COURSE GUIDE

BUS 811
CONFLICT AND DIVERSITY MANAGEMENT

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INTRODUCTION

Welcome to BUS 811. Diversity and Conflict Management is a 2-credit and one- semester postgraduate course for Master of Science (M.Sc) in Business administration students. The course is seventeen units spread across eighteen lectures week. This course guide provides you with an insight into the study of Diversity and Conflict Management, and all that it will take you to complete and walk through your way in understating issues in the study of Diversity and Conflict Management. Some general guidelines are suggested for the amount of time required of you on each unit in order to achieve the course aims and objectives successfully. Answers to your tutor marked assignments (TMAs) are therein already.

The course is centered on the basic and broad issues in Diversity and Conflict Management. Diversity and Conflict Management are critical and important areas of the study of business administration. Your application of the knowledge derived herein will provide you a wider view of issues in business administration. The areas covered in this guide include; the concept of diversity and managing conflicts. due to the diverse nature of Nigeria. Nigeria comprises of different ethnic, tribal and religious groups of people with constant conflicts and misunderstandings which had led to the development and use of this topic as a means of solving present and unforeseen crises thus, preventing degeneration into crisis that cannot be easily resolved.

COURSE COMPETENCIES

This course provides learners with the following competencies;

➢   Analyse Diversity Management
➢   Justify the importance of Conflict Management
➢   Critique the Third Party Alternative Resolution Methods.
➢   Evaluate the Ombudsman System

COURSE OBJECTIVES

The aim of this course is to give you in-depth understanding of the study of Diversity and Conflict Management. It will also guide the study on the definition and scope of Diversity and Conflict Management.

To achieve the aims of this course, there are overall objectives which the course is out to achieve, though, there are set out objectives for each unit. The unit objectives are included at the beginning of a unit; you should read them before you start working through the unit. You may want to refer to them during your study of the unit to check on your progress. You should always look at the unit objectives after completing a unit. This is

to assist the students in accomplishing the tasks entailed in this course. In this way, you can be sure you have done what was required of you by the unit. The objectives serves as study guides, such that student could know if he is able to grab the knowledge of each unit through the sets of objectives in each one. At the end of the course period, the students are expected to be able to:

- ➢ Explain the concepts of the definition of Diversity and Conflict Management.
- ➢ Discuss the scope of Diversity and Conflict Management.
- ➢ Describe the concept Diversity and Conflict Management.
- ➢ Analyse the Principles of Diversity and Conflict Management.
- ➢ Explain managing workplace diversity,
- ➢ Describe cultural diversity,
- ➢ Analyze gender diversity, Nature of conflicts, Conflict process and curves,
- ➢ Explain conflict prevention, management and resolution, sociological theories of conflict,
- ➢ Analyze responses of people in conflict, meditation and conciliation, Adjudication and Arbitration,
- ➢ Describe mini trial and early neutral evaluation peer review, negotiation,
- ➢ Discuss the history of Ombudsman system, Public Complaints Commission in Nigeria,
- ➢ Explain the Jurisdiction of the Ombudsman, Ombudsmen in selected countries.

WORKING THROUGH THIS COURSE

To successfully complete this course, you are required to read the study units, referenced books and other materials on the course.
Each unit contains self-assessment exercises called Student Assessment Exercises (SAE). At some points in the course, you will be required to submit assignments for assessment purposes. At the end of the course there is a final examination. This course should take about 15weeks to complete and some components of the course are outlined under the course material subsection.

STUDY UNITS

There are 17 units in this course which should be studied carefully and diligently.

Module 1   Diversity Management

Unit 1   Concept of Diversity
Unit 2   Managing Workplace Diversity
Unit 3   Managing Cultural Diversity
Unit 4   Managing Gender Diversity

Module 2   Conflict Management

Unit 1   The Nature of Conflict
Unit 2   Conflict prevention, Management and Resolution
Unit 3   Conflict Process and Curve Unit
Unit 4   Responses of people in Conflict
Unit 5   Sociological Theories of Conflict

Module 3   Third Party Alternative Dispute Resolution Methods

Unit 1   Mediation and Conciliation
Unit 2   Adjudication and Arbitration
Unit 3   Peer Review
Unit 4   Negotiation

Module 4   The Ombudsman System

Unit 1   History of the ombudsman system
Unit 2   Public complaints commission in Nigeria
Unit 3   The jurisdiction of the ombudsman
Unit 4   Ombudsmen in Selected Countries

REFERENCES AND FURTHER READINGS

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Sullivan, T. J (2004). Sociology, concepts and applications in a diverse world. Boston Pearson Education Inc.

Schaefer, R. T (2008). Sociology. New York. Mc Craw Hill Companies Incorporated. Wilmot, W. W. and Hocker, J. L. (2007). Interpersonal conflict. New York. McCraw Hill Companies Incorporated.

Each study unit will take at least two hours, and it include the introduction, objective, main content, self-assessment exercise, conclusion, summary and reference. Other areas border on the Tutor-Marked Assessment (TMA) questions. Some of the self-assessment exercise will necessitate discussion, brainstorming and argument with some of your colleges. You are advised to do so in order to understand and get acquainted with historical economic event as well as notable periods.

There are also textbooks under the reference and other (on-line and off-line) resources for further reading. They are meant to give you additional information if only you can lay your hands on any of them. You are required to study the materials; practice the self- assessment exercise and tutor-marked assignment (TMA) questions for greater and in- depth understanding of the course. By doing so, the stated learning objectives of the course would have been achieved.

PRESENTATION SCHEDULE

The presentation schedule included in your course materials gives you the important dates for this year for the completion of tutor-marking assignments and attending tutorials.
Remember, you are required to submit all your assignments by due date. You should guide against falling behind in your work.

ASSESSMENT

There are two types of the assessment of the course. First are the tutor-marked assignments; second, there is a written examination.
In attempting the assignments, you are expected to apply information, knowledge and techniques gathered during the course. The assignments must be submitted to your tutor for formal Assessment in accordance with the deadlines stated in the Presentation Schedule and the Assignments

File. The work you submit to your tutor for assessment will count for 30 % of your total course mark.

At the end of the course, you will need to sit for a final written examination of three hours' duration. This examination will also count for 70% of your total course mark.

TUTOR-MARKED ASSIGNMENTS (TMAS)

There are four tutor-marked assignments in this course. You will submit all the assignments. You are encouraged to work all the questions thoroughly. The TMAs constitute 30% of the total score.

Assignment questions for the units in this course are contained in the Assignment File. You will be able to complete your assignments from the information and materials contained in your set books, reading and study units. However, it is desirable that you demonstrate that you have read and researched more widely than the required minimum. You should use other references to have a broad viewpoint of the subject and also to give you a deeper understanding of the subject.

When you have completed each assignment, send it, together with a TMA form, to your tutor. Make sure that each assignment reaches your tutor on or before the deadline given in the Presentation File. If for any reason, you cannot complete your work on time, contact your tutor before the assignment is due to discuss the possibility of an extension. Extensions will not be granted after the due date unless there are exceptional circumstances.

FINAL EXAMINATION AND GRADING

The final examination will be of three hours' duration and have a value of 70% of the total course grade. The examination will consist of questions which reflect the types of self-assessment practice exercises and tutor-marked problems you have previously encountered. All areas of the course will be assessed

Revise the entire course material using the time between finishing the last unit in the module and that of sitting for the final examination to. You might find it useful to review your self-assessment exercises, tutor-marked assignments and comments on them before the examination. The final examination covers information from all parts of the course.

HOW TO GET THE MOST FROM THE COURSE

How to Get the Most from this Course In distance learning the study units replace the university lecturer. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace and at a time and place that suit you best.

Think of it as reading the lecture instead of listening to a lecturer. In the same way that a lecturer might set you some reading to do, the study units tell you when to read your books or other material, and when to embark on discussion with your colleagues. Just as a lecturer might give you an in-class exercise, your study units provides exercises for you to do at appropriate points.

Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit and how a particular unit is integrated with the other units and the course as a whole. Next is a set of learning objectives. These objectives let you know what you should be able to do by the time you have completed the unit.

You should use these objectives to guide your study. When you have finished the unit you must go back and check whether you have achieved the objectives. If you make a habit of doing this you will significantly improve your chances of passing the course and getting the best grade.

The main body of the unit guides you through the required reading from other sources. This will usually be either from your set books or from a readings section. Some units require you to undertake practical overview of historical events. You will be directed when you need to embark on discussion and guided through the tasks you must do.

The purpose of the practical overview of some certain historical economic issues are in twofold. First, it will enhance your understanding of the material in the unit. Second, it will give you practical experience and skills to evaluate economic arguments, and understand the roles of history in guiding current economic policies and debates outside your studies. In any event, most of the critical thinking skills you will develop during studying are applicable in normal working practice, so it is important that you encounter them during your studies.

Self-assessments are interspersed throughout the units, and answers are given at the ends of the units. Working through these tests will help you to achieve the objectives of the unit and prepare you for the assignments and the examination. You should do each self- assessment exercises as

you come to it in the study unit. Also, ensure to master some major historical dates and events during the course of studying the material.

The following is a practical strategy for working through the course. If you run into any trouble, consult your tutor. Remember that your tutor's job is to help you. When you need help, don't hesitate to call and ask your tutor to provide it.

1.   Read this Course Guide thoroughly.
2.   Organize a study schedule. Refer to the `Course overview' for more details. Note the time you are expected to spend on each unit and how the assignments relate to the units. Important information, e.g. details of your tutorials, and the date of the first day of the semester is available from study centre. You need to gather together all this information in one place, such as your dairy or a wall calendar. Whatever method you choose to use, you should decide on and write in your own dates for working breach unit.
3.   Once you have created your own study schedule, do everything you can to stick to it. The major reason that students fail is that they get behind with their course work. If you get into difficulties with your schedule, please let your tutor know before it is too late for help.
4.   Turn to Unit 1 and read the introduction and the objectives for the unit.
5.   Assemble the study materials. Information about what you need for a unit is given in the `Overview' at the beginning of each unit. You will also need both the study unit you are working on and one of your set books on your desk at the same time.
6.   Work through the unit. The content of the unit itself has been arranged to provide a sequence for you to follow. As you work through the unit you will be instructed to read sections from your set books or other articles. Use the unit to guide your reading.
7.   Up-to-date course information will be continuously delivered to you at the study centre.
8.   Work before the relevant due date (about 4 weeks before due dates), get the Assignment File for the next required assignment. Keep in mind that you will learn a lot by doing the assignments carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the exam. Submit all assignments no later than the due date.
9.   Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study material or consult your tutor.
10.   When you are confident that you have achieved a unit's objectives, you can then start on the next unit. Proceed unit by unit through

the course and try to pace your study so that you keep yourself on
schedule.

11.   When you have submitted an assignment to your tutor for marking
        do not wait for it return `before starting on the next units. Keep to
        your schedule. When the assignment is returned, pay particular
        attention to your tutor's comments, both on the tutor-marked
        assignment form and also written on the assignment. Consult your
        tutor as soon as possible if you have any questions or problems.
        12. After completing the last unit, review the course and prepare
        yourself for the final examination. Check that you have achieved
        the unit objectives (listed at the beginning of each unit) and the
        course objectives (listed in this Course Guide).

ONLINE FACILITATION

For semester the course is taken, you have about eight (8) weeks of online
facilitation on this course. During the online presentation, you are
probably made available with notes and video materials from the course
facilitator. These materials intend to enable you read through the
materials.

COURSE INFORMATION

Course Code: BUS811
Course Title: Diversity and Conflict Management
Credit Unit: 2
Course Status:
Course Blub:
Semester: First Semester
Course Duration:
Required Hours for Study
Instructional Designer:
Learning Technologists:
Copy Editor

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Module 1   Diversity Management

Unit 1   Concept of Diversity

Unit Structure

1.1   Introduction
1.2   Learning Outcomes (LOs)
1.3   Definition of Diversity
1.4   Dimensions of Diversity
1.5   Diversity Related Concepts
1.6   Summary
1.7   References/Further Readings/Web Resources
1.8   Possible Answers to Self-Assessment Exercise(s)

 1.0   Introduction

The first unit provides an understanding of the definition of Diversity and concept of Diversity. Homogeneity is very rare in all aspects of life including physical, economic and social lives. Animals and plants have diverse species depending on their environment. The different languages we speak as well as different modes of dressing are pointer to the diverse nature of our existence. Diversity is therefore a common phenomenon in the family workplace. society and internationally. This unit introduces to you the concept of diversity. What does diversity mean? What are the various dimensions of diversity? What other concepts are related to the diversity discourse? Answers to these questions is provided in the unit.

 1.2   Learning Outcomes (LOs)

By the end of this unit, you will be able to;

•   Define Diversity
•   Explain the dimensions of diversity
•   Identify words that related to the diversity.

1.3   Definition of Diversity

The definition of diversity differs from author to author(Wellner, 2000; Cardens ,Wartz and Rowe, 1994). Wellner (2000), conceptualized diversity as a multitude of individual differences and similarities including race, age, creed, nationality religion, ethnicity and sexual orientation. Cardens, Wartz and Rowe, (1994) likens diversity to an onion with many layers. Organizations see diversity as differences in race, sex, religion and physical features. In some other organizations the definition includes sexual orientation and socio – economic status. Diversity refers to variety along many dimensions   such   as   race, ethnicity, gender, socio- economic status, physical features, religious beliefs, marriage systems and political ideologies. Such diversity has to be managed through understanding, acceptance and respect for each other's beliefs and behavior.

Self-Assessment Exercises 1

1. Provide an explanation of the definition of Diversity.

1.4   Dimensions of Diversity.

At the organizational level, diversity has been compared to an onion, which has layers that once peeled away reveals the core by Cardens, Wartz and Rowe(1994). These layers according to these authors are: organizational dimensions external dimensions, internal dimensions and personality. Likened to an onion, the organizational dimensional represents the outer most layer and consists of characteristics such as management status, union affiliation, work location, seniority, divisions, departments, work content and functional level classification. These layers can be influenced by management staff and employees of an organization.

The external dimension represents characteristics that deal with the choices of an individual. An individual has a higher level of control which   can   be   exhibited   through: personal religion, educational background, work experience, marital status, economic status culture and   geographic location. Carden, Wartz and Rowe (1994), refer to these personal control dimensions as the sources of prejudice and discrimination.

The internal dimensions refer to characteristics that are God given or come at birth. These are: age, race, ethnicity, sex and physical features.

Personality is the inner content of diversity. Personality refers to the traits and stable characteristics of an individual which are consistent in the behavior of an individual in a given situation over time (Winstanley, (2006). Sullivan (2004), defines personality as an important aspect of our identity which is a constellation of attitudes, needs traits, feelings and ways of behaving. A person's personality is developed over tune, but once formed it usually remains firmly constant throughout a person's life.

Self-Assessment Exercises 2

> 1. Provide the external and internal and personality of dimensions of Diversity.

1.5   Diversity Related Concepts

In order to enhance your understanding of the diversity concept, a list of related terms is given. The following list provides definitions for words relating to diversity (Center for the Study of Religious Life, 2002*).*

- Ableism - Discrimination against the physically or mentally disabled.
- Ageism - Negative beliefs, attitudes, and stereotypes about elderly persons (such as wise, demented, kind, grouchy, experienced, incompetent).
- Ageist Behavior - behavior that discriminate on the basis of chronological age
- Bias - Any attitudes, belief, or feeling that results in, and helps to justify, unfair treatment of an individual because of his or her identity
- Collectivistic culture - A culture group that focus on interdependence, being in a group, and social cohesion
- Culture - The ideas, customs, skills arts, etc. of a given people in a given period
- Culture Group - An affiliation of people who collectively share certain norms, values, or traditions that are different from those of other groups
- Disability - covers a wide range of physical and mental conditions, including alcoholism, cancer, drug addiction, emotional illness, HIV, learning deficits, congenital abnormalities, speech problem, back problems, and facial disfigurement
- Discrimination - Unjustifiable negative behavior toward a group or its members
- Ethnic Group - A segment of a larger society whose members

are thought, by themselves and/or others, to have a common origin and to share important segments of a common culture and who, in addition, participate in shared activities in which the common origin and culture are significant ingredients

- Ethnocentrism - The tendency to accept other groups, societies, or cultures by the standard's of one's own culture
- Ethno relativism - The tendency to accept other groups, societies and cultures without judgment
- Heterogeneous - Composed of unrelated or unlike elements or parts…. Different group members
- Heterosexism - The belief that heterosexuality is superior to homosexuality; the presumption that everyone is straight, and if not, they should be
- Homogenous - Composed of similar or identical elements or parts… same group members
- Homophobia - The irrational fear of homosexuals and homosexuality, in the form of harassment, discrimination, and discomfort in developing trust
- Identity groups - The physical appearance of an individual and the groups with whom an individual identifies personally
- Individualistic culture - A culture group that focuses on rights and independent action of the individual
- In – Group - Any group of people with common interests that give them a sense of solidarity and exclusivity as regards to all nonmembers
- Majority Group - The largest group
- Minority Group - A group with fewer members represented in the social system compared to the majority group
- Out – Group - All the people not belonging to a specific in-group
- Prejudice - An unjustifiable negative attitude toward a group and its individual members characterized by cognitive, affective, and behavioral components (prejudice can also be a positive attitude; however, it is the unjustifiable negative attitudes that impacts our acceptance of others)
- Racism - An institutionalized system of economic, political, social, and cultural relations that ensures that one racial group has and maintains power and privilege over all others in all aspects of life. Individual participation in racism occurs when the objective outcome of behavior reinforces these relations, regardless of the subjective intent. Consequently, an individual may act in a racist manner unintentionally (Derman – Sparks and Phillips, 1997).
- Racism results from the transformation of racial prejudice and / or ethnocentrism through the exercise of power against a racial group defined as inferior by individuals and institutions with the intentional or unintentional supports of the entire culture. Stated

simply, preferences for (or belief in the superiority of) one's own racial group might be called racism; while preference for (or belief in the superiority of) one's own ethnic group might be called ethnocentrism
- Aversive (Modern) Racism - Indirect and subtle racism; pro- group rather than anti- group attitudes
- Old-Fashioned Racism - Blatant behaviors; out-group derogation
- Sexism - An individual's prejudicial attitudes toward people of a given sex
- Stereotype - A belief about the personal attributes of a group of people (positive or negative) that can form the basis for prejudice
- Xenophobia - A fear and / or hatred of strangers, foreigners, or anything that appears strange or foreign.

Self-Assessment Exercises 3

Provide any fifteen (15) definitions for words relating to diversity.

1.6   Summary

In this unit, you have learnt that diversity refers to variety along many dimensions such as race, ethnicity, gender, socio-economic status, physical features, religion, beliefs, marriage systems and political ideologies. Acceptance and understanding are two important bedrocks for managing diversity. These two characteristics influence tolerance. Four dimensions of diversity as proposed by Cardens, Wartz and Rowe (1994), were also discussed. These diversity dimensions are: organizational, external, internal and personality dimensions. The core of these dimensions is the personality which can be defined as the traits and stable characteristics of an individual which are consistent in the behavior of an individual. A number of terms that are relevant to diversity are fully explained in the unit.

1.7   References/Further Readings/Web Resources

Ibrahim – Wahab, A. (1979). *The Swedish institution of Ombudsman.* Stockholon Teyok Centrally Keriet AB, Books.

Derman – Sparks, L   and   Phillips, C.B (1997) Teaching/ learning anti racism: A developmental approach. New York. Teacher's College Press.

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1.8   Possible Answers to SAEs

Answers to SAEs 1

Wellner (2000), conceptualized diversity as a multitude of individual differences and similarities including race, age, creed, nationality religion, ethnicity and sexual orientation. Cardens, Wartz and Rowe, (1994) likens diversity to an onion with many layers. Organizations see diversity as differences in race, sex, religion and physical features. In some other organizations the definition includes sexual orientation and socio – economic status. Diversity refers to variety along many dimensions such as race, ethnicity, gender, socio- economic status, physical features, religious beliefs, marriage systems and political ideologies.

Answers to SAEs 2

The external dimension represents characteristics that deal with the choices of an individual. An individual has a higher level of control which can be exhibited through: personal religion, educational background, work experience, marital status, economic status culture and geographic location. Carden, Wartz and Rowe (1994), refer to these personal control dimensions as the sources of prejudice and discrimination.

The internal dimensions refer to characteristics that are God given or come at birth. These are: age, race, ethnicity, sex and physical features. Personality is the inner content of diversity. Personality refers to the traits and stable characteristics of an individual which are consistent in the behavior of an individual in a given situation over time (Winstanley, (2006).

Sullivan (2004), defines personality as an important aspect of our identity which is a constellation of attitudes, needs traits, feelings and ways of behaving. A person's personality is developed over tune, but once formed it usually remains firmly constant throughout a person's life.

Answers to SAEs 3

- Ableism - Discrimination against the physically or mentally disabled.
- Ageism - Negative beliefs, attitudes, and stereotypes about elderly persons (such as wise, demented, kind, grouchy,

experienced, incompetent).

- Ageist Behavior - behavior that discriminate on the basis of chronological age
- Bias - Any attitudes, belief, or feeling that results in, and helps to justify, unfair treatment of an individual because of his or her identity
- Collectivistic culture - A culture group that focus on interdependence, being in a group,   and social cohesion
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- Culture Group - An affiliation of people who collectively share certain norms, values, or traditions that are different from those of other groups
- Disability - covers a wide range of physical and mental conditions, including alcoholism, cancer, drug addiction, emotional illness, HIV, learning deficits, congenital abnormalities, speech problem, back problems, and facial disfigurement
- Discrimination - Unjustifiable negative behavior toward a group or its members
- Ethnic Group - A segment of a larger society whose members are thought, by themselves and/or others, to have a common origin and to share important segments of a common culture and who, in addition, participate in shared activities in which the common origin and culture are significant ingredients
- Ethnocentrism - The tendency to accept other groups, societies, or cultures by the standard's of one's own culture
- Ethno relativism - The tendency to accept other groups, societies and cultures without judgment
- Heterogeneous - Composed of unrelated or unlike elements or parts…. Different group members
- Heterosexism - The belief that heterosexuality is superior to homosexuality; the presumption that everyone is straight, and if not, they should be
- Homogenous - Composed of similar or identical elements or parts… same group members
- Homophobia - The irrational fear of homosexuals and homosexuality, in the form of harassment, discrimination, and discomfort in developing trust
- Identity groups - The physical appearance of an individual and the groups with whom an individual identifies personally
- Individualistic culture - A culture group that focuses on rights and independent action of the individual
- In – Group - Any group of people with common interests that give them a sense of solidarity and exclusivity as regards to all nonmembers
- Majority Group - The largest group

- Minority Group - A group with fewer members represented in the social system compared to the majority group
- Out – Group - All the people not belonging to a specific in-group
- Prejudice - An unjustifiable negative attitude toward a group and its individual members characterized by cognitive, affective, and behavioral components (prejudice can also be a positive attitude; however, it is the unjustifiable negative attitudes that impacts our acceptance of others)
- Racism - An institutionalized system of economic, political, social, and cultural relations that ensures that one racial group has and maintains power and privilege over all others in all aspects of life. Individual participation in racism occurs when the objective outcome of behavior reinforces these relations, regardless of the subjective intent. Consequently, an individual may act in a racist manner unintentionally (Derman – Sparks and Phillips, 1997).
- Racism results from the transformation of racial prejudice and / or ethnocentrism through the exercise of power against a racial group defined as inferior by individuals and institutions with the intentional or unintentional supports of the entire culture. Stated simply, preferences for (or belief in the superiority of) one's own racial group might be called racism; while preference for (or belief in the superiority of) one's own ethnic group might be called ethnocentrism
- Aversive (Modern) Racism - Indirect and subtle racism; pro-group rather than anti- group attitudes
- Old-Fashioned Racism - Blatant behaviors; out-group derogation
- Sexism - An individual's prejudicial attitudes toward people of a given sex
- Stereotype - A belief about the personal attributes of a group of people (positive or negative) that can form the basis for prejudice
- Xenophobia - A fear and / or hatred of strangers, foreigners, or anything that appears strange or foreign.

