial aspects, they are adequate due to their essential characteristics of voluntariness and confidentiality; however, I consider that they are only applicable in a fair way when people are homologous or have the same features to solve a problem.

On the other hand, when they are not in the same position, methods such as mediation are not feasible because, based on stereotypes and conflicting interests, the person with more power ignores the person in a vulnerable position, causing a mediation process not to be carried out because it underestimates the conflict and discriminates against the other party.

There are governmental entities that promote the practice of alternative dispute resolution methods.

They are functional in terms of the corruption of workers' labor rights, but you realize that they do not promote dialogue; these bodies issue a sanctioning sentence to the employer based on the evidence of the employee or vice versa, what I would call a judgment of labor order, I insist that there is no worker-employer confrontation that promotes dialogue.

To return to your question, they are functional according to the law and legal norms, but not as a resolution of conflicts, which in most cases, the worker already agrees to this type of practice when they have been dismissed.

Cesar Suro: What would be your comment on implementing alternative forms of conflict resolution in the workplace?

Fernanda Ramirez: As I mentioned in the interview, being poor does not mean being ignorant, so promoting information and training workers regarding their rights and obligations can foster a culture of prevention since conflicts are inevitable. Still, with the correct information and dignification of the worker, the impact of matches in the labor society can be reduced.

Promoting dialogue is essential, but senior management must also be willing to listen. I believe that this is the key to fostering a culture of conflict prevention.

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	DISPUTE RESOLUTION: CASE STUDY: "DISCRIMINATION IN THE CONSTRUCTION INDUSTRY".
Name of Learner	CESAR AGUSTÍN SURO TRINIDAD
Student Number	51717328
Name of Supervisor/Tutor	RACHEL HARDING

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 type="checkbox"/>	<input checked="" type="checkbox"/>	
4	If the research is observational, will you ask participants for their consent to being observed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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"/>

Item	Question	Yes	No	NA
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>	
		<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"/>	
	<i>(except where one or more individuals with such characteristics may naturally occur within a general population, such as a sample of students)</i>			

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.

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.

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).



Name of Learner CESAR AGUSTÍN SURO TRINIDAD

Student Number 51717328

Date 20.05.2022

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.



Name of Supervisor/Lecturer 51717328

Date 20.05.2022

Bibliography

- Allen Lester, . R., 2014. Reasoning About Discrimination : The Analysis of Professional and Executive Work in Federal Antibias Programs. Princeton: Princeton Legacy Library.
- Barahona, A., 2001. Human origins and evolution. ¿Como vez?, 3(32).
- de Solminihaç, H., 2021. Pontificia Universidad Católica de Chile. [Online]
- Available at: <https://www.claseejecutiva.uc.cl/blog/articulos/conflictos-en-proyectos-de-construccion/>
- [Accessed: 16 December 2021].
- Girondella Mora , L., 2017. contraPeso.info. [Online]
- Available at: <https://contrapeso.info/que-es-clasismo/>
- [Accessed 12 December 2021].
- Kitt TD , T., 1999. Report of the Task Force on the Prevention of Workplace Bullying. Dublin: Health & Safety Authority.
- Quinonez, A., 2011. Sociedad. Accelerating the world's research., Issue 16, p. 24.
- Ramos López Duplan, C., 2021. Classism, Mexico's cancer. CDMX: PLUMAJE.
- Rodríguez de la Flor de Marcos, B., 2014. Revista de Mediacion. ADR, Análisis y Resolución de Conflictos, 7(1), p. 12.
- Roldán, P. N., 2017. Economipedia. [Online]
- Available at: <https://economipedia.com/definiciones/negociacion.html>
- [Accessed 25 December 2021].
- Tcherneva, P. R., 220. MONEY, POWER, AND MONETARY REGIMES: WHY THE NATURE OF MONEY MATTERS. Journal of Critical Economics, Issue 29, p. 15.
- ACCEM, 2022. ACCEM.ES. [Online]
- Available at: <https://www.accem.es/igualdad-de-trato-y-no-discriminacion-preguntas-y-respuestas/#toggle-id-8>
- [Accessed 17 APRIL 2022].
- ACI USA, Inc., 2016. ACI USA, Inc.. [Online]
- Available at: <https://acicorporation.com/espanol/el-impacto-que-los-ingenieros-civiles-tienen-en-nuestras->

vidas/#:~:text=Los%20ingenieros%20civiles%20ayudan%20a,en%20los%20que%20hacemos%20negocios.

