



TenStep Supplemental Paper

9 March 2005

Mitigate the Litigation!

Unresolved conflicts can have serious repercussions on organizational health. Sometimes, conflict can be positive when a clash of ideas results in new products or a fresh approach. However, often internal conflicts assume negative shades when unresolved for too long. Withholding information, sabotaging good ideas and protecting turf foster such behavior.

Human Resources managers are all too aware of how destructive these issues can be. They are constantly at loggerheads with higher management to effectively deal with conflict. HR professionals are also mute witnesses to companies who spend millions of dollars on litigation, human rights and labor disputes.

Organizations that have done a conflict audit have found to their surprise that many complaints presented as grievances or sexual harassment fall into neither category. They have been twisted into a shape to fit these boxes because the organizations' conflict resolution processes were inadequate.

A festering conflict with a team member or a supervisor leads to considerable decline in productivity. Overburdened managers tend to relegate the problem to the backseat and take notice of it in the last minute when things go haywire. At this juncture, aggrieved employees already have one foot out of the door, an unpalatable outcome that could have been avoided.

Easily accessible, cost-effective conflict resolution processes are available. Using internal people, usually HR staff who have been appropriately trained, is a way to handle the situations. The processes can be designed by a cross-section of employees and management. This would ensure that the process is right for the organization and is used and accepted by one and all.

Taking it one step further, organizations can enter into a partnering process with another company they are involved with either for a project, a strategic partnership or outsourcing arrangement. The organizations in question can bring the principal players together at the outset, before any conflict arises. They can design a mutually agreeable process that takes into account the differences in corporate cultures and makes sure issues are resolved early by the appropriate people.

Even commercial agreements can potentially need conflict resolution processes. Knowledgeable lawyers no longer use old-style arbitration clauses in drafting contracts. New conflict resolution clauses provide for progressively interventionist processes for solving problems. These clauses call for notice a quick meeting between disputing parties wherein appropriate people from can try to resolve the issue. If the first meeting fails, senior management from both sides can attempt to meet and resolve the problem within the next few days. If this fails as well, a mediator is introduced to help come up with a binding agreement. By using such conflict resolution clauses, organizations can minimize litigation causing disputes.



TenStep Supplemental Paper

Summary

The days are long gone when warring employees were asked to settle disputes themselves, or were fired to avoid problems. Conflict may be something we do not like or do not like to admit to, but the costs of ignoring it are too high. The conflict resolution spectrum provides many different options to help find solutions for internal disputes.