

Thank you for coming today.

My name is Clare Fowler and I'm speaking about conflict in Small Businesses.

If you would like to follow the presentation, you can go to my website—  
[mediate.com/cfowler](http://mediate.com/cfowler)

Today I want to discuss what type of conflict resolution programs are the most effective in small businesses. And more than that, I'm hoping that by the end of this presentation you will be able to define the type of business you are looking at, define the conflicts they are working with, and define your value to that business. In order to do that, first I want to take a brief look at what type of conflicts exist in small businesses.

This talk is based on research for my doctoral dissertation called, surprisingly enough, Workplace Conflict.

First—is anyone here a tenured ombuds? Meaning, is there anyone here who is not looking for work, trying to expand their practice, considering a collaborative practice/consultant/ombuds on retainer approach? Or anyone who doesn't have to justify their paycheck occasionally with an annual report? No? ok, if anyone was going to raise their hand I was going to say, this might not be the presentation for you.

If you are someone that needs to prove your value, convince a company that they should hire, defend them hiring you, then I think this will be useful. For you to get the most of this—as I speak, I want you to have an office in mind. Your office, the office you want to be your office, etc. And it will be helpful if you can define how your office fits in here as we go. If you go through these steps for yourself and yourself, then I can promise you three deliverables: 1) Your office's view of conflict, 2) Your office's type of conflict, 3) Your value to resolving conflict, and 4) A huge list of the benefits defined by Money, Time, & Morale.

OK—so as you can see, Workplace Conflict is composed of two separate things: Workplace and Conflict. Let's do a quick background on both of those.

First let's look at the History of the modern workplace:

- 1) I want to tell you a quick example from a story that you might have heard before. When do you think researchers first began documenting conflict in the workplace? This story shows you how prevalent conflict is in the workplace, and how long workplaces have led to conflict.

So there are two farmers, Carl and Alex. They are brothers. Carl is the older brother. He is quick and confident and intelligent, and he is a crop farmer.

Alex, the younger brother, is a little quieter, still fairly smart, and he is a sheep farmer.

They have been running their farms just fine for a few years when their boss shows up and wants them to bring an example of their work. Carl brought some wheat that he thought provided a pretty good example of the rest of his crop. Alex, on the other hand, scoured his flock and brought the very best sheep there was.

OK, so we know what happens next, right? The boss sees some mediocre wheat and then this hot-looking little sheep: which one is more impressive? The sheep!! The boss respects Alex and showers him with praise.

Carl is furious. Alex tries, to talk, Carl won't. Things get worse. The conflict escalates. Carl takes it so personally that his work isn't as respected as his younger brother's, that he kills --you thought this would be a cute ice-breaker story, huh? -- no, he kills his younger brother.

OK—so any guesses? Does the story sound familiar at all? What if I told you Carl and Alex were actually Cain and Abel?

That's right. The first documented conflict in one of the oldest written texts that has been found – is a workplace conflict. OK—there was one more conflict involving a human a snake and an apple—but this is the first human – human conflict.

Point is—if people are around each other, whether it's in an office, a warehouse, a farm, a marriage—there will be conflict. It has always been there—and it will always be there.

So now the question is—if we know conflict is going to be in the workplace – how do we deal with it?

- 2) OK—I'm going to do a flyby recap of the workplace. OK—so 100 years of workplace in less than ten minutes. Most offices still run on one of these approaches—so I want you to check where yours fits.

Alright let's look from 1900 -1930. The workplace is coming out of the Industrial Revolution. And the hit, "out of the box" idea at the time was Scientific Management. It is exactly what it sounds like. Manage employees scientifically. They wanted employees to act like robots—nothing exciting or out of the ordinary. This was the era of Industrial Relations.

The idea begin Scientific Management is that the more streamlined the company, the tighter the ship, the less likely the employees are to act out.

Great Depression: suck it up or get fired (sounds a little too familiar right now).

