

# INDEX

- ADR INSTITUTE OF CANADA
  - Chartered Mediator designation, 75
  - code of conduct, 72-74
  - code of ethics, 71
  - professionalization issues, 76
- AGREEMENTS. *See* FORMS
- ATTRIBUTION THEORY, 7, 9
- BATNA, 110
- CODE OF CONDUCT, 72-74
- CODE OF ETHICS, 71
- COLLECTIVE BARGAINING
  - facilitated collective bargaining, 105, 107, 110-115
    - agreement marketing, 115
    - bargaining preparation, 110
    - bargaining session introduction, 112
    - bargaining team selection, 111
    - final agreement and analysis, 114
    - follow up, 115
    - information sharing, 112
    - issues and interest generation, 113
    - note taking, 114
    - option analysis, 113
    - options generation, 113
    - packaging options and proposals, 114
    - pre-convening activities, 112
    - training in use of process, 111
  - generally, 103-104
  - interest-based negotiation/bargaining
    - BATNA, 110
    - described, 104, 107-108
    - interests vs. positions, 109
    - mutual gain options, 109
    - objective criteria, use of, 110
    - people vs. problem, 108
    - positional bargaining vs., 108

- techniques, 108-110
- third party facilitators and, 105
- union attitude to, 106-107
- workshop in, 104
- mediation skills, use of, 103-104
- mutual gains bargaining/principled negotiation, 105-106
- union-management relationships, 106

CONFLICT, *see also* WORKPLACE FAIRNESS MODEL

- attribution theory, 7, 9
- behaviours. *See* CONFLICT BEHAVIOURS
- conflict transformation theory, 8-10
  - attributions, 9
  - goals, 9
  - involvement, 9
  - issues, 8
  - tactics, 8
- costs of, 1-2, 5-8
- head-down theory re unfairness culture, 12-19
  - active assimilation response, 15
  - challenge response, 16
  - confidence plane, 13
  - head-down range, 17
  - internal exit response, 14
  - leave response, 14
  - loyalty plane, 12-13
  - zones of engagement, 18-19
- litigation, costs of, 3
- mediation alternatives, value of, 1-2
- mediation, reduction of conflict/unfairness by, 25-26
- types of interpersonal conflict, 6
- unfairness, costs of, 10-25
  - culture of unfairness, 11
  - fairness, described, 10
  - head-down theory. *See* head-down theory re unfairness culture
  - individual responses to, 12
  - long term costs, 24-25
  - medium term costs, 21-24
  - short term costs, 19-21
  - spectrum of unfairness, 11
  - workplace unfairness, 10
- unfairness culture, 11-19

## CONFLICT BEHAVIOURS

- constructive behaviours

  - holistic, 31-32

  - preventative, 31

  - reactive, 31

- destructive behaviours

  - active, 30

  - levels, 28

  - passive, 30

  - reactive, 30

  - typical, 29-30

- healthy organization and. *See* HEALTHY ORGANIZATION

CULTURE. *See* CONFLICT; WORKPLACE/ORGANIZATIONAL RESTORATIONS

## EMPLOYMENT MEDIATION

- described, 4

- mediation approaches, 64

- mediation process, 35

## EXPEDITED ARBITRATION

- described, 4

- mediation approaches, 66

FACILITATED COLLECTIVE BARGAINING. *See* COLLECTIVE BARGAININGFAIRNESS. *See* CONFLICT; WORKPLACE FAIRNESS MODEL

## FORMS

- agreement to mediate, 126

- mediator appointment agreement, 127-128

- memorandum of understanding, 124-125

## GRIEVANCE MEDIATION

- described, 4

- expedited arbitration, 4

- mediation approaches, 65

- processes. *See* GRIEVANCE MEDIATION PROCESSES

## GRIEVANCE MEDIATION PROCESSES

- accountability, 88

- advisory opinions, 89

- collective agreement interpretation, 87

- confidentiality, 87-88

- costs and expenses, 90
- design elements, 80-86
- generally, 35, 79
- neutral evaluation approach, 87-90
- ongoing feedback, 88
- settlement authority, 88
- steps, summary of, 91
- theory into practice, 91-92
- time limits, 87
- training sessions, 90

HEAD-DOWN THEORY. *See* CONFLICT

#### HEALTHY ORGANIZATION

- cultural triangle re, 33
- mediation, place of in, 32-33

#### INTEREST-BASED NEGOTIATION

- collective bargaining, in. *See* COLLECTIVE BARGAINING
- mediator's tool-kit re, 42-45
- Workplace Fairness Model, options, 94