Unit 2   Managing Workplace Diversity

Unit Structure

2.1   Introduction
2.2   Learning Outcomes (LOs)
2.3   Classification of Workplace
2.4   Managing Diversity in the Workplace
        2.4.1   The Role of Leadership in Diversity Management.
        2.4.2   Equal Employment Opportunity and Affirmative Action
2.5   Approaches to Managing Diversity
2.6   National Approaches to Diversity Management
2.7   Challenges to Managing Diversity
2.8   Benefits of Diversity in the Workplace
2.9   Summary
2.10   References/Further Readings/Web Resources
2.11   Possible Answers to Self-Assessment Exercise(s)

 2.1   Introduction

In the last unit, you learnt about the meaning of diversity, its dimensions and related terms. In this unit, you will learn more about diversity as it relates to the workplace. Workplace diversity focuses on the differences that people bring to an organization. Diversity includes the dimension of influence and perspectives that human source bring into an organization. People of different educational background, culture, sex and norms among others form the human resources of an organization. Diversity as reflected in cases like this is about learning from others who are not the same and who may not have the same perspectives. This type of situation require respect for the fundamental human rights of everyone, respect for dignity and the willingness to learn from diverse perspectives.

 2.2   Learning Outcomes

By the end of this unit, you will be able to;

▪   Classify workplace
▪   Explain the role of leadership in diversity management
▪   Define equal employment opportunity/affirmative action.
▪   Enumerate the approaches to diversity in the workplace
▪   Identity challenges to managing diversity
▪   List the benefits of diversity in the workplace.

2.3   Classification of Workplace

In order to enhance your understanding of workplace diversity, you need to know about what workplace is and its various classifications. A workplace is an organization where two or more people regularly come together to achieve the same objectives. Culture plays an important role in diversity (Cox, 1991), posits that there are three organizational types that focus on the development of cultural diversity. The three types are: the monolithic organization, the pluralistic organization and the multicultural organization. In a monolithic organization/workplace the presence of persons from different cultural groups (structural integration) is minimal and male dominance is very tangible. In this type of workplace, women are usually visible in the lower levels of the organization. Other minority or marginalized members are also not in positions of leadership or power.

In a pluralistic organization, there are more heterogeneous membership. Members come from diverse cultural backgrounds that are different from dominant group. Cox (1991), explains that workplaces these, seek to empower those from a marginalized standpoint, encourage opportunities for promotion and position of leadership.

The third group, which is the multicultural organization, not only has different cultural groups but it values this diversity. Harvey (2012), asserts that such organizations encourage healthy conflict as a source of avoiding group think. Groupthink is a phenomenon that occurs when a group of people decides to agree to incorrect or deviant of decision outcomes mainly because of desire for harmony or to confirm. Diverse opinion should not be subjugated to social pressure.

Self-Assessment Exercises 1

> Explain the Classification of Workplace

2.4   Managing Diversity in the Workplace

Diversity management is a strategy that is intended to foster and maintain a positive and conducive workplace environment. The aims as pointed out earlier is to foster unity in diversity by ensuring respect for individual differences among employees. Leadership plays an important role in unifying the diverse groups with differing perspectives and interests in the workplace. The next sub-section is on the role of leadership in managing diversity in the workplace

2.4.1   The Role of leadership in diversity management

Eisenberg (2010), states that a study of success in a multicultural organization can be understood by applying theories of leadership which have evolved overtime. Among these theories are the trait leadership theories which suggest that leadership is dependent on physical and social attributes of the individual. The Great Man theory of leadership was popular in the 19th Century. The myth was that some famous world leaders such as Julius Caesar, Mahatma Ghandi, Abraham Lincoln and Alexander the Great were born leaders and not made. This theory is largely related to the personality dimension which is core to diversity. Other leadership theorists posit that leaders are made and not born, and may therefore come from diverse origin. Kotter (1990), states that successful organizations, seek out people with leadership potential, and then expose them to developmental e xperiences to bring out their potential.

Styles of leadership that deal with power and authority include the autocratic, democratic, and laissez- fair. These styles focus on the distribution and sharing of power between the manager and the subordinate managers also use the situational style of Hersey and Blanchard1977), in managing diverse employees, these styles are exhibited by managers based on their own personality experience and education among others. Eisenberg (2010), explains that the transformational and discursive leadership are very relevant to multicultural organizations. Transformational leadership focuses on making changes using available human resources. Discursive leadership focuses on a leader's ability to shape the communication within an organization to achieve results. Effective communication cannot be achieved without a thorough knowledge and understanding of the cultural values, languages, perception and other relevant bio-data of employees.

Diversity needs to be considered in effective communication. This agrees with Walck (1995)'s, definition of diversity as negotiating interaction across culturally diverse groups and contriving to get along in an environment characterized by cultural diversity. Transformational and discursive leadership approaches create an organizational culture that allows and encourages managers to use diversity as an influential resource in organizational effectiveness.

2. 4.2 Equal Employment Opportunity and Affirmative action

The concept of Equal Employment Opportunity stemmed from efforts of minority groups especially the African Americans in the U.S.A. to advocate for employment practices devoid of racial, ethic, sex and

color prejudices. Kincard (2013), reports that the anti-discrimination movement began in the early 20th century with a period of interracial lobbing, litigation and public advocacy. The first move towards Equal Opportunity Policy was the passage and enactment of the Civil Rights Act of 1964. Kincaid (2013), also reports that to avert large scale protests by African American workers during a labor shortage amidst the World War II. President Roosevelt signed Executive Order 1880z creating Fair Employment Practices Committee (FEPC). The order banned racial discrimination in any defense industry receiving federal contracts. Affirmative action, also known as positive discrimination in the United Kingdom, refers to policies that prohibit the use of factors such as race, color, religion, sex, sexual orientation or national origin in employment, education and business (Executive Orders, 11246).. In the U.S.A. the term affirmative action was first used in Executive Order 10925 and was signed by President John f. Kennedy On March 6 1961. President John F. Johnson enacted Executive Oder 11246 which required government employers to take "affirmative action" to hire without regard to race, religion, and national original. In 1967, gender was added to the anti-discrimination list.

The aim of Equal employment Opportunity and Affirmative action is to promote the opportunities of neglected/minority groups within a society. The theory is that affirmative action, helps to compensate for past discrimination, persecution or exploitation by the ruling class of a society. At the international level, the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations Committee on Human Rights), stipulates that affirmative action programmes may be required of countries that ratified the convention. The United Nations Human/ Animals Rights Committee states that the principle of equality sometimes requires countries or organizations to take affirmative action in o rder to eliminate/ minimize conditions which cause or help to perpetuate discrimination prohibited by the Convention.

Opposition to Equal Employment Opportunity(EEO)/Affirmative Action.

Equal Employment Opportunity(EEO), as said earlier is to promote Equality through the preferential treatment of socio economically disadvantaged groups. While there are many protagonists, there are also some antagonists. Sher (1983), believes that affirmative action devalues the accomplishments of people who are chosen based on the social group to which they belong rather than their qualifications. Another argument is that affirmative action has undesirable side effects as it hinders reconciliation, replaces old wrongs with new wrongs and encourages individuals to identify themselves as disadvantaged, even if they are not. Gary (2006), argues that EEO increases racial tension

and benefits the more privileged people within minority groups at the expense of the least fortunate within majority group.

Sowell (2004), writes that affirmative actions/ policies encourage non – preferred groups to designate themselves as members of preferred groups to take advantage of group preference policies. This tends to reduce the incentives of both the preferred and non-preferred to perform at their best.

Another opposition to the EEO and affirmative theory is that of mismatch. According to the theory, a student can be placed in a school/college that is too difficult for him or her. Whereas in the absence of affirmative action, a student will be admitted to a college that matches his or her academic ability and have a good chance of graduating. Hence affirmative action can hurt its beneficiaries (Heriot, 2007). Heriot, a professor of law at the University of San Diego. And a members of the U.S. Commission on Civil Rights, reports a 2004 study that was conducted by UCLA law professor, Richard Sander. The study concluded that there were 7.9% fewer black attorneys than there would have been if there was no affirmative action due to mismatch.

Self-Assessment Exercises 2

1.   Propose the meaning of Diversity Management

2.   Propose the role of leadership styles in managing diversity in the workplace.

2.5   Approaches to Managing Workplace Diversity

Tatlic and Ozibilgion(2002), propose three approaches towards corporate diversity management, which transformational changes.

1.   L i b e r a l   C h a n g e

They proposed a **liberal change model**. These approaches emanated from the belief that managing diversity goes to the belief that managing diversity goes far beyond equal Employment Opportunity and affirmative action. Other management approaches need to be used as complementary means of managing diversity. The aim of the liberal change model is to have a fair labour market from which the best person is chosen on the basis of performance. Human resources management department and top management should approve rules and regulations that are aimed at encouraging fairness and non discrimination. The liberal change approach centers on law, compliance and legal penalties for non-compliance. However, Jewson et al (1980), point out that formal

rules cannot cover every aspect of work life as there are informal aspects to work such as affinity groups and alternative informal communication channels.

2.   Radical Changes

In contract to the liberal approach, radical changes seeks to intervene directly in the workplace practices in order to achieve balanced workplace (in regard to all diversity dimension), as well as a fair distribution of rewards among employees. The radical approach is thus more outcome focused than on the forming of the rules to ensure equal treatment. One major tool of radical change is quotas which are set by companies or national institutions with the aim to of regulating diversity in the workplace. Quota systems are critically discussed concerning their effectiveness. Arguments for and against quotas system in companies or public institutions include contrasting ideas such as: quota compensate for actual barriers that prevent marginalized members from attaining their fair share of managerial positions to quotas are against equal opportunity for all and imply that a marginalized members only got the position to fill the quota(Allen, 19950. Sweden's quota system for parliamentary positions is a positive case for radical changes through quota setting. A quota system was introduced at the Swedish parliament with the aim of ensuring that women constitute at least a 'critical minority' of 30 or 40 percent of all parliament seats. Since the introduction of the system, women representation in parliament has risen dramatically even above the define quota. Today, 47.3 percent of parliamentary representatives are women, a number which stands out compared to the global average of 19%.

3.   Transformational change

Transformational change covers an equal opportunity agenda for both the immediate need as well as long-term solutions(Cockbun 1989), . For the short term it implements new measures to minimize bias in procedures such as recruitment or promotion. The long term, however, is seen as a project of transformation for organization. This approach acknowledge the existence of power systems and seeks to challenge the existing hegemony through implementation of equality values.

One illustrative case for transformation change is ageing management; younger employees are seen as more innovative and flexible, while older employees are associated with higher costs of salary, benefits, and healthcare needs. Therefore companies may refer young workers to older staff. Though application of the transformational concept an immediate intervention provide need relief while a long-term culture

shift occurs(Brooke 260-283).

For the short-term, an organization can set up legislation preventing discrimination based on age. However, for the long-term solution, negative stereotypes of older employees needs to be replaced with the positive realization that older employees can add values to the workplace with the positive realization that older balance this idea with the benefits of innovation and flexibility that comes with youth, a mixture of ages in the workforce is ideal. Through transformational change, the short-term solution affords the organization the time necessary to enact deep rooted culture changes leading to a more inclusive environment.

Self-Assessment Exercises 3

Proposed the approached to managing workplace diversity.

2.6   National approaches to managing diversity

Two country cases are discussed here to give you further insight into the practice of diversity management. These countries are: France and United States of America

France

No distinctions based on race, religion or sex are allowed under the 1958 French Constitution(http://thisnation.com/library/france.html). Since the 1980s, a French version of affirmative action based on neighborhood is in place for primary and secondary education. Some schools, in neighborhoods labeled "Priority Education Zones", are granted more funds than the others. Students from these schools also benefit from special policies in certain institutions.

Highly ranked French schools do implement affirmative action in that they are obligated to take a certain amount of students from impoverished families. Additionally, following the Norwegian example, after 27 January 2014, women must represent at least 20% of board members in all stock exchange listed or state owned companies. After 27 January 2017, the proportion will increase to 40%. All male director nominations will be invalid as long as the condition is not met, and financial penalties may apply for other directors.(Vie Publique, 2002)

United States

Affirmative action was first created from Executive Order 10925, which was signed by President John F. Kennedy on 6 March 1961 and

required that government employers "not discriminate against any employee or applicant for employment because of race, creed, color, or national origin" and "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin".(Executive Order, 2010).

On 24 September 1965, President Lyndon B. Johnson signed Executive Order 11246, thereby replacing Executive Order 10925 and affirming Federal Government's commitment "to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency"(Executive Order 11246, 2010). Affirmative action was extended to women by Executive Order 11375 which amended Executive Order 11246 on 13 October 1967, by adding "sex" to the list of protected categories. In the U.S. affirmative action's original purpose was to pressure institutions into compliance with the nondiscrimination mandate of the Civil Rights Act of 1964.(Affirmative Action, 2009) The Civil Rights Acts do not cover veterans, people with disabilities, or people over 40. These groups are protected from discrimination under different laws.

Self-Assessment Exercises 4

Propose two (2) countries national approaches to managing diversity

2.7 Challenges to Diversity Management

One of the greatest challenges an organization has when trying to adopt a more inclusive environment is assimilation for any member outside of the dominant group. A number of scholars have studied the interplay between power, ideology, and discursive acts which serve to reinforce the hegemonic structure of organizations. Everything from organizational symbols, rituals, and stories serve to maintain the position of power held by the dominant group.

Extending this concept to diversity inclusion where organizations seek to hire or promote individuals that are not part of this dominant group into management positions, a difficult tension develops between the socially constructed organizational norm and acceptance of cultural diversity. Often these individuals are mentored and coached to adopt the necessary traits for inclusion into the privileged group as opposed to being embraced for their differences. Such assimilated people are often denied the opportunities to be themselves. This may eventually decrease organizational performance.

Another challenge faced by organization striving to foster a more diverse workforce is the management of a diverse population. Managing diversity is more than simply acknowledging differences in people. A number of organizational theorists have suggested that work-terms which are highly diverse can be difficult to motivate and manage for a variety of reasons. A major challenge is miscommunication within an organization. There are competencies, however, which help to develop effective communication in diverse organizational environments. These skills include self-monitoring, empathy, and strategy decision-making. Self-monitoring refers to a communication awareness of how his/her behavior affects s another person along with his/her willingness to modify this behavior based on knowledge of its impact (Brownell, 2003). Strategic decision-making implies that the communication sources and channels used to reach organization members, as well as the substance of the massages conveyed, are mindfully selected. In her article entitles "Developing Receiver- Centered Communication in Diverse Organizations," Judi Brownell explains that a messages, they may interpret the information differently. Each interprets messages and discerns meaning based on their unique standpoint, and without a willingness to accept differing standpoint, an environment is created where the marginalized groups have no voice.

This is an additional challenge that diverse organization face, maintaining a culture which supports the idea of employee voice especially for marginalized group members. When the organizational environment is not supportive of dissenting viewpoints, employees may choose remain silent for fear of repercussions, or they may seek alternative safe avenues to express their concerns and frustrations such as on-line forums and affinity group meetings. By finding opportunities such as these to express dissert, individuals can begin to gather collective support and generate collective sense-making which create a voice for the marginalized members so they can have a collective to trigger changes(Milliken et al, 2003).

Self-Assessment Exercises 5

Propose challenges to diversity management.

2.8 Benefits of Diversity Management

Diversity is beneficial to both the organization and the members as noted above. Diversity brings substantial potential benefits such as better decision making and improve problem solving, greater creativity and innovation, which leads to enhanced product development, and more successful marketing to different types of customers(Cox,

1991).Diversity provides organizations with the ability to complete in global markets. Simply recognizing diversity also allows for those employees with these talents to feel needed and have a sense of belonging, which in turn increases their commitment to the company and allows each of them to contribute in a unique way. Standpoint theory suggest that marginalized groups bring a different perspective to an organization that challenges the status quo since their socially constructed world view will differ from that of the dominant group. Although the standpoint of the dominant group will often carry more weight, a transformational leader will encourage conflicting standpoints to coexist within an organization which will create a forum for sanctioned conflict to ensue.

Conflict stems from challenging the way things have always been done, and/ or ideas and problems that have not been explored from multiple perspectives. Standpoint theory gives a voice to those in a position to see pattern of behavior that those immersed in the culture have difficulty acknowledging. These unique and varying standpoints help to eradicate groupthink which can develop within a homogenous group. Page's (2007) mathematical modeling research of team work reflects this view. His models demonstrated that heterogeneous teams consistently out-performed homogeneous teams on a variety of tasks. Page (2007), points out, however, that diversity in teamwork is not always simple and that there are many challenges to fostering an inclusive environment in the workplace for diversity and thought and ideas.

Self-Assessment Exercises 6

Diversity is beneficial to an organization. Discuss

2.9 Summary

This unit is on the management of diversity in the workplace. In the unit you learnt that in a monolithic organization the presence of persons from different cultural groups is minimal with male dominance prevailing. Most organizations are however, pluralistic/ heterogeneous/ multicultural with members from diverse cultural backgrounds that are different from the dominant group. Diversity management is aimed at fostering and maintaining a positive and conducive environment that ensures respect for individual differences. Leadership plays a major role in the implementation of diversity management strategies. The myth surrounding the great man theory has been debunked, hence a good leader can be made and not racial or cultural leadership approaches are

found to be very useful in diversity management.

Two common methods of managing workplace diversity are the Equal Employment opportunity and affirmative action. These have been used in the USA, United Kingdom and many other countries to reduce discriminatory practices in terms of race, sex, sexual orientation and colour, among other differences. But as you have read in the unit, Equal employment Opportunity and Affirmative action are not enough to ensure effective management of diversity, other approaches such as liberal change, radical change and transformation change should be complementary to these two. There are many challenges to diversity management. One of these is that work teams which are highly diverse can be difficult to motivate and manage for a variety of reasons. Diversity is not without benefits. Some of these are that it brings better decision making and improved problem solving, greater creativity and innovation which can enhance improved service delivery.

2.10 References/Further Readings/Web Resources

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2.11   Possible Answers to SAEs

Answers to SAEs 1

A workplace is an organization where two or more people regularly come together to achieve the same objectives. Culture plays an important role in diversity (Cox, 1991), posits that there are three organizational types that focus on the development of cultural diversity. The three types are: the monolithic organization, the pluralistic organization and the multicultural organization.

Answers to SAEs 2

1.   Diversity management is a strategy that is intended to foster and maintain a positive and conducive workplace environment. The aims as pointed out earlier is to foster unity in diversity by ensuring respect for individual differences among employees.
2.   Theory is largely related to the personality dimension which is core to diversity. Kotter (1990), states that successful organizations, seek out people with leadership potential, and then expose them to developmental experiences to bring out their potential.

Styles of leadership that deal with power and authority include the autocratic, democratic, and laissez- fair. These styles focus on the distribution and sharing of power between the manager and the subordinate managers also use the situational style of Hersey and Blanchard1977), in managing diverse employees, these styles are exhibited by managers based on their own personality experience and education among others.

Transformational leadership focuses on making changes using available human resources. Discursive leadership focuses on a leader's ability to shape the communication within an organization to achieve results.

Diversity needs to be considered in effective communication. This agrees with Walck (1995)'s, definition of diversity as negotiating interaction across culturally diverse groups and contriving to get along in an environment characterized by cultural diversity. Transformational and discursive leadership approaches create an organizational culture that allows and encourages managers to use diversity as an influential resource in organizational effectiveness.

Answers to SAEs 3

Tatlic and Ozibilgion(2002), propose three approaches towards corporate diversity management, which transformational changes.

1. Liberal Change

They proposed a **liberal change model**. These approaches emanated from the belief that managing diversity goes to the belief that managing diversity goes far beyond equal Employment Opportunity and affirmative action. Other management approaches need to be used as complementary means of managing diversity. The aim of the liberal change model is to have a fair labour market from which the best person is chosen on the basis of performance. Human resources management department and top management should approve rules and regulations that are aimed at encouraging fairness and non discrimination. The liberal change approach centers on law, compliance and legal penalties for non-compliance. However, Jewson et al (1980), point out that formal rules cannot cover every aspect of work life as there are informal aspects to work such as affinity groups and alternative informal communication channels.

2. Radical Changes

In contract to the liberal approach, radical changes seeks to intervene directly in the workplace practices in order to achieve balanced workplace (in regard to all diversity dimension), as well as a fair distribution of rewards among employees. The radical approach is thus more outcome focused than on the forming of the rules to ensure equal treatment. One major tool of radical change is quotas which are set by companies or national institutions with the aim to of regulating diversity in the workplace. Quota systems are critically discussed concerning their effectiveness. Arguments for and against quotas system in companies or public institutions include contrasting ideas such as: quota compensate for actual barriers that prevent marginalized members from attaining their fair share of managerial positions to quotas are against equal opportunity for all and imply that a marginalized members only got the position to fill the quota(Allen, 19950. Sweden's quota system for parliamentary positions is a positive case for radical changes through quota setting. A quota system was introduced at the Swedish parliament with the aim of ensuring that women constitute at least a 'critical minority' of 30 or 40 percent of all parliament seats. Since the introduction of the system, women representation in parliament has risen dramatically even above the define quota. Today, 47.3 percent of parliamentary representatives are women, a number which stands out compared to

the global average of 19%.

3. Transformational change

Transformational change covers an equal opportunity agenda for both the immediate need as well as long-term solutions(Cockbun 1989), . For the short term it implements new measures to minimize bias in procedures such as recruitment or promotion. The long term, however, is seen as a project of transformation for organization. This approach acknowledge the existence of power systems and seeks to challenge the existing hegemony through implementation of equality values.

One illustrative case for transformation change is ageing management; younger employees are seen as more innovative and flexible, while older employees are associated with higher costs of salary, benefits, and healthcare needs. Therefore companies may refer young workers to older staff. Though application of the transformational concept an immediate intervention provide need relief while a long-term culture shift occurs(Brooke 260-283).

For the short-term, an organization can set up legislation preventing discrimination based on age. However, for the long-term solution, negative stereotypes of older employees needs to be replaced with the positive realization that older employees can add values to the workplace with the positive realization that older balance this idea with the benefits of innovation and flexibility that comes with youth, a mixture of ages in the workforce is ideal. Through transformational change, the short-term solution affords the organization the time necessary to enact deep rooted culture changes leading to a more inclusive environment

Answers to SAEs 4

Two country cases are discussed here to give you further insight into the practice of diversity management. These countries are: France and United States of America

France

No distinctions based on race, religion or sex are allowed under the 1958 French Constitution(http://thisnation.com/library/france.html). Since the 1980s, a French version of affirmative action based on neighborhood is in place for primary and secondary education. Some schools, in neighborhoods labeled "Priority Education Zones", are granted more funds than the others. Students from these schools also benefit from special policies in certain institutions.