- 3) So then around 1930s, we're coming out of the Great Depression, and people really have to pull together to keep companies running. They began to see employees as resources—more than just completely replaceable robots, but resources that are good for the company. This was the era of Human Relations. So many employees were expressing an interest in the company, they were loyal, going above and beyond, and they wanted recognition for it. They didn't have power, but there beginning to seen as slightly valuable. Employees were allowed to begin talking together about what processes might make them more effective. Companies realized that these work groups made increased not only productivity—which was the goal—but also product quality. Happy workers, happy products.
- 4) Investments: 1950-1990: HR practices became so widespread that employees began to dictate policies. Employers relied heavily on hr practices for quality circles. Employers also began to grudgingly grant things like lunch breaks and minimum wages. In other words: the employees were getting better working conditions, but their emotions were also given consideration. What wasn't tolerated before was now being sought. Conflict was always present, but there weren't as many avenues for expressing it. Then in the 60s and 70s human rights Berkeley etc. began to encourage people to speak out about what is wrong. Now that it is being expressed—how do we deal with it???
- 5) 2000: Systems—you gotta do more than just ask what's wrong, you gotta find a way to deal with what's wrong. Example of a consultant: my husband's business they pay people on the 7<sup>th</sup> and the 20<sup>th</sup>. Fights break out there all the time about the 27<sup>th</sup> of the month. Why? Because rent is due on the 1<sup>st</sup>! you're not getting paid for another week! Of course you're stressed!

OK—did I make it in under 10 minutes?

Small Businesses—I want to take just a few minutes and share some stuff I have learned about small businesses—it was really interesting to me.

- 1) Definition: those business which have between five and fifty employees, are relatively young, are not making a lot of money, work together in one or a few locations, and conduct most of their business in the U.S. Small businesses, according to Shayek (2008), are relatively young and/or still developing, have an annual revenue of less than ten million dollars, and have five to fifty employees. What types of conflict are they experiencing and how are they resolving it? I don't know—that's why I'm doing a survey and hopefully I will be in this same spot next year showing you my findings ☺

- 2) So why small businesses? Are they important? If I am going to develop an ADR system, why not focus on somebody big and impressive like Google, right? OK, so how many people do you think work for small businesses? Give me a percentage—of all the people working in the US—how many people do you think work for small businesses?

Small businesses employ the **majority of workers** in America. According to the federal census and SBA, almost **90% of the businesses** in America are small businesses.

They employ just over half of all private sector employees, pay 44% of total U.S. private payroll, **make up 97.3% of all identified exporters**, produced 30.2% of the known export value in FY 2007, and **produce 13 times more patents per employee** than large patenting firms. Small businesses accounted for **64% of the 22.5 million net new jobs** in the last 15 years. Of 119.9 million nonfarm private sector workers in 2006, small firms with fewer than 500 workers employed 60.2 million and large firms employed 59.7 million. So, clearly they are important. And worth talking about. This is why I did my dissertation—because not many other people are talking about it.

- 3) So what are the challenges to small businesses adding a conflict resolution process? Well, they have less time, less resources, less budget, less people—small businesses are typically began by an entrepreneur who is an expert at

one thing—and chances are that thing is not conflict resolution. They will hire a few other people to help them prepare their thing, but hiring someone to resolve conflicts is just not high on the list.

- 4) But small businesses have a few benefits over larger, older businesses as well. Once a company gets bigger and older than they experience something known as **Corporate Sclerosis**. They become too big to be flexible—they can't respond to changes in the economy, changes in the marketplace, or conflicts in the workplace.

Then we are going to hop over here and take a quick look at conflict Prevention

- 1) Who is responsible (ask for show of hands)
- 2) Is it the employee or the employer
- 3) Where does it originate
- 4) IR or HR – how you determine the fault of the conflict determines what type of a conflict resolution program you can create for them.
- 5) Inevitable: 3 theories to support that some conflict is inevitable, this is important to understand because then it takes the guilt off of the small business owner.
  - a. Realistic Conflict Theory, proposed by Campbell (1965). Campbell says that conflict is based upon a tangible or intangible resource that two groups want, and the wants of both groups might not be able to be met.
  - b. Social Identity Theory by Tajfel and Turner (1979) which states that merely having two groups work near each other will create competition. Tajfel and Turner say that one group will elevate, and the other group will become the out-group. This will create competition and jealousy between the groups.
  - c. Escalation Theory (Pruitt & Kim, 2004). This theory says that a conflict left unaddressed is likely to escalate. When a conflict escalates, parties use increasingly contentious tactics to try to win. (tell smelly sandwich story—one nurse was at the point of quitting when Flagg 2009 interviewed her. because she didn't want to tell the coworker about the smelly sandwich, became bigger in her head, and eventually everything the other nurse did was seen as trying to infringe upon her work).

Identification of Conflict—as we go, I want you to think what conflicts relate to your office.

