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"The role of Mediation in the workplace environment: the awareness of employees about the mediation process and its effectiveness."

by

MAYRA LOURDES SILVA VILELA

A dissertation presented to the

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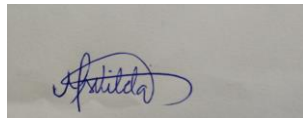
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Declaration

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Abstract

Due to the published of Mediation Act 2017, in January 2018, Ireland recognised the Mediation as an important and appropriate method of dispute resolution. The efforts have taken by the Government and by the Workplace Relation Commission to incentivising the use of Mediation has been extremely important. However, this study aimed to analyse the level of awareness within the employees related to the use of alternative dispute resolution as Mediation to solve the conflicts raised in the workplace environment as an alternative to avoid bringing procedures to the court. To carry out the research was applied the quantitative and qualitative method conducted by a survey, analysis of reports an online articles and literature review. The primary research results identified a low level of awareness of the mediation process within the employees; however, it was found a high level of acceptance of engaging in a mediation process. Even though it was found a lack of awareness from employees, the literature review has shown an increase in the number of mediation practices by the Workplace Relation Commission.

Keywords: workplace environment, mediation, awareness, alternative dispute resolution, court.

SUMMARY

1 Introduction

> *" In a workplace dispute, mediation offers the individuals involved the chance of finding a resolution to their problem in an informal manner. They are in control of the resolution. The parties will agree the solution between them, how they should proceed with their working relationship since mediation focuses on the future. Moreover, the mediation process is a secure environment for all concerned where they can have their say and be heard. From experience I recommend mediation in workplace disputes as I have witnessed positive outcomes during my time as a mediator.* [1]

Murray, Genevieve

Due to the great demand for lawsuits, the role of the Judiciary to present the right of the individual subjecting it to the decision emanated by it becomes increasingly slower and less effective. The adoption of new forms of seeking the right became of extreme necessity, and mediation played an important role in the rescue of people's participation in the effective solution of their problems, always through dialogue. Thus, the search for extrajudicial such as mediation, conciliation, and arbitration, has increased lately. Mediation is a voluntary process that enables those who are experiencing a conflict, the opportunity and the space adequate to solve issues related to the object of the demand, avoiding to judicialize an issue in which the dialogue can still be effective.

As exposed already, the mediation is a mechanism that has been used and increased along the

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[1] <http://www.themii.ie/about-mediation/sectors/workplace-mediation> Accessed 15 June 2019.

years. The theme chosen for the research is based on professional interest with focus on to learn how the mediation is applied in Ireland on workplace disputes and your advantages in this field. This dissertation presents the result of researches done on books, articles, websites, thesis and dissertations banks, online libraries and government websites.

The objective of this dissertation is to analyse and understand the effects of use of external mediation in the workplace disputes, the awareness of employees about the mediation process and what are the positive and negatives impacts for the employees and for the company.

The dissertation aims at responding to the following research questions: How does the external mediation help the disputes and outcomes in the workplace environment? Whether employees are aware of the mediation process or any Alternative Dispute Resolution form? And lastly, what has changed with the published of Mediation Act 2017? The focus will be given to the examination of awareness and advantages of workplace mediation and the services offered by the Workplace Relations Commission.

Relationships can easily break down when we cannot identify underlying issues that fuel bad feelings and can damage the relationships, therefore we can find out if it is one of the central tasks for resolving conflict. (Isenhart, Myra. p.14,2000) Conflicts in the workplace environment can be a destructive force that can put a negative effect on individuals, teams and organisations. Mediation is one of the ways to address such conflict of turning it around to reconstruct relationships and create a healthy environment in work where people can succeed. (Walsh Sabine)[2]

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[2] <https://www.mediate.com//articles/walshsbl20180802.cfm> Accessed 12 July 2019.

According to my research, through empirical evidence regarding the extent of the use of workplace mediation in Ireland, about the changes that has been brought with the Mediation Act 2017. The purpose of this study is also to show the benefits to both employee and organization. Some of the benefits already known are the satisfaction with the process, efficiency of negotiation, focus on real interests, more satisfying agreements, improved relationships, rebuilding damaged relationships, positive organizational change, etc. (Barry,B. et al. 2016).These benefits will be explained further in more detail. The first chapter is the introduction and the justification of the study. In the second chapter I carried out the literature review, which includes the concept of conflict and explains how mediation can be applied in workplace disputes. The fourth chapter describes the methodology that was used for the building of the research. The fifth chapter shows the discussion and findings about the research while in the sixth and seventh chapter I conclude the study and give my personal reflection.

As Bardach (1993) stated "Mediate is "inexpensive, quick and flexible enough to adapt to the eccentricities of the entertainment world. Therefore, it is the perfect vehicle for dealing with contract disputes"

2 CHAPTER 2: LITERATURE REVIEW

2.1 Conflict

Without realizing it, we all negotiate every day, all the time. We can do negotiations in the shop, bargaining the better prices in some goods, at work trying to extend the deadline of a project, at home with your partner or daughter or even with your friends arguing which movie you want to watch. However, every negotiation emerges from conflict, and conflicts are not

always a bad thing. Sometimes going through some conflict and facing it, negotiating with it, we can reach a solution and a practical benefit that it would never be possible to think without a conflict.

The conflicts can grow up in any atmosphere or situation, it can be an individual when a new situation occurs and you need to make decisions that are going to change their routines or their life. For example, moving out for a new house, moving abroad or accepting a new job. Leaving the security and the comfort zone you already have in the current job. The fact that we think of a situation that requires a new beginning, despite the economic benefits, undoubtedly causes us an internal situation of conflict in having to decide between two opposing situations. (Stewart, Levine, 2009, p.6)

It is the nature of human beings to reject change because they are afraid of the unknown. Also, the conflicts emerge in a social field since we live in a society where people have different beliefs, thoughts, economic and ideological interests. Those different aspects may be the triggering factors for major conflicts, which can lead to different postures, divergences and consequently to the negotiation or mediation. (Shmidt, Hateley, 2001)

Conflicts also arise in the workplace environment, although, it is not necessarily a bad thing. Depending on how this conflict is managed, it can result good learning and better employee relations. (Deirdre Curran) [3]

Conflicts are 'immense sources of stress and pain that cannot fully be resolved without some understanding of our own role within the conflict. Mayer (2004, p.xiii-xiv).

Mediation differs from other forms of conflict resolution processes in that it is a collaborative, interest-based process based on recognition, empowerment and

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[3] <http://www.themii.ie/ckeditor_uploads/files/KIWMRG-Shaping-the-Agenda-Report-1.pdf> Accessed 15 August 2019.

understanding.

There are many ways to negotiate conflict and to reach an agreement, however mediation is one that has been used to arrive at a solution through a mutual agreement between the parties rather than go through a formal investigation or other formal route.

Mediation is one of the Alternative Dispute Resolutions that also include procedures such as conciliation and arbitration, whether offered by public ombudsmen, complaints boards or provided by private entities. [4] ADR is a process in which a neutral third party helps parties who are involved in a dispute reach an agreement. Since mediation, conciliation and arbitration offer an alternative to litigation they are considered types of alternative dispute resolutions

However, it is important to distinguish dispute raised from conflicts from difference. (Sarat, 1980, p. 145) explains: "A dispute may be viewed as a class or kind of conflict which manifests itself in distinct justiciable issues. A justiciable problem is defined as a matter experienced by a respondent which raised legal issues, whether or not it was recognised by the respondent as being legal and whether or not any action taken by the respondent to deal with it involved the use of any part of the civil justice system.

2.2 Mediation

Mediation is a form of dispute since the beginning of basic human society. The first humans

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[4] <https://www.eccireland.ie/popular-consumer-topics/alternative-dispute-resolution-adr/> Accessed 26July 2019.

already negotiated in a rudimentary way regarding their needs and the sense of living and belonging of community. (Spencer, Brogan. p.23. 2006)

However, the origins of mediation - as the method of conflict resolution, where an impartial third party acts without sense of self in the quest for the best solution – goes back to the ancient times. Christopher Moore points out that biblical communities already used a peaceful resolution for controversies, which also proved to be a factor of cultural aggregation. At the door of Jewish traditions, just as Christianity adopted, it is evident in biblical pages where it refers to Christ as 'mediator supreme', acting as the link between God and his people , where to place service, model for the work of the clergy as an intermediary between " *the congregation and God and between the believers and, until the Renaissance, the Catholic Church in Western Europe and the Eastern Orthodox Church in the Mediterranean were probably the main mediation and Conflict Management in Western Societ"* (Moore, p.32, 1998). Moore explains yet that in Islamic and Asian cultures, in Hinduism, Buddhism, as well as in secular society of the West, in the Americas and other colonies, mediation of conflicts were also present, notably in the United States and Canada, mainly through the Puritans, Quakers, and Chinese and Jewish colonies. (p.34, 2003)

The mediation used by ancient people was characterized by eminently empirical character, lack of theoretical-scientific systematization of the process and its practice usually developed by community or religious leaders, people who enjoyed respect and local prominence. The proximity of the people who lived in the communities where everyone knew each other, the influence and authority that the Church exercised (even with the nobility), as well as the absence of freedom and oppression of the people justified the acceptance of mediation to resolve conflicts existing at the level of community relations and relations between the nations of the time.

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Moore (2003, p.34) states that the twentieth century brought greater interest in mediation and over the last thirty years. An increase in its practice has been observed, which is due, in part, to a broader recognition of human rights and dignity of individuals, the expansion of aspirations for participation at all social and political levels, to the belief that individuals have the right to participate and have control over decisions that affect their own lives, ethical support for particular agreements and in some regions, for greater tolerance of diversity. The change has also been motivated by growing dissatisfaction with authoritarian decision-making processes, imposed agreements that do not adequately fit the genuine interests of the parties and the financial costs, time, human resources, solidarity interpersonal and community - of adversarial processes, of the winning type of dispute resolution.

However, over time, the forms of mediation and negotiation has been developed for many researches and it has been applied in many areas, since the personal lives as huge diplomatic issues around the World mediation as a form of ADR (Alternative Dispute Resolution), which along the time has been developed many ways to negotiate and to reach an agreement. The negotiation began to be studied and systematized, with the establishment of techniques and procedures in order to increase the chances of success in negotiations. (Fisher and Ury, 2010) In this method is applied four points of negotiation and teach us how we should deal with it.

"People: Separate the people from the problem. Interests: Focus on interests, not positions. Options: Invent multiple options looking for mutual gains before deciding what to do. Criteria: Insist that the result is based on some objective standard."

As Fisher and Ury (2010, p.65) expose, "taking positions just makes this worse because people's egos become identified with their positions. Making concessions "for the relationship" is equally problematic because it can actually encourage and reward stubbornness, which can lead to resentment that ends up damaging the relationship."

It shows that before working with the real problem, such issues as "people problems" need to be released first. Once that it is done, the parties should work side by side, focusing on the problem and not to each other.

In his book, The Mediation Process, (Moore, 2003, p. 15) states that, the Mediation can address the substantives issues, it may establish or strengthen relationships of trust and respect between the parties or terminate relationships in a manner that could minimizes emotional costs and psychological harm.