Highly ranked French schools do implement affirmative action in that they are obligated to take a certain amount of students from impoverished families. Additionally, following the Norwegian example, after 27 January 2014, women must represent at least 20% of board members in all stock exchange listed or state owned companies. After 27 January 2017, the proportion will increase to 40%. All male director nominations will be invalid as long as the condition is not met, and financial penalties may apply for other directors.(Vie Publique, 2002)

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Answers to SAEs 5

One of the greatest challenges an organization has when trying to adopt a more inclusive environment is assimilation for any member outside of the dominant group. A number of scholars have studied the interplay between power, ideology, and discursive acts which serve to reinforce the hegemonic structure of organizations. Everything from organizational symbols, rituals, and stories serve to maintain the position of power held by the dominant group.
Extending this concept to diversity inclusion where organizations seek to hire or promote individuals that are not part of this dominant group

into management positions, a difficult tension develops between the socially constructed organizational norm and acceptance of cultural diversity. Often these individuals are mentored and coached to adopt the necessary traits for inclusion into the privileged group as opposed to being embraced for their differences. Such assimilated people are often denied the opportunities to be themselves. This may eventually decrease organizational performance.

Another challenge faced by organization striving to foster a more diverse workforce is the management of a diverse population. Managing diversity is more than simply acknowledging differences in people. A number of organizational theorists have suggested that work-terms which are highly diverse can be difficult to motivate and manage for a variety of reasons. A major challenge is miscommunication within an organization. There are competencies, however, which help to develop effective communication in diverse organizational environments. These skills include self-monitoring, empathy, and strategy decision-making. Self-monitoring refers to a communication awareness of how his/her behavior affects s another person along with his/her willingness to modify this behavior based on knowledge of its impact (Brownell, 2003). Strategic decision-making implies that the communication sources and channels used to reach organization members, as well as the substance of the massages conveyed, are mindfully selected. In her article entitles "Developing Receiver- Centered Communication in Diverse Organizations," Judi Brownell explains that a messages, they may interpret the information differently. Each interprets messages and discerns meaning based on their unique standpoint, and without a willingness to accept differing standpoint, an environment is created where the marginalized groups have no voice.

Answers to SAEs 6

Diversity is beneficial to both the organization and the members as noted above. Diversity brings substantial potential benefits such as better decision making and improve problem solving, greater creativity and innovation, which leads to enhanced product development, and more successful marketing to different types of customers(Cox, 1991).Diversity provides organizations with the ability to complete in global markets. Simply recognizing diversity also allows for those employees with these talents to feel needed and have a sense of belonging, which in turn increases their commitment to the company and allows each of them to contribute in a unique way. Standpoint theory suggest that marginalized groups bring a different perspective to an organization that challenges the status quo since their socially constructed world view will differ from that of the dominant group. Although the standpoint of the dominant group will often carry more

weight, a transformational leader will encourage conflicting standpoints to coexist within an organization which will create a forum for sanctioned conflict to ensue.

Unit 3   Managing Cultural Diversity

Unit Structure

3.1   Introduction
3.2   Learning Outcomes
3.3   Concept of Culture
3.4   Elements of Culture
3.5   Cultural Diversity in Nigeria
3.6   Summary
3.7   References/Further Readings
3.8   Possible Answers to Self-Assessment Exercise(s) within the content

 3.1   Introduction

In the last unit, you learnt about workplace diversity. The point that culture plays an important part in workplace diversity was mentioned. In this unit, you will have deeper insight into societies and ethnic groups. You are already aware of the multiethnic nature of Nigeria from the various states of origin of employees in your organizations and the various languages spoken. An awareness of cultural diversity enhance the tolerance level of employees and members of the society in general. There is no right or wrong culture, it is simply a matter of acceptable behavior at a point in time.

 3.2 Learning Outcomes

By the end of this unit, you will be able to:

• Define culture; race and ethnicity
• Evaluate the elements of culture
• Explain the concept of cultural diversity
• Examine the effects of cultural diversity on human resource management in Nigeria.

 3.3   Concept of Culture

Culture is the way of thinking and acting as well as material objects that together form a people's way of life (Macionis 2011). Culture can be conceptualized as nonmaterial and material. Non Material Culture consists of the ideas created by members of a society, such as music,

Material Culture refers to the physical things that are peculiar to a group of people. The material components (artefacts) of culture are those that can be felt by the five senses such as cooking ware, wedding ring, and earnings among others. Non material culture or mentifacts cover all the items that only the mind can see such as, norms belief systems, social institutions, political order.

Culture is often associated with a society and ethnicity. Society refers to people who interact in a defined territory and share a culture. Hence, there is no society without a culture and there is no culture without society (Marcolnis, 2011). In this regard, culture and society are dynamic rather than fixed. For example modes of dressing in societies change over time. Culture consists of shared beliefs, values and attitudes that guide the behavior of the group members. Ethnicity is more complex as it is associated with common descent or inter marriage as well as shared culture or history. The advents of Information and Communications Technology and globalization have influenced the emergence of mixed cultures and societies. In the marriage system in Nigeria, there is a mixture of foreign and Nigerian systems. Table 1 shows the characteristics, origin and associated perceptions or race, culture and ethnicity.

Table 1:   Concept of Race, Culture and Ethnicity

Concept	Primary characteristics	Origin	Associated perception
Race	Inherent, Biological, physical, Natural	Genetic– descent from a common ancestors	Permanent
Culture	Behavioral expression of preferred lifestyle	Upbringing– learned	Capable of being changed optioned
Ethnicity/ Ethnic group	Multifaceted definite identity	Socially constructed	Negotiated especially through intermarriage

Sources: The University of Warwick (2001) modified.

A racial group can be defined as a group of persons defined by color, race, nationality, ethnic or national origins (The UK Race Relations Act, 1976). Culture shapes not only what we do but also people's perception and acceptance/ non-acceptance of certain behaviors. Behavior of employees in the workplace is often influenced by their culture. Culture influences the languages spoken, which plays a role in the interpretation of words and symbols. Globally, it has been reported that there are about 7000 languages. These languages are disappearing due to interaction and adoption of foreign tribes, migration and adoption of foreign language as the lingua franca of foreign languages (Lewis, 2009). A language is a system of symbols that allows people to communicate with one another. Some societies write from left to right (Northern African Countries and Asia). Some write from right to left (Northern Southern, Eastern Africans). Some write from top to bottom (Eastern Asia). There is no right or wrong way to write. Language is the tool for cultural transmission and this is a source of diversity (Marclonis, 2011).

Self-Assessment Exercises 1

1. Attempt the differences between material and non-material culture.

2. Propose the primary characteristics of race, culture and ethnicity.

3.4 Elements of Culture

The concept of culture cannot be clear to you without understanding its elements. In this unit, the elements discussed are: symbols, language, values and norms (Marcionis, 2011). A symbol is anything that carries a particular meaning recognized by people who share a culture. In South West Nigeria, tubers of yam are considered as a necessary gift from a groom's family to the bride's family culture shock is defined as the inability to understand the meaning attached to such symbols in unfamiliar environment. Food is the simplest example of culture shock. Some tribes in Nigeria eat dogs which are abhorred in some other parts. Language can be defined as a system of symbols that allows people to communicate with one another. Each has the basis of reality. Sapir (1949) and Whorf (1956) posits that people see and understand the world through the cultural lens of language

Values and beliefs are also elements of culture, that underline diversity. Values are culturally defined standards that people use to decide what is desirable, good and beautiful and that serve as broad guidelines for social living (Macionis 2011). Macionics (2011) further defines beliefs as specific ideas that people hold to be true. Nigerian tribes have much folklore that demonstrates their beliefs; Many Nigeria

tribes belief in being their brother's keeper. In an extended family system.

Williams (1970), identify ten values of the U. S. A. culture are:

1.   Equal Opportunity
2.   Individual achievement and personal success
3.   Material comfort
4.   Activity and work by taking action and being proactive
5.   Practicability and efficiency
6.   Process
7.   Science
8.   Democracy and free enterprise
9.   Freedom
10.   Racism and group superiority – this implies that the U S culture judges others on the basis of gender, race, ethnicity and social class.

Norms are defined by Macionis (2011), as rules and expectations by which a society guides the behavior of its members. These norms are widely observed and have great moral significance. Among the Yorubas in Nigeria, kneeling for an elderly person can be considered as a norm. Non conformists are usually not considered as good examples.

Schaefer (2008), identifies sanctions as an element of culture. Sanctions are penalties or rewards for behaving according to the norms of the society. Conforming to a norm can lead to positive sanctions such as pay raise, a medal, and a word of gratitude or a pat on the back. Negative sanctions included fines, threats, imprisonment and stares of concept. Culture has been categorized into Ideal and RealcCulture. Schusky and Culbert(1967), defines culture as the beliefs, values, and norms that people claim to follow. Real culture on the other hand, refers to actual behavior in relation to these professed beliefs, values and norms.

It is well known that most Nigerians believe in God and are good at attending their places of worship but this has not translated into godly behavior of honesty, equality and equity. Sullivan Commisssion(2003) reports that in the USA people place value on such ideals as equity, honesty and obeying the law, but lying, cheating and stealing are common occurrences. This situation tends to indicate that many factors influence people behavior. Corrupt leaders may have negative effects on the behavior of others when faced with tempting situations. There is also the concept of subculture. A subculture is a group within a culture that shares some if the beliefs, value, and norms of a larger culture but also has some that are distinctly its own Fine and Kleinman (1979), state that membership of a subculture is based on accepting the

beliefs, values, and norms of the subculture and identifying with other members of it. Subcultures develop when members of a segment of society become aware of the fact that they share interests, beliefs and practices.

Self-Assessment Exercises 1

To what extent do the United States of America's cultural values as identified by Williams (1970) related to the Nigerian Cultural value. Lists

3.5   Cultural Diversity in Nigeria

In sections 3.3 and 3.4, you have learnt about the definition of culture and its elements. In this section, you learn more about cultural diversity. Cultural diversity is the quality of diverse or different cultures, in an organization or society. It is also understood as the variety of human societies or cultures in a specific country or in the world as a whole. Such diversity manifests in different languages, model of dressing, art as well as traditional practices. While many societies are multicultural, Japan is relatively considered to be a monoculture country. The Unite States of America is considered to be the most multicultural country in all the high income countries (Macionics 2011). Cultural diversity opens people to other cultural patterns. This led to typology of culture as high and popular culture. High culture refers to cultural patterns that distinguish society's elite from others popular culture describes the cultural patterns that are widespread among a society's population (Macionis 2011). Understand the various types/patterns o culture is necessary in the management of diversity.

Cultural Diversity

Nigeria is well known for her cultural diversity. Otite (1990), reports that Nigeria has about 374 (three hundred and seventy four) cultural grouping. Nzemeke and Erchagbe (1997) wrote extensively on the Nigerian cultures. According to the authors, the Niger – Delta region has a lot of minorities. Examples of three are the ijo, the Ndoki, Odual, Isoko, Urchobo, Abual and Hsekiri. The mode of dressing among these groups is the wrapper usually with a broad shirt or jumper for men and blouse for the women. Apart from the Itsekiri, the political organization of the tribes is established on the basis of village groups or clans. Alongside the Christian and Muslim religion, most of the people also behave in goddesses of the waters. The general ones are the Olokun/, the Olokun/many the water Benevolent; the bride of the seas.

The cultures of the rain forest region can be categorized into four namely: the Yoruba group, the Igbo group, the Edoid group and some other minority tribes (Nzemeke and Erhagbe 1997). The Yoruba group spills over into neighboring Benin Republic with enclaves in Togo.

The Edoid cultures are sandwiched between the Igbo and Yoruba.The Yoruba culture culture has monarchical states. The basic political unit in the Yoruba culture is the town which is composed of lineages organized in order of seniority determined by the order of settlement (Nzemeke and Erhagbe, 1997). Each lineage has a hereditary title assumed by theits leader. The leader of the lineage assumes the headship the founder lineage assumes the headship of the town. The head of the town is called a Baale or Oba (in case of a crown King). The cultures of the forest regions are known for their sophisticated artistic traditions and skills. Examples are the iron melting and black smithing in Ife, Nkwere, Awka, Abiriba and Oyo. This region believes in the existence of a supreme God called Olodumare (Yoruba), Osanobua (Benin) Oghena (Etsako), Chukwu/ Obasi (Igbo) and Abasi (Ibibio).

Cultures of the Guinea Savanna Region

Guinea savanna countries are those in the Nigerian Middle Belt, which covers more than 50% of the Nigerian Territory. Nzemeke and Erhagbe (1997), reports that Adamawa, Nassarawa, Plateau and Taraba account for about 50 % of the Nigerian countries. Among the tribes in these areas are the Tiv, the Gwari and the Nupe. The people here claimed to be from Hausa or Jukun ancestors. Like the other cultures, there is a general belief in the existence of a supreme God known as Ashili/Bakashili among others. These tribes tolerate both the Christian and Islamic religions.

Cultures of Sudan Savanna.

The Kanuri, Hausas and Fulani constitute the mayor cultural group in the Sudan Savanna region. The Hausa are Nigeria's largest cultural group. They are currently concentrated in Kano, Jigawa, Kaduna, Kastina, Sokoto, Kebbi and Zamfara. The social and political organizations are mainly based on status.At the top of the hierarchy are the Sarakuna (the chiefs) and the Masu Sarauta (holders of offices). At the bottom is the third class known as the talakawas, the dominant religion here is Islam.Notable among the culture is the purdah system that provides economic freedom for women despite the seclusion and the dressing covers almost all the physical body.

Conflicts from ethnic/culture diversity in Nigeria

In view of the diversity of ethnic groups, it not unexpected that there could be conflicts. Mvendiga et al (2001), report some of these conflicts. In Kogi State, inter – ethnic cultural competition have led to violent situations which caused damage to lives and property. Chieftaincy disputes have produced great social dislocation, which had resulted in killings and destruction of properties. Religious conflicts also existed in the middle belt. In the Benue State, Christianity and traditional religious are dominant while the moslems are in the minority. Mvendiga et al (2001), report that religions conflict have occurred over shrines.
Jibo (1993) reports the religious upheavals in Bauchi, Kaduna, Zaria and Kano. There were also the Warri ethnic war of 1997 and the Ife – Modakeke. war of 1997 (Jekayinfa 2002).

Federal Character Policy

Prior to the attainment of independence, the desire of many Nigerians was to have a country devoid of injustice, where all citizens, (irrespective of their ethnic origin, cultural affiliation, class, religion, gender) will enjoy the rights, privileges and opportunities that t h countries offers. However as the clamour for independence deepen expectation of an egalitarian Nigeria was far from being realized federal Character Commission 2013). Firstly, Nigeria has differences in culture, stages of social and economic development levels of political awareness of the citizens. Secondly, it was observed that disparities existed in the educational development of different sections of the country and this resulted in some sections of the country having advantage in the employment of their indigenes into the public services. Therefore, in 1984 when Nigeria opted for a federal form of government, the concept of quota system as a policy was adopted in the recruitment of persons into the officers' corps of Armed Forces and the Police as well as in admissions into education institutions.

With the attainment of independence, the need to define the criterion for equitable spread of development became even more pertinent. Consequently, from 1st October 1960 when Nigeria became independent and since 1954 when she adopted the federal form of government country has attempted to practice the "Quota System" in one fo other, understandable, the aim of adopting a federal forms of government was to foster understanding and cooperation among the distinct of the nation. It was hoped that this form of government would enhance a union of the federating units, while the federal government would have the central control of vital aspects like defence, security and foreign policy. It was also expected that this form of government would give the federating units considerably control and administration

of like health, agriculture, education etc. as well as social and political development, while receiving equitable share of resources of the central government

However, although the leadership and citizens of Nigeria acknowledge the need for equity, there were no specific guidelines to ensure fairness. Sharing and allocation of resources as well as the infrastructural amenities were done voluntarily, arbitrary and mandatorily. In addition, there was no defined procedure for sharing resources and manpower of the central government. As such, there were differences in the levels of social, economic and political development in the federating units..

Given the complexity of Nigeria's political formation and the federal character (i.e. nation's heterogeneity) as well as its chequered history before independence and after, it became increasingly necessary for Nigerians to define the processes whereby the corporate existence, the nation-state and the peaceful existence of its people could be ensured. Thus, the quota system as a national policy was received 1967 and adopted for filling vacancies into federally owned school institutions. Ironically, the policy was carried out without having a body constitutionally changed with the responsibility of implementing it.

By 1975, the issue of "federal character" had become a serious issue. The setting up of a constitutional Drafting Committee in late General Murtala Ramat Muhammad's government was part efforts to resolve the problem of inequality and marginalization were expressed by many Nigerians. Thus, as part of its proposal Constitution Drafting Committee adopted the term "Federal Character '' in discussing issues of marginalization. Therefore, as defined in the constitution, federal character is:

The distinctive desire of the people of Nigeria to promote unity, foster national loyalty and give citizens of Nigeria a sense of b the nation notwithstanding the diversities of ethnic origin, culture language or religion which may exist and which in their desire and harness to the enrichment of the Federal Republic of Nigeria(Federal Character Commission ,2013)

Despite the efforts to redress the lopsidedness in development in sections of the country, the "Federal Character" principle was still not-justifiable to some people and therefore not scrupulously observed. It was against this background that the government of General Sanni Abacha sought among other things, to redress most of the issue. Consequently, the Constitutional Conference of 1995 was to treat the thorny issues which tended to divide rather than unite the various peoples of Nigeria. The proposals recommended by the Constitutional Conference include:

(1)   Sharing of political powers
(2)   Redressing the marginalization of disadvantaged group
(3)   Distribution of economic wealth.

The provisions of the attainment of those proposals included:

(1)   Dividing the country into six geopolitical zones
(2)   Rotating of certain political offices
(3)   Provision of new revenue sharing formulae and;
(4)   The establishment of a Federal Character Commission

Self-Assessment Exercises 3

Attempt the difference between the Cultures of the Guinea Savanna and Sudan Region

3.6   Summary

In the unit, you have learnt about the concept of cultural diversity. Culture is the way of thinking, and acting as well as material objects that together form a people's way of life. Culture could be material or non material. Both types of culture are fund in societies and ethnic groups. Culture has many elements; among these are languages, values and beliefs, value, norms and sanctions. You would have noted that cultural sanctions could be positive or negative. The term cultural diversity is the quality of diverse or different cultures in an organization or society. Such diversity manifest in different languages, mode of dressing, art and other traditional practices. Many societies are multicultural. Nigeria is well known for her cultural diversity. There are about three hundred and seventy four cultural groups in Nigeria. These grouping have had occasions of conflicts of the middle belt, religious upheavals in Bauchi, Kaduna, Zaria and Kano, as well as the Ife-Modakeke fratricidal war.

The federal government took a bold step to manage cultural diversity which had resulted in uneven economic development by including the principle of federal character in the 1999 constitution.

3.7   References/Further Readings/Web Resources

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3.8   Possible Answers to SAEs

Answers to SAEs 1

1.   Non Material Culture consists of the ideas created by members of a society, such as music, Material Culture refers to the physical things that are peculiar to a group of people. The material components (artefacts) of culture are those that can be felt by the five senses such as cooking ware, wedding ring, and earnings among others. Non material culture or mentifacts cover all the items that only the mind can see such as, norms belief systems, social institutions, political order.

2.   (a)   **Race** is Inherent, Biological, physical, Natural.
           (b)   **Culture** is Behavioral expression of preferred lifestyle.
           (c)   **Ethnicity** is Multifaceted definite identity.

Answers to SAEs 2

Williams (1970), identify ten values of the U. S. A. culture are:

1. Equal Opportunity
2. Individual achievement and personal success
3. Material comfort
4. Activity and work by taking action and being proactive
5. Practicability and efficiency
6. Process
7. Science
8. Democracy and free enterprise
9. Freedom
10. Racism and group superiority – this implies that the U S culture judges others on the basis of gender, race, ethnicity and social class.

Answers to SAEs 3

Cultures of the Guinea Savanna Region

Guinea savanna countries are those in the Nigerian Middle Belt, which covers more than 50% of the Nigerian Territory. Nzemeke and Erhagbe (1997), reports that Adamawa, Nassarawa, Plateau and Taraba account for about 50 % of the Nigerian countries. Among the tribes in these areas are the Tiv, the Gwari and the Nupe. The people here claimed to be from Hausa or Jukun ancestors. Like the other cultures, there is a

general belief in the existence of a supreme God known as Ashili/Bakashili among others. These tribes tolerate both the Christian and Islamic religions.

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Unit 4   Gender Diversity

Unit structure

4.1   Introduction
4.2   Learning Outcomes
4.3   Social Construction Gender
        4.3.1 Definition of Gender
4.4   Gender Diversity Concept
        4.4.1 Physical Sex
        4.4.2 Assigned Sex
        4.4.3 Gender Identity
        4.4.4 Gender Role
        4.4.5 Gender Presentation
        4.4.6   Perceived Gender
4.5   Sociological Perspectives of Gender
        4.5.1 The Functionalist View
        4.5.2 The Conflict Respond perspective
        4.5.3 The Feminist Perspective
        4.5.4 The Interactionist Approach
4.6   Feminist Concept
        4.6.1 Principles of Feminism
        4.6.2 Types of Feminism
4.7   Gender Diversity in the Workplace
4.8   Summary
4.9   References/Further Readings/Web Resources
4.10   Possible Answers to Self-Assessment Exercise(s) within the
        content

 4.1   Introduction

In the last unit you learnt about cultural diversity. In this unit, you will learn about gender diversity which has its roots in human culture. Gender diversity is based on the belief that innate behavioral, intellectual and psychological differences exist between men and women, and that these difference connote the superiority of men over women. Gender diversity often results in both discrimination and prejudice against women at all levels – the home, the institution, society and the nation. Experience over the last five decades have show that a radical positive transformation of the relationship between women and men to equal partnership is a major prerequisite for national development.

 4.2   Learning Outcomes

By the end of this unit, you will be able to:

- Explain the social construction of gender and gender diversity
- Enumerate the gender diversity concepts
- Describe the sociological perspective of gender
- Evaluate the Feminism principles
- Assess gender diversity in the workplace.

 4.3   Social Construction of Gender

The first time I heard the voice of a women captain of an Arik flight from Lagos to Port Harcourt, Nigeria, my heart skipped. even though I considered myself to be gender aware, I did not easily come to terms with a woman in the cockpit. I have since been flown on an international route by a women and the flight is not in anyway different from when the plane is flown by a man. My reaction to a woman in the cockpit is a typical example of the social construction of gender roles.

4.3.1   Definition of Gender

Gender is the social attributes and opportunity associated with being female and male; and the relationships between women and men/girls and boys, as well as relations between women and girls; and men / boys (Olowe, 2012).Gender consists of socially ascribed roles for all sexes that changes from society to society. A related concept to gender is sex. It is not uncommon to find self completing forms requesting for the respondent's gender instead of sex. Sex is the biological classification of the huma n being into females and males by virtue of the differences in the reproductive system. (Olowe, 2012) Sex, is usually determined at birth although some people have chosen to undergo transsexual operations. Sex change is an operation with accompanying harmony treatment that changes the physical characteristics from one sex to another. Gender roles is a set of behaviors, that indicates whether a person's identity is male or female. Schaefer (2008), further explains that gender roles are expectations regarding the proper behavior, attitudes and activities of males and females. For example, both sexes are capable of learning to cook and sew, fly airplanes or repair vehicles but most societies assign cooking and sewing to women, and flying airplanes and vehicle repair to men. Another good example given by Scharfer (2012), is that traditional norms regarding marriage, expects the man should be older, taller and

wiser than the women. These gender roles form the bedrock of gender diversity.

Self-Assessment Exercises 1

1.   Attempt the meaning of Gender.
2.   Propose with illustration enumerate the Gender Roles.

4.4   Gender Diversity Concept

The concept of gender diversity is based on a distinction between sex and gender. Gender diverse people define themselves and behave in ways that are not expected of people with their biological sex. They are often described as transgender. Such people may be heterosexual, bisexual or homosexual. The following concepts explain the various forms of gender diversity.