#### INTERVENTIONS, 120-122

LABOUR MEDIATION. *See* GRIEVANCE MEDIATION

#### LITIGATION COSTS, 3

#### MEDIATION

- approaches. *See* MEDIATION APPROACHES
- collective bargaining and. *See* COLLECTIVE BARGAINING
- conflict/unfairness reduction through, 25-26
- defined, 35
- employment mediation. *See* EMPLOYMENT MEDIATION
- grievance (labour) mediation. *See* GRIEVANCE MEDIATION
- healthy organization, place of in, 32-33
- process defined. *See* MEDIATION PROCESS
- role in healthy workplace, 27
- types of, generally, 4-5
- value of, 1-2
- workplace mediation. *See* WORKPLACE MEDIATION

## MEDIATION APPROACHES

- conflict management coaching, 68
- content orientation, 63
  - evaluative, 63
  - non-evaluative, 63
- employment mediation, 64
- expedited arbitration, 66
- goal oriented, 62-63
  - directive, 63
  - facilitative, 63
- grievance mediation, in, 65
- labour mediation, 65
- managerial mediation, 69
- peer mediation, 68
- process orientation, 62
- stories approach, 61
- workplace restorations, 67

## MEDIATION PROCESS

- employment mediation, 35
- generally, 35-36, 47
- impartiality, 36
- labour (grievance) mediation, 35
- preparation phase, 48
- mediator tool-kit, 38-47
  - active listening, 39
  - agreement analysis, 47
  - behavioural norms, establishment of, 40
  - brainstorming, 46
  - caucusing, 41
  - concerns and feelings, validation of, 40
  - dual-perspective, 42
  - goals and priorities, setting, 45
  - interest identification/interest-based negotiation, 42-45
  - intrusions, regulation of, 40
  - positional bargaining, 43-44
  - problem-solving, 46
  - reality testing, 47
  - reciprocity, 42
  - silence, use of, 41

- mediator, role of, 36-39
  - communication facilitator, 37
  - interaction manager, 37
  - process monitor, 37
  - substantive guide, 37
  - trust and confidence building, 38-39
- mediation objectives, 52
- mediation session, steps, 48-51
  - agreement, reaching, 50
  - example, 52-60
  - introduction of process, 48
  - issues and agenda, setting, 49
  - issues and interests, exploring, 50
  - options, generating, 50
- non-linear process, 51-52
- sample mediation, 52-60
- voluntary participation, 35
- workplace mediation, 35

#### MEDIATOR

- mediator appointment agreement, 127-128
- mediator's tool-kit. *See* MEDIATION PROCESS
- professionalism. *See* ADR INSTITUTE OF CANADA

MUTUAL GAINS BARGAINING, 105-106, 109

PRINCIPLED NEGOTIATION, 105-106

RESTORATIONS. *See* WORKPLACE/ORGANIZATIONAL RESTORATIONS

#### UNFAIRNESS

- generally. *See* CONFLICT
- mediation, reduction through, 25-26

UNION-MANAGEMENT RELATIONSHIPS. *See* COLLECTIVE BARGAINING

WORKPLACE FAIRNESS MODEL, *see also* CONFLICT

- communication-based options, 96
- Conflict Management Options model, 94
- described, 93-94
- design process, four phases of, 99-100
- Dispute Systems Design model, 94
- elements of, 97
- health-based options, 96

- interested-based options, 94
- power-based options, 95
- rights-based options, 95
- stakeholders, 100
- Testing Instrument for Fairness Systems, 97-98

**WORKPLACE HEALTH, *see also* CONFLICT BEHAVIOURS**

- constructive vs. destructive behaviours, 28
- described, 27
- levels of, 27-28
- WFI Workplace Health Theory, 28

**WORKPLACE MEDIATION, *see also* CONFLICT; WORKPLACE FAIRNESS MODEL**

- described, 5
- mediation process, 35

**WORKPLACE/ORGANIZATIONAL RESTORATIONS**

- assessment and reporting, 119
- culture cleansing, 119-120
- generally, 117-118
- interventions, typical, 120-122
- mediation approaches, 67
- monitoring and ongoing support, 122
- “organizational restoration”, defined, 117
- steps in, 118
- trauma, consequences of, 117-118
- WEI Workplace Restoration Model, 119