

Top 10 Ways to Prevent or Resolve Government Workplace Conflicts

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Origins of Workplace Conflicts

Before we identify the best ways to prevent and resolve workplace conflicts, we need to determine what kind of conflicts arise in the workplace most frequently. The sources or origins of workplace conflicts arise from:

1. **Labor disputes:** discipline, contract interpretation, day-to-day interactions and “big event” events like contract negotiations and major changes such as downsizing. There is a winner and a loser and the process more and more is dominated by attorneys and formality.
2. **Discrimination:** claims of discrimination based on race, sex, color, national origin, religion, etc.
These cases are usually resolved by litigation. Law suits’ processes and remedies are limited, expensive, time-consuming and provide no plan or concern with the future relationship.
3. **Performance, behavioral or interpersonal issues:** These concerns lend themselves to the most flexible responses.

“Change” Issues

Downsizing, new leadership, process or goal radical changes all lend themselves to creative and inclusive approaches.

Problems with Traditional Approaches

What are the problems with traditional approaches to these problems, such as litigation or arbitration?

1. First, they are adversarial: win/lose; produce a winner/loser
2. They are too formal: they fail to address real, underlying issues.
3. They are too costly, in money and time.
4. They are too slow: it often takes a year or more to get to arbitration
5. Remedies are too narrow.
6. There is little if any joint discussion, exploration of the issue, analysis, or search for alternatives.

Characteristics of the Solution System

So, we are looking for systems that have the following characteristics:

1. Flexible in terms of focusing on the real underlying problem and finding appropriate remedies;
2. Promote improved relationships;
3. Provide early resolution;
4. Truly resolve or address the problem so that it does not have to be regularly revisited.

Top 10 Ways to Prevent or Resolve Conflicts

1. Day-to-day conduct of managers and supervisors:

- ◆ Management by walking around (“MBWA”)
- ◆ Act early: Don’t let manageable concerns turn into serious problems
- ◆ Set expectations, then hold employees accountable
- ◆ Treat all employees with consistency and respect
- ◆ Be positive, use humor, focus on the future

2. Managers and supervisors learn and apply conflict resolution techniques:

4-step process:

- ◆ Identify underlying interests, not surface positions
- ◆ Focus on the problem, not the personalities
- ◆ Jointly brainstorm options

- ◆ Jointly select the best option

3. Grievance mediation:

Decide types of cases to be submitted:

Discipline? Contract interpretation?

- ◆ Set the agenda early and prepare
- ◆ Choose a good mediator
- ◆ “Advisory mediation” and “med-arb”
- ◆ Attendees: small and effective; grievant.

4. Consolidation -- grouping of cases:

- ◆ Set similar cases for hearing before single arbitrator
- ◆ Identify alternate venue: grievance mediation, labor-management committee, Joint Implementation Committee (see No. 8, below)

5. Precedential Arbitration:

- ◆ Mandatory application of precedent, e.g. USPS, Coal
- ◆ Selection of arbitrator(s) - 3-person boards
- ◆ Cases of broad application heard

6. “Vice-Presidents” Dockets--High-level screening:

- ◆ Timing in process
- ◆ Selection of cases
- ◆ Preparation
- ◆ Screen for other venues (e.g. expedited, grievance mediation, Labor-Management Committee)

7. Contract Negotiations:

- ◆ Take advantage of opportunity to address grievance arbitration process - it will pay off during the contract term
- ◆ Formal agreement on Nos. 3-6, above (MOU, LOA)

8. Post-contract negotiations:

- ◆ Joint Implementation Committee (JIC) - negotiators
 - Short term - “instant Supreme Court”
 - Long term - institutionalize the JIC

- ◆ Jointly explain to “implementers” the meaning of contract terms

9. Labor-Management Committees:

- ◆ Composition: should have authority and work well together
- ◆ Agenda: set in advance
- ◆ Implement decisions or lose credibility
- ◆ Major change issues can be addressed
- ◆ Organize next round of negotiations

10. Ombudsman:

- ◆ Functions as a mediator, facilitator, consultant
- ◆ Independence is essential
- ◆ Authority must be established at high level
- ◆ Generally handles non-contract issues, but may address contract matters as well.

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