4.4.1 Physical Sex

Physical sex is often identified simplistically in term of the genitals we have, but physical sex is much more than that. Just as human beings come in many shapes, sizes and colors, we also come in many varieties of physical sex, based on our own unique combination of chromosomes, hormones, and physical characteristics. Inspecting a newborn's genitals to determine whether the baby is a boy or a girl can be inconclusive or misleading. Experts have estimated that approximately one percent of babies (at least 40, 000 annually in the United States alone) are born with bodies that differ in some way from what is considered standard for males or females.

Some babies have physical characteristics that lead to confusion about whether they're male or female.

*.... My wife and I just had our first baby. People keep asking, is it a girl or a boy?" and I don't know what to say because the baby has what the doctors call ambiguous genitals. The doctors are recommending a series of surgeries to "correct" the problem. I've never heard of this. I usually follow doctors' recommendations, but I don't know what to do. I feel so alone(*Cook and Volman, 2013)

Others typical aspects of physical, genetic and brain sex are invisible to the eye but may become apparent later, perhaps at puberty, or become apparent only if genetic tests are performed.

4.4.2 Assigned Sex

Assigned sex is what people declare a baby to be at birth. Assignment is the answer to the question, "is it a girl or a boy?" Most of us don't realize that sex was assigned to us, and we take for granted that we are the male or female that we were originally said to be.

However, sometimes sex is ambiguous, as in the above example, but even when a baby's genitals look the way we expect them to, sex assignment on that basis alone isn't necessarily accurate.

*..... our child was born with a girl's body, externally, but when she was about four, our doctor noticed a slight bulge in her groin. After blood work and ultrasound. We learned that she had male chromosomes (XY) and testes rather than ovaries(*Cook and Volman, 2013).

Still other people have unambiguous genitals, but have a profound sense that their assignment was wrong, and they're deeply trouble by the bind they find themselves in.

4.4.3 Gender Identity

Gender identity is a person's internal understanding of their own true gender. Most people never question or contradict their assigned sex. They were declared to be a boy   or girl at birth and that suits them completely.

Some children, however, know from a very young age that their assigned gender and apparent physical sex are wrong for them, that they are really the other gender.

.....*My nephew is four years old. He's been telling his parents for two years that he's a girl and wants to wear dresses. My brother is beside himself. He keeps pointing to the child's penis and saying, "You're a boy, just like Daddy. "But the kid won't buy it and is getting more sullen by the day (*Cook and Volman, 2013)

For some people, neither male nor female fits their understanding of themselves.

…I'm 24 years old and look androgynous. People don't know what I am. I don't feel that either label – male – or female – fits me. I've been trying to explain this to my mom, but she doesn't get it. She keeps saying that I have to decide whether I'm a boy or a girl. I'm so frustrated.

4.4.4 Gender Role

Gender role is what society is appropriate for males and female, including dress, behavior, and other activities such as using a particular restroom. When children encounter gender role restrictions that don't make sense to them, they often conclude that they have a problem and begin monitoring themselves to make sure they don't step outside the gender role considered appropriate for their assigned sex. For example, you've probably known

- An intelligent girl who played dumb to try to become more popular, or
- A boy who held back tears at his grandfather's funeral because boys aren't supposed to cry.

We often forget how culturally specific gender roles are, that what is acceptable in one culture is completely unacceptable in another. For example,

- In the United State, adult women are allowed to drive; in some countries, it is forbidden.
- In some countries, men express their affection for each other freely; in the United State, doing so can be dangerous.

4.4.5 Gender Presentation

Gender presentation is the way people express their gender or gender role outwardly including

- Clothing and jewelry they close
- Their mannerisms.
- The way they talk and use their hands
- Their hairstyle.
- The interests they express, and
- Their speech.

I'm a 34 – years – old women. When I was a kid, I felt comfortable only in boys 'clothes. I was so relieved when I grew up and no longer had to fight with my parents over dresses. I wear men's clothes all the time, and people are fine with it.

The only exception is the choir I sing in, which requires women to wear long skirts and men to wear tuxes. It's not that I want to wear a tux, but I find wearing that skirt incredibly stressful.(Cook and Volman, 2013)

4.4.6 Perceived Gender

Perceived gender is how someone appears to others. Think about how you "know whether someone is male or female. We usually see people's clothes or dressing and conclude hat they are male or female. This may not be accurate. Some men look like women when dressed like one and vice versa.

Self-Assessment Exercises 2

Explain the various forms of Gender Diversity.

4.5 Sociological Perspective of Gender

Sociologists have proposed four perspectives towards understanding how and why there are social distinctions of men and women roles in societies (Parsons and Bales, 1955)

The four perspectives are:

- The Functionalist view
- The Conflict Response Perspective
- The Feminist Perspective
- The Interactionist Approach

4.5.1 The Functionalist View

Prominent theorists of this view are Parsons and Bales (1955). They argue that to function effectively, the family requires adults who specialize in particular roles. It is their view that women play the expressive, emotionally, supportive role and men the instrumental practical role, with two complementing each other. In this case, instrumentality refers to focus on task, more distant goals and concern for external relationship between a family and other social institution of harmony and the internal emotional affairs of the family. The flaws in this categorization of women and men are well articulated by Schaefer (2008): In the world today, particularly in the U.S.A, there are women who prefer not to have children and may therefore not be expected to be baby sitters. Similarly, there are men who love spending time with children.

4.5.2 The Conflict Response Perspective

The conflict response perspective is on the underlying power relations between men and women. Conflict theories posit that the relationship

between female and male has traditionally been unequal with men being the dominant group in many societies. In most societies, cultural beliefs about the dominant position of men over women are well established such that the Beijing Platform for Action (UNDP, 1985) made about 28 years ago cannot eradicate this cultural belief. Except for minority matrilineal societies in Ghana for example, males are in controlling position.

Conflict theorists also argue that continued domination by males requires a belief system that supports gender inequality. Money et al (2002), listed two such beliefs. The first is that women are inferior outside the home (they are less intelligent, less reliable and less rational). The second is that women are more valuable in the concluded that the subordinate position of women in society is a consequence of social inducement rather than biological differences

4.5.3 The Feminist Perspective

Feminist's theorists believes that the subordination of women to men, is associated with injustice inherent in capitalist societies (Tuchman and Levine 1992), the theorists argue that until recently, the discussion of women and society, was distorted by the exclusion of women from academics thought, contributions of women to academic discourses were not published.

4.5.4 The Interactionist Approach

The interactionist researchers examined gender stratification on the micro level of everyday behavior. This approach focuses on gender oriented behavior of men and women. For example, men are more likely than women to change the topic of conversation and ignore topics chosen by women. Men minimize the contributions and ideas of wo men (West and Zummarmen 1983): These findings regarding cross-sex conversations have been frequently replicated. They have striking implications for the struggle for gender equality.

Self-Assessment Exercises 3

> According to Parsons & Bales (1955), attempt four (4) perspectives towards understanding how and why there are social distinctions of men and women roles in societies.

4.6   Feminism Concept

Feminism is the support for social equality for women and men as opposed to patriarchy and sexism which is the belief that one sex is innately superior to the other. Macionis (2011), reports that the first wave of feminism in the United states of America (USA) began in the 1840s, when women opposed to slavery rose up against the suppression of African American women in particular and the oppression of women in general. Notable women leaders in this effort were Elizabeth Cady Stanton and Lucretia Mott. The main purpose was to obtain the right for women to vote, which was achieved in 1920 (Macionis 2011).

4.6.1 Principles of Feminism

Feminism is based on five general principles, which are explained as follows (Macionis 2011).

1.   Working to increase equality – This is about equal treatment. This principle aims to have social equality for women and men.
2.   Expanding human choice – the principle aims at a gender lens that reintegrate humanity through the development of emotion, cooperation, rationality and competition traits in both sexes (French, 1985)
3.   Eliminating gender stratification – This principle is aimed at ensuring equality of rights under the law. Feminism opposes laws and cultural norms that limit the education, income and job opportunities for women. The Equal Rights Amendment Law has not yet been passed as at 2011 (Macinois, 2011) .
4.   Ending sexual violence – The aim is to eliminate sexual violence. Existing patriarchal beliefs encourage violence against women in various forms such as battering, rape, sexual harassment and even pornography (Freedman, 2002).
5.   Promoting sexual freedom – Feminism aims to ensure women's control over their sexuality and reproduction. Feminism supports the free availability of birth control information and free choice of using or not using them, a free choice to have or not have children, end or keep a pregnancy, including gay people's freedom.

4.6.2   Types of Feminism

Feminism cannot be imposed on women and men. Both women and men must not only be able to participate equally, they must want to do so. Stacey (1983), states that although feminism agree on the importance of gender equality, they disagree on how to achieve it. The different positions are explained through liberal feminism, socialist feminism

and radical feminism. Liberal feminism believes that individuals should be free to develop their own talents and pursue their own interests. This group of theorist accepts the basic organization of our society but seeks an expansion of women's rights and privileges Socialist feminism believes that capitalism must change in order to replace "domestic slavery" of women' The theorists propose collective means of carrying out housework and childcare (Macionis 2011). Radical Feminism in the other hand, believes that patriarchy is so firmly entrenched that even a socialist revolution would not end it. Inst ead the theory suggests that society must eliminate gender itself (Macionis 2011).

Self-Assessment Exercises 3

Discuss the Five (5) General Principles of Feminism, according to Macionis (2011)

4.7   Gender Diversity in the Workplace

In the past, all the workplace were automatically assigned to temporary or part-time or low responsibility jobs because it was understood that their first priority was taking care of their families. Unmarried women were likely to quit as soon as they married (often to an up- and- coming executive in the company), and married women were likely to quite as soon as they became pregnant. Women with children were understood to care more about the children than about work. In addition, there was a widespread belief that women were not as capable as men, either physically or mentally or emotionally.

Today, women are not generally seen as inferior to men (in fact, it is common to hear that men are inferior to women). And their women who want to put work first and family second.. Organizations have been slowly adjusting to these changes, learning to treat women as the equals of men and not as a pool of potential dates. Both discriminating against female employees (in terms of hiring and advancement) and treating them in a sexual manner (sexual harassment) are now against the law. However, there are some women in the workforce who do place family first.

Feminists worry that women (and presumably men!) should be allowed to have flexible work arrangement and remain on the fast track. Some people regard issues of treatment of various employee groups, such as those based on gender, race, and sexual orient ation as primarily an issue of moral fairness. Women should be given the same career opportunities as men; homosexual couples should be given the same health insurance benefits as heterosexual couples. However, many managers would

counter that organizations are goods and provide services for money. Their responsibilities are to their stockholder to manufacture goods and provide services for profit. Others see the issues primarily in strategic terms. Organizations compete for human resources and as the workforce becomes more heterogeneous, organizations will have to serve the diverse needs of this workforce or they will lose them to their competitors. Organizations that discriminate against women are forced to select workers from a smaller pool, reducing their ability to find top performers. At the same time, some managers would point out that increased diversity can cause management problems. For example, having more women has meant more problems with sexual harassment (even if it's the men's *fault*). Increase diversity brings with it the need for more flexibility, which makes management more complicated (e.g., scheduling, compensation plans, interpersonal communication).

Self-Assessment Exercises 4

Attempt to relate the Feminism Principles to the development of women in Nigeria.

 4.8 Summary

In this unit, you learnt about gender in society and in the workplace. Gender is the social attributes and opportunities associated with being female and male; and the relationships between women and men/ girls and boys and men/boy . Gender consists of socially ascribed roles for all sexes that changes over the time and from society to society. The concept of gender diversity is based on a distinction between sex and gender. Gender diverse people define themselves and behave in ways that are not expected of people with their biological sex. Such people may be heterosexual, bisexual, or homosexual. Gender diversity concepts, include, physical sex, assigned sex gender indentify, gender role, gender presentation and perceived gender. Sociologists proposed four perspectives aimed at understanding how and why there are social distinctions of men and women roles in societies. These are the functionalist view, the conflict response perspective, the feminist perspective and the interactionist approach. The word feminism was peddled around in the early 1900s. it is the support for equality for women and men as opposed to patriarchy and sexism which is the belief that one sex is innately superior to the other. You learnt also about the five principles of feminism and the types of feminism. Gender diversity in the workplace also focuses on the equal and fair treatment of women when compared to men. There should be equal treatment for

homosexuals, single women, unmarried mothers and nursing mothers. Gender equality in the workplace enhances organizational effectiveness. A heterogeneous workplace in terms of men and women is better than only men or only women groups as issues and problems could be discussed for a broader perspectives covering implications for both sexes.

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4.10 Possible Answers to SAEs

Answers to SAEs 1

1.   Gender is the social attributes and opportunity associated with being female and male; and the relationships between women and men/girls and boys, as well as relations between women and girls; and men / boys (Olowe, 2012).Gender consists of socially ascribed roles for all sexes that changes from society to society.

2.   Gender roles is a set of behaviors, that indicates whether a person's identity is male or female. Schaefer (2008), further explains that gender roles are expectations regarding the proper behavior, attitudes and activities of males and females. For example, both sexes are capable of learning to cook and sew, fly airplanes or repair vehicles but most societies assign cooking and sewing to women, and flying airplanes and vehicle repair to men. Another good example given by Scharfer (2012),   is that traditional norms regarding marriage, expects the man should be older, taller and wiser than the women. These gender roles form the bedrock of gender diversity.

Answers to SAEs 2

The following concepts explain the various forms of gender diversity.

1.   Physical Sex

Physical sex is often identified simplistically in term of the genitals we have, but physical sex is much more than that. Just as human beings come in many shapes, sizes and colors, we also come in many varieties of physical sex, based on our own unique combination of chromosomes, hormones, and physical characteristics. Inspecting a newborn's genitals to determine whether the baby is a boy or a girl can be inconclusive or misleading. Experts have estimated that approximately one percent of babies (at least 40, 000 annually in the United States alone) are born with bodies that differ in some way from what is considered standard for males or females.

Some babies have physical characteristics that lead to confusion about whether they're male or female.

2.   Assigned Sex

Assigned sex is what people declare a baby to be at birth. Assignment is the answer to the question, "is it a girl or a boy?" Most of us don't realize that sex was assigned to us, and we take for granted that we are the male or female that we were originally said to be.

However, sometimes sex is ambiguous, as in the above example, but even when a baby's genitals look the way we expect them to, sex assignment on that basis alone isn't necessarily accurate.

3.   Gender Identity

Gender identity is a person's internal understanding of their own true gender. Most people never question or contradict their assigned sex. They were declared to be a boy or girl at birth and that suits them completely.

Some children, however, know from a very young age that their assigned gender and apparent physical sex are wrong for them, that they are really the other gender.

4.   Gender Role

Gender role is what society is appropriate for males and female, including dress, behavior, and other activities such as using a particular restroom. When children encounter gender role restrictions that don't make sense to them, they often conclude that they have a problem and begin monitoring themselves to make sure they don't step outside the gender role considered appropriate for their assigned sex.

5.   Gender Presentation

Gender presentation is the way people express their gender or gender role outwardly including

- Clothing and jewelry they close
- Their mannerisms.
- The way they talk and use their hands
- Their hairstyle.
- The interests they express, and
- Their speech.

6.   Perceived Gender

Perceived gender is how someone appears to others. Think about how you "know whether someone is male or female. We usually see people's clothes or dressing and conclude hat they are male or female. This may not be accurate. Some men look like women when dressed like one and vice versa.

Answers to SAEs 3

Feminism is based on five general principles, which are explained as follows (Macionis 2011).

1.   Working to increase equality – This is about equal treatment. This principle aims to have social equality for women and men.
2.   Expanding human choice – the principle aims at a gender lens that reintegrate humanity through the development of emotion, cooperation, rationality and competition traits in both sexes (French, 1985)
3.   Eliminating gender stratification – This principle is aimed at ensuring equality of rights under the law. Feminism opposes laws and cultural norms that limit the education, income and job opportunities for women. The Equal Rights Amendment Law has not yet been passed as at 2011 (Macinois, 2011) .
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Answers to SAEs 4

Feminists worry that women (and presumably men!) should be allowed to have flexible work arrangement and remain on the fast track. Some people regard issues of treatment of various employee groups, such as those based on gender, race, and sexual orientation as primarily an issue of moral fairness.

Women should be given the same career opportunities as men; homosexual couples should be given the same health insurance benefits as heterosexual couples. However, many managers would counter that

organizations are goods and provide services for money.

Their responsibilities are to their stockholder to manufacture goods and provide services for profit. Others see the issues primarily in strategic terms.

Organizations compete for human resources and as the workforce becomes more heterogeneous, organizations will have to serve the diverse needs of this workforce or they will lose them to their competitors.

Organizations that discriminate against women are forced to select workers from a smaller pool, reducing their ability to find top performers.

At the same time, some managers would point out that increased diversity can cause management problems. For example, having more women has meant more problems with sexual harassment (even if it's the men's *fault*). Increase diversity brings with it the need for more flexibility, which makes management more complicated (e.g., scheduling, compensation plans, interpersonal communication).

Module 2   Conflict Management

Unit 1   The Nature of Conflict

Unit Structure

1.1   Introduction
1.2   Learning Outcomes
1.3   Definition of Conflict
1.4   The Life Cycle of Conflict
1.5   Organizational Effects of Conflict
1.6   Roles of Conflict Concept
1.7   Summary
1.8   References/Further Readings/Web Resources
1.9   Possible Answers to Self-Assessment Exercise(s) within the content

 1.1   Introduction

In the last unit, you will learn about managing diversity. In managing diversity and groups of people conflicts often arise. Conflicts in one form or another are inevitable in organizations, families and society. This is because of many reasons including perception differences, different objectives, sharing of resources, and different values, among others. An ideal situation where harmony exists among organizational staff members, communities and families, or even nations, all the time does not exist. At the international, national, communities, organizational and family levels, the role of the leader is to know how to prevent and manage conflict if and when they occur. In this unit you will learn more about the definition of conflict, the life cycle of conflict and other concepts of conflict.

 1.2   Learning Outcomes

By the end of this unit, you will be able to:

-        Define conflict in your own words
-        Explain the life cycle of conflict
-        Enumerate the elements of role conflict
-        Recognize the features of organizational conflict

 1.3 Definition of Conflict

Conflict is commonly defined as a struggle or contest between people with opposing needs, ideas beliefs values or goals. Erast-Orto (1981), points out the fact that conflicts should not be defined simply in term of violence (behavior) or hostility, (attitudes), but also in terms of incompatibility or differences in issue position. This definition focuses on the behavioral aspect of conflict. In organizations, different stands on issues of policy and operational matters lead to conlict.

Wallenstee (2002), Defines conflict as a situation in which two or more parties strive to acquire the same scarce resources at the same time. This definition stresses that time factor is important especially with an expanded definition of causes of conflict which include, human security, environment, and economic orientation among others. These additional areas often lead to conflict through differences in perception by different groups. Perception is a central concept in conflict definition and management. Perception is difficult to deal with as it involves disputes along religious values and belief systems which cannot be solved by simple legislation or even with military solution. Perception is the process by which people translate sensory impressions into a coherent and unified view of the world around them. To a person, perception is equated with reality. For example, acceptability of dress codes is based on perception of what is perceived as acceptable along religious and cultural beliefs. It is not necessarily right or wrong. You can now understand why perception is at the heart of conflict situations.
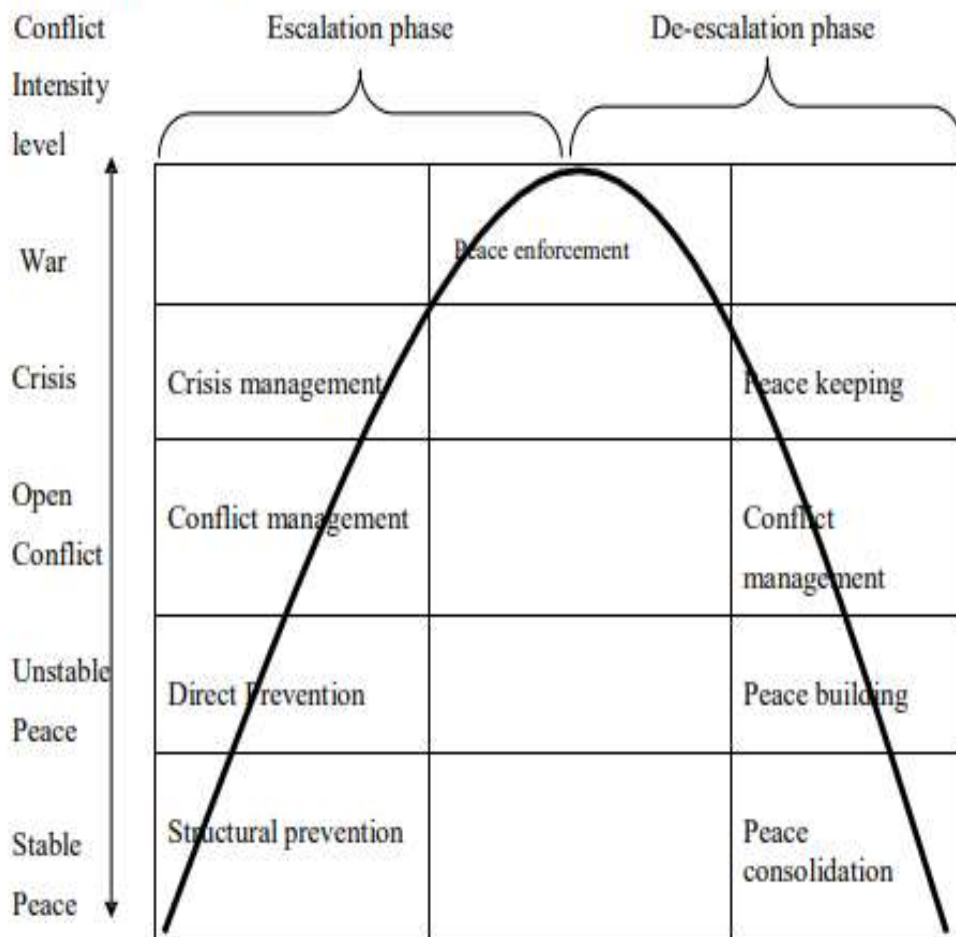
Self-Assessment Exercises 1

Propose a definition of Conflict.

1.4 The Life Cycle of Conflict

Swanstrom and Wessman (2005), state that a conflict is not a static situation but a dynamic one. Conflict has a life cycle like that of a human being. There is usually a start, a mature and a resolution or death stages. Conflict tend to be cyclical. Conflicts need to be described as cyclical with regards to their intensity levels, i.e. escalating from (relative) stability and peace into crisis and war, thereafter deescalating into relative peace. Most scholars also agree that these cycles are reoccurring. This proposition is strongly supported by empirical research on conflict patterns. Here, it should be noted that many scholars add stable, sometimes called durable, peace as an additional phase. In this phase the conflict is considered resolved – i.e. the reoccurring pattern

of the conflict has been stopped. Also, most models divide both the escalation and de-escalation of the conflict cycle into phases. It has also noted that in many cases the conflict model had taken the form of a U, or an upside-down U.

Figure 1

The Conflict Cycle

The curve is divided into five levels of conflict intensity (stable peace, unstable peace, open conflict, crisis, and war) in a total of nine chronological phases. *Stable peace* is a situation where tension between the parties is low and there exists different forms of connections and cooperation between them, often including economic and environmental cooperation, as well as cooperation within other non-sensitive issues-areas. During a period of *unstable peace,* tension has increased. This is a situation where, albeit the existing negative peace, the tension between the parties is so high that peace no longer seems guaranteed. An *Open conflict* is when the conflict is defined and the parties have taken measures to deal with it, even if militarized options

are the preferable or likely option. There is no regular open violence. In the de-escalation phase the pattern is reversed, moving from war to crises, through open conflict and unstable peace to finally reach a situation of stable peace.