2.3 Principles of Mediation

According to National Family Mediation Organization[5], the mediation is based on important principles which consist of:

● "Confidentiality: The Mediator will not disclose any information about the parties, the content of or the outcome of the mediation to anyone not involved in the mediation, unless they have the express consent of all the parties to do so.

● Impartiality and neutrality: The Mediator will act in an impartial manner, treat all parties fairly and remain neutral as to the content and outcome of the process.

● Self-Determination: It is for the parties to determine the outcome of the mediation. It is a way for people to stay in control of the decisions that affect their lives and the opportunity to work out mutually to reach a solution.

● Voluntary Participation: Mediation is voluntary. Any party to the Mediation may withdraw from the mediation at any time. A mediator may also withdraw from a mediation but

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[5] <https://www.nfm.org.uk/about-family-mediation-services/what-is-family-mediation/#1533214037368-4ca5b87a-cbd3248b-b323> Accessed 20 June 2019

must provide general reasons for doing so. Respect: The parties will treat each other and the process with respect."

Some aspects of mediation are illustrated by the International Labour Organization (2015, p.59):

● "voluntarily": when one of the parties begins the procedure making the other party

● being required to join the process;

● an extension of the bargaining/negotiation process that commences when negotiation breaks down;

● "impartiality": the negotiation is conducted by an impartial and independent person

● without power to make a judgment or determinations;

● "free of cost": the parties have gratuity in the process;

● "private and confidential";

● "set up quickly" - the process is informal and very flexible;

● "outcomes reached by the parties, is not the conciliation role"."

Despite the advantages of Mediation, it has a characteristic that may be a soft spot in the process. Once the outcomes are not binding between the parties if not required, the negotiation can fail. It is believed by Andrea Broughton (2014) who claims that "one of the potential weakness of mediation, but also one of its strengths, is that it does not guarantee an outcome as no binding decision is made. Instead, the mediator works with the parties to try to find a solution, but there is no guarantee that the issue will be resolved.

This method is one that seeks to get the parties to overcome their differences by offering

opportunity to find viable solutions, which should include all involved in the matter. The neutral third party attributed to the mediator centralizes on the discussions and helps shape the language used, which is mutually acceptable.

The mediator focuses beyond relational problems and focuses on the issues, encouraging individuals to create their own solution. The perception that people have about a certain measure the way they behave the same. When there is a perceived threat, there is a tendency to develop aggressive or defensive behaviour. If the environment is friendly, there is a tendency to act in the Influence of Trading Styles on Trading Effectiveness; friendly and open. Thus, the success of negotiation depends on how the other party sees the situation (Fisher and Ury, 1981 According to Meadow, Love, Sheneider, the Mediation offers the parties the possibility of acceptable conclusions, avoiding the risk, delay and cost of adjudication. The litigation tends to be slow and expensive and the decision results in an individual decision maker whereas in the mediation the parties reach the results together. Another feature of mediation is the selfie-determination. It means that the parties retain control over the process and the outcome. In the Mediation the parties are empowered and self-determined by the mediator, who carve out the space and time for each side to tell their stories and be heard in a meaningful way. (Meadow, Love, Sheneider. 2013, p.34)

Mediation is an enabling process that allows individuals in conflict an opportunity to engage directly with their counterpart(s), with the support of a neutral specialist, trained in negotiation and conflict resolution, in an effort to address and resolve their issues. The voluntary and confidential nature of mediation is fundamental to the process, allowing for 'better results: higher satisfaction with process and outcomes, higher rates of settlement and greater adherence to settlement terms' (Law Reform Commission, 2010)

As observed before, within the many benefits of mediation of the parties, one characteristic that is very important is that the parties are at the centre of the process. Any decision, agreement or not it build and is the result of the wish of the parties. The Law Reform Commission published in its report 2010 the follow ingredients:

- *"The parties are the principal actors and creators within the process,*
- *The parties actively and directly participate in the communication and negotiation,*
- *The parties choose and control the substantive norms to guide their decision-making,*
- *The parties create the options for settlement, and*
- *The parties control whether or not to settle.*
- *What is not always understood is that when parties in conflict can be persuaded to face each other in the same room, with adequate advice and support, a new dynamic arises. Basic psychology tells us that the human being has competing tendencies – those of separating and bonding."*

According to Moore (2003, p.21) The mediation has become more formally institutionalized and developed into a recognized profession only since the turn of the twentieth century. The mediation practice expanded has grown exponentially worldwide and it is believed by him that this grown is due in part to a wider acknowledge of individual has a right to participate and take control of decisions affecting his or her life.

He also states "*Change has also been motivated by growing dissatisfaction with authorities, top-down decision-making procedures; imposed settlements that do not adequately address parties strongly felt or genuine interests; and the increasing costs – in money, time, human resources, and damage to interpersonal and community solidarity – of more adversarial, win-*

lose procedures of dispute resolution. (pag.23)

2.4 Concept and Origin of Mediation in Ireland

In Ireland, the concept of mediation of civil and commercial disputes is not new. In cases of Divorce, it is an old practice for Solicitors to discuss with their clients the possibility of engaging in mediation before seeking judicial separation. Another example in the use of Mediation is the process of negotiation applied to Disputes or Court proceedings which may be settled by an agreement between the parties without judicial determination embraced by all branches of government. So it transpired that the Government, the Oireachtas and the Judiciary showed a willingness and determination to promote and encourage the use of mediation.[6]

During the Celtic Tiger period, due the rapid economic growth and subsequent property bubble, Ireland became the most litigious country outside the US. During the Irish Recession, there was an increase in contentious court cases. At that time the Government created initiatives and statutes to promote the use of mediation. Ireland is a Common Law jurisdiction and every citizen has a fundamental constitutional right of access to the Courts, however, it is estimated that 90% of all civil actions commenced in the courts are sorted out by agreements between the parties.[7]

We can conclude that most of the disputes that arise not necessarily require judicial determination and can be resolved mainly with the will of the parties to have an agreement. Considering that an average case in Irish Court can take up to two years until a decision is made,

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[6]<http://www.aylmerco.ie/mediation-in-ireland-concept-origin-evolution > Accessed 27 July 2019.15:34.
[7]<https://www.cpdseminars.ie/mediation/mediation-in-ireland-current-trends-future-opportunities/> Accessed 27 July 2019.

according to CPD Seminars The Irish Court system had a moral obligation to explore alternative methods, once Courts could not provide the essential services with effectiveness.[8] As William Gladstone said " Justice delayed is justice denied".

 The CPD Seminars brings also an interesting observation: *"This historical facilitation by the courts if settlement, in Ireland as in other common law jurisdictions, is underpinned by the principle of privilege attaching to without prejudice communications between parties in litigation. In essence, the principle ensures that any communication between the partied during the currency of litigation, whether written or oral, which is designed to bring about a settlement, will be protected by privilege so that the courts will not permit a party to rely on any such communication to gain advantage in the litigation or otherwise".* [9]

Another important aspect to note is the mediation is the high rate of Court comparing to the process of Mediation. Employing a mediator costs significantly less than a lawyer, the process is quicker and therefore you will be pay less money over a shorter period of time. Furthermore, the Law Reform Commission Report 2010 [10] outlined that the development of internal disputes systems which would incorporate mediation was recommended for Irish organizations. The report highlights the importance of introducing alternative dispute resolution processes into organizations, including internal grievance and disciplinary policies and procedures.

In 2012, The Minister for Justice, Equality and Defence published the General Scheme of Mediation Bill 2012 in which it was proposed the statutory definition of mediation: *"mediation*

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[8] <ttps://www.cpdseminars.ie/mediation/mediation-in-ireland-current-trends-future-opportunities/ Accessed27 July 2019. 16:35

[9] <ttps://www.cpdseminars.ie/mediation/mediation-in-ireland-current-trends-future-opportunities/> Accessed 27 July 2019.

[10] <https://www.lawreform.ie/_fileupload/consultation%20papers/cpADR.pdf> Accessed 29 July 2019,13:30.

means a facilitative and confidential process in which a mediator assists parties to a dispute to attempt by themselves, on a voluntary basis, to reach a mutually acceptable and voluntary agreement to resolve their dispute".

The Scheme of the Bill was published in March 2012 by the Government with the following receipt of the Joint Committee`s Report and further consultation was undertaken with various bodies in the mediation sector and the resulting in the further published Mediation Act 2017. (Fitzgerald, Frances)[11]

Whilst before the Mediation Act 2017 came into force, most practicing Solicitors and Barristers advised clients of the advantages and mechanism of mediation as an alternative to resolve their issue rather than go to court proceeding. What was once a usual practice is now a statutory obligation on them to do so.[12]

Is not just Solicitors who would encourage mediation. Judges in charge of cases, seeing that mediation process could be a better solution instead a long and high cost dispute at Court, would suggest to the parties to try a mediation section.

In Ireland, one of the most important judges who encourages the use of mediation is Peter Kelly. He said that up to 70% of cases before him at the time could be resolved through mediation. He also said "*In this Country we have the lowest number of judges per head of population in the world. There is no country with fewer Judges than Ireland, and the Court System is constantly under pressure, so there is great saving in public time if more cases are mediated.*"[13]

He also said "*The beauty of the mediated settlement is that it's an agreed settlement – the parties have been able to come to their own solution and they are then able to live with that [whereas]*

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[11] <http://www.justice.ie/en/JELR/Pages/SP17000075> Accessed 5 July 2019.

[12] <https://amoryssolicitors.com/mediation-act-2017-litigation-ireland/> Accessed 29 July 2019.

[13] <http://www.wemediate.ie/judicial-comment/ Accessed 31 July 2019.> Accessed 4th August 2019.

a solution provided by a judge or an arbitrator is a forced solution."

2.5 Mediation Act 2017

In consequence of the growth and importance of Mediation, government initiative and statues implemented along the years, in October of 2017, the Mediation Act was signed into Law by the President of Ireland, which transformed Mediation in a strong alternative way to solve the disputes. The purpose of the legislation is exactly promoting the consideration of mediation as alternative to court proceedings.

The Mediation Act became effective on 1st of January 2018 and it brings the definition of "mediation", it means a confidential, facilitative and voluntary process in which parties to a dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the dispute;" [14]

The bill states " *An Act to facilitate the settlement of disputes by mediation, to specify the principles applicable to mediation, to specify arrangements for mediation as an alternative to the institution of civil proceedings or to the continuation of civil proceedings that have been instituted; to provide for codes of practice to which mediators may subscribe; to provide for the recognition of a body as the Mediation Council of Ireland for the purposes of this Act and to require that Council to make reports to the Minister for Justice and Equality as regards mediation in the State; to provide, by means of a scheme, an opportunity for parties to family law proceedings or proceedings under section 67A(3) or 117 of the Succession Act 1965 to attend mediation information sessions; to amend the Guardianship of Infants Act 1964 , the Judicial Separation and Family Law Reform Act 1989 and the Family Law (Divorce) Act*

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[14] <http://www.irishstatutebook.ie/eli/2017/act/27/enacted/en/html> Accessed 4th August 2019

1996 ; and to provide for related matters."

According to the Act, the lawyers are obliged to advise their clients to consider mediation as an alternative to litigation.