- [Accessed 01 January 2022].
- Aldao - Zapiola, C. M., 2009. la negociación un enfoque transdisciplinario con especificas referencias a la negociación laboral. 4 ed. Montevideo: CINTEFOR.
- Amnesty International, 2022. Amnesty International. [En línea]
- Available at: <https://www.amnesty.org/es/what-we-do/discrimination/>
- [Último acceso: 07 January 2022].
- Arroyo Chacón, J. I., 2018. Codes of ethics and codes of conduct in promoting organisational ethics. National Journal of Administration, 9(1), pp. 87-103.
- Autonomous University of Mexico, 2021. UNAM. [Online]
- Available at: <http://oferta.unam.mx/ingenieria-civil.html>
- [Accessed 2021 12 15].
- Biblioteca Nacional del Congreso de Chile , 2021. Guia de educacion Civica. [Online]
- Available at: https://www.bcn.cl/ecivica_restringido/noconv
- [Accessed 07 April 2022].
- Board, B. v., 2022. Legal Defense and Educational Fund, Inc.. [En línea]
- Available at: <https://www.naacpldf.org/ldf-celebrates-60th-anniversary-brown-v-board-education/significance-doll-test/>
- [Último acceso: 09 April 2022].
- Bosch, G. & Philips, P., 2003. Building Chaos An International Comparison of Deregulation in the Construction Industry. 1 st ed. s.l.:Routledge.
- Bouygues Construction , 2022. Bouygues Construction Shared Innovation. [Online]
- Available at: <https://www.bouygues-construction.com/en>
- [Accessed 25 April 2022].
- Brooks, D., 2021. Fall of Tenochtitlan: how to explain the grand alliance of Mexican peoples that helped the small Spanish army conquer Mexico 500 years ago. London: BBC.
- BUCKLEY, M. et al., 2016. Migrant Work & Employment. 1 st ed. Geneva: International Labour Organization.

- Castillo-Mayén, R. & Montes-Berges, B., 2014. stereotypes. In: e. d. P. d. I. U. d. Murcia, ed. Analysis of current gender stereotypes. Murcia: ervicio de Publicaciones de la Universidad de Murcia, p. 1044–1060..
- Clark, K., 1985. Eyes on the Prize: America's Civil Rights Years (1954-1965). [Interview] (4 November 1985).
- CONAPRED, 2021. gob.mx. [Online]
- Available at: https://www.conapred.org.mx/index.php?contenido=pagina&id=84&id_opcion=142&op=142 [Accessed 16 December 2021].
- Construction Blue Print , 2019. Construction Blue Print. [Online]
- Available at: <https://constructionblueprint.eu/es/2019/12/27/informe-clave-para-entender-el-contexto-de-la-industria-de-la-construccion/> [Accessed 31 December 2021].
- Council of the Judiciary, 2021. Centro Nacional de Mediación de la Función Judicial. [Online]
- Available at: <http://www.funcionjudicial.gob.ec/mediacion/index.php/2015-04-13-21-21-25/que-es-la-mediacion> [Accessed 18 April 2022].
- Cowen, D. & Siciliano, A., 2011. Surplus Masculinities and Security. Antipode, 43(5), pp. 1516-1541.
- Entelman, R. F., 2002. Conflict theory. Towards a new paradigm. First ed. Barcelona: Gedisa Editorial.
- European Graduate Institute IEP, 2018. SUMMA University. [Online]
- Available at: <https://www.iep.edu.es/las-5-fases-de-la-piramide-de-maslow/> [Accessed April 18 2022].
- Fuqen Alvarado, M. E., 2003. Los conflictos y las formas alternativas de resolucion. Tubla Rasa, Issue 1, pp. 265-278.
- Gonzales, A. C., 2004. Code of ethics for an agro-industrial company.. San Jose: University of Costa Rica.
- Gould , N., Claire, . K. & Hudson-Tyremen , A., 2009. THE USE OF MEDIATION IN

CONSTRUCTION DISPUTES, London: King`s London College.