Just as the phases of the conflict cycle are important, the connection between conflict prevention and conflict-and crisis managing needs to be developed further. The easiest way to separate between the concepts is by focusing on the time factor. Starting with conflict prevention, it is by definition applied *before* the conflict has become open and violent, i.e. to prevent a conflict from emerging in the first place (or to prevent a conflict from re-escalating in a post-conflict phase). Conflict prevention measures are effective at the levels of stable- and unstable peace before a conflict has become manifest. Here, it is important to differentiate between structural measures that often aim at specific group or issues such as economic development, political participation or cultural autonomy. The benefits of applying structural measures at an early stage is simply that the acceptance of preventive measures tends to be higher at low levels of inter-party suspicious and hence more far-reaching and institutional measures can be implemented. If structural preventive measures are implemented at an early stage, including both the building of institutions and development of trust and (long-term) cooperation, they decrease the perceived need to , and hence risk of, escalating a potential conflict issues into the level of unstable peace.

In the unstable peace phase, the direct preventive measures are directed at issues with a shorter term in mind, i.e. to reduce tension and create trust between the actors. Simultaneously, the window of opportunity for longest-term initiatives, such as the building of institutions, fades away slowly and the conflict becomes more issue- specific and more costly in financial and political terms. Direct preventive measure can, for example, be formal or informal workshops dealing with the possible conflict issues, they can also aim at creating openness in certain fields such as the military, reducing military spending, or achieving cooperation in rescue operations. Other examples include sanctions, coercive diplomacy, the dispatch of special envoys, and problem-solving workshop.

Conflict management and crisis management do, on the other hand involve tactics that are enforced when violent conflict is deemed likely (conflict management) or imminent (crisis management), but before a situation escalates into war. Conflict management can be enforced, as soon as the conflict has been identified by the actors, as an effort to reduce tension and prevent further escalation.

Crisis management is employed in the short time frame before a war is to erupt, when the conflict escalates rapidly and the time for managing

it is limited. This period is characterized by a scarcity of time and other resources to address the conflict, as well as inadequate information. Crisis management entails more drastic measures than conflict management and aims at containing the outbreak of militarized conflict with all available means. Examples of such measures include third party intervention by actors such as stakeholders, Presidents of other countries and the United Nations. During the stage of war, neither prevention nor management is possible. Military weapons are used as the primary tool, even if political, economic and social tools are used simultaneously to decrease the opponent's willingness and / or capability of fight. At this stage, the actors either have to fight things out until reaching a so-called hurting stalemate where both parties realize the need to end the conflict, or peace has to be enforced by external actors. At this stage there are of course many different measures that could be utilized, but few of these are peaceful. One example of a measure is to prevent military conflicts from spreading to other states or regions. It should be noted that there often is a great reluctance to allow external intervention before war tiredness and a hurting stalemate has been reached.

The later stages of peace building and peace recognition are often financially costly and require enormous political and economic commitment from the international community as well as the involved actors. This is not to mention the economic and social costs that affect the population at large, but especially the poorer sections of society. In general, the measures used in the de-escalation phases are often much more financially and politically demanding than pro-active measures in the escalation phase.

Self-Assessment Exercises 2

1.   Attempt to distinguish between conflict management and crisis management with an example.
2.   With the aid of diagram, explain the Conflict cycle.

1.5   Organizational Effects of Conflict

There are many areas of an organization that could lead to conflict. The major ones are structure staffing role relationship and resources allocation As sub- units vie for control of organizational resources, in order to pursue and protect their interests, conflict develops, indeed, conflict is a ubiquitous phenomenon, not only among various groups or organizational submits but among individuals. There are many levels of conflicts (Pondy 1967) such as:

Latent conflict: antecedent conditions of conflictful behavior (scarcity of resources, different opinions etc.)

Perceived conflict: the way people feel (hostile, anxious, or whatever)
Manifest conflict: the way people behave (verbally attacking another's position withholding information from another group or person needing it , or physically fighting it out – although this is frowned upon in most organizations)

The most useful definition seems to be that conflict is a dynamic process involving all of these things. It is, of course, a social process, in that it involves the relationship between two or more persons or groups. Although it is possible to observe or imagine a great number of conditions leading to conflict, much conflict in organizations appears to arise from one of three sources: (1) competition over scarce resources, (2) drives for autonomy, and (3) bifurcation of subunit interests(Bobbit et al,1978)

Competition for scarce resources: a source of organizational conflict

Scarcity is, of course, a basic economic fact of life so that competition for scarce resources will be orderly on a macroeconomic level, Within organizations, competition also goes on, and in large decentralized organizations, quasi-markets are often established, whereby subunits bid for resources and negotiate for the exchange of product, services, and money. But unrestrained bargaining by sub-units within an organization, even though it may be orderly, offers no assurance that the agreements reach will be in the best interests of the organization as a whole. Agreements may be sub-optimal. Management therefore frequently develops elaborate administrative procedures to resolve the competition for scares resources within the organization. Budgeting is one such procedure.

The contest goes on in many forms within and between submits at all levels in the organization. One example is the process by which role differentiation takes place within groups. Determinants of a person's role include his background, especially his habitual ways of behaving (his talking, for example), and personal traits such as age, intelligence, and reputation. The nature of the group task and the externally imposed structure, such as a communications network, also help to determine his role.

In a sense, however, to say that such factors determine the role differentiation is an oversimplification. Such an argument leaves out the actual process by which group roles are agreed upon. A member of an organization first negotiates the terms of his membership or

employment. The organization offers him certain *inducements,* material or psychological rewards or payoffs. It demands of him certain *contributions* in return- behavior that contributes to the organization's well-being or goal attainment. You might assume that such negotiations largely cease, once an inducement-contributions bargain has been struck and the member has entered the organization. But the negotiation process does not end with recruitment of the members to the organization process relationships, demands, and expectations that come to define the role structure emerge and evolve over time. This oftentimes creates a source of conflict.

Drive for autonomy

If we accept the idea that some level of indifference is established when the individual, joins an organization, we might posit that superior-subordinate conflict is most likely when the two parties do not agree upon the bounds of this zone. What happens if a subordinate resist direction from his superior or otherwise asserts autonomy? Often the superior respond by invoking rules and regulation in order to regain control of the subordinate's behavior. Although this may insure minimum conformity, it may have dysfunctional consequences. The subordinate's behavior is likely to settle rather rigidly at the minimum acceptance level.(Bobbit et al, 1978)

Autonomy is important for an organization's members. because a person must retain a degree of autonomy in order to look after his/her own interests, as he does in the outside world. The relationships and some of the external are shown in the model.

We must remember that conflict may have both functional and dysfunctional components. When we evaluate the outcome of a conflict episode, however, we judge it as good or bad according to some value system. Thus, some particular manifest conflict may result inpersonal costs (anxiety or frustration) organization's functioning and be judges favorably by someone with a different value system. In evaluating the results of conflict then, we must be explicit in stating the value system that is out frame of reference.
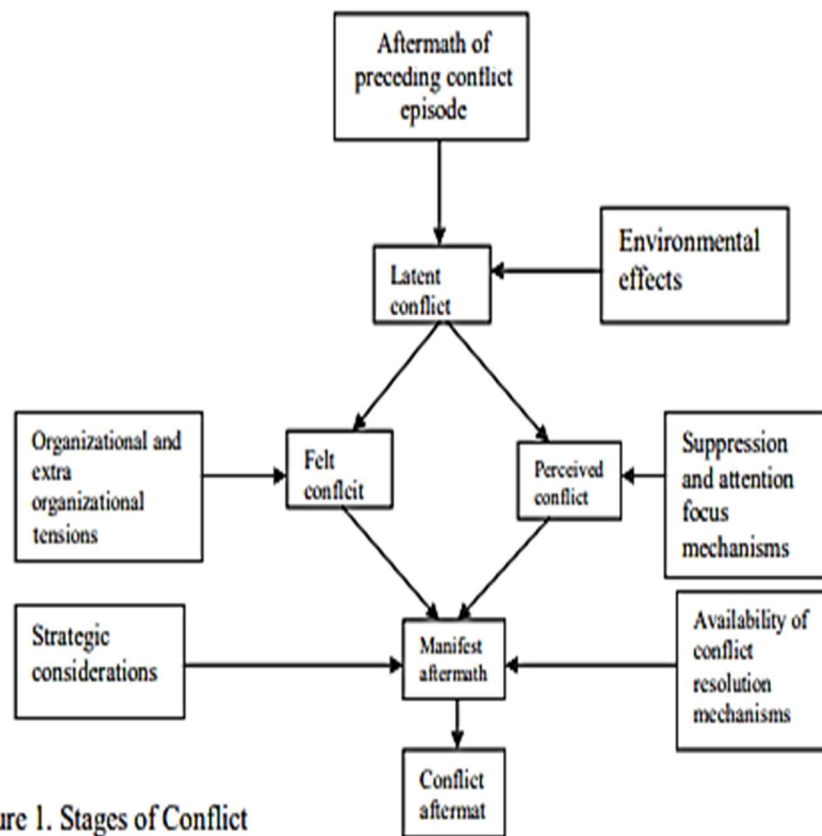
Figure 1. Stages of Conflict

Sources: Pondy, L. R. 1967

This type of conflict may be seen most vividly in the almost classical conflict between the sales and production departments of a manufacturing organization. The production department's goal may be to manufacture specified products to meet certain constraints of quality, and cost. The sales department's goal is to market and sell the products, with certain constraints of costs, profitability, and customer satisfaction. The sales department is, of course, dependent upon the production department to meet its goal. Customer satisfaction may demand quickly-filled orders and customer-designed products. If planning and coordination are not timely, these demands may be costly in terms of money and productively for the manufacturing department. As with competition over scarce resources, the conflicts arising from the divergence of sub units goals may be handle through bargaining. Although most large organizations have develop other mechanism to help sometimes, goal differentiation may reduced by reconstituting sub units so that functionally dependent activities are carried out by the same submit. Another possible solution is to change the incentive system so that functionally interdependent submits share rewards. The object is to reduce goal differentiation between the units.

Role conflict experienced largely within the individual is another source of trouble. It frequently occurs in the area of superior-subordinate relationship, particular at the first- line-middle supervisor's level. The first-line foreman has often been called a "man-in-the- middle." because his superior and his superior's superior expect him to represent management to the workers. He is their interface with the employees. At same time his subordinate expect him to represent them to management; and unless he can depend their interests he is likely to lose their sympathetic support, without which he may have great difficulty in running an effective department. Thus he finds himself in a role conflict situation.

Most organizations live with considerable latent conflict unperceived and unresolved. Cyert and March(1963), also argue that some of this latent conflict may remain unperceived because certain of this coalition's demands are *nonoperational;* that is their fulfillment cannot be verified – hence neither can their non fulfilment. More important, organization seem to attend to goals sequentially rather than simultaneously, so that they trade offs between incompatible goals may not be apparent, and conflicts potential, therefore, remain unperceived. The third stage of conflict is felt. It is possible to perceive the conditions for conflict without experiencing affect or emotion. But conflict is often when it is felt as well as perceived. Pondy(1967), has defined the manifest phase when one person knowingly (through not necessary deliberately) frustrates the goals of another. Because human beings are problem solvers they will try to resolve conflict that may be perceived and felt.. It is only when these mechanisms fail to resolve conflict that it will become manifested in conflictual behavior.

Self-Assessment Exercises 3

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1. According to Pondy (1967), attempt the Three (3) Levels of Conflicts.
2. Propose by stating the Three (3) Sources of Conflict

1.6   Role Conflict Concept

One major concept that important to the nature of conflict is the roles people perform in organizations. How roles are perceived and carried out often fundamental to the nature of conflict. A role is the ascribed behavior expected from the incumbent of a position.

Individuals often play many riles at a time for example a person can be chief executive of an organization, he can at the same time be a traditional chief of his community, as well as a father. Women also perform multiple roles as managers, chief executives of organization, mother and community leaders. Situation like this often lead to role in

congruency (Bobbit et al, 1978). When this occurs the person is likely to experience intra role conflict or inter role conflict.

Intra role conflict occurs when there are different expectations making it difficult for the incumbent to satisfy all expectations. Intra role conflict also occurs when there is lack of understanding of the expectations by the incumbent of a position. A young lecturer, who suddenly finds himself as Head of Department, may treat senior colleagues with disrespect out of improper understanding of his role and the temporary nature of the appointment.

Inter role conflict takes place when someone occupies many roles simultaneously (Bobbit et al, 1978). Women in top management positions often have conflict with their husband or family due to inter role demands.

Self-Assessment Exercises 4

Attempts the difference between Intra and Inter Role Conflict

1.7   Summary

In this unit, you have learnt about the definition of conflict, the life cycle of conflict, the elements of conflict and the features of organizational conflict. Conflict is commonly defined as a struggle or contest between people with opposing needs, ideas, beliefs, values or goals. You have learnt about the conflict cycle which shows the movement from a condition of stable peace to war. Causes of conflict in an organization include competition for scarce resources and role differentiation**.**

1.8   References/Further Readings/Web Resources

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 1.9   Possible Answers to SAEs

Answers to SAEs 1

Conflict is commonly defined as a struggle or contest between people with opposing needs, ideas beliefs values or goals.

Erast-Orto (1981), points out the fact that conflicts should not be defined simply in term of violence (behavior) or hostility, (attitudes), but also in terms of incom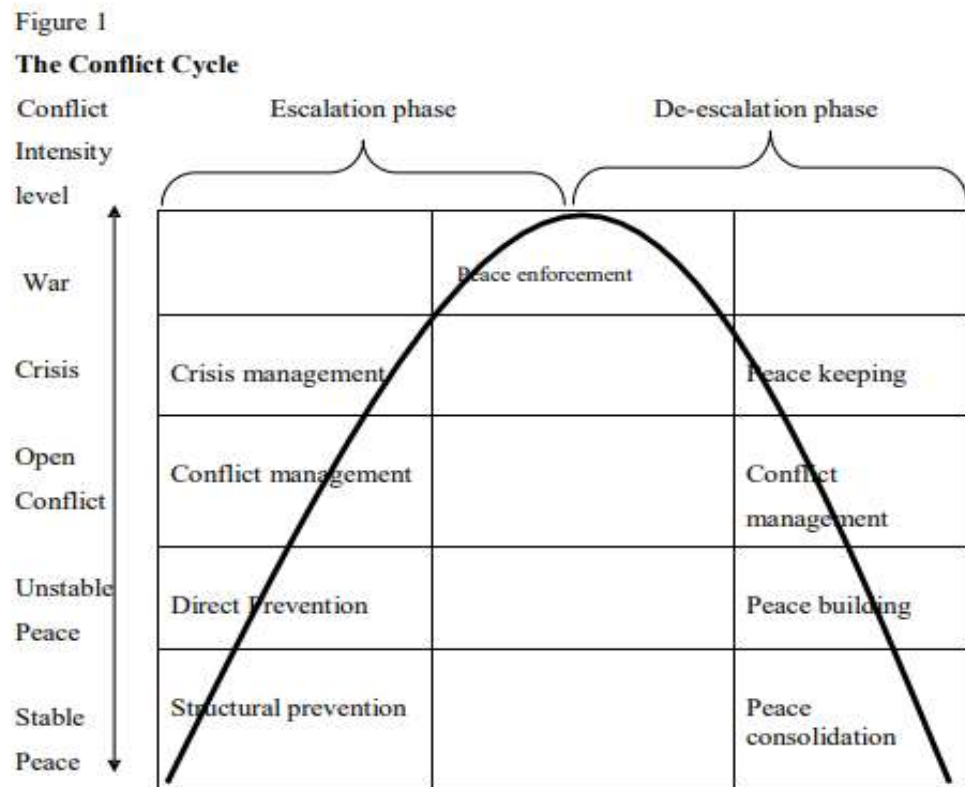patibility or differences in issue position. Wallenstee (2002), Defines conflict as a situation in which two or more parties strive to acquire the same scarce resources at the same time.

Answers to SAEs 2

Swanstrom and Wessman (2005), state that a conflict is not a static situation but a dynamic one. Conflict has a life cycle like that of a human being. There is usually a start, a mature and a resolution or death stages. Conflict tend to be cyclical. Conflicts need to be described as cyclical with regards to their intensity levels, i.e. escalating from (relative) stability and peace into crisis and war, thereafter deescalating into relative peace. Most scholars also agree that these cycles are reoccurring. This proposition is strongly supported by empirical research on conflict patterns. Here, it should be noted that many scholars add stable, sometimes called durable, peace as an additional phase. In this phase the conflict is considered resolved – i.e. the reoccurring pattern of the conflict has been stopped. Also, most models divide both the escalation and de-escalation of the conflict cycle into phases. It has also noted that in many cases the conflict model had taken the form of a U, or an upside-down U.

Figure 1

The Conflict Cycle

Figure 1
The Conflict Cycle

The curve is divided into five levels of conflict intensity (stable peace, unstable peace, open conflict, crisis, and war) in a total of nine chronological phases. *Stable peace* is a situation where tension between the parties is low and there exists different forms of connections and cooperation between them, often including economic and environmental cooperation, as well as cooperation within other non-sensitive issues-areas. During a period of *unstable peace,* tension has increased. This is a situation where, albeit the existing negative peace, the tension between the parties is so high that peace no longer seems guaranteed. An *Open conflict* is when the conflict is defined and the parties have taken measures to deal with it, even if militarized options are the preferable or likely option. There is no regular open violence. In the de-escalation phase the pattern is reversed, moving from war to crises, through open conflict and unstable peace to finally reach a situation of stable peace.

Just as the phases of the conflict cycle are important, the connection between conflict prevention and conflict-and crisis managing needs to be developed further. The easiest way to separate between the concepts

is by focusing on the time factor. Starting with conflict prevention, it is by definition applied *before* the conflict has become open and violent, i.e. to prevent a conflict from emerging in the first place (or to prevent a conflict from re-escalating in a post-conflict phase). Conflict prevention measures are effective at the levels of stable- and unstable peace before a conflict has become manifest. Here, it is important to differentiate between structural measures that often aim at specific group or issues such as economic development, political participation or cultural autonomy. The benefits of applying structural measures at an early stage is simply that the acceptance of preventive measures tends to be higher at low levels of inter-party suspicious and hence more far-reaching and institutional measures can be implemented. If structural preventive measures are implemented at an early stage, including both the building of institutions and development of trust and (long-term) cooperation, they decrease the perceived need to , and hence risk of, escalating a potential conflict issues into the level of unstable peace.

2. Conflict management and crisis management do, on the other hand involve tactics that are enforced when violent conflict is deemed likely (conflict management) or imminent (crisis management), but before a situation escalates into war.

Conflict management can be enforced, as soon as the conflict has been identified by the actors, as an effort to reduce tension and prevent further escalation.

Crisis management is employed in the short time frame before a war is to erupt, when the conflict escalates rapidly and the time for managing it is limited. This period is characterized by a scarcity of time and other resources to address the conflict, as well as inadequate information.

Crisis management entails more drastic measures than conflict management and aims at containing the outbreak of militarized conflict with all available means.

Examples of such measures include third party intervention by actors such as stakeholders, Presidents of other countries and the United Nations. During the stage of war, neither prevention nor management is possible. Military weapons are used as the primary tool, even if political, economic and social tools are used simultaneously to decrease the opponent's willingness and / or capability of fight. At this stage, the actors either have to fight things out until reaching a so-called hurting stalemate where both parties realize the need to end the conflict, or peace has to be enforced by external actors. At this stage there are of course many different measures that could be utilized, but few of these

are peaceful. One example of a measure is to prevent military conflicts from spreading to other states or regions. It should be noted that there often is a great reluctance to allow external intervention before war tiredness and a hurting stalemate has been reached.

Answers to SAEs 3

1.   There are many levels of conflicts (Pondy 1967) such as:

Latent conflict: antecedent conditions of conflictful behavior (scarcity of resources, different opinions etc.)

Perceived conflict: the way people feel (hostile, anxious, or whatever)

Manifest conflict: the way people behave (verbally attacking another's position withholding information from another group or person needing it , or physically fighting it out – although this is frowned upon in most organizations)

2.   Conflict in organizations appears to arise from one of three sources:

(1)   competition over scarce resources,
(2)   drives for autonomy, and
(3)   bifurcation of subunit interests (Bobbit et al,1978)

Answers to SAEs 4

1. There are many levels of conflicts (Pondy 1967) such as:

Latent conflict: antecedent conditions of conflictful behavior (scarcity of resources, different opinions etc.)

Perceived conflict: the way people feel (hostile, anxious, or whatever)

Manifest conflict: the way people behave (verbally attacking another's position withholding information from another group or person needing it , or physically fighting it out – although this is frowned upon in most organizations)

Answers to SAEs 5

Intra role conflict occurs when there are different expectations making it difficult for the incumbent to satisfy all expectations. Intra role conflict also occurs when there is lack of understanding of the expectations by the incumbent of a position. A young lecturer, who

suddenly finds himself as Head of Department, may treat senior colleagues with disrespect out of improper understanding of his role and the temporary nature of the appointment.

Inter role conflict takes place when someone occupies many roles simultaneously (Bobbit et al, 1978). Women in top management positions often have conflict with their husband or family due to inter role demands.

Unit 2   Conflict Prevention, Management and Resolution

Unit Structure

2.1   Introduction
2.2   Learning Outcomes
2.3   Conflict Prevention
2.4   Conflict Management
2.5   Conflict Resolution
2.6   Summary
2.7   References/Further Readings/Web Resources
2.8   Possible Answers to Self-Assessment Exercise(s) within the
       content

2.1   Introduction

In unit 1, you learnt about the nature of conflicts and conflict in
organizations. In this unit, you will learn more about conflict prevention,
management and resolution. These three concepts are different and you
need to be aware of these differences as they often mean different
things to many people. There are many definitions for each of the
concepts, but they are all related.

2.2   Learning Outcomes

By the end of this unit, you will be able to:

• Define conflict prevention management and resolution
• Apply the terms to conflict situations
• Explain the characteristics of conflict prevention, management and
  resolution

2.3   Conflict Prevention

Conflict prevention is often divided into two categories: direct
prevention and structural prevention. Direct conflict prevention refers
to measures that are aimed at preventing short-term, often imminent,
escalation of a potential conflict. Structural prevention focuses on
more long term measures that address the underlying cause of a
potential conflict along with potentially escalating and triggering
factors. Economic development assistance or increased political
participation are examples of structural prevention, while the dispatch

of a mediator or the withdrawal of military forces are examples of direct prevention. The distinction between structural and direct prevention is important, Especially in the policy field although many measures such as military disarmament can have both structural and direct effects.

The next concept that needs to be explained is conflict prevention. Despite the wide array of writings on conflict prevention, there is a lack of consensus regarding its definition. (Ackerman, 2003). Thus there is a wide range of definitions, ranging more narrow ones focusing on limited ways of preventing conflict. Lund (1996), defines preventive diplomacy as actions taken in vulnerable places and times to avoid the threat or use of armed force and related forms of coercion by states or groups to settle the political disputes that can arise from destabilizing effects of economic, social, political, and international changes. Boutros-Ghali (1996), defines preventive diplomacy as the use of diplomatic techniques to prevent disputes arising, prevent them from escalating into armed conflict and prevent the armed conflict from spreading. These definitions are limited to diplomatic measures and exclude non-diplomatic measures such as economic development or military measures. It needs to be noted that preventive diplomacy is a problematic term. As has been noted above the term focuses on diplomatic efforts of conflict prevention during the early stages of a conflict, while conflict prevention defines a wider set of preventive measures of which diplomacy merely is one aspect.