" 14. (1) A practising solicitor shall, prior to issuing proceedings on behalf of a client

(a) *advise the client to consider mediation as a means of attempting to resolve the dispute the subject of the proposed proceedings,*

(b) *provide the client with information in respect of mediation services, including the names and addresses of persons who provide mediation services,*

(c) *provide the client with information about:*

(i)   the advantages of resolving the dispute otherwise than by way of the proposed proceeding, and

(ii)   the benefits of mediation

advise the client that mediation is voluntary and may not be an appropriate means of resolving the dispute where the safety of the client and or their children is at risk, and inform the client of the matters referred to in subsections (2) and (3) and sections 10 and 11."[15]

The Law reform recommends: *"not only that solicitors would be required to certify that clients had been advised to consider mediation before issue of proceedings, but that clients would also be required to sign their names to the certificate, confirming that they had in fact done so."[16]*

A solicitor must also provide information in respect of mediation services, including names

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[15] <http://www.justice.ie/en/JELR/Pages/SP17000075> Accessed 1 August 2019.
[16] <https://www.lawsociety.ie/gazette/Top-Stories/mediation-in-the-mainstream/> Accessed 1 August 2019.

and addresses of mediators and advise of the benefits and advantages of mediation, explain the confidential nature of the process and the binding nature of any resulting settlement agreement, the voluntarily and explain that the mediation may not be an appropriate way of resolving the dispute when the safety of the client and/or their children is at risk.[17]

Once the parties accept to participate to Mediation and the agreement to mediate is settled, outlining how the mediation will work, information about the meeting such as time, place, quantity of sessions, how long the meetings will take, the fees etc, will be sent to the parties for approval and to sign. If the parties reach an agreement in the end of the process of mediation, a document will be drafted with all the information and terms of the agreement. This document is called a Mediation Agreement.

In case of no agreement between the parties a memorandum will be drafted.
"The Agreement to Mediate will usually include the agreed process, the agreed format for communications, a confidentiality clause and the agreed payment terms. The Mediator will draw up the Agreement to Mediate after consulting all parties. Like all aspects of Mediation, the Agreement to Mediate is wide open for the parties input - if there is an important condition or clause the parties wish to be inserted then the Mediator will include it in the document." [18]
 The mediation agreement can be legally binding if the parties agree to do so. *"The legal status of a Mediated Agreement depends on a) type of process and b) intention of parties. Court related mediation will often result in a binding outcome whereas mediation independent of any other process will be as legally binding as the parties want it to be. The parties can agree for*

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[17]   <https://www.lawsociety.ie/News/News/Stories/mediation-act-2017--whats-new-for-solicitors> Accessed 01 August 2019.
[18] <http://www.themii.ie/about-mediation/mediation-process/before-mediation> Accessed 5th August 2019.

lawyers to be present at the conclusion of the Mediation so that the agreement can be appropriately drafted and witnessed to be a binding contract."[19]

We can clearly identify that Mediation is a process where the parties have total control of their decisions and outcomes, once the "power" of control the aspects of mediation it is inherent in the parties.

The Mediators Institute of Ireland (The MMI) has stated the importance of the Mediation Act 2017:

"*The new Mediation Act came into effect in January 2018 and makes the mediation process even more robust and reliable. People involved in a dispute are now more likely to opt for mediation before heading into court particularly as solicitors will advise their clients to consider mediation. The Act also means that agreements achieved through mediation are now legally enforceable, and the confidentiality of the process is protected*"

With the advancement of this Bill, the mediation in Ireland became more important and notably an instrument of alternative conflict resolution that will be used more and more. Thus stimulating the practice and the application of mediation within the companies and their employees.

2.6 Workplace mediation

Throughout our professional career, probably all of us will face conflicts in the workplace and they occur because people have different ways of thinking, taking action and opinions. These conflicts are not necessarily negative; it depends on how it is conducted by the parties and management. When there is good management of conflict in the company, it can lead to

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[19] <http://www.themii.ie/about-mediation/mediation-process/the-agreement> Accessed 5th August 2019.

many benefits as better employee relationship, productivity, improvement of decisions making and team effort That is why companies need to know how to act in situations of conflict so that there is no loss of productivity of employees or that they do not feel unhappy in this environment. (Journal of Mediation and Applied Conflict Analysis)

Workplace conflict is a reality where the employment relationship may be seen to be offering incentives for both cooperation and conflict between employer and employee. In organisations, people often avoid conflict without knowing it and organisations, work teams or work groups are likely to develop a conflict culture or climate over time, (Teague, Roche & Hann 2012). This results in a variety of beliefs, opinions, values and attitudes which will enrich the organization. However, it is these differences in beliefs, opinions, values and attitudes that will, at some point, inevitably lead to conflict. As transmitted by free company has never existed and never will exist. Wherever people are forced to live and work together, a range of feelings as , antagonism, tensions, stereotypes, negative attitudes and frustrations of perceived conflicting needs will always be present.. (Wallace, Gunningle, McMahon, O'Sullivan. 2013)

Kenny (2014, p.134) defines workplace mediation as "*a confidential and voluntary process whereby an independent mediator assists two or more individuals, work groups, or employers and trade unions experiencing conflict or a dispute to identify their issues and objectives, and explore how those objectives can be addressed with a view to reaching agreement.*"

The ideal in a work environment is that everything is aligned and that all employees value transparency and commitment. In order to this, it is important that there is an interaction between human resources and workers, where they can always expose and comment on how they feel and even projects or activities that make them identify themselves as impaired.

Therefore, the weekly meetings are interesting tools, as they will open the possibility of receiving all the opinions and verify if the parties are in agreement and are aware with the norms and conducts of the company. This avoids discomfort or disappointment. (O'Sullivan. Et al. 2013)

Once conflicts arise and develop, it is not always possible for the company keep employees and employer always aligned and resolve the conflicts through their internal procedures.

Roche and Teague (2011,p.76), in their discussion on emerging practices for managing conflict involving groups of employees, identify the following key drivers:

1.   Labour market changes

2.   The changing workforce demographic …and particular to the Irish context:

3.   Social partnership, and

4.   Employment legislation

Roche and Teague (2011, p.436-p.439) contend that increased levels of employment legislation, and in particular legislation relating to individual employment rights, have significantly impacted on workplace conflict management procedures as organisations seek to foster good practice in conflict management and 'stay on the right side of the law'. They further suggest that the management of workplace conflict is now accepted as a core element of the industrial relations discipline in Ireland and suggest a move towards a greater use of ADR practices.

The Mediate Ireland [20]states that mediation provides to the parties the autonomy of sign up to their own resolution and thus it can also deliver to the parties benefits unavailable in an

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[20]   <https://www.mediateireland.com/mediation-types/conflict-bullying-workplace-employment-rights-mediation> Accessed 12 August 2019.

employment tribunal or court. It means that in relationships that look like that could be saved; the parties can indicate forms for wished change to achieve harmony and also, where necessary an agreed exit strategy.

The Irish Law Reform Commission's (LRC) (2010, p.99) considered *"Alternative Dispute Resolution: Mediation and Conciliation' as a benefit of integrated, internal, ADR processes for managing workplace disputes. In particular, it notes: greater flexibility within the workplace; procedural flexibility; efficiency; and 'confidentiality which provides privacy for the parties and protection for the organisation's reputation'. Significantly, the LRC notes that an agreement reached through mediation may include 'a wide range of novel outcomes' that would not normally arise through a court engagement and which 'may provide solutions that better suit each parties' needs*."

According to Tony Dobbins, in the last years the use in Ireland of ADR mechanisms has been increased. "*There appears to be a growing perception among sections of Ireland's industrial relations community that the existing dispute resolution system - and the participants in disputes - are still saddled to some extent by the baggage of an historical adversarial legacy, and that the dispute resolution framework is becoming too legalistic, complex and costly*." [21]He also exposes that the employment relationship has become increasingly individualized while the collective industrial relations/ trade union density has been declining and there has been significant growth in the volume of individual labour law and the number of individual dispute cases. Some observers according to this context, denote to a need to promote alternative, more informal modes of dispute avoidance and resolution, that cut off conflict as close to its source as possible. (Dobbins, Tony,2010)

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[21] <https://www.eurofound.europa.eu/publications/report/2010/ireland-individual-disputes-at-the-workplace-alternative-disputes-resolution> Accessed 28 July 2019.

2.7 Workplace Relations Commission

The workplace mediation services in Ireland are provided by the Workplace Relations Commission, private mediation providers (individual and firms) and internal mediation schemes (Kennedy Institute Workplace Mediation Research Group).

In Ireland, since 2015, there is a public service of workplace mediation offered by The Workplace Relations Commission (WRC). According to them, the mediation service affords employees appropriate access to its mediation service in circumstances where assistance is sought in respect of claims of infringements to employment rights; it also provides access to the general public in respect of claims involving unequal treatment and discrimination claims in the civil and public service. This form of mediation seeks to arrive at a solution through an agreement between the parties, rather than through an investigation or hearing or formal decision where a formal complaint has been lodged with the WRC for Adjudication. (WRC)

As state in its annual report 2018, the WRC offer many types of services as:[22]

- Corporate services - The Corporate Services Division provides key resource and facilities support for the WRC in the delivery of its core objectives.

- Information and Customer Service – It is responsible for providing information on employment rights, rights, equality, industrial relations and employment permits. Also responsible for processing all complaint forms received and processing all employment agency licensing and child work permit requests for film, culture, sport or advertising.

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[22] <https://www.workplacerelations.ie/en/news-media/workplace_relations_notices/annual-report-2018.pdf___> Accessed 16 August 2019, 10:35

- Advisory Service- It promotes good practice in the workplace by assisting and advising organisations on all aspects of industrial relations, and engages with employers, employees and their representatives to help them develop effective industrial relations practices, procedures and structures.

- Conciliation, Facilitation and Mediation Division's – The mission is to enhance the industrial relations environment in Ireland. It works at national, sectoral and enterprise level to promote, maintain and improve good workplace relations.

- Adjudication Service - investigates disputes, grievances and claims made by individuals or small groups under employment, equality and equal status legislation.

- Inspection and Enforcement Service – It undertakes inspections of employment records to ensure compliance with employment law. This involves, but is not confined to, examining employer's employment related books, records and documents, and conducting interviews with the employer and current and former employees.

The Workplace Relations Commission (WRC) is regulated under the Workplace Relations Act 2015 (No. 16 of 2015), which is an independent and statutory body. It assumes the roles and functions previously carried out by the National Employment Rights Authority (NERA), Equality Tribunal (ET), Labour Relations Commission (LRC), Rights Commissioners Services (RCS) and the first- instance (Complaints and referrals) functions of Employment Appeals Tribunal (EAT). (WRC)

According to WRC website, they are responsible for: [23]

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[23]<https://www.workplacerelations.ie/en/what-we-do/wrc/> Accessed 7 August 2019.

- "promoting the improvement of workplace relations, and maintenance of good workplace relations,

- promoting and encouraging compliance with relevant enactments,

- providing guidance in relation to compliance with codes of practice approved under Section 20 of the Workplace Relations Act 2015,

- conducting reviews of, and monitor developments as respects, workplace relations,

- conducting or commissioning research into matters pertaining to workplace relations,

- providing advice, information and the findings of research conducted by the Commission to joint labour committees and joint industrial councils

- advising and appraising the Minister in relation to the application of, and compliance with, relevant enactments, and providing information to members of the public in relation to employment."