- Government of Ireland. Oireachtas , 2010. Arbitration Act 2010. [Online]
- Available at: <https://www.irishstatutebook.ie/eli/2010/act/1/enacted/en/html>
- [Accessed 17 December 2021].
- Government of Ireland. Oireachtas, 2017. Mediation Act 2017. [Online]
- Available at: <https://www.irishstatutebook.ie/eli/2017/act/27/enacted/en/html>
- [Accessed 17 December 2021].
- Government of Ireland, 2000. NATIONAL MINIMUM WAGE ACT, 2000. [En línea]
- Available at: <https://www.irishstatutebook.ie/eli/2000/act/5/enacted/en/html>
- [Último acceso: 19 April 2022].
- Greenpeace & SOTO, J., 2020. Greenpeace. [Online]
- Available at: <https://www.greenpeace.org/mexico/blog/8519/energias-limpias-y-renovables-son-lo-mismo/>
- [Accessed JANUARY 12 2021].
- Health & Safety Authority, 2022. Health & Safety Authority. [Online]
- Available at: https://www.hsa.ie/eng/Topics/Managing_Health_and_Safety/Safety,_Health_and_Welfare_at_Work_Act_2005/
- [Accessed April 17 2022].
- INEGI, 2018. Tell me about Mexico. [Online]
- Available at: <https://cuentame.inegi.org.mx/economia/secundario/construccion/default.aspx?tema=e>
- [Accessed 13 01 2022].
- International Labour Organisation, 1996-2022. International Labour Organisation. [Online]
- Available at: <https://www.ilo.org/global/industries-and-sectors/construction/lang-es/index.htm>
- [Accessed: 13 January 01].
- International Training Centre of the International Labour Organisation, 2013. Labour dispute settlement system. 1 ed. Turin: Centro Internacional de Formación de la OIT.

- Ireland, Government of, 2019. Construction Sector Performance and Prospects 2019. Dublin: Investments Projects and Programs Office (IPPO).
- L. Ury, W., 1999. Getting to peace tranforming conflict at home, at work and in the world. 1 ed. London : Viking penguin.
- Legal Concepts , 2022. Legal Concepts. [En línea]
- Available at: <https://www.conceptosjuridicos.com/litigio/>
- [Último acceso: 23 April 2022].
- M WARD, A., 2021. Relevant legislation – INDUSTRIAL RELATIONS. Dublin: Independent Colleges.
- Meyer, J. P., 1997. The Pros and Cons of Mediation.. Dispute Resolution Journal , 52(3), pp. 08-14.
- MIGUEL TRULA, . E., 2017. Webepedia. [Online]
- Available at: <https://magnet.xataka.com/en-diez-minutos/la-historia-de-sarah-rector-la-nina-negra-que-recibio-decenas-de-peticiones-de-mano-de-hombres-blancos>
- [Accessed 09 April 2022].
- Mireles Quintanilla , D. G. A., 2005. Arbitration: A method of dispute resolution. Oficial News Paper , 14 January, pp. 1-4.
- National Library of Congress of Chile, 2021. Guia de educacion Civica. [Online]
- Available at: https://www.bcn.cl/ecivica_restringido/noconv
- [Accessed 07 April 2022].
- Ofhori, G., 1990. Aspects of Economics and Managment. Singapore: National University of Singapore.
- OFORI, G., 1990. THE CONSTRUCTION INDUSTRY Aspects of its Economics and Managment. 1 ed. Singapore: Singapore University Press.
- Ore, L., 2019. Social conflicts: How to prevent them?. Arequipa: Continental University.
- Peiro, R., 2022. Conflict Theory. s.l.:Economipedia.
- Ramirez, F., 2022. Black and white [Interview] (08 April 2022).
- Sturdivan, T., 2021. Re-examining the baby doll study and its impact. Texas: s.n.
- Suro Trinidad , C. A., 2022. Diagramas. Dublin: s.n.

- Suro Trinidad , C. A., 2022. Discriminacion en la vida cotidiana. Dublin : s.n.
- Suro Trinidad , C. A., 2022. Tablas Comparativas. Dublin : s.n.
- Tommy , F., 1991. Rural households, labor flows and the housing construction industry in Bandung,. 1 ed. Bandung, Indonesia: Tijdschrift voor Economische en Sociale Geografie.
- Trujillo , E., 2020. Trial. Madrid: Economipedia.
- Viana Orta, M. I., 2014. MEDIATION:CHARACTERISTICS, MODELS, PROCESS,TECHNIQUES AND TOOLS OF THETOOLS OF THE MEDIATOR, AND LIMITS TO MEDIATION. Valencia: s.n.
- Walker, S., 2016. Mediation: An A-Z Guide. 1 ed. London : Bloomsbury.
- Wells , J., 1996. Habitat International. El Sevier, 20(2), pp. 295-306.
- Yea , S., 2017. The art of not being caught: Temporal strategies for disciplining unfree labour in Singapore's contract migration. El Sevier, 78(1), pp. 179-188.