Among the more inclusive definitions is that of in Carment and Schnabel's (2003), which defines conflict prevention as "a medium and long-term proactive operational or structural strategy undertaken by a variety of actors, intended to identify and create the enabling conditions for a stable and more predictable international security environment."Lund (2002), suggests a wider definition which defines it as any structural or intercessory means to keep intrastate or interstate tension and disputes from escalating into significant violence and use of armed forces, to strengthen the capabilities of potential parties to violent conflict for resolving such disputes peacefully, and to progressively reduce the underlying problems that produce these issues and disputes". This definition takes into consideration any measures that prevent violent conflicts and strengthen the capacity of concerned actors to act structurally to reduce the possibility of conflict.

Self-Assessment Exercises 1

> Propose the Definition of Direct Conflict Prevention and
> Structural Prevention.

2.4   Conflict Management

Tanner (2000), defines conflict management as the limitation, mitigation and/or containment of a conflict without necessary solving it. Wallensteen (1994) and Swanstrom (2002) have added to this definition and argued that the conflict management should imply a change, from destructive to constructive, modes of interaction. Zartman (1987), argues that conflict management refers to eliminating violent and violence-related actions and leaving the conflict to be dealt with on the political level. Zartman's argument has been somewhat criticized as NGOs, and academic institutions have emerged as important actors and now influence the conflict management process.

Self-Assessment Exercises 2

Attempt the meaning of Conflict Management

2.5   Conflict Resolution

The process of conflict management is the foundation for more effective conflict resolution. A distinction between conflict management and conflict resolution is, however, needed as a starting point as the concepts are often confused or integrated in an inappropriate manner. Conflict resolution refers to the resolution of underlying incompatibility in a conflict and mutual acceptance of each party's existence.

Zartman (2000), points out that both the conflict resolution aspect (negotiation) and the management aspect are needed to arrive at a peaceful result. He argues that they are both ends of the same continuum. One end aims at resolving the current conflict so that business or peace can move on while the other aims at resolving the deeper underlying conflict over time.

Conflict resolution can be both formal and informal. It can either aim at resolving or terminating conflicts in an open and predictable process in accordance with legal principles .In summary, conflict management and conflict resolution are different concepts, but at the same time they are closely interrelated. They are two mechanisms at different sides of a continuum, used to deal with the same conflict but at different stages of these conflicts. Conflict management and conflict prevention have, in a similar way, been argued to be different sides of the same coin. It has also been argued that conflict management is required in order to enable the initiation of preventing measures aimed at resolving the dispute. Zartman (1997), argues that the difference merely exists in theory and that both concepts are still problematic.

Self-Assessment Exercises 3

> Propose the Similarities and Differences between Conflict
> Resolution and Conflict Management

2.7   Summary

In this unit, you learnt about conflict prevention management and resolution. Conflict prevention is divided into direct prevention and structural prevention. Direct prevention refers to measures that are carried at preventing short-term, imminent escalation of a potential conflict. Structural prevention focuses on mere long-term measures that address the underlying causes of a potential conflict. Conflict management is the limitation, mitigation and or containment of a potential conflict without necessary solving it. It is usually used in relation to violent – related conflict. Conflict resolution refers to the resolution of underlying incompatibility in a conflict; conflict resolution can be both formal and informal.

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2.8   Possible Answers to SAEs

Answers to SAEs 1

Conflict prevention is often divided into two categories: direct prevention and structural prevention.

Direct conflict prevention refers to measures that are aimed at preventing short-term, often imminent, escalation of a potential conflict.
Structural prevention focuses on more long term measures that address the underlying cause of a potential conflict along with potentially escalating and triggering factors. Economic development assistance or increased political participation are examples of structural prevention, while the dispatch of a mediator or the withdrawal of military forces are examples of direct prevention.

The distinction between structural and direct prevention is important, Especially in the policy field although many measures such as military disarmament can have both structural and direct effects.

Answers to SAEs 2

Tanner (2000), defines conflict management as the limitation, mitigation and/or containment of a conflict without necessary solving it.

Wallensteen (1994) and Swanstrom (2002) have added to this definition and argued that the conflict management should imply a change, from destructive to constructive, modes of interaction.

Zartman (1987), argues that conflict management refers to eliminating violent and violence-related actions and leaving the conflict to be dealt with on the political level. Zartman's argument has been somewhat criticized as NGOs, and academic institutions have emerged as important actors and now influence the conflict management process.

Answers to SAEs 3

In summary, conflict management and conflict resolution are different concepts, but at the same time they are closely interrelated.

They are two mechanisms at different sides of a continuum, used to deal with the same conflict but at different stages of these conflicts.

Conflict management and conflict prevention have, in a similar way, been argued to be different sides of the same coin.

It has also been argued that conflict management is required in order to enable the initiation of preventing measures aimed at resolving the dispute.

Zartman (1997), argues that the difference merely exists in theory and that both concepts are still problematic.

Unit 3   The Conflict Process and Curves

Unit structure

3.1   Introduction

In the last unit, you learnt about the conflict prevention, management and resolution. In this unit you will go a step further to learn about the conflict process and conflict curves. The conflict process explains the various stages from pre conflict to conflict outcomes. The knowledge will further enhance your understanding of conflict issues.

3.2   Learning Outcomes

By the end of this unit, you will be able to:

- Enumerate the stages in a conflict process
- Indentify the stage a conflict is in
- Fit a conflict stage to a conflict curve

3.3   Stage I: Potential opposition and incompatibility.

Potential opposition and incompatibility form the first stage of the conflict process. Perceptions of poor treatment, inequity, inequality or being left out of the scheme of things in an organization constitute potential sources of conflict. When a person or groups of people get dissatisfied with a situation, there is a stage for conflict. Not all situations of dissatisfaction lead to conflict but these conditions listed are necessary if conflict is to manifest. Robbins (1974), proposes three

categories of potential sources of conflict. These are communication, structure and personal variables.

1.   Communication

For example, Mr Dauda always come to the office in an angry mood wherever he had a big quarrel with is wife. In this mood, he usually becomes a poor listener, taking it hard on his secretary and other administrative staff. The secretary usually ends up weeping and decided to unite to personnel for a change of posting. Communication failure through misunderstanding, semantic difficulties, and other "noise" are potential sources of conflict. Robbins (1974), reports that a review of research suggests that differing word connotations, jargon, insufficient exchange of information are all potential antecedent conditions to conflict. Potential conflict is more likely when there is either too little or too much communication. Too much communication leads to information overload, which can be lead to confusion and loss of memory of very important actions to be taken. In oral communication, the passing of communication from one person to another often leads to distortion and rationalization which could lead to conflict.

2.   Structure

Structure refers to the pattern of relationship in an organization. Mrs Adebowale and Mrs Boyo are colleagues and friends. Mrs Adebowale is in charge of sales while Mrs Boyo is in charge of credit control. Mrs Boyo wants to minimize sales on credit, while Adebowale wants to make as much sales as possible. Such sales involve a lot of credit. This functional relationship became a source of conflict between two friends. Structure includes the size of an organization, the degree of specialization tasks assigned and jurisdictional clarity. Overlapping and underlapping of duties are sources of potential conflict. The diversity of goals is a major source of conflict. When groups or powerful position holders seek diverse ends, there are opportunities for conflict.

3.   Personal variables

Strong likeness or dislikes of people are sources of potential conflict. Bosses are often attracted to some of their subordinates more than others. Such favoritism is a source of potential conflict. Personal variables also include, personality, emotions, and values high authoritarian and dogmata people created avenues for conflict. Values in relation to attribute to work, honesty corruption, prejudices are potential sources of conflict.
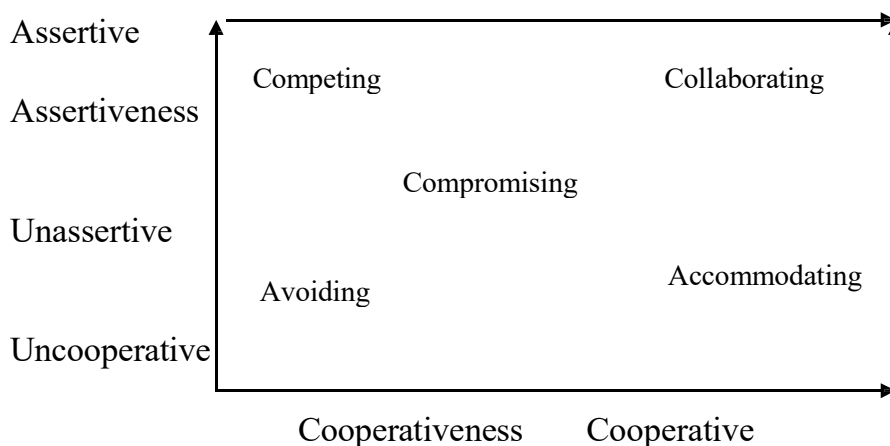
3.4   Stage II: Cognition and Personalization

If the situations discussed in stage 1 are not nipped in the bud, then there is progression to the second stage of acknowledging that there is really a conflict situation. This is the stage where the affected person felt that he/ she has to define or say something about the negative situation. At this stage, the parties involved recognized that there is a cause for conflict. The two parties at the stage, decide what the conflict is about which is the first step towards settlement. The conflict might end at this stage, if negative emotions are quickly brought under control.

3.5   Stage III: Intentions

Thomas (1992), states that intentions between people's perceptions, emotions and their overt behavior. Intentions are decisions to act in a given way, either to end the conflicts or take it further. A lot of conflicts are escalated due to one party attributing the wrong intentions to the other party. Additionally behavior does not accurately reflect a person's intentions. Thomas (1992), demonstrates this in figure 2, which shows the dimensions of conflict handling intentions.

Dimensions of Conflict Handling Intentions

Figure 2 Dimensions of Conflict Handling Situations Source: Thomas (1992:608)

Figure 2 shows four primary conflict handling intentions along dimensions of cooperativeness and assertiveness. Cooperativeness is the degree to which one party tries to satisfy the other parties attempts to satisfy his or her own concerns. The five handling conflict intentions are competing (assertive and uncooperative); collaborating (assertive and cooperative); avoiding (unassertive and cooperative);

accommodating (unassertive and cooperative) and compromising (midrange on both assertiveness and cooperativeness).

3.6   Stage IV: Behavior

This is the stage where conflict becomes visible. The behavior stage includes statement, actions and reactions of conflicting parties. These behaviors are usually open attempts to implement each other's intentions. Conflict is often heightened when there are miscalculations or misinterpretations of the intentions of conflicting parties. Conflicting parties' behavior range from minor disagreement to overt behaviour aimed at destroying each other. Minor disagreements are characterized by subtle, indirect and highly controlled forms of tension. An example is a student protesting his/her grade or graduating class. Conflict intensifies as it moves upward along the continuum to overt efforts to destroy each other. Functional conflicts in organizations are often confined to minor disagreements and challenges.

3.7   Stage V: Outcomes

There are consequences for every stage of the conflict – intensity continuum. These outcomes may be functional or dysfunctional.

1.   Functional outcomes

Conflict outcomes are functional when they improve the quality of decisions, stimulate creativity and innovation, encourages interest and curiosity among group members (Robbins, and Judge, 2007). Conflicts in this case, improve the quality of decision making by considering all points relating to the cause of conflicts enhance creative ideas and reassessment of group goals and activities. Conflict among government training and development organizations, may lead to mergers of institutions, which can make for better outcomes.

2.   Dysfunctional outcomes

Conflicts can be highly dysfunctional. A lot of productive time is spent setting conflict. Uncontrolled opposition breads discontent, which leads to the destruction of the group. Robbins and Judge (2007), state that the more undesirable consequences are reduction in group cohesiveness, and subordination of group goals to the infighting among members. At the extreme, conflict can bring group functioning to a halt and potentially threaten the group's survival. When unions go on strike, they paralyze the workings of an organization.

3.8   Stage VII Conflict Curves

In the last five sections, you learnt about the conflict process. In this section you will learn about the diagrammatic presentation of this process in form of curves or waves. The conflict cycle is re-occurring over time and passes through the different stages over and over again. In an ideal model of the conflict curve, a conflict moves through all stages in each cycle until the conflict is eventually resolved. In this case, the upside down a wave of U-curves, reaching the level of war and then de-escalating to the level of stable peace, until the conflict is untimely resolved (if ever).

| War |
| Crisis |
| Open conflict |
| Unstable peace |
| Stable peace |
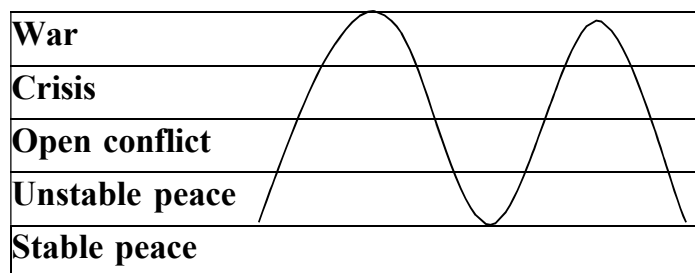
Model 1

In reality all waves of the conflict do not look the same. The conflict cycle in model 1 simply does not correspond to the patterns of real conflicts despite the fact that is has a more flexible curve. A re-escalation of a conflict can occur at any point during the de- escalation phase and does not necessarily follow the standardized ideal curve. In fact it is more likely that a conflict re-escalates the higher the intensity level between the higher levels of the conflict cycle.

War	
Crisis	
Open conflict	
Unstable peace	
Stable peace	
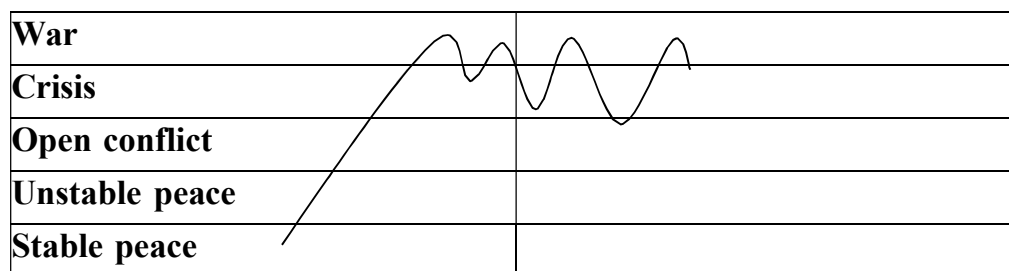
Model 2

Conflict tends to "bounce" between the higher levels of the conflict cycle and it tends to be difficult or even impossible, to reduce the conflict intensity and increase the long-term trust. These patterns are often seen in protracted conflict, such as the Israel/ Palestine conflict. It is also important to know that not every escalation of conflict reach the intensity level of war (model). The parties might not be able to ultimately resolve the conflict, or even move into the level of unstable peace. At the same time, however, the conflict's intensity level might

never reach the war level. This pattern is especially noticeable in conflict that is pro-longed and disregarded by the international community.

To add further complexity to the wave pattern, it should be noted that the same kind of pattern can, and is, occurring in the escalation phase of the conflict where the conflict moves without reaching a level where more concrete and long-term solutions can be found and implemented. A conflict's life cycle is simply not properly represented by a simple line that follows one specific pattern, neither during the escalation phase, nor during the de-escalation phase.

The multi-curve model

In reality, the wave pattern is far more complex than has been indicated so far. In fact, each conflict arguably includes a large number of sub-conflicts over a wide array of issues. Each of these sub-conflicts has its own conflict cycle at any set point in time. The sub- conflict will thus be at different points of their respect ive cycle. Consequently, the consequence, will be in different conflict phases that need not overlap with the current phases of the conflict. Consequently. At any point in time for there might thus be a need for structural prevention, direct prevention, conflict management, as well as crisis management and resolution measures, peace building and peace consolidation.

Self-Assessment Exercises 1

1.	Attempt Three (3) categories of potential sources of conflict, according to Robbins (1974).
2.	According to Thomas (1992), with an illustration describes the dimensions of conflict handling intentions.
3.	Enumerate on Types of Stage V: Outcomes.

 3.9   Conclusion

In this unit, you have learnt about the conflict process. There are five stages in conflict process. The first stage is that of potential opposition or incompatibility which may or may not be considered important for any further action. Stage II is where the aggrieved partly and recognized that he/she is dissatisfied and voices it out or makes it apparent to the other party or other members of the group. Stage III is the stage where the conflict parties decide covertly or overtly, what to do about the conflict situation. Stage III is the stage where visible reactions to the conflict are brought out. The outcomes of conflict are often in terms of positive (functional) outcomes and negative (dysfunctional outcome).

3.10 References/Further Readings/Web Resources

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3.11   Possible Answers to SAEs

Answers to SAEs 1

1.   Robbins (1974), proposes three categories of potential sources of conflict. These   are communication, structure and personal variables.

1.   Communication

For example, Mr Dauda always come to the office in an angry mood wherever he had a big quarrel with is wife. In this mood, he usually becomes a poor listener, taking it hard on his secretary and other administrative staff. The secretary usually ends up weeping and decided to unite to personnel for a change of posting. Communication failure through misunderstanding, semantic difficulties, and other "noise" are potential sources of conflict. Robbins (1974), reports that a review of research suggests that differing word connotations, jargon, insufficient exchange of information are all potential antecedent conditions to conflict. Potential conflict is more likely when there is either too little or too much communication. Too much communication leads to information overload, which can be lead to confusion and loss of memory of very important actions to be taken. In oral communication, the passing of communication from one person to another often leads to distortion and rationalization which could lead to conflict.

2.   Structure

Structure refers to the pattern of relationship in an organization. Mrs Adebowale and Mrs Boyo are colleagues and friends. Mrs Adebowale is in charge of sales while Mrs Boyo is in charge of credit control. Mrs Boyo wants to minimize sales on credit, while Adebowale wants to make as much sales as possible. Such sales involve a lot of credit. This functional relationship became a source of conflict between two friends. Structure includes the size of an organization, the degree of specialization tasks assigned and jurisdictional clarity. Overlapping and underlapping of duties are sources of potential conflict. The diversity of goals is a major source of conflict. When groups or powerful position holders seek diverse ends, there are opportunities for conflict.
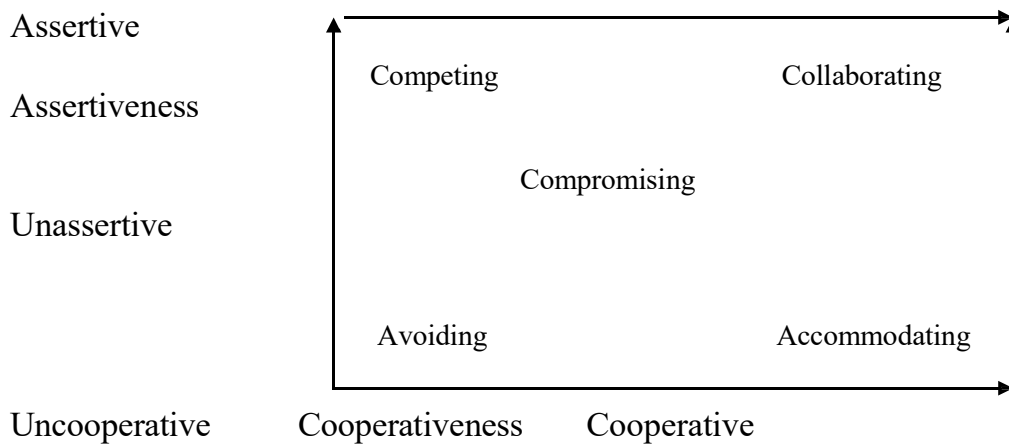
3.   Personal variables

Strong likeness or dislikes of people are sources of potential conflict. Bosses are often attracted to some of their subordinates more than

others. Such favoritism is a source of potential conflict. Personal variables also include, personality, emotions, and values high authoritarian and dogmata people created avenues for conflict. Values in relation to attribute to work, honesty corruption, prejudices are potential sources of conflict.

2. Thomas (1992), demonstrates this in figure 2, which shows the dimensions of conflict handling intentions.

Dimensions of Conflict Handling Intentions

Assertive

Assertiveness

Unassertive

Competing		Collaborating
	Compromising	
Avoiding		Accommodating

Uncooperative   Cooperativeness   Cooperative

Figure 2 Dimensions of Conflict Handling Situations Source: Thomas (1992:608)

Figure 2 shows four primary conflict handling intentions along dimensions of cooperativeness and assertiveness. Cooperativeness is the degree to which one party tries to satisfy the other parties attempts to satisfy his or her own concerns. The five handling conflict intentions are competing (assertive and uncooperative); collaborating (assertive and cooperative); avoiding (unassertive and cooperative); accommodating (unassertive and cooperative) and compromising (midrange on both assertiveness and cooperativeness).

3.   **Stage V: Outcomes**

There are consequences for every stage of the conflict – intensity continuum. These outcomes may be functional or dysfunctional.

1.   **Functional outcomes**

Conflict outcomes are functional when they improve the quality of decisions, stimulate creativity and innovation, encourages interest and curiosity among group members (Robbins, and Judge, 2007). Conflicts

in this case, improve the quality of decision making by considering all points relating to the cause of conflicts enhance creative ideas and reassessment of group goals and activities. Conflict among government training and development organizations, may lead to mergers of institutions, which can make for better outcomes.

2. Dysfunctional outcomes

Conflicts can be highly dysfunctional. A lot of productive time is spent setting conflict. Uncontrolled opposition breads discontent, which leads to the destruction of the group. Robbins and Judge (2007), state that the more undesirable consequences are reduction in group cohesiveness, and subordination of group goals to the infighting among members. At the extreme, conflict can bring group functioning to a halt and potentially threaten the group's survival. When unions go on strike, they paralyze the workings of an organization.

Unit 4   Responses of People in Conflict

Unit structure

4.1   Introduction
4.2   Learning Outcomes (LOs)
4.3   Mode of Response to Conflict
         4.3.1 Competing
         4.3.2 Avoiding
         4.3.3 Accommodating
         4.3.4 Compromising
         4.3.5 Collaborating
4.4   Factors Influencing the Modes of Responses to Conflict
4.5   Selection of Conflict Management Style
4.6   Summary
4.7   References/Further Readings/Web Resources
4.8   Possible Answers to Self-Assessment Exercise(s) within the
         content

4.1   Introduction

In the last unit you learnt about the conflict processes and curves. In this unit, you will learn more about people's responses to conflict situations and the various models of managing conflict have been established by management experts (Algert 1996, Algert and Watson 2002). Once a group of people come together to achieve a goal, conflict is inherent in the stages of development of the group from the inauguration to a highly performing group. Such conflicts can however be minimized by an awareness and avoidance of their causes.

4.2   Learning Outcomes

By the end of this unit, you will be able to:

-        the modes of responses to conflict management
-        Enumerate the factors that influence the modes of responses to
         conflict
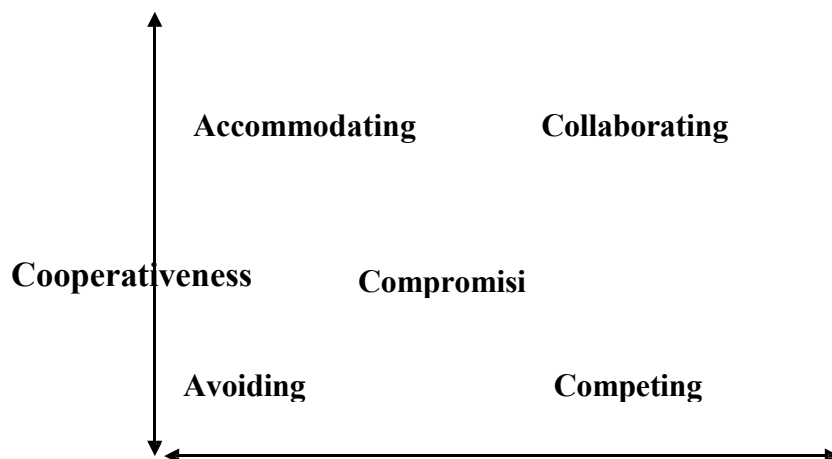-   Select an appropriate conflict management style

4.3   Modes of Responses to Conflict

Physiologically we respond to conflict in one of two ways – we want to "get away from the conflict" or we are ready to "take on anyone who comes our way." Think for a moment about when you are in conflict. Do you want to leave or do you want to fight when a conflict presents itself? Neither physiological response is good nor bad – it's personal responses. What is important to learn regardless of our initial physiological responses to conflict, is that we should intentionally choose our response to conflict.