It is also offered by the Commission's core the services of inspection of employment rights compliance and the processing of employment agency and protection of young persons (employment) licences and the provision of mediation, conciliation, facilitation and advisory services.

The services offered by WRC, is provided and delivered in a speedy confidential and effective way as an alternative solution to workplace conflicts, disputes and disagreements. It's especially suited to all individuals or small groups of workers who find themselves dealing with disputes and situations as Interpersonal differences, conflicts, difficulties in working together, breakdown in a working relationship, issues arising from a grievance and disciplinary procedure (particularly before a matter becomes a disciplinary issue).

And its website page, the WRC states: *The mediation service affords employees appropriate access to its mediation service in circumstances where assistance is sought in respect of claims of infringements to employment rights; it also provides access to the public in respect of claims involving unequal treatment and discrimination claims in the civil and public service. This form of mediation seeks to arrive at a solution through an agreement between the parties, rather than through an investigation or hearing or formal decision where a formal complaint has been lodged with the WRC for Adjudication.* [24]

So, we can observe that the Mediation Service aim to assist parties to resolve their dispute in an informally way and quickly, whereas the more formal process for solving workplace conflicts is offered by the Adjudication Services.

The WRC offer a number of facilitative services that support the employers and employees which are exposed by Shannon Chamber[25], such as:

- The WRC provides a code of practice with best practices for procedures and frameworks on its website

- The Workplace Relations Information and Customer Services can be contacted for information on employment, equality and related legislation.

- Advisory Service can assist employers, employees and trade unions or other employee representatives in non-dispute situations to develop effective industrial relations practices, procedures and structures that best meet their needs, to build and maintain positive working relationships and to develop and implement on-going effective problem-solving mechanisms.

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[24]< https://www.workplacerelations.ie/en/what-we-do/industrial%20relations/mediation_services> Accessed 17 August 2019.
[25]< https://www.shannonchamber.ie/wp-content/uploads/2016/08/WRC-Guide-for-Businesses-.pdf> Accessed 18 August 2019.

- The WRC also offers Training on a variety of aspects of the employment relationship, including workplace procedures, communications, negotiation processes, dignity in the workplace and support in the managing change in the workplace.

The WRC is entitled to deal with any case under the Employment Equality Act relating to workplace discrimination. It also can deal with complaints under the Equal Status Acts 2000-2015 relating to the provision of goods, services, education and accommodation (to the public, which is different to workplace discrimination). (Mcloughlin BL, William. 2018)

The WRC also assist and offer service either for Mediation employment rights or Mediation internal issues. The services provided by The Workplace Relation Commission is mainly adequate to disputes that involve individuals or small groups of workers who find themselves dealing with internal situations that might involve the following aspects:

- *"Interpersonal differences, conflicts, difficulties in working together*

- *Breakdown in a working relationship*

- *Issues arising from a grievance and disciplinary procedure (particularly before a matter becomes a disciplinary issue)*

- *Mediation is included as a voluntary stage in some grievance or dignity at work procedures and the WRC is nominated as the provider of a mediation service in some organisations. The WRC is available to discuss a similar arrangement with other public bodies or private companies."*[26]

So, the WRC offers two types of mediation, the Mediation Internal Workplace Issues, that is

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[26] <https://www.workplacerelations.ie/en/complaints_disputes/mediation/ > Accessed 19 August 2019.

an "informal" complaint, where is not applied the legal procedures. This a mediation/facilitation offered ad hoc by the WRC to the individual or small groups of workers who find themselves dealing with conflicts.

The WRC points some of the benefits of this mediation/ facilitation in internal workplaces issues:

- *Interpersonal differences, conflicts, difficulties in working together*

- *Breakdown in a working relationship*

- *Issues arising from a grievance and disciplinary procedure (particularly before a matter becomes a disciplinary issue)*

- *Mediation is included as a voluntary stage in some grievance or dignity at work procedures and the WRC is nominated as the provider of a mediation service in some organisations. The WRC is available to discuss a similar arrangement with other public bodies or private companies.*

- *It does not deal with pre-adjudication mediation, which involves employment rights claims made to the Adjudication Service. This is a separate process provided under section 39(1) of the Workplace Relations Act 2015.*

The method above of mediation cannot be used if there is an employment claim or legal action already before the WRC.

The facilitative service provides an impartial, timely and effective suite of services to assist employers, employees and their representatives resolve disputes by agreement. The Commission provides four methods of voluntary disputes resolution: conciliation, facilitation,

pre-adjudication mediation and workplace mediation. (Annual report 2018 WRC)[27]

The second type of Mediation offered by the WTC is related to Mediation of employment rights, (The Pre-Adjudication Mediation), according to Section 39 of the Workplace Relations Act 2015, "*the Workplace Relations Commission (WRC) may be in a position to offer a mediation service in certain cases to facilitate the resolution of complaints/disputes where possible at an early stage and without recourse to adjudication. The ability of the WRC to offer mediation will depend on a number of factors including the availability of resources. Complaints/disputes may only be referred for mediation with the agreement of both parties to the complaint/dispute.*"[28]

The Section 39 of Workplace Relations Act 2015 provides:

39. (1) (a) Subject to paragraph (b), the Director General may, where he or she is of the opinion that a complaint or dispute is capable of being resolved without being referred to an adjudication officer under **section 41** *, refer the complaint or dispute for resolution to a mediation officer.*

(b) The Director General shall not refer a complaint or dispute for resolution to a mediation officer if either of the parties to the complaint or dispute objects to its being so referred.

(2) Where a complaint or dispute is referred for resolution under this section the mediation officer concerned may

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(a) convene a meeting (in this section referred to as a "mediation conference") in accordance with subsection (3) for the purpose of resolving the complaint or dispute, or

(b) employ such other means as he or she considers appropriate for the purpose of resolving the complaint or dispute.

(3) A mediation conference shall

(a) take place at a time and place determined by the mediation officer,

(b) be attended by the mediation officer and the parties to the complaint concerned, and

(c) be conducted otherwise than in public.

The first step to get access to WRC's services is to visit its website, where the person will find an online complaint form selecting the option to mediation service. After this step, the WRC will get in contact to the person to check if they are still willing to engage the mediation.
If both parties agree and still are willing to take part of mediation, the WRC will decide on the approach to be taken, either by telephone mediation or face to face mediation.
In case of telephone contact mediation, the mediator will contact the complainant and respondent. In the case of face to face mediation the WRC will contact the parties to arrange a mutually convenient date and location in order to facilitate meeting arrangements. [29]
As explained above, the mediation can be taken by telephone mediation and face to face mediation, however there are some pros and cons that should be taken in count:
Telephone mediation:

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[29] <https://www.workplacerelations.ie/en/complaints_disputes/mediation/> Accessed 21 August 2019, 15:34.

| Pros	Cons
Easier to arrange	Less personal
"Cheaper" for all parties	Harder to address underlying emotion
No travelling required	No non-verbal communication

Face to Face mediation:

Pros	Cons
More personal	"Costs" more for all parties
Can read non-verbal communications	Harder to schedule
Easier to address underlying emotion	Parties have to travel to location

McLoughlin, 2018

According to WRC Report 2018, the WRC witnessed a significant increase in the pre-adjudication mediation with a number of 1,844 intervention taking place in the year of 2018 whereas in 2017 this number was only 573. To exemplify, of these 1844, 603 were face to face mediation (an increase of 206%) and 1,241 were dealt by telephone (an increase of 70%). The reason for the increase in these numbers, according to the WRC is due to the actively promote of the benefits of mediation through many projects as stakeholder presentations and education programmes. They state also that in almost two-thirds of cases (64%) the parties which engaged with mediation were resolved at that stage. (Annual Report 2018 WRC, p.16)

The frame bellow shows the structure from WRC, since the mediation complaint until to Court:
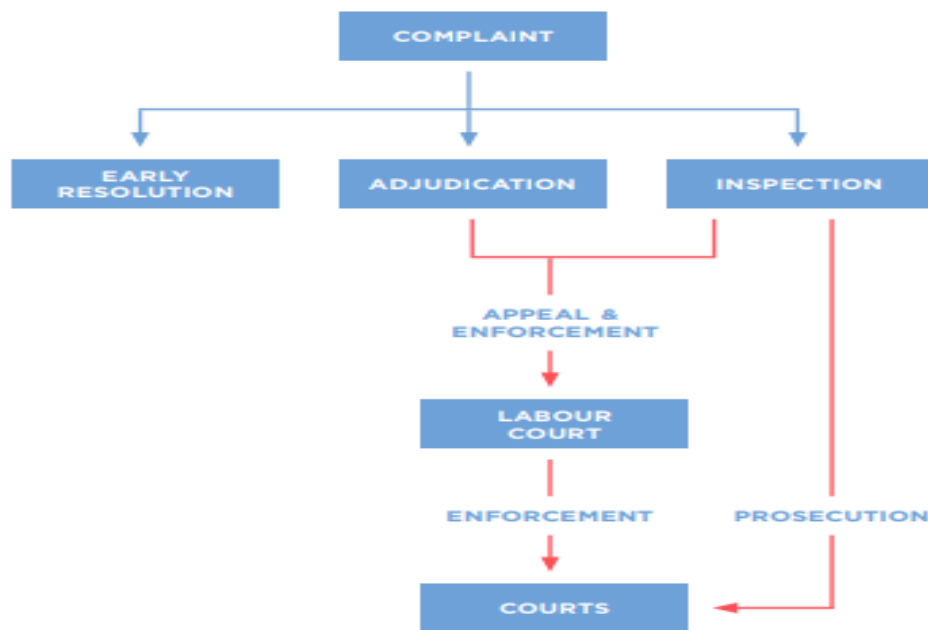
Source : WRC website

3 RESEARCH METHODOLY

3.1 Methodology Introduction

This section highlight the principal components of the methodology used in this dissertation. This section will illustrate how the research was designed. The research approach, research philosophy and research strategy will be demonstrated as follows.

The research method adopted to develop this study was the model developed by Saunders et al (2009). This method is known as Research Onion framework. It will be explained also the selection of Positivism as philosophy.

Five points have been considered in this study: a) the literature review; b) the collection data; c) the analysis of literature e data; d) the evaluation of literature and data e) the conclusion. The

strategy aim is to analyse and identify, at every step the effectiveness and awareness of mediation within employees. It also will be explained which Survey was adopted as a tool to accomplish this study.

3.2 Research Philosophy

Saunders et al. (2012,p 78), states: "The philosophy of research provides a set of belief on what basis the research is being conducted". It also depends on the objectives of the study being conducted. It will reflect the researcher's view of the world and underpin the research strategy. According to that, the philosophy chosen is the Positivism, where it includes assumptions and beliefs about the perception of the world from general knowledge and expert writings. Additionally, once that the researcher has limitations to data collection, this philosophy was the most indicate for this study. In order to demonstrate the configuration of this study, it will be explained four distinctive types of research philosophy: The positivism, the realist, the interpretivist and pragmatism.