- 1) Internal: (be big to illustrate—we are bigger in our own eyes when in conflict—we do not have a realistic view of reality) ratio, when in conflict

everything I say becomes more important and more true. Even if I am in conflict with somebody at home, if I feel there is conflict in the office you are instantly less important and more wrong.

Like Cole, my 2 yr old, when grandma put bag down next to him. .

Immediate focused, myopic, forgets past and future, forgets about the other person.

Like Evan Ramsey, the school shooter—he had plans to shoot not to kill. He wasn't thinking about his actions on the other person, just how it would affect him. He didn't think about going to jail. He was focused on the present.

- 2) Types of Conflict: (ask for suggestions of conflict)
  - a. Subject: Factual (let them work it out), Technical, Interpersonal, Legal, and Opinion (need help). So, let's say the conflict is about an employee feels he is being assigned too much work. This would be an interpersonal conflict—he needs help.
  - b. Process: Task (won't escalate, let them work it out) and Relational. Let's say that he thought it was too much work, but it was actually cuz he didn't understand it. This is a process dispute—he just needs clarification on the task. This won't escalate. But if he begins taking it personally that he is getting so much work, then it needs to be addressed because everything else will be filtered through this. So he needs to talk through it with a neutral or with the other person, and he'll probably find out it was unintentional.
  - c. Power/Bullying: (1/10 report being bullied, most common conflict, ¼ who are bullied leave their job, costs employees about 150% of the person's salary to rehire them—3% of company's budget is spent just resolving bullying disputes). – needs to be addressed. Say our earlier dispute about the guy. Let's say he really is getting too much work. He addresses it, and finds it actually is personal. Ouch. So now this becomes a bullying dispute—somebody is being mean and dangit they want to keep being mean. Definitely need to bring somebody else into this. And separate the parties if at all possible until it's resolved.
- 3) External: Personal life into office, demographic stressors, generational, economic-- company needs to determine what they should do.
- 4) Systemic:
  - a. Gossip/Negative – Toxic Environment – Conflict – Quit
  - b. Most common cause, last identified—examined by owners

## Resolution

- 1) Informal
- 2) Formal
- 3) Smorgasbord ADD SLIDE

## Workplace Conflict Coach

Multiple Kinds of Coach = good



OK, so we've done an overview of Small Businesses and Workplace Conflict. We have learned there are different approaches to resolving conflict that stems from the company values. We have learned there are different types of conflict that need different methods to resolve them. Now I want to talk about what type of person is needed to resolve these different conflicts.

There are multiple types of ADR practitioners with a variety of names and skills. I used to think that there was only one type of person: a mediator. And in my head that person was always slightly confused with a mediator. But the fact is—there are people out there who need help, and figuring out how we can help them makes us more effective.

So to do that today I have prepared a conflict resolution personality quiz. Why? Well, some of you are searching for jobs and you want to know what to put on your resume. Some of you are trying to petition different businesses to incorporate some type of an ombuds office, and you need to be able to sell yourself and speak their language in order to get through to them. Some of you need to know what will impress the boss enough when you write up your annual report so that you don't get fired. OK, here we go.

So we have these 6 approaches to resolving conflict. I want you to grab the paper in front of you and a pen, and go to the place in the room that you most identify with.

Now as I go along, if you feel that you are more closely identified with a different style, I want you to move there. As we go through I want you to write down 3 styles that kind of fit you. When we're done, you're going to rank them 1,2,3 by what describes you most.

- 1) Realistic: physical engagement, get active, be in the middle, the doers, architecture, construction, possibly physical therapists because they still like the how of things work, sports. Arts, dance.
- 2) Investigative: research, learning information, collecting data, digging out what is not important, break things apart, analyze them, understanding why things work is like psychology, culture like fundraising, understanding the aspects of a case, researcher like understanding terrorism, intelligence. It's all about digging in, research, analysis. Digger.
- 3) Artistic: creativity, self-expression, new ways of presenting things. New. Have to be very creative in looking at new constructs, new policies, business owner, entrepreneur.
- 4) Social: interest in working with people to help them. You want to make a difference in their life. Help them leave their life in a better condition than they were. All the services are in here: career services, social services, teacher, etc.



- 5) Enterprising: interest in working with people, to persuade them, shift their paradigm, persuade about products, marketing, fundraising, development, change their ideas.
- 6) Conventional: interest in organization, wanting to bring structure, planning, order to things that are organized. You might like to organize people and you are in management, space, mechanics, strategy, consultant, help people strategize.