Whether we feel like we want to fight or flee when a conflict arises, we can deliberately choose a conflict mode. By consciously choosing a conflict mode instead of to conflict, we are more likely to productively contribute to solving the problem at hand. This unit will discuss five conflict response modes that can be used in conflict management. These are:

- Competing
- Avoiding
- Accommodating
- Compromising
- Collaborating

Each of these modes can be characterized by two scales: assertiveness and cooperation. None of these modes is wrong to use, but there are right and wrong times to use each. The following sections describe the five modes. The information may help each team member to characterize her/his modes for conflict management The modes are shown diagrammatically in Figure 4.1.

Accommodating   **Collaborating**

Cooperativeness   **Compromisi**

Avoiding   **Competing**

Assertiveness Figure 4.1: Five Modes of Conflict Management
Source: Froyd (2013) http://www.foundation coalition.org/teams

Self-Assessment Exercises 1

> With the aided diagram, lists the Five (5) conflict response modes that
> can be used in conflict management.

4.3.1 Competing

The competing mode is high assertiveness and low cooperation. This
mode is appropriate when quick action needs to be taken, when
unpopular decisions need to be made, when vital issues must be
handled, or when one is protecting self-interests.

Competing skills required to achieve this are:

- Arguing or debating
- Using rank or influence
- Asserting your opinion and feelings
- Standing your ground
- Starting your position clearly

4.3.2 Avoiding

The avoiding mode is low assertiveness and low cooperation. Manu
times people will avoid conflict out of fear of engaging in a conflict or
because they do not have confidence in their conflict management skills.
Times when the avoiding mode is appropriate are when you have
issues of low importance, to reduce tensions, to buy some time, or
when you are in a position of lower power.

The skills for using the avoiding mode are:

- Ability to withdraw
- Ability to sidestep issues
- Ability to leave things unresolved
- Sense of timing

4.3.3 Accommodating

The accommodating mode is low assertiveness and high cooperation.
This mode is appropriate when there is need to demonstrate
reasonableness, develop performance, create goodwill, or keep peace.

Some people use the accommodation mode when the issue or outcomes is of low importance to them

The skills required to make this work are:

- Forgetting desires
- Forgetting selfishness
- Ability to yield
- Obeying orders

4.3.4 Compromising

The compromising mode involves moderate assertiveness and moderate cooperation. Some people define compromise as both parties winning.

Times when the compromising mode is appropriate are when you are dealing with issues of moderate importance, when you are dealing with issues o f moderate importance. When you have equal power status, or when you have a strong commitment for resolution. Compromising mode can also be used as a temporarily solution when there are time constraints.

Compromising skills are:

- Negotiating
- Finding a middle ground
- Assessing value
- Making concessions

4.3.5 Collaborating

The collaborating mode is high assertiveness and high cooperation.. Collaboration involves coming together to solve a common problem. This seems to be the best approach as it involves sharing of ideas to solve a problem or tackle an issue. However, collaboration takes a great deal of time and energy. Therefore, the collaborating mode should be used when the conflict warrants the time and energy. Times when the collaboration mode is appropriate are when the conflict is important to the people who need an integrative solution, when the issues are too important to compromise.

Collaboration skills are:

- Active listening
- Nonthreatening confrontation
- Identifying concerns
- Analysis inputs

Self-Assessment Exercises 2

Itemize the Compromising Skills and Collaborating Skills

4.4 Factors influencing the Modes of Response to Conflict

Some factors that can impact on how we respond to conflict are listed below with explanations of how these factors might affect (Froyd,2013).

- **Gender** Some of us were socialized to use particular conflict modes because of our gender. For example, some males, because they are male, were taught "always stand up to someone, and, if you have to fight then fight." If one was socialized the way he will be more likely to use assertive conflict modes versus using cooperative modes.
- **Self-concept** How we think and feel about ourselves affect how we approach conflict. Do we think our thoughts, feelings and opinions are worth being heard by the person with whom we are in conflict?
- **Expectations** Do we believe the other person or our team wants to resolve the conflict?
- **Situation** Where is the conflict occurring, do we know the person we are in conflict with, and is the conflict personal or professional?
- **Position** (Power) What is our power status relationship, (that is, equal, more, or less) with the person with whom we are in conflict?
- **Practice** Practice involves being able to use all five conflict modes effectively, being able to determine what conflict mode would be most effective to resolve the conflict, and the ability to change modes as necessary while engages in conflict.
- **Determine the best mode** Trough knowledge about conflict and trough practice we develop a "conflict management understanding" and can, with ease and limited energy, determined what conflict mode to use with the particular person with whom we are in conflict
- **Communication skills** The essence of conflict resolution and conflict management is the ability to communicate effectively. People who have and use effective communication will resolve their conflict with greater ease and success.
- **Life experience** As mentioned earlier, we often practice the conflict modes we saw our primary caretaker(s) use unless we have made a conscious choice as adults to change or adapt our

conflict styles. Some of us had a great role models teach us to manage our conflicts and others of us had less-than-great role models. Our conflicts and others of us had less-than-great role professional, have taught us to frame conflict as either something positive that can be worked through or something positive that can worked trough or something negative to be avoided and ignored at all costs.

Discerning how we manage our conflict, why we manage conflict the way we do, and thinking about the value of engaging in conflict with others are important. With better understanding we can make informed choices about how we engage in conflict and when we will engage in conflict. The next section provides points for us to consider when determine if we will enter into a conflict situation or not.

Self-Assessment Exercises 2

- According to Froyd (2013), discuss some factors that can impact on how we respond to conflict.

4.5. Selection of Conflict Management Style.

There are times when we have a choice to engage in or avoid a conflict. The following six variables should be considered when you are deciding whether or not to engage in a conflict. Froyd.(2013).

1.   *How invested in the relationship are you?*
      The importance of the working/personal relationship often dictates whether you will engage in a conflict. If you value the person and/or the relationship, going through the process of conflict resolution is important.

2.   *How important is the issue to you?*
      Even if the relationship is not of great value to you, one must often engage in conflict if the issue is important to you. For example, if the issues is a belief, value, or regulation that you believe in or are hired to enforce, then engaging in the conflict is necessary. If the relationship and the issue are both important to you, there is an even more compelling reason to engage in the conflict.

3.   *Do you have the energy for the conflict?*
      Many of us say, "There is not time to do all that I want to do in a day." Often the issue is not how much time is available but

how much energy we have for what we need to do. Even in a track meet, runners are given recovery time before they have to run another race. Energy, not time, is being managed these situations.

4.   ***Are you aware of the potential consequences?***
Prior to engaging in a conflict, thinking about anticipated consequence from engaging in the conflict is wise. For example, there may be a risk for you safety, a risk for job loss, or an opportunity for a better working relationship. Many times people will engage in conflict and then be shocked by the outcome or consequence of engaging in the conflict. Thoughtful reflection about engaging in or avoiding a conflict. Is necessary.

5.   ***Are you ready for the consequences?***
After analyzing potential consequences, determine whether you are prepared for the consequence of engaging in the conflict. For example, one employee anticipated a job loss if she continued to engage in the conflict she was having with her boss over a particular issue. After careful consideration, the employee thought and believed strongly enough about the issue that she did engage in the conflict with her boss. Her annual contract was not renewed for the upcoming year. Because this individual had thought through the consequences of engaging in the conflict, she was prepared to be without a job for a while and able to financially and emotionally plan for this outcome. Most consequences of engaging in conflict are not this severe but this example illustrates the value of thinking through consequences.

6.   ***What are the consequences if you do not engage in the conflict?***
To avoid losing a sense of self, there are times when you must engage in conflict. Most people have core values, ideas, beliefs, or morals. If a person is going to sacrifice one of their core beliefs by avoiding a conflict, personal loss of respect must be considered. In such cases, even if a person is not excited about confronting the conflict, one must carefully consider the consequences of evading the conflict. When the personal consequences of turning away from the conflict outweigh all other factors, then a person usually must take part in the conflict.

Self-Assessment Exercises 3

Explain the Six (6) Variables to be considered when you are deciding whether or not to engage in a conflict.

4.6 Summary

In this unit, you have learnt about possible responses of people to conflict situations. Five modes of conflict responses were discussed. These are: competing, avoiding. accommodating, compromising, collaboration. These modes can be used to suit a particular situation. There is no right or wrong mode. You also learnt about factors that influence the choice of a particular mode. This is very important. The choice of a mode of response to conflict should be based on these factors. The last section of the unit is on factors to be considered in choosing whether or not to engage in a conflict in the first instance.

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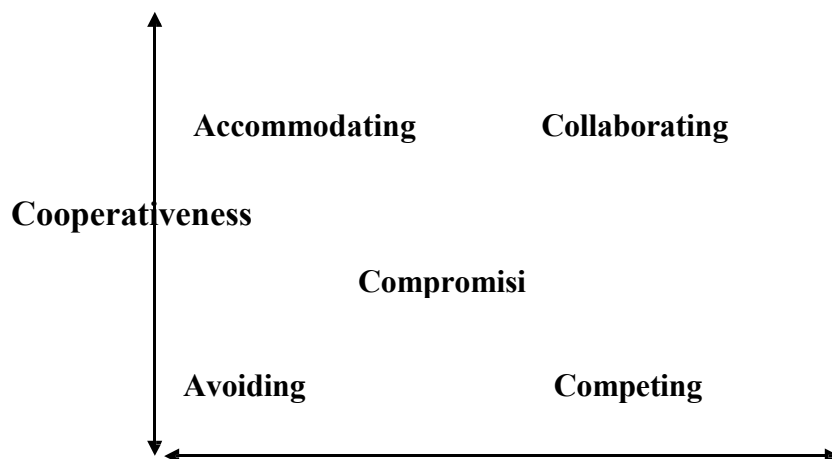
4.8   Possible Answers to SAEs

Answers to SAEs 1

Five conflict response modes that can be used in conflict management

- Competing
- Avoiding
- Accommodating
- Compromising
- Collaborating

Each of these modes can be characterized by two scales: assertiveness and cooperation. None of these modes is wrong to use, but there are right and wrong times to use each. The following sections describe the five modes. The information may help each team member to characterize her/his modes for conflict management The modes are shown diagrammatically in Figure 4.1.

Accommodating   Collaborating

Cooperativeness

Compromisi

Avoiding   Competing

**Assertiveness Figure 4.1: Five Modes of Conflict Management
Source: Froyd (2013) http://www.foundation coalition.org/teams**

Answers to SAEs 2

Compromising skills are:

- Negotiating
- Finding a middle ground
- Assessing value
- Making concessions

Collaboration skills are:

- Active listening
- Nonthreatening confrontation
- Identifying concerns
- Analysis inputs

Answers to SAEs 3

Some factors that can impact on how we respond to conflict are listed below with explanations of how these factors might affect (Froyd,2013).

- **Gender** Some of us were socialized to use particular conflict modes because of our gender. For example, some males, because they are male, were taught "always stand up to someone, and, if you have to fight then fight." If one was socialized the way he will be more likely to use assertive conflict modes versus using cooperative modes.
- **Self-concept** How we think and feel about ourselves affect how we approach conflict. Do we think our thoughts, feelings and opinions are worth being heard by the person with whom we are in conflict?
- **Expectations** Do we believe the other person or our team wants to resolve the conflict?
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- **Life experience** As mentioned earlier, we often practice the conflict modes we saw our primary caretaker(s) use unless we have made a conscious choice as adults to change or adapt our

conflict styles. Some of us had a great role models teach us to manage our conflicts and others of us had less-than-great role models. Our conflicts and others of us had less-than-great role professional, have taught us to frame conflict as either something positive that can be worked through or something positive that can worked trough or something negative to be avoided and ignored at all costs.

Discerning how we manage our conflict, why we manage conflict the way we do, and thinking about the value of engaging in conflict with others are important. With better understanding we can make informed choices about how we engage in conflict and when we will engage in conflict. The next section provides points for us to consider when determine if we will enter into a conflict situation or not.

Answers to SAEs 3

There are times when we have a choice to engage in or avoid a conflict. The following six variables should be considered when you are deciding whether or not to engage in a conflict. Froyd.(2013).

1.   *How invested in the relationship are you*?

The importance of the working/personal relationship often dictates whether you will engage in a conflict. If you value the person and/or the relationship, going through the process of conflict resolution is important.

2.   *How important is the issue to you?*

Even if the relationship is not of great value to you, one must often engage in conflict if the issue is important to you. For example, if the issues is a belief, value, or regulation that you believe in or are hired to enforce, then engaging in the conflict is necessary. If the relationship and the issue are both important to you, there is an even more compelling reason to engage in the conflict.

3.   *Do you have the energy for the conflict?*

Many of us say, "There is not time to do all that I want to do in a day." Often the issue is not how much time is available but how much energy we have for what we need to do. Even in a track meet, runners are given recovery time before they have to run another race. Energy, not time, is being managed these situations.

4.   *Are you aware of the potential consequences*

Prior to engaging in a conflict, thinking about anticipated consequence from engaging in the conflict is wise. For example, there may be a risk for you safety, a risk for job loss, or an opportunity for a better working relationship. Many times people will engage in conflict and then be shocked by the outcome or consequence of engaging in the conflict. Thoughtful reflection about engaging in or avoiding a conflict. Is necessary.

5.   *Are you ready for the consequences?*

After analyzing potential consequences, determine whether you are prepared for the consequence of engaging in the conflict. For example, one employee anticipated a job loss if she continued to engage in the conflict she was having with her boss over a particular issue. After careful consideration, the employee thought   and   believed   strongly enough about the issue that she did engage in the conflict with her boss. Her annual contract was not renewed for the upcoming year. Because this individual had thought through the   consequences of engaging in the conflict, she was prepared to be without a job for a while and able to financially and emotionally plan for this outcome. Most consequences of engaging in conflict are not this severe but this example illustrates the value of thinking through consequences.

6.   *What are the consequences if you do not engage in the conflict?*

To avoid losing a sense of self, there are times when you must engage in conflict. Most people have core values, ideas, beliefs, or morals. If a person is going to sacrifice one of their core beliefs by avoiding a conflict, personal loss of respect must be considered. In such cases, even if a person is not excited about confronting the conflict, one must carefully consider the consequences of evading the conflict. When the personal consequences of turning away from the conflict outweigh all other factors, then a person usually must take part in the conflict.

Unit 5   Sociological Theories of Conflict

Unit structure

5.1   Introduction
5.2   Learning Outcomes (LOs)
5.3   History of Conflict Theories
5.4   Key Terms and Assumptions Modern Conflict Theories
5.5   Issues in Conflict Theories
5.6   Modern Approaches to Conflict Theories
5.7   Summary
5.8   References/Further Readings/Web Resources
5.9   Possible Answers to Self-Assessment Exercise(s) within the content

 5.1   Introduction

In the last unit, you learnt about responses of people to conflict situations. This is necessary because conflict occurs from the interaction of human beings in societies. Formal and informal organizations through which human beings interact are structures of the society. Conflict theories emphasize the social, polit ical and material inequality that are the fundamental causes of conflict. This unit looks at conflict from a macro – perspective. Among the theorists you will learn about in this unit is Karl Marx (1818 – 1883). You will also learn about the assumptions of the sociological conflict theorist and modern examples of conflict theory

 5.2   Learning Outcomes

By the end of this unit, you will be able to:

•   Explain the conflict theories
•   Enumerate the key assumptions of sociological conflict theories
•   Apply the theories to the prevention and management of conflict in organizations.

 5.3   History of Conflict Theories

Now that you understand conflict processes and stages, you will now understand the theories underlying these processes and stages. Conflict theories are based on the differential power relations among

people in organizations and in communities. In the early 19th century, most conflict in Nigerian Yoruba history were on power relations. Yoruba kings assumed power over all their subjects and could choose any woman, married or unmarried as a wife. This led to conflict, which eventually led to the eradication of such practices.

Karl Marx is considered, the father of social conflict theory (Baird, 2008). Martundele (2010), explains that conflict theory can be traced back to early philosophy of Han Fei Tzu (280 – 233. BC) and other ancient Chinese philosophers who taught that men are weak and lazy. They also assume that such weak and lazy people have to be controlled through punishment   leading to a reign of fear and terror. This inevitably will lead to a revolt. Conflict, as a sociological theory was formalized in the 19th and 20th centuries by Karl Marx, Max Gluckman, John Rex and   VIlfredo Pareto, among others (Wolff, 2011). However, Karl Marx is regarded as the father of conflict theory.

Karl Heinrich Marx (1818 – 1883) was a German philosopher, sociologist,   historian, political economist, political theorist and revolutionary socialist, who developed the socio - political theory of Marxism. His ideas have since played a significant role in both development of social science and also in the socialist political movement. He published various book during his lifetime, with the most notable being The Communist Manifesto (1848) and capital (`867 – 1894), many of which were co-written with his friend, the fellow German revolutionary socialist Friendrich Engels. Marx's dedication to so cial change led him to focus his work on revolutionary class conflicts in industrial societies (Roberto, 2007).

Marx's theories about society, economics and politics state that human societies progress through class struggle. In his time, this was the struggle between an ownership class that controls production and a proletariat that provides labour for production. Marx did not like capitalism. He called capitalism the "dictatorship of the bourgeoisie".He believed in socialism and argued that under socialism society would be governed by the working class in what he called the "dictatorship of the proletariat" or workers democracy (Craig, 2002).

Marx saw conflict as primarily resulting from class conflicts within industry and the economic segment of society. Max Weber proposed that power, prestige and property also added to social conflict and that such conflict was found in all aspect of society (e.g., politics, gender, and religion) (Livesay, 2010).

Mills (1916-1962) also contributed to modern conflict theory. According to Mills, one of the results of conflict between people with competing interests and resources is the creation of a social structure. Social structure refers to the relatively fixed institutions and norms of society that heavily influence, consciously or not, peoples' everyday behavior . For example, getting your licenses at a department of motor vehicles reflects the fact that social structure is largely in the hand of the elite (wealthy), who generally oppose the interests of the non-elite. The basic premise of conflict theory is that individuals and society struggle to maximize their share of the limited resources that exist and are desired by humans. Given that there are limited resources, the struggle inevitably leads to conflict and competition. These struggles can lead to changes in institutions and societies as different groups come into power.

Self-Assessment Exercises 1

> Enumerate on Karl Marx Conflict Theories.

5.4   Key Terms and Assumptions of Modern Conflict Theories

In studying the sociological theories of conflict, you need to understand some of the key terms and assumptions of such theories. The following are some of the terms commonly used in social conflict theories.

- **Class conflict:** The struggle between groups occupying different socioeconomic positions in the same society. These groups compete for control of economic, political and social resources. Class conflict can manifest as physical violence, propaganda (e.g., the spread of ideologies, such as "homeless people are lazy"), economic treats (e.g., the middle class boycotting "Big business"), or legal battles (e.g., class action lawsuits by consumers against large corporations).

- **Ideology**: the collection of beliefs that justify a social arrangement

- **Social class:** an aspect of social location that is determined by either your relationship to the means of production (Marx) or your power, prestige and wealth (Weber).

- **Deviance**: going against prevailing social norms

- **Proletariat**: in Marx's economic conflict theory, the proletariat are the working class who did not own the resources, land or tools they use to produce goods for the bourgeoisies

- **Bourgeoisies:** in Marx's economic conflict theory, the bourgeoisies are the capitalist class who own the resources, land and tools. They exploit the proletariat paying them less that their work is worth.

Some of the assumptions of conflict theories are: (Scott and Scott, 2011).

- **Interactions:** Human inte4raction results in conflict

- **Change**: Conflict and change are normal and in evitable in society.

- **Competition**: Competition over scarce resources (e.g., money leisure, sexual pa4rtners, etc.) is part 0f all social groups. Competition rather than consensus is characteristic of human relationship. If everyone had the resources had needed, conflict would not exist.

- **Structural inequality:** Inequalities in power and rewards are built into all social structures. Resources are scarce and groups will always compete over these resources.

- **Degree of inequality**: Inequality exists in varying degrees with people having different amount of resources hierarchies exist.

- **Revolution**: Macro changes occur as a result conflict between competing interests rather than through adaptation. It is often abrupt and revolutionary than evolutionary.

Self-Assessment Exercises 2

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1. In studying the sociological theories of conflict, explain the key terms of commonly used in social conflict theories.
2. According to Scott and Scott (2011), elaborate on some of the assumptions of conflict theories.

5.5   Issues in Conflict Theories

There are many issues in conflict theory, Among these are social stratification, wealth and power, inequality as well as drug abuse and crime. These are further explained in this section. As civilization undergoes change from agrarian, rural groups into industrialized, modern societies, a social hierarchy emerge that effectively creates different classes based on wealth, power and prestige(Ferranto,2005). According to conflict theory, it is this structure of social stratification that pits those in the upper class (i.e., those with the most power, wealth

and prestige) against the lower classes.

Conflict theory also asserts that modern society and the criminal justice system operate on the behalf of the rich and powerful social elites, with the resulting policies aimed at controlling the poor. This perpetuates a system in which the upper class maintains power and all other classes remain economically disadvantaged, disenfranchised, and nearly powerless. Marx foresaw such conflicts and asserts that with modernization and industrialization significantly increasing, this conflict and the oppression of the lower classes by the upper class will be on the increase (Marx and Engels, 1948).

Wealth and Power Inequality

While the United States is regarded as a nation that values the principle of equality, egalitarianism, meritocracy, hard work, it has a very high level of economic and social inequality. Domhoff (2011) provides striking evidence of this inequality. He found out that as of 2007, the top 1% of households (the upper class) owned 34.6% of all privately held wealth, and the next 19% (the managerial, professional, and small business stratum) had 50.5%. He goes on to state that this means that the top 20% of Americans own 85% of the nation's wealth as a whole, with the other 80% of Americans having only 15% of the wealth. This extreme inequality in the level of power and wealth that currently exist in the United States exemplifies the central themes of conflict theory, that there is a competition for power between classes. The implications of the large disparity in wealth between social classes in the United States includes many disadvantage for those in the lower classes, such as a lack of access to quality health care, increased risk of violent crime, fewer educational opportunity (especially post-secondary education), and the absence of a social network to provide opportunities for upward mobility (Lareau 2003).

Drug Abuse and Crime

Proponent of conflict theory argues that crime and is criminal justice in the modern world is designed to benefit the upper, powerful classes while subjugating and disenfranc hising the law lower classes. Greek (2005) provides an excellent explanation. He explained that street crimes, even minor monetary ones are routinely punished quite severely, while large scale financial and business crimes are treated much more leniently. Theft of a television might receive a longer sentence than stealing millions trough illegal business practices (Greek, 2005).

This example illustrates the manner in which conflict theory can be applied to deviance in society as the upper classes seek to maintain their

position and power by ensuring that the lower classes remain poor and relatively powerless.