The subjectivity perception was also utilized, following the interpretivist approach to qualitative research that explores the meaning of the writing answers obtained the questionnaire, which means that the conclusion may be subjective and include some personal bias.
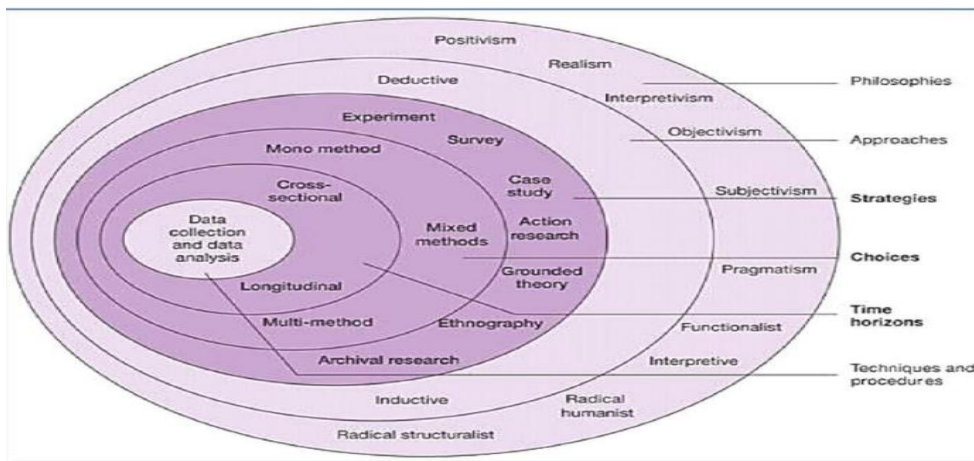
.1. Research onion (Saunders et al., 2009)

The interpretivism emphasizes the importance of human interpretation of the world and is directed at an understanding phenomenon from an individual`s perspective.(Creswell, 2009) (Denscombe, 2010) describes that "Qualitative data *"take the form of words (spoken or written) and visual images (observed or creatively produced). They are associated primarily with strategies of research such as case studies, grounded theory, ethnography and phenomenology, and with research methods such as interviews, documents, and observation. Qualitative data, however, can be produced by other means. For example, the use of open-ended questions as part of a survey questionnaire can produce answers in the form of text – written words that can be treated as qualitative data."*

Others studies based on quantitative surveys method were founded on the positivism philosophy, where the researcher deduces and simplifies the data collected.

3.3 Research approach

The next stage, based on Research onion by Saunders, is select the research approach that will be applied in the dissertation. According to Saunders et al., there are two types of research

approaches: 1) the deductive, that happens when the study is developed based on existing theories. That suggests that the deductive is related to the scientific investigation and it is coherent to previous literature, which leads to the circumstance that deducting conclusion are resulting from premises found in the literature review. In the deductive method the quantitative research is connected. 2) the inductive, it is the opposite of deductive. It is when the researcher focus on with observation and the end results is the generation of new theory. (Bernard, 2011) states that Inductive research "involves the search for pattern from observation and the development of explanations – theories – for those patterns through series of hypotheses". The qualitative research is linked to inductive approach. As the emphasis of this study is assumed to be causality, deductive research (quantitative) has been approached in this analysis, however the qualitative research has been conducted too with a deductive orientation.

3.4 Research Choices

The current study was based on mixed-method since the methods that have been utilized were through qualitative and quantitative approaches. As explained above, the choice was applicable according to the circumstances and methods applied. The qualitative approach for understanding beliefs, standards and behaviours, and quantitative for the purpose of obtaining information and developing interpretations, which were very important and useful to answer the research questions.

3.5 Research Strategy

The research strategy is based on primary quantitative/qualitative data defined by a questionnaire. The questionnaire strategy is connected to a deductive approach and it is a very common approach to use when the researcher aims to analyse facts and behaviours in any type

of study. Even though this strategy is linked to the deductive approach, the qualitative method also has been applied ensuring questions were not just open-closed, giving then, a possibility to analyse the answers. Denscombe also emphasizes: "*Where the survey uses interview methods, it can produce data that are rich and detailed, although in this case, the trade-off is that the number of people taking part in the survey will be much smaller.*"

Both strategies can be applied, and Bell (2000) states that "yet there are occasions when qualitative researches draw on quantitative techniques and vice versa. It will all depend on what data the research requires". The type utilized in the quantitative questionnaire was the nominal data that comes from counting things and placing them into a category, and ordinal data, where ordinal data are based on counts of things assigned to specific categories, but, in this case, the categories stand in some clear, ordered, ranked relationship. (Denscombe, 2010)

The quantitative method is a very important data collection process based on random sampling and structured data collection tools. The quantitative approach makes possible certain generalization. (Gill, and Johnson, 2010) For the purpose of this study, an online questionnaire was spread to participants focused on people with the follows features; all age, currently working either as a self-employed or employee. The survey was online and applied trough social media such LinkedIn, it was an important source of respondents, by Facebook groups oriented to professionals in Ireland, and also within my colleagues from the company that I work for. Surveys are used to best effect when the researcher wants factual information relating to groups of people: what they do, what they think, who they are ((Denscombe, 2010)).

On the other hand, the qualitative approach delivers more flexibility to the research question playing a significant position in effecting evaluation by offering valuable information comprehending the process behind people's perception about the use of mediation in the

workplace environment.

3.6 Research Population and sampling

For this study, the population is restricted to people who are employed or self-employed in Ireland. The method of using sample applied on this project is the non-probability one. Non-probability sampling means technique where the odds of any member being selected for a sample cannot be calculated, it is also a randon selection.[30] This method has been chosen because this study needed specifically people who were formally employed. Even though the probability sampling was not used, the type of sampling, number of people, and how the process worked will be explained ahead. The questionnaire consists of 16 questions, including personal information.

3.6.1 Population

In order to develop a survey, a sampling frame is necessary. As Oliver states "The total amount of people of interest must be defined, in order to give it the first cut of the population." Considering that the target number for this survey are people who have been employed in Ireland, the study was based on numbers stated by the Central Statistics Office (2019):

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[30] https://www.statisticshowto.datasciencecentral.com/non-probability-sampling/ Accessed 24 August 2019.

Labour Force Survey

Quarter 1 2019

Indicator	Quarter 1 2019	Annual change
Employed	2,301,900	+81,200
Unemployed	114,400	-18,600
In labour force	2,416,300	+62,600
Not in labour force	1,480,200	+9,900

Employment increases by 3.7% in year to Q1 2019

Source: https://www.cso.ie/en/statistics/labourmarket/labourforcesurvey/

The Central Statistics Office bring the number of employees in Ireland in 2019, which corresponds to 2,301,900 million.

3.6.2 Sampling size

Considering that the number of the population employed in Ireland is a very large number, the method used to calculate was as follow:

$$\frac{\frac{z^2 \times p\,(1-p)}{e^2}}{1+\ (\frac{z^2 \times p\,(1-p)}{e^2 N})} = 384$$

According to Surveymonkey website: the formula, N= represents the population size, e=represents margin of error, z=z-score (Z-score for a desired confidence level of 95%=1,96) (Surveymonkey, 2018).

It is explained by Gay (1996) that: Beyond a certain point (at approximately N=5,000), the population size is almost irrelevant and a sample size of 400 will be adequate. Thus, the larger

the population the smaller the percentage, one needs to get a representative sample. As the target population in this research it is for a large group it would be extremely difficult to achieve a meaningful sampling size due to the circumstances and short time.

The website "the Survey System" also states: "*The mathematics of probability proves that the size of the population is irrelevant unless the size of the sample exceeds a few per cent of the total population you are examining. This means that a sample of 500 people is equally useful in examining the opinions of a state of 15,000,000 as it would a city of 100,000. For this reason, The Survey System ignores the population size when it is "large" or unknown. Population size is only likely to be a factor when you work with a relatively small and known group of people*"[31]

In accord with this method and assuming that 384 was the ideal sample for the research, the best would have reached this number. However, this number could not have been reached due to difficulties that the researcher have found along with this project. The number achieved by the researcher was of 180 answers. Firstly, the timeframe for the conclusion of this dissertation it was not long as the whole process was limited to 12 weeks, which impacted on the length of time that the survey could be open for the responses. Secondly, the challenge to reach a considerable number of people answering the questions is one of the reasons why the number target could not be achieved. Considering the nowadays time, where everyone is so busy and can be distracted very easy, especially, with online contents, to get a survey done when it is asked is a huge challenge. The number of questionnaires that were dropout was probably high.

3.7 Data collection and Data Analysis

The collection of the data was done by a questionnaire through an online survey. The

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[31] <https://www.surveysystem.com/sscalc.htm> Accessed 21 August 2019.

questionnaire consists of 16 questions. The questionnaire was made considering questions related to perception and awareness of employees regarding the mediation process in the workplace environment. There were 3 demographic questions in the survey: Age, Gender and Employment. The other questions were related to their awareness, experience and knowledge about the mediation process/ADR and mediation service offered by the Workplace Relation Commission.

In the questionnaire drawn up, 16 questions were elaborated. There were 15 closed questions and 1 open question. The closed questions were made, once that for quantitative approach this style permits better analysing possibilities when using a quantitative research approach. Within the closed questions, there were 2 scaled question. The open question was made with the scope to get data on who had have experienced the mediation process. However, many people who have never joint to a mediation session wrote their opinion about mediation. The questions were formulated based on previews literature review.

In order to give to the responses a better understanding about what they would be answering, the began with a brief explanation into what Mediation and Workplace Relation Commission are:

Questionnaire

Mediation is one type of Alternative Dispute Resolution, which is a process when the parties, voluntarily, get gathered to try to reach a common solution for the conflict in question. The process is conducted by a third party who has no authoritative decision-making power. The mediation is also confidential and either party can drop out at any

time. Conflicts are part of our lives, we all have personal conflicts; familial, relationships, workplace conflicts, etc. Most of the conflicts faced in our life we can sort out based on conversation rather than through the courts process. However, for the problems to be solved, the parties have to be willing to have an open dialogue to reach a mutually acceptable agreement. In Ireland, the use of Mediation has been strongly applied, especially for workplace conflicts. One of the places that employers and employees can get help is the WRC (Workplace Relation Commission) where a free mediation service is offered. The researcher aims to find out about the experiences of mediation whether it has been experienced, the awareness about the process of mediation and the benefits and outcomes experienced by the users.

Thank you!

1 -Do you voluntarily agree to participate in this survey?

Yes. I am over the age of 18 and agree to participate in this study.

No, I am not over the age of 18 or I do not agree to participate in this study.

2- Your gender

Male

Female

Prefer not to say

3 -Age group

18-25

26-35

36-44

45+

4- Are you self-employed or employed by a company/organisation?

Self-employed

By a company or organisation

5- How long have you been working for the company?

1-6 months

7-12 months

1- 2 years

2- 5 years

over 5 years

6- How big is the company?

Small

Medium

Big

7- Have you ever heard of ADR (Alternative Dispute Resolution)?

Yes

No

8- Are you aware if ADR or Mediation forms are part of your contract of employment, should a dispute or conflict arise?

Yes

No

9- Are you aware of the internal disciplinary or conflict resolution procedures within your workplace?

Yes

No

10 -Have you ever heard about WRC (Workplace Relation Commission)? *

Yes

No

11- Have you ever participated in a mediation session?