OK, now rank them 1, 2, 3. Now move back to your #1.

Make cards that say

- 1) Purpose = how you should spend your time. Doing this you will be most satisfied and most effective.
- 2) Strategy = you're good at this, but not passionate about this. For a lot of people this becomes your day job, and your purpose is how you spend your time on evenings and weekends
- 3) Tool = you know how to do, but it's not really how you enjoy spending your time. You'll do it if you have to. Like doing taxes. Blech.

OK—now we are going to put this in terms of conflict resolution and how does this relate to you.

**Realistic** – Doer, practical, physical, hands-on, tool-oriented:

- A) Consultant, Arbitrator, Judge, Judicial Expert
- B) Determined, Frank
- C) Process conflicts, factual

**Investigative** – Thinker, analytical, intellectual, scientific, explorative:

- A) Ombuds, Investigator, Union Rep, systems analyst, cross-cultural
- B) Intellectual, Scholarly
- C) Systemic, External

**Artistic** – Creator, creative, original, independent, chaotic:

- A) Friend of the Business, Mediator, Create handbooks, conduct seminars, Inspirational Speaker
- B) Original, Independent, Expressive
- C) Interpersonal and Opinion/Subject

**Social** – Helper, cooperative, supporting, helping, healing/nurturing:

- A) Therapist, Coach, Employee Relations, Social Worker, Teaching sessions, Counselor

B) Helpful, Informative, Intuitive, Excellent at Interacting with people in multiple situations

C) Relational

**Enterprising** – Persuader, competitive environments, leadership, persuading:

A) Systems Design, Start a business, Trainer, Public Policy, Lobbyist, Speech, Lawyer

B) Adventurous, Sociable, Persuasive, Energetic, Ambitious

C) Bullying/Power

**Conventional** - detail-oriented, organizing, clerical:

A) Grievances, HR, Expert, Conflict Examiner, Firm Manager

B) Conscientious, Structured, Detail-Oriented

C) Task/Process disputes

OK—now we know the history, we know the culture of workplace conflict, we know who we are and our approach to workplace conflict: how do we get small business owners to put money into resolving workplace conflict?

First we talk to them about the

Benefits of having a Conflict Coach, tailored to a business

**Money:** Slaikeu (1998) says that the main result of conflict to a business is the loss of money

**Time:** In 2005, Weeks conducted the “Proudfoot Productivity Report.” This report found that salespeople are spending 79% of their time doing something other than sales. One of the largest components of this non-value added time was resolving problems. One of the first signs of an escalated conflict is the loss of job productivity, then absenteeism.

**Morale:** Myers (2005) says that 96% of those in a work-related conflict reported discussing the results of the conflict with neutral outsiders. When vendors, customers, and investors learn that a company is having conflict they will find another company to work with.

Resistance to having a Conflict Coach

**Money:** “I have no extra money! I don’t have money to advertise and I need to hear an office manager.”

**Time:** “I have no time! The whole business is on my shoulders and I’m putting in probably 70 hours a week.”

**Morale**

Employers are afraid that some conflicts are too embarrassing, too difficult to bring up, too painful and will never go away.

I define conflict as resolution as moving a disagreement from a destructive to a peaceful stage. Some of these won’t go away, and it is important for small business owners to be aware of that.

**Next Steps**

**Money:** Brown & Root (formerly Kellogg, Brown & Root) reported an 80% reduction in outside litigation fees in the first year. Motorola reported a 75% savings in outside litigation expenses over 6 years. Motorola attributes this to introducing a conflict resolution system internally and including a mediation clause in contracts with its suppliers. NCR reported a drop in pending lawsuits from 263 to 28 over a seven-year span. The Air Force estimated a 50% savings per claim in a study of 100 equal employment complaints when they used mediation (Slaikeu, 1998).

Loss in income and productivity during this time is between 20 – 50%. 25% of employees who are bullied leave their jobs. When an employee decides to leave it costs the company approximately 150% of that person's salary—due to time spent on conflict, firing, hiring, retraining.

Slaikeu (1998) estimates that if companies were to have a more developed ADR process, they would see a reduction in legal fees of 50-80%

**Time:** In 1997, for instance, the Ontario Attorney General assessed cases that were mediated through the courts and compared them to cases that were litigated. The result was that twice as many cases resolved that were mediated than cases that were attempted to be resolved through other means. Also, of all the cases that were resolved, those that were mediated settled in approximately half the time (Stitt, 1998).