Yes

No

12- Even if you have never participated in a mediation session before, do you believe that the attempt to solve the problems by speaking about it with a neutral third party can bring benefits to the relationship within the workplace environment?

No, I do not believe

Yes, I believe

If yes, how would you scale the importance and benefits of it?

1 Very bad 2 3 4 5 6 7 8 9 10 Very good

13 - Do you think that mediation process could effectively help in the solution of workplace conflicts?

1 Very bad 2 3 4 5 6 7 8 9 10 Very good

14- Would you be more confident to engage in an external mediation session to solve the conflicts that you have with your colleagues or managers instead of an internal mediation?

Yes

No

15- Do you think that is important to try to solve the workplace conflicts using the alternative dispute resolution as mediation before to bring the issue to court?

Yes

No

16 - If you have ever participated in a mediation session, could you give your opinion of what was the most beneficial and/or most negative part of it:

Source: by researcher

3.8 Research Ethics

It is important to state that all data collected that has been collected in this study, it was only used for the purpose of this dissertation. Being ethical is fundamental when studying other people, especially using qualitative studies, noted Gbadamosi (2012). He also says that fundamental ethical questions in an investigative study should be confidentiality, consent, and privacy. The survey was elaborated by Google form, so, to decode this study the Google form analysis was used. This tool offers maximum security to the participants. According to Denscombe, *"These guidelines are based on some core principles of research ethics, the first of which is that no-one should suffer harm as a result of participation in the research. The notion of 'harm' in this context is wide-ranging and it calls on the researcher to think carefully at the outset of the research about the possible ways in which participants might suffer as a consequence of their involvement with the research. The emphasis is very much on the possibility of harm, rather than the actuality, so the researcher needs to consider the likelihood*

of things occurring which could cause harm if they were to happen." (p.48)

The safe of the data collected it is very important. Even though there is always the possibility of unintentional leakage, the participants were not identified, therefore it would not be possible to link the participants to their answers. It is also important to emphasize that all participants in this study answered all the questions voluntarily.

3.9 Research limitations

As any study, the research found along the way brought some difficulties. Firstly, the limitation of time. The length of time available to develop a Thesis at a Master level was very limited. The short time obtained by the researcher apply the survey and conduct all the studies has made the researcher to adopt a minimum approach. The whole process had to be concluded in 12 weeks. It may be that future researchers should purpose a bigger sample, including a broader demonstration of the awareness of employees in Ireland about Mediation Process as Alternative Dispute Resolution. The second challenge directed related to the first one it was to get a significant number of people to respond the questionnaire. A considerable number of the data collected came from my personal network, which means that many Brazilians and foreign people have answered the questions. Although, those people perfectly fit the target population, once they are employed in Ireland and under the employment rules. The effort to have answers from Irish people was also made, and successfully obtained through the LinkedIn and within the Company that I work for. Another important limitation was the resources. Due to the data protection legislation (GDPR), the researcher was not able to gain access to some information as data related to types of conflicts raised inside the Companies is confidential. Additionally to that, this theme is quite sensitive to the Companies to disclose, since they may interpret that the release of this type of information could be damaging to the company's image.

CHAPTER 4: DATA ANALYSIS AND FINDINGS

4.1 Introduction

In this chapter, the primary data is analysed, including the qualitative and quantitative data that have been acquired through the questionnaire applied to employees. The average time spent to answer the survey was between 2 – 3 minutes. The information in this chapter represents an overview of the answers given by the respondents. The scope of the findings was to reach answers to the research questions. The research opted to discuss in each result and then to make a conclusive discussion in chapter 5.

4.2 Analysis of data

As explaied above before, the research could reach the amount of 180 responded through the online questionnaire applied. The questions were created to obtain a response to the research questions. The purpose was to comprehend the awareness and comprehension of Mediation and its effects in the workplace environment. In the first moment, it will be explained the demographic questions from the data.

In the bellow pie chart, it is possible to see the population of respondents divided by gender. The majority of respondents are female (red colour) what correspond to 74,4% whereas the part in blue corresponds to male respondents, it means, 25%. Only one person preferred not to say, correspond to 0,6%.

Your gender

180 respostas
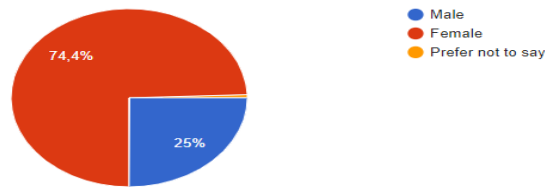
Respostas = Responses

This study was not focused on one determinate age; however, it is important to know the level of awareness in each age group. Out of 180 people, 125 are between 26-35 years old corresponded to 69,4%. 27 people between 18-25 equivalent to 15%, 25 people between 36-44, making out 13,9% and just 3 people over 45 years. We can observe from that, that most of the respondents are on the market for a while, probably, not being their first job.

Age group

180 respostas
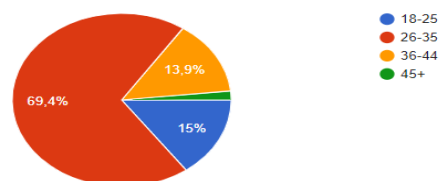
In order to have more accuracy, it was asked in the survey if the respondents were employed by a company or self-employed. 170 people answered as being employed by a company, making out 94,4% of the total. And Just 10 people denominated themselves as self-employed.

Are you self-employed or employed by a company/organisation?
180 respostas

- Self-employed
- By a company or organisation

94,4%
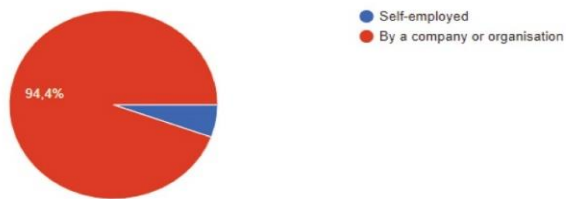
The questionnaire has asked how long the respondents have been working for the company.

The results are:

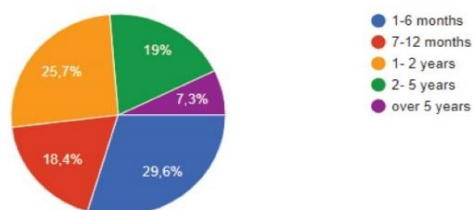1-6 months = 53 people

7-12 months = 33 people

1-2 years = 47 people

2 – 5 years = 34 people

Over 5 years = 13 people

How long have you been working for the company?
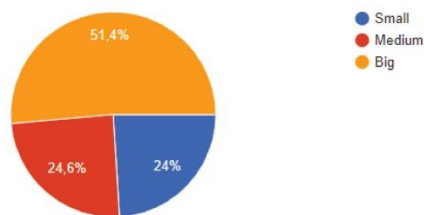180 respostas

- 1-6 months
- 7-12 months
- 1- 2 years
- 2- 5 years
- over 5 years

19%
25,7%
7,3%
18,4%
29,6%

When it was asked about how big the Company that they work for is, 93 people (51,4%) said

that they work for big companies, while 44 people (24,6%) work for medium companies and

43 people (24%) work for small companies.

6. How big is the company?

180 respostas

- Small
- Medium
- Big

51,4%

24,6%   24%

All the following questions are related to the awareness and opinion about Mediation and

Alternative Dispute Resolution. When asked if the respondents have ever heard of ADR, 131

respondents (72,8%) answered that NO, that they never heard about any type of Alternative

Dispute Resolution, whereas just 49 respondents (27,2%) said Yes.

Have you ever heard of ADR (Alternative Dispute Resolution)?

180 respostas

- Yes
- No

72,8%

27,2%
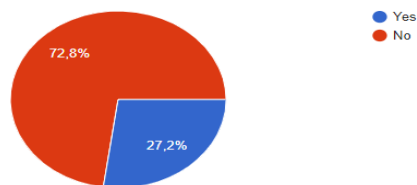
Related to the awareness of the respondents if they knew the forms of ADR is part of their

contract of employment, the majority, 138 people (76,5%) answered that they are not aware,

while (23,5%) 42 people answered yes.

Are you aware if ADR or Mediation forms are part of your contract of
employment, should a dispute or conflict arise?

180 respostas
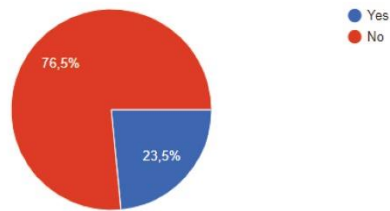
However, when asked if they were aware of the internal disciplinary or conflict resolution
procedures in their workplace, it was a considerable increase in the positive answers. 97 people
(53,6%) responded they are aware of the internal disciplinary procedures against 83 (46,4%)
answering they are not aware.

Are you aware of the internal disciplinary or conflict resolution
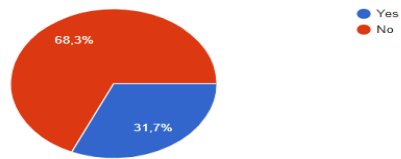procedures within your workplace?

180 respostas
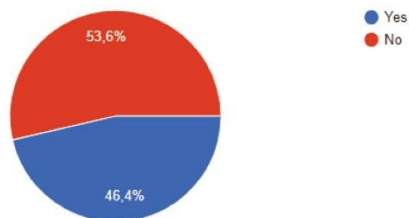
To also analyse the awareness of the WRC and its activities, it was asked if they have heard
about it. 123 (68,3%) respondents said they do not know about the WRC, whereas 57 (31,7%)
said they have heard about it.

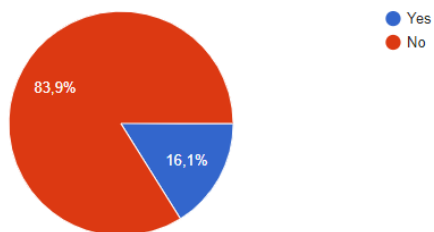**Have you ever heard about WRC (Workplace Relation Commission)?**
180 respostas

- Yes
- No

68,3%

31,7%

When asked if they have ever participated in a mediation session, just 29 (16,1%) answered that yes whereas the majority answered no, which correspond to 151 people (83,9%).

Have you ever participated in a mediation session?
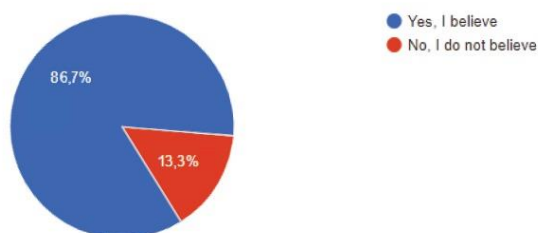180 respostas

- Yes
- No

83,9%

16,1%

Of the total of 180 respondents, 156 (86,7%) stated that they believe that speaking through the use of mediation by a neutral third person can bring benefits to the relationship between the parties.

Even if you have never participated in a mediation session before, do you believe that the attempt to solve the problems by speaking about it with a neutral third party can bring benefits to the relationship within the workplace environment?

180 respostas

- Yes, I believe
- No, I do not believe

86,7%

13,3%

If yes, how would you scale the importance and benefits of it?

156 respostas
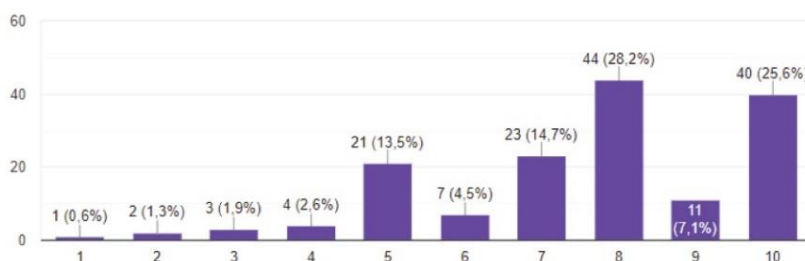
Their opinion about the relevancy of the Mediation process was asked. In this question, some options were given, and the respondents were requested to rate the answer measuring on a 10-point Likert scale (1= No, as the minimum scale and 10 = yes, as a maximum scale). In general terms, the score 8 of the 10-point Likert scale was the most ticked by 64 (35,5%) respondents. The second most ticked by 49 respondents (27,7%) was the rate 10. Followed for rate 7, with 22 respondents (12,4%); rate 9, with 14 (7,9%) respondents; rate 5 with 13 respondents (7,3%); rate 6, with 9 respondents (5,1%); rate 3, with 4 (2,3%) respondents and finally rates 2 (1,1%)

and 4 (1,1%) respondents, both with 2 respondents each. Rate 1, did not have an answer. If we analyze the rate 7 as a good parameter, in total, 153 respondents (75,6%) believe that the mediation process could effectively help in the conflicts in the workplace environment.

Do you think that mediation process could effectively help in the solution of workplace conflicts?
180 respostas
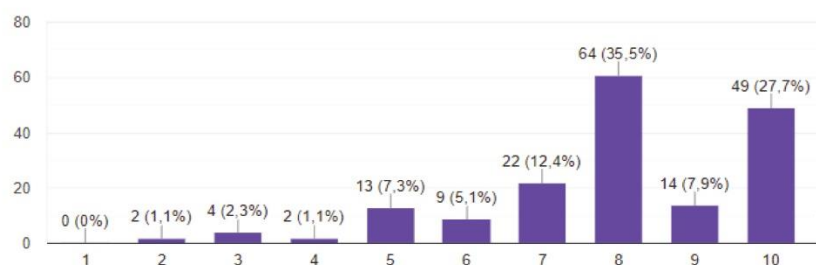
To have the understanding whether the employees would be more confident to engage in an external mediation session than an internal mediation, the answers were: 138 (76,7%) respondents stated that yes, they would be more confident, against 42 (23,3%) respondents who stated that no, they would not be more engaged in an external mediation instead of an internal mediation.

Would you be more confident to engage in an external mediation session to solve the conflicts that you have with your colleagues or managers instead of an internal mediation?
180 respostas
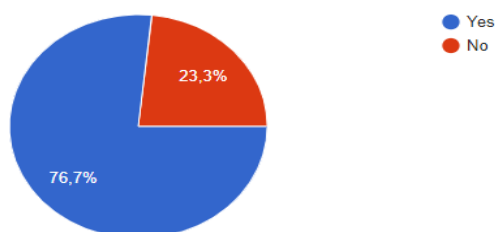
In the last closed question, it was asked if they believe that it is important to try to solve the workplace conflicts using the ADR as mediation before to bring the issue to Court. The majority answer was yes. 176 (97,8%) of respondents think that it is important while just 4 (2,2%) think that it is not important.

Do you think that is important to try to solve the workplace conflicts using the alternative dispute resolution as mediation before to bring the issue to court?

180 respostas

- Yes
- No

97,8%
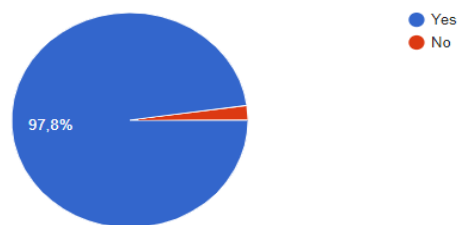
The last question formulated it was an open-ended question style. This question was not mandatory. This style of a question aimed to give to the respondent space to them express their opinion about the mediation process. Even though the question was targeted to people who have been participated in a mediation session before, the question was also answered by people who never participated. However, the respondents could express more clearly their opinion about mediation.

If you have ever participated in a mediation session, could you give your opinion of what was the most beneficial and/or most negative part of it:

23 respostas

The most beneficial aspect was to realize that the solution to the conflict sometimes is reached through unexpected means.
The most negative aspect acting as a mediator is to reinforce the idea that the mediator is not an authority, that she/he can not "decide" the conflict.

I haven't

Haven't provided a solicitor to represent me

Never participated

I've never been in one

Voluntary so people are engaged to solve the issue

I've never participated

I felt very well and able to solve my problems

Being able to hold the urge to react

I dont really think theres a negative part on dealing with problems by talking about it! A mediation session is an opportunity to brighten both sides of the conflict

I have never participated in a mediation session before but I believe that solving a conflict through mediation with a neutral third party can result in a non-biased resolution, as well as be dealt with more effectively and quickly than bringing the case to court. It would benefit smaller cases of disagreements as they would be resolved quicker. Larger cases dealing with conflicts of illegal matters or illegal behaviours should be brought to court as mediation would not be as effective on such a large scale.

no

In the most part, it is important for both parties to speak about any disagreements before leading to a formal route. Defences can run high in more formal situations when a simple conversation as human beings can often be the most effective solution.

The benefit at the end

Giving all
Parties a chance to express their views. Would be beneficial for an external person to mediate as most companies can form opinions about colleagues if they carry out the process internally

Unfortunately, I have never experienced a mediation session. However, I truly believe that would be the best way to deal with and solve problems.

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The benefit at the end

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Parties a chance to express their views. Would be beneficial for an external person to mediate as most companies can form opinions about colleagues if they carry out the process internally

Unfortunately, I have never experienced a mediation session. However, I truly believe that would be the best way to deal with and solve problems.

It was a much quicker resolution

Relationships people

I've never been.

5 Discussion and findings

The ADR has been developing and increasing in all world, as already pointed out in the literature review, the ADR in Ireland following the trend has also been rising, and after the Mediation act 2017, this has been more encouraged by the government and also by the Justice through the Judge's decisions. The conflicts that arise within the workplace environment.

Through this developed study, we can notice that in general, most of the respondents do not show knowledge about ADR and Mediation process, as we can see in Q7. When asked if they have ever heard of ADR, 72% answered the negative response. When the questions started being more narrow, the percentage of not awareness had a light increase. In Q8, 76,5% of respondents stated that they do not know if in their contract of employment has any form of ADR or Mediation. This evidence may demonstrate that despite the WRC's outreach efforts, there is still a large share to raise awareness within the employees.

When asked about the awareness of internal disciplinary or conflict resolution procedures within their company, the level of awareness it was a little higher, 53% confirmed they are aware against 46,4% answering they are not aware. Even though more than half have shown knowledge about it, 46,4% is still a large number of people unaware that needs clarification by the Companies.

In this sense, according to the WRCs annual report 2018, it offered during 2018, 18 training programmes that were delivered to a wide range of private and public sector organizations. Those trainings have the scope to promote the improvement of industrial relations and good practice in the organization's dispute resolution capacity.

In Q11 it was asked if the respondents have participated in a mediation session before.

However, just 16,1% already had experienced that. Even though the reached number from people who already have participated in the mediation session is not large, the WRC in its Annual report 2018,(p.4) bring the comparative result of the numbers between 2016 and 2018.

KEY PERFORMANCE INDICATORS

Three Year Activity Review 2016-2018

Activity	2016	2017	2018	Total
Conciliation				
Conferences	1,348	1,239	1,145	3,732
Facilitation	423	995	500	1,918
Mediation				
Telephone	662	376	1,241	2,279
Face-to-Face	69	197	603*	869
Adjudication				
Complaint files	6,863	7,317	7,724	21,904
Complaints	14,004	14,001	15,451	43,456
Adjudications heard	3,518	4,370	5,312	13,200
Decisions issued	1,232	2,247	2,964	6,443
Legacy (on hands)	1,628	295	151	-
Advisory				
New projects	64	68	44	176

Source: WRC Annual Report 2018

The frame shows a significantly increasing mediation session from 2017 to 2018. While during 2017 the number of mediation by telephone and face-to-face respectively were 376 and 197, and 2018 it had a raise of more than three times, performing a result of 1,241 mediations by telephone and 603 by face-to-face.

The Workplaces conflicts might be task-related, and the third party, besides the company, can be an important bridge to conduct the parties to reach a mutual agreement, since the voluntary and confidential nature of mediation allow and help people to feel more likely confident to dialogue and deal with their issues. The follow question aimed to know exactly about it: the influence that a third party might have on the process of engaging in mediation. It was asked: even if they have never participated in a mediation session before if they believe that the attempt to solve the problems by speaking about it with a neutral third party could bring benefits to the relationships within the workplace environment. Out of 180 people, 13,3% stated that they do not believe, however, 86,6% stated that yes, they do believe in the benefits, answering this question rating from 1 to 10 in term of benefits. 75,6% out of 86,6% that answered yes, rated between 7 and 10, which evidences that they strongly believe in the benefits that mediation process conducted by a neutral third person may presents.

In line with the above, the Q14 presented results regarding whether the mediation process can effectively help in the solution of problems relate to the workplace environment. On a scale of 1 to 10, most of the people, which means, 35,5% ranked their opinion rating 8, followed by rate 10, with 27,7%, rate 7 with 12,4 %, rate 9 with 7,9%, rate 6 with 4,5% and rate 5 with 7,3%. Under the rate 5, it was a total of 4.5%. It suggests that most of the respondents believe that mediation can effectively help with their conflicts.

The above finding is consistent with what is exposed by the Mediator's Institute of Ireland[32] due the process of confidentiality, the mediation becomes a great alternative to workplace disputes, once that the external mediator is unconnected to the situation and their neutrality and impartiality are assured. Another characteristic is that it can often escalate formal procedures,

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[32] <http://www.themii.ie/about-mediation/sectors/workplace-mediation> Accessed 22 August 2019.

allows the disputants to resolve their differences without the "entire company knowing that", dealing with the issue without involving other employees or management. Another important question about the respondent's opinion is if they find that it is important to try to solve the workplace conflicts using the alternative dispute resolution as mediation before to bring the issue to Court. This question has revealed the highest rate of positive response in the entire questionnaire. Out of 180 respondents, 176 people answered yes, which means that the majority strongly believe that the mediation process is a valuable alternative way of solving problems without having to use the Judiciary.

In the open-ended question, where the respondents could express their opinion in a wider way about the mediation process, most of the responses were really positive. A number of respondents identified beneficial outcomes from the mediation process:

"Voluntary so people are engaged to solve the issue"

"In the most part, it is important for both partied to speak about any disagreements before leading to a formal route. Defences can run high in more formal situations when a simple conversation as human beings can often be the most effective solution."