Unresolved conflict typically begins at once every two weeks, to dealing with it every day.

Conflict that wasn't resolved using an ADR process lasted 6-9 months.

Slaikeu points to an example of a Chorda study which showed that after introducing an ADR system, the Army Corps of Engineers completed the project 114 days ahead of schedule and \$12 million under budget.

the EEOC interviewed its disputants and found that instead of filing a formal

dispute, 67% would have withdrawn their dispute or lessened their charge if they would have received an apology or concession in a mediation (Fox & Stallworth, 2006).

**Morale:**

Uncertainty Reduction Theory. This theory states that people dislike uncertainty and so they try to reduce uncertainty through verbal communication. This theory has two implications. First, this theory states that people are naturally drawn to reduce uncertainty. The implication of this is that all people, employees, small business owners, and so forth naturally desire to end uncertainties such as miscommunication and conflict. This theory also states that the natural tendency of people when they are uncomfortable with something is to talk about it. This means that people desire to communicate about something, and so a conflict resolution process that increases communication is likely to be consistent with people's natural desires (Solomon, 2008).

Lewin (2001): the amount of grievances a person files directly relates to their view of the quality of the product or services. As satisfaction and pride and quality of a product or service increases, grievances decrease. Happy companies have less conflict and better products.

**Specifics:**

As conflict continues in the workplace, it becomes more frequent

It takes up more time

It becomes more extreme

John's ROI: Dispute Process Control 2009 data

Litigation Reserve = money spent on potential litigation

EPLI = 10-500,000 (problem insurance, could be 0)

Fulbright & Jaworski = employment suits are the number one suits out there—75% are age, race, retaliation, and harassment.

Employers won 39% of these.

Median award = \$326,000

Extras

There are **five primary reasons why small businesses should have an Alternative Dispute Resolution (ADR) program**. First, ADR can help lessen collateral damage in current conflict. ADR can reduce the cost of expensive litigation for small businesses (Clove & Goldsmith, 2000). A large, drawn-out lawsuit can quickly bankrupt a small business. "An ADR system can include processes that cost a small fraction of the litigation, and yet produce as good or even better results," (Stitt, 1998, p. 11). If a small business could avoid litigation and instead resolve a conflict through a quicker and less costly ADR process, it would have more money and time to focus on running its business.

Stitt (1998) points out that the majority of business owners still consider litigation as the traditional approach to resolving conflict. Stitt believes they litigate conflicts only because they are not aware of ADR options. These owners might know there are potential drawbacks to litigation, but do not have an accurate understanding of the time and money it will cost them. The cost of litigation includes more than just lawyer fees. The cost also includes the loss of income while time was spent in conflict instead of making money. Stitt believes that more small businesses would adopt ADR processes if they were more aware of its effectiveness.

Second, ADR minimizes the impact of current conflict. Small businesses cannot afford to be ineffective (Lipsky, Seeber, & Fincher, 2003). Their budgets often

have little flexibility, and they cannot sustain employees spending large amounts of time in conflict when they are not making a profit. When an employee is unproductively locked in a conflict, “that employee is not working to achieve the organization’s goals” (Stitt, 1998, p. 11). This means small businesses need to have a way to end the conflicts that are wasting their time and resources.

Third, ADR processes can manage current conflict by providing a small business protection from inevitable mistakes. Many developing small business owners are learning how to run a business and this inherently means making mistakes (Krotz, 2010). More serious mistakes can escalate into litigation that can bankrupt a business. If a small business has an ADR system in place to help it resolve disputes with external disputes, it has more protection from its own mistakes.

Fourth, ADR can prevent future conflicts. Most small business owners ignore the potential loss in time and money caused by conflicts until they are facing one (Krotz, 2010). When the conflict arises, companies are often scrambling in unfamiliar territory. They try to ignore, avoid, and placate as long as possible, then often wind up in litigation when the previous efforts have failed (Stitt, 1998). “The best time for organizations to look at [ADR] systems design is before a crisis has arisen, when conflict has not yet manifested itself,” (Stitt, 1998, p. 10). Even if a business has not yet faced a dispute, implementing an ADR system gives them insurance against future disputes.

A final reason why it is in a small business’s best interest to incorporate ADR techniques is that it will help the business to become stronger to build a healthier business in the future. Workplace ADR techniques aim to improve working

relationships so that employees can weather difficulties, make efficient decisions, and seek out ways to better meet the company's vision (Cloke & Goldsmith, 2000).



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