Voluntariness is one of the principles of mediation, and in my point of view, I would say that it is the most important, once that if the parties do not decide to be in a process of mediation voluntarily the chances of not being really engaged in the process is high, which makes the process more challenging to reach an agreement. The requirement for mediation is not just attendance, but it has to have a real engagement by the parties. The communication between the parties is essential and a tool key for the development of the mediation. Gary, Smith (1998) states "The facilitation of communication is necessary due to severe restrictions imposed by the

adversarial litigation system. Resolution serves the purposes of the project itself to "reduce cost and delay in litigation."[33] Another benefit pointed out is that the mediation session conducted by an external, the third party, being besides of all conflicts experienced within the company. It can make the mediation process more effective since impartiality and lack of knowledge of their conflicts can make parties feel more comfortable talking about all issues without judgment.

"I think that any type of mediation is really important for the workplace and the real life in general but, when you have the chance to express all those feelings to a third part, you share them so you make them lighter"

"Giving all parties a chance to express their views. Would be beneficial for an external person to mediate as most companies can form opinions about colleagues if they carry out the process internally"

"I dont really think there is a negative part on dealing with problems by talking about it! "A mediation session is an opportunity to brighten both sides of the conflict"

Confidentiality and less costly of mediation are benefits that matters either for the employee or for the company. The costs spent with mediation are significantly less than bringing the issues to the Court. The use of mediation within conflicts in the workplace environment can avoid further costly and public litigation. In this sense, (Butler Edmund) stated that "*Court litigation can be lengthy and costly, can attract publicity and take the decision-making function in the dispute out of the hands of the parties. Settling late in court proceedings is often disproportionately costly. However, procedures such as mediation can assist parties to come*

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[33]<https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?referer > Accessed 21 August 2019.

to a mutually acceptable resolution of the dispute, while arbitration can ensure a fully confidential forum for the resolution of the dispute and an effective and efficient means of enforcement of any award" [34]

 In this sense, some of the questions reflect the thought above:

"The most beneficial part would be the cost/length of the process and the fact that it is protected from the public eye whereas the negative would be that should mediation be unsuccessful, the other side will know which arguments will be made in litigation"

"The most beneficial aspect was to realize that the solution to the conflict sometimes is reached through unexpected means. The most negative aspect acting as a mediator is to reinforce the idea that the mediator is not an authority, that she/he can not "decide" the conflict"

"Unfortunately, I have never experienced a mediation session. However, I truly believe that would be the best way to deal and solve problems"

6 Conclusion

Alternative Dispute Resolution is a procedure for settling disputes that have been growing up over the years. The Mediation process in Ireland also has been stimulated, which resulted in the promulgation of the Mediation Act 2017. This study aimed to analyse the awareness of the mediation process by the employees and its benefits in Ireland.

According to the analysed data, it is clear that the level of awareness of the use of the mediation process as an alternative to litigation is still very low. Despite the efforts already made by the

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[34] <https://www.lkshields.ie/news-insights/publication/commercial-dispute-resolution-alternatives-to-the-legal-route> Accessed 20 August 2019.

Workplace Relations Commission, the Judiciary and Government agencies to encourage the using of mediation, we can conclude that the understanding rate among workers needs to rise.

However, considering the literature review, it is noticeable that there is an increase in the awareness of the delicate relationship between employee performance and well-being and workplace conflict. In this context, in order to prevent the problem from growing or evolving, an organization may choose and see the necessity to resolve issues in a neutral, confidential and external context, thus encouraging the process of mediation and promoting the benefits. The benefits achieved through the mediation process are not only economical but also in the sense of preserving the relationship and well-being within the company. The companies should create programmes that could promote a good relationship among employees, which leads to the enhancement of teamwork, and consequently the improvement of productivity.

Throughout this study, the researcher could conclude that the main advantage of using the mediation process is the possibility of both parties reaches a satisfactory agreement. When the parties really wish and are engaged to reach an agreement, a solution that was out of the question and would be unimaginable at Court can be achieved a settlement by the parties themselves, which meets their particular needs. As Justice Sandra Day O'Connor stated **"*The courts of this country should not be the places where the resolution of disputes begins. They should be the places where the disputes end after alternative methods of resolving disputes have been considered and tried.*"**[35]

The findings from this humble research shows a high rate of unawareness about the use of mediation process to resolve conflicts in the workplace environment (76,5% of respondents to

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[35] <http://www.wemediate.ie/judicial-comment> Accessed 25 August 2019

the questionnaire). However, even though most of the participants have shown their lack of awareness, 97% have answered that they believe in the importance of the attempt to resolve the conflicts that arise in the workplace environment using alternative dispute resolution, as the mediation.

It is apparent that all studies have limitations, and with this study, it was not different. Due to the short time available and the small sample size obtained, the researcher might not have collected a high level of accuracy in the results. However, the study delivers pertinent findings that show the level of awareness of the participants who have accepted contribute to this study.

CHAPTER 7 PERSONAL REFLECTION

7.1 Introduction

This chapter is a comprehensive self-reflexion about MA studies in Dispute Resolution at Independent College and insights about the researcher experience of development of writing this dissertation and the skills that were gained through the whole process.

7.2 MA Dispute Resolution

The experience of doing a Masters Course was a challenge. Firstly, because the Course is carry out in English, which is not my native language. This circumstance made the difficulties more exceptional; however, I could recognise along the months my continuing evolution in each class, each assignment and understanding that I was absorbing each content taught by the Lectures. The second challenge was to re-adapt my routine of studies, once my last studies in Brazil was the conclusion of my Post-Graduation in 2014 in Tax Law, and since I came to Ireland 3 years and 4 months ago I was used to the daily scheme of English Language School, which is entirely different from a third level of studies, which needs much more dedication and effort and a considerable time spending on the studies and activities. Additionally to studies scheme I had to work it out with my job. In Brazil, I was a qualified lawyer, so mediation was implicit in my daily practice. Mediation is a much-appreciated skill in litigation, and I was able to gain confidence and practical experience during the time that I worked dealing directly with clients.   However, it was a latent desire to know and improve theoretical techniques. As my background is in Law and I would like to improve my skills and learn more about all types of Alternative Disputes resolution and since I read about the MA in Dispute Resolution I found it an exciting option, of course, once Alternative Disputes Resolution is a field in development

and continuously growing all around the world. As a legal professional, I always have been keen about techniques of negotiation and mediation as a form of conflict resolution.

According to Rogers (2013) there is a form of learning called acquisition learning. He says that the learning comes out of a considerable and accumulation experiences without using any framework or specific learning aim. It is 'educative learning' rather than the accumulation of experience. Reflecting on my own history and experiences, I have been this type of learner. Since I have collected along my journey much more knowledge working and experiencing the situations and challenges in real-life. In this regarding, the practical methodology applied in this Course was a pleasant surprise for me.

The practical classes and mainly practical exams were fundamental in a manner that I could explore and learn the theory and at the same time, apply it. This structure was crucial to test me as a learning and to incentive my own development through the Course. Considering my professional performance so far and my desire to improve my knowledge and skills in relation to human emotions and behaviours, what leads straight to the way that people get on with each other and consequently deal with conflicts that daily arise in any sphere, I believe that the MA Course has taught so much to myself.

As I said before, the language was one of my biggest challenges, especially when I needed to write assignments, which requires formal writing and a much more extensive vocabulary than I had. In my point of view, I realised that I have to improve my skills when it comes to my writing. Additionally to that, the way of referencing process and guidance is different from Brazil. However, after the first assignment and results, my apprehension was getting smaller, and I could deal better with this challenge. I cannot forget about the lectures and staff, that need to be pointed out; they deserve recognition. During the whole course, I have always been very

well supported by them and everything that was needed it was provided by Independent College. The Lectures have always demonstrated patience and willingness to teach us. Even though when the students had some suggestions or complaints to present, they were always very helpful and polite. As just a suggestion, I really would like that the classes of Research Methods could actually be more dynamics and more practical, and also would be great if this class could be taught in the second trimester since it is closer to start the dissertation.

7.3 Learning style and learning process

I would say that most of my process of learning in this course came through the practical way. I felt the classes as a source to start the process of learning, the content and direction given by the Lectures were so important for my curiosity and the willingness to research more after classes were done. However, to identify what style of learner I am, I took the test online based on Honey and Munford concept, and as a result, I am defined as a Pragmatism. According to their definition, a pragmatism person is someone who is always keen to try new ideas and techniques to put in practice. Pragmatism people are defined as essentially practical; people who like making practical decisions and solving problems. [36](University of Leicester) This definition makes sense to me, and I identified myself with that, as I would rather understand how new ideas and concepts can work in our reality. In this sense, I found that in some way I could improve my learning style and have more self-conscious about the best way to learn, to take advantage of that and to identify my weakness as a learner.

7.4 Opportunities

Undoubtedly, the opportunity of starting my third level studies in Europe is one of my greatest

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[36] < https://www2.le.ac.uk/departments/doctoralcollege/training/eresources/teaching/theories/honey-mumford> Accessed 20 August 2019

achievements in life. Being able to conclude this course is definitely a victory, not just in my career level but also in my personal life. To have achieved this goal when three years ago I could barely go to a shop and buy something speaking English without being frustrated, it is a huge achievement. After concluding this course, I will have permission to work full-time in Ireland. Despite the fact to be looking forward to having new opportunities, I already have got an excellent and incredible opportunity during this course. At the begging of the year, I started a position as a legal intern in a Law Firm in Dublin, where I spent four months. It was a great challenge for myself, once it was a different atmosphere I was not used to here in Ireland. To have the opportunity to work beside the solicitors, and to be involved in the legal atmosphere made me a more confident, hopeful and strong person. It made me believe and see that there is nothing in our life that we cannot do if you really want and believe. It was the second step of my journey here in Ireland to reach my next career goals, as the first, definitely was to enrol in the MA in Dispute Resolution.

7.5 Research, Analyse and time management

During the process of this study, I have learnt a considerable amount about how to synthesising and interpreting. Due to the significant content to be researched, it was necessary to learn how to be more organised with all information obtained. It was good the availability of the Libran at Independent college, Giullian, who took time and taught me briefly how to use the right tools on the internet to find what I was looking for. John from the Library was also always very kind and helpful during my research and time spent in the library. Besides that, I have also found out about the Harvard referencing system, once the system in Brazil is different.

The topic that I chose to write about has always been something interesting to me. Since as a professional in Brazil, I wish to study further about the relationship and conflicts emerged in

the workplace environment. At that time, I was planning to start a post-graduation in Management Human Resources; however, I decided to come to Ireland. During the research, I could learn more not just about the mediation process but also other aspects of Human Resources and employment rights in Ireland.

I have to admit that the final result of this thesis is not what I first planned. The final topic remained a little different from what I planned on my proposal. This change happened because when I start seeking database from Workplace Relation Commission, I realised that I could not find exactly what I was expecting. When it happened, I confess I was so frustrated and afraid of not to get it done in time, since I would need to think about another topic. However, my supervisor, Beatrice Vence, helped me to clear my mind and suggested another line of research. Due to the very short time, I confess that I did not manage it very well. During the research, some personal issues raised, and I also started another course. Additionally, my job took me much time, which turned the way very stressful once the due date was coming. Even though I could not follow my previews time planning, I could learn from that, that planning is 50% of your work, and I realised that it is a skill that I have to improve in my life: how to manage better my time.

7 References

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