Conflict theory has also been applied to the current trends of drug abuse in the United States, finding that societal and social class position effect one's rate of drug abuse. More specifically, Conflict theory holds that there are higher numbers of chronic drug abusers found in lower social classes, disorganized neighborhood. Lower income families, and relatively politically powerless places(Lo, 2003), found that, in accordance with conflict theory, social environments negatively effect inequality "widespread poverty and serve social disorganization, lacking legitimate opportunity as well as adequate education and training, have a [strong] association with opiate and cocaine use.

Self-Assessment Exercises 3

In studying the sociological theories of conflict, explain the key terms of commonly used in social conflict theories.

5.6   Modern Approach to Conflict Theories

The first modern approach to be discussed is that of Charles Wright Mills (1916 – 1962) an American sociologist (Mills, 1960). Mills has been called the founder of modern conflict theory (Knapp, 1994). In Mills's view, social structures are created through conflict between people with differing interests and resources. Individuals and resources, in turn, are influenced by these structures and by the unequal distribution of power and resources in the society. Mills argues that the interests of this elite were opposed to those of the people. He theorized that the policies of the power elite would result in increased escalation of conflict, production of power of mass destruction, and possibly the annihilation of the human race. (Knapp, 1994).

The second theory is that of Gene Sharp. Gene Sharp was a Professor Emeritus of Political Science at the University of Massachusetts Dartmouth. He was known for his extensive writing on nonviolent struggle, which have influenced numerous anti-government resistance movements around the world. In 1983 he founded the Albert Einstein Institution, a nonprofit organization devoted to studies and promotion of the use of nonviolent action in conflicts worldwide. Sharp's key theme is that power is not monolithic; that is, it does not derive from some intrinsic quality of those who are in power. For Sharp, political power, the power of any state – regardless of its particular structural organization – ultimately derives from the subjects of the state. His fundamental belief is that any power structure relies upon the subjects'

obedience to the orders of the ruler(s). If subjects do not obey, leaders have no power. Sharp has been called both the "Machiavelli of nonviolence" and the "Clausewitz of nonviolent warfare." Sharp's scholarship has influenced resistance organizations around the world. Most recently the protest movement that toppled President Mubarak of Egypt drew extensively on his ideas, as well as the youth movement in Tunisia.

Sharp (1973), propounds the theory of power which states that non-violent action through withdrawal of content for effecting political change. Sharp's theory has been widely adapted by social activists as their basic for non-violent demonstrations. The recent (2013- 2013) worldwide crisis against governments in Egypt, Syria, Spain, Greece and Brazil, started as non-violent protests against certain policies of their governments. Sharp (1973) states that people in society can be divided into rulers and subjects. The subjects empowered the rulers by electing them or endorsing their being rulers. Nonviolent action from the subjects is therefore a way of withdrawing the given consent. It is like recall in the United State of America's political system.

Sharp theory is based on two concepts of (1) ruler and subject classification, and (2) consent (Martin, 1989). Martin (1989); explain that sharp used the ruler - subject classification without detailed justification. The 'ruler' as defined, includes not only chief executives of organizations but also ruling groups and all bodies in the command of the state structure such as public service organizations. Sharp (1980), defines political power as the totality of means, influences and pressures such as authority, rewards, sanctions, status symbols that can be used to achieve objective by the power holder. Sharp (1973), further states that the sources of power are: authority, human resources, skills and knowledge, intangible factors material resources and sanctions (for example Federal Government of Nigeria. Public Service Rules). To Sharp these sources of power depends intimately upon the obedience and cooperation of the subject, (Sharp, 1973).

Limitations of Sharp's Approach

Martin (1989), explains the limitations of Sharp's non-violent approach to conflict. He state that Sharp did not give an examination of capitalism as a system of power. The issue of common consent to take to non-violent action was not discussed. Martin (1989), points out the fact that while subjects oppose rulers/leaders, in practice many factors go into mobilizing subjects for non-violent action as workers do not usually agree on a common course of action. Workers/subjects are usually divided along line of status, skill, wages, gender and ethnicity.

Certain workers may have sympathy for the regime being opposed. The mass media may be supportive or not very supportive. The system too, while oppressive, may still be beneficial to large groups of people. For example, capitalism as a social system benefits some and oppresses some. In Nigeria, those from the state where a leader originates are likely to support the leader, whether they have direct benefits or not.

Sharp did not analyze the effect of patrichial system on non-violent action. Martain (1989), points out that complex process are involved in the gender division of labor, direct discrimination, harassment, rape and other violence. The theory of non-violent action applies to gender relations that have been so ingrained into culture and cannot be easily stopped by non violent action.

Conflict also arises from technology. Dickson (1974), point out the social relations embedded in technology. He gives the example of nuclear weapons which can be serve as good ends for state governments and terrorists but is opposed by environmentalists. Technologies such as telephone and radio provide stronger basis for non-violent resistance. Sharp did not bring this into his analysis.

Self-Assessment Exercises 3

Proposed the Limitations of Sharps's Approach.

 5.7   Summary

In this unit, you learnt about the sociological theories that help to explain the behaviour of people in conflict. Conflict theories are based on power relations among people in organizations and in communities. Karl Marx is a sociologist who theorized that human societies progress through class struggle and that this struggle is between an ownership class that controls production and a proletariat that provides labour for production. Marx was against capitalism. Mills and Sharp contributed to modern theories of sociology. Mills attributed conflict to competing interests and resources while Sharp proposed the theory of non- violent reaction in conflict situations.

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 5.9   Possible Answers to SAEs

Answers to SAEs 1

Marx's theories about society, economics and politics state that human societies progress through class struggle. In his time, this was the struggle between an ownership class that controls production and a proletariat that provides labour for production. Marx did not like capitalism. He called capitalism the "dictatorship of the bourgeoisie".He believed in socialism and argued that under socialism society would be governed by the working class in what he called the "dictatorship of the proletariat" or workers democracy (Craig, 2002).

Marx saw conflict as primarily resulting from class conflicts within industry and the economic segment of society. Max Weber proposed that power, prestige and property also added to social conflict and that such conflict was found in all aspect of society (e.g., politics, gender, and religion) (Livesay, 2010).

Answers to SAEs 2

1.   In studying the sociological theories of conflict, you need to understand some of the key terms and assumptions of such theories**.** The following are some of the terms commonly used in social conflict theories.

- **Class conflict:** The struggle between groups occupying different socioeconomic positions in the same society. These groups compete for control of economic, political and social resources. Class conflict can manifest as physical violence, propaganda (e.g., the spread of ideologies, such as "homeless people are lazy"), economic treats (e.g., the middle class boycotting "Big business"), or legal battles (e.g., class action lawsuits by consumers against large corporations).

- **Ideology**: the collection of beliefs that justify a social arrangement

- **Social class:** an aspect of social location that is determined by either your relationship to the means of production (Marx) or your power, prestige and wealth (Weber).

- **Deviance**: going against prevailing social norms

- **Proletariat**: in Marx's economic conflict theory, the proletariat

are the working class who did not own the resources, land or tools they use to produce goods for the bourgeoisies

- **Bourgeoisies:** in Marx's economic conflict theory, the bourgeoisies are the capitalist class who own the resources, land and tools. They exploit the proletariat paying them less that their work is worth.

2.   Some of the assumptions of conflict theories are: (Scott and Scott, 2011).

- **Interactions:** Human inte4raction results in conflict

- **Change**: Conflict and change are normal and in evitable in society.

- **Competition**: Competition over scarce resources (e.g., money leisure, sexual pa4rtners, etc.) is part 0f all social groups. Competition rather than consensus is characteristic of human relationship. If everyone had the resources had needed, conflict would not exist.

- **Structural inequality:** Inequalities in power and rewards are built into all social structures. Resources are scarce and groups will always compete over these resources.

- **Degree of inequality**: Inequality exists in varying degrees with people having different amount of resources hierarchies exist.

- **Revolution**: Macro changes occur as a result conflict between competing interests rather than through adaptation. It is often abrupt and revolutionary than evolutionary.

Answers to SAEs 3

There are many issues in conflict theory, Among these are social stratification, wealth and power, inequality as well as drug abuse and crime. These are further explained in this section. As civilization undergoes change from agrarian, rural groups into industrialized, modern societies, a social hierarchy emerge that effectively creates different classes based on wealth, power and prestige (Ferranto,2005). According to conflict theory, it is this structure of social stratification that pits those in the upper class (i.e., those with the most power, wealth and prestige) against the lower classes.

Conflict theory also asserts that modern society and the criminal justice system operate on the behalf of the rich and powerful social elites,

with the resulting policies aimed at controlling the poor. This perpetuates a system in which the upper class maintains power and all other classes remain economically disadvantaged, disenfranchised, and nearly powerless. Marx foresaw such conflicts and asserts that with modernization and industrialization significantly increasing, this conflict and the oppression of the lower classes by the upper class will be on the increase (Marx and Engels, 1948).

Wealth and Power Inequality

While the United States is regarded as a nation that values the principle of equality, egalitarianism, meritocracy, hard work, it has a very high level of economic and social inequality. Domhoff (2011) provides striking evidence of this inequality. He found out that as of 2007, the top 1% of households (the upper class) owned 34.6% of all privately held wealth, and the next 19% (the managerial, professional, and small business stratum) had 50.5%. He goes on to state that this means that the top 20% of Americans own 85% of the nation's wealth as a whole, with the other 80% of Americans having only 15% of the wealth. This extreme inequality in the level of power and wealth that currently exist in the United States exemplifies the central themes of conflict theory, that there is a competition for power between classes. The implications of the large disparity in wealth between social classes in the United States includes many disadvantage for those in the lower classes, such as a lack of access to quality health care, increased risk of violent crime, fewer educational opportunity (especially post-secondary education), and the absence of a social network to provide opportunities for upward mobility (Lareau 2003).

Drug Abuse and Crime

Proponent of conflict theory argues that crime and is criminal justice in the modern world is designed to benefit the upper, powerful classes while subjugating and disenfranc hising the law lower classes. Greek (2005) provides an excellent explanation. He explained that street crimes, even minor monetary ones are routinely punished quite severely, while large scale financial and business crimes are treated much more leniently. Theft of a television might receive a longer sentence than stealing millions trough illegal business practices (Greek, 2005).

This example illustrates the manner in which conflict theory can be applied to deviance in society as the upper classes seek to maintain their position and power by ensuring that the lower classes remain poor and relatively powerless.

Conflict theory has also been applied to the current trends of drug

abuse in the United States, finding that societal and social class position effect one's rate of drug abuse. More specifically, Conflict theory holds that there are higher numbers of chronic drug abusers found in lower social classes, disorganized neighborhood. Lower income families, and relatively politically powerless places(Lo, 2003), found that, in accordance with conflict theory, social environments negatively effect inequality "widespread poverty and serve social disorganization, lacking legitimate opportunity as well as adequate education and training, have a [strong] association with opiate and cocaine use.

Answers to SAEs 4

Limitations of Sharp's Approach

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The mass media may be supportive or not very supportive. The system too, while oppressive, may still be beneficial to large groups of people. For example, capitalism as a social system benefits some and oppresses some. In Nigeria, those from the state where a leader originates are likely to support the leader, whether they have direct benefits or not.
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MODULE 3   THIRD PARTY ALTERNATIVE DISPUTE AND RESOLUTION

Unit 1   Mediation and Conciliation
Unit 2   Adjustment and Arbitration
Unit 3   Minitrial and Early Neutral Evaluation Peer Review
Unit 4   Negotiation

Unit 1   Mediation and Conciliation

Unit Structure

1.1   Introduction
1.2   Learning Outcomes
1.3   Mediation and Conciliation
        1.3.1   Historical Perspectives of third party dispute and resolution
        1.3.2   Scope and Definition of Mediation and Conciliation
        1.3.3   Theories in mediation and conciliation
        1.3.4   Forms of mediation and conciliation
        1.3.5   Types of Mediation
        1.3.6   Characteristics and Roles of Mediation
        1.3.7   Role of the Mediator
        1.3.8   The Advantages of Mediation
        1.3.9   Disadvantages of Mediation
        1.3.10 Advantages of Conciliation
        1.3.11 Disadvantages of Conciliation
        1.3.12 Kinds of Conciliation
1.4   Summary
1.5   References/Further Reading/Web Resources
1.6   Possible Answers to Self-Assessment Exercise(s)

1.1   **Introduction**

In one way or the other, we were charge with the responsibility of settling conflicts or crisis either in the work place, home or society. Therefore, this unit would look at means and ways of resolving dispute amicably without going to the court room. Mediation is a flexible   process conducted confidentially in which a neutral person actively assists parties in working

towards a negotiated agreement of a dispute or difference, with the parties in ultimate control of the decision to settle and the terms of resolution. Others take the view that mediation is

merely an assistant without prejudice negotiation. Assistance or third party help differentiate this process from other forms of Alternative Dispute Resolution (ADR), but the parties need to remember mediation is a non-binding process without any usual termination, and they must enter into some sort of settlement or compromise agreement if a resolution of the dispute is reached. If such agreement is breached, then this forms an independent cause of action. Lord Gill's Report of the Scottish Civil Courts Review in England (2009) says mediation is conducted in a neutral and non-combative environment with an independent and impartial facilitator the mediator. What is said is confidential and there is every opportunity for a frank exchange of views, including between principals of the parties, to help understand what each party really wants to achieve from the dispute: making a settlement is more likely to be achieved. The process of mediation is itself relatively simple. It depends on the complexity of the issues in dispute, and the attitude of the parties. This method is hardly ever used in Nigeria this maybe as a result of impatience on the part of the parties involved and lack of assurance in the neutrality of third parties.

Conciliation on the other hand is a less formal form of arbitration. In Nigeria, in case there is a failure of the mediator the issue should be reported to the Nigeria's Minister of Labour who will then choose to appoint a fit person as Conciliator; this person is usually a staff of the Ministry of Labour. This process does not require an existence of any prior agreement. Any party can request the other party to appoint a conciliator. One conciliator is preferred but two or three are also allowed. In case of multiple conciliators, all must act jointly. If a party rejects an offer to conciliate, there can be no conciliation.

Parties may submit statements to the conciliator describing the general nature of the dispute and the points at issue. Each party sends a copy of the statement to the other. The conciliator may request further details, may ask to meet the parties, or communicate with the parties orally or in writing. Parties may even submit suggestions for the settlement of the dispute to the conciliator.

When it appears to the conciliator that elements of settlement exist, he may draw up the terms of settlement and send it to the parties for their acceptance. If both the parties sign the settlement document, it shall be final and binding on both.

1.2   Learning Outcomes

By the end of this unit, you will be able to:

- Describe what mediation & conciliation is all about
- Explain mediation challenges and opportunities for peacemaking
- Identify mediation and conflict resolution also procedure for mediation and conciliation
- Understand the meaning of conflict
- Discuss advantages and disadvantages of mediation and conciliation.

1.3   Mediation and Conciliation

1.3.1 Historical Perspectives of third party dispute and resolution

Third-party dispute resolution is advantageous to business because it enables expeditious, economical and fair complaint resolution without government regulation or legal action (Bercovitch 2009). In fact, government agencies encourage the use of third-party mechanisms when complaints cannot be resolved directly between buyer and seller. Proponents of third-party systems point out that their use can help make manufacturers and retailers more responsive to consumer problems. By submitting disputes to a neutral decision- maker, a business can demonstrate goodwill through its willingness to seek unbiased solutions to consumer complaints. Conflict is a natural part of human affairs. We often try to avoid it, but when we embrace and work through conflicts, this can lead to new levels of creativity in the workplace.

The problem is that most people do not have very good conflict resolution skills. They tend to get defensive and too personal and they don't believe in the possibility of win/win solutions. So when two people have a conflict in the workplace, it is often necessary to meet with a neutral third party who can facilitate a mutually agreeable solution. In this unit, I will teach you the basics of how to carry out a third party facilitation. It is a very useful skill to have because resolving conflicts successfully strengthens teamwork and morale. It also tends to raise productivity and reduce absenteeism and turnover.

Third party mediation can be broadly defined as "a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of

help from, an outsider to change their perceptions or behaviour and to do so without resorting to physical force or invoking the authority of law" (Bercovitch 2006) The 'outsider' may be an individual, a group, an organisation or a state. Mediation strategies and tools can range from the channelling of information to parties to the provision of incentives and pressure designed to influence the bargaining process. Although mediation is non-binding, it can contribute to a cessation of hostilities, a peace agreement, or a full settlement of a conflict.

The study of mediation has given much attention to the motivation of mediators and parties to the conflict to engage in mediation. Some argue that mediators are not always neutral, altruistic 'outsiders', but may have their own aims. Through the act of mediating, they become an actor in conflict relationships and dynamics.

Despite the potential of mediation to contribute to conflict management and to a lesser extent to conflict resolution, it has largely been treated as an isolated discipline. Though mediation has received much attention in academia, politicians and activists have not given it the same level of attention as peacekeeping and aspects of conflict prevention and peace building. The international climate for mediation has changed radically in the last ten years, with a rapid increase both in the diversity of actors involved in peace processes and the frequency of interventions. The field of third party mediation has faced a number of challenges which include the 'global war on terror', the growing influence of new powers such as China and India, and ongoing divisions within the UN. Recent research on the African Union has suggested that efforts should be made to build the capacity of international and regional organisations to engage in mediation, and to develop strategies and mediation units within the organisations.

1.3.2 Scope and Definition of Mediation and Conciliation

Mediation is a voluntary process designed to meet the needs of the disputing parties. Because it is voluntary, the process of setting up mediation requires careful planning. This includes preparatory discussion about:

- whether mediation is appropriate and desirable;
- selection of the mediator(s);
- an acceptable time and place for the joint meeting;
- who should attend;
- any special needs of the parties, such as what language will be used, whether there will be
- Interpreters, safety, and physical or mental limitations.

Definition

A mediator is a person who acts to communicate information from one person to another in a conflict. Mediators may have other primary roles within the community (such as an elder, a respected business person, a religious leader, or a wise neighbour. Conciliation is an alternative dispute resolution (ADR) process whereby the parties to a dispute use a conciliator, who meets with the parties separately in an attempt to resolve their differences. They do this by lowering tensions, improving communications, interpreting issues, providing technical assistance, exploring potential solutions and bringing about a negotiated settlement. Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions. In mediation, the mediator tries to guide the discussion in a way that optimizes parties' needs, takes feelings into account and reframes representations. In conciliation the parties seldom, if ever, actually face each other across the table in the presence of the conciliator.

1.3.3 Theories in mediation and conciliation

Fisher (1997), gave the following theorems in relation to mediation processes and their possible outcomes:

Theorem No. 1

–   As long as the conflict remains centred on content goals and has not escalated beyond Stage III, evaluative mediation will tend to work.
–   Corollary: Evaluative mediation is not efficient or effective at high levels of conflict or when identity or relationship goals are in play.

Theory of Mediation

Theorem No. 2

–   As long as the conflict remains centred on identity or relationship goals or has escalated above Stage III, transformative or narrative processes are effective and efficient.
–   Corollary: Transformative and narrative processes are not efficient or effective at low levels of escalation or when content goals are solely in play (e.g. pure distributive bargaining situations)

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Theorem No. 3

–   Parties will be satisfied with their outcomes based on the nature of their conflict.
–   Corollary No. 1: Outcomes based on settlements or mutual agreements will be satisfactory when the conflict is below Stage III and is not driven by relationship or identity.
–   Corollary No. 2: Outcomes based on transformative principles will be satisfactory when the conflict is escalated above Stage III and is driven by relationship or identity goals.

1.3.4   Forms of mediation and conciliation

Direct and Indirect

In direct (formal) mediation the precise role of the mediator is usually defined. For example, a chief may determine which party is at fault, or a neutral third party may help keep a balance in the negotiation process. In indirect (informal mediation) the mediator's role is less well defined and more modest, and may be as minimal as passing messages between the parties.

Mediation is a delicate process and both sides must agree on the mediator or facilitator for them to be effective. By agreeing to a mediator, the party's shows they are willing to give up some of their own power. Trust and an in-depth knowledge of conflict dynamics are required to build positive relationships between the mediator and conflicting parties.

A good mediator is not necessarily neutral or impartial. In some cultures an insider-partial mediator and facilitator will obtain greater respect from the conflicting parties than an outsider-neutral person. This is most commonly witnessed in South American societies. Other societies prefer to rely on religious leaders or community leaders to act as mediators, both for their spiritual value and authority. It is not advisable to use religious leaders as mediators when the parties follow different religions, as this in itself can be a source of conflict. However the gender of the mediator may be   important in   certain traditional societies. Be aware of the temptation for people to manipulate the mediator to become their advocate.

1.3.5   Types of Mediation

Mediation can have different objectives and can take a number of forms. Some forms of mediation have been described from the perspective of the objectives they seek to attain:

- Evaluative mediation: The mediator evaluates the claims or rights of the parties having regard to the applicable legal rules.
- Facilitative or problem-solving mediation: The mediator helps the disputants to resolve their differences by facilitating communication and the search for creative (mutual gain) solutions.
- Therapeutic mediation: The mediator helps parties "heal the hurt" caused by disputes and may "facilitate reconciliation" between the disputants.
- Transformative mediation: The objective of mediation is to transform the disputants, both individually and in relation to one another through "empowerment" (disputants improve or learn new skills to resolve their own disputes) and "recognition" (understanding the other side's perspective, thereby creating "empathy" for the other).

1.3.6 Characteristics and Roles of Mediation

- Voluntary - right to terminate
- Private and confidential
- Assisted or facilitated negotiation
- Flexible (relatively unstructured)
- Self-determining
- Creative and practical
- Future focused
- Without prejudice to participation in other processes

3.3.7 Role of the Mediator

Although mediators may have different "styles" of mediating, their roles commonly include:

1. Setting the tone for joint problem-solving by establishing and maintaining a rational and productive atmosphere for negotiation.
2. Encouraging full disclosure of information.
3. Assisting the parties to understand each other's perspectives (needs, concerns, values, and fears) and trying to build empathy between the parties.
4. Facilitating communication between the parties by keeping the discussions "civil"; allowing parties to vet if appropriate; taking the "sting" out of loaded or angry statements by, for example, reframing them in neutral way or in a way which reveals the underlying interest.
5. Maintaining balance in the process by ensuring that the parties have an equal opportunity to speak.
6. Identifying   and   seeking   clarification   of

misunderstandings, assumptions, and discrepancies.
7. Probing for interests underlying positions taken by the parties in order to expand the opportunity for creative solutions.
8. Assisting parties to identify common interests.
9. Assisting the parties to explore and assess their alternatives to a negotiated resolution.
10. Acting as a "reality check" by challenging parties on their positions (usually in caucus) and by reminding them of the costs of not settling.
11. Assisting the parties to generate options for settlement and to develop criteria by which to evaluate those options.

3.3.8 The Advantages of Mediation

There are many advantages to mediation over other forms of alternative dispute resolution (ADR) or civil litigation. Below are some of the major advantages that mediation and binding mediation offers to the construction industry as an alternative dispute resolution option. Keep in mind that a judge's responsibility is to interpret and rule on matters of law. The mediators' responsibility is to assist the parties in settling their dispute and be fair and equitable to all parties if it is a binding mediation.

1. Mediation is much less costly than civil litigation for many reasons:
   a. Most mediators who specialize in construction charge by the hour and the mediation usually is completed in one or two days.
   b. As most construction mediations are conducted in one or two days and most certainly less days than civil litigation, the cost of your time away from business will be minimal.
   c. Preparation for mediation is far easier and simpler than is required to prepare for arbitration or litigation.
2. Mediation is a much faster process than civil litigation. Typically construction litigation cases can take a few months to a year or longer to actually get to trial. CRS had a case in which a party contacted CDRS on a Thursday night. We expedited the agreement to mediate and other paperwork.
3. In mediation, the parties are full participants and can express their own opinions and concerns, where in civil litigation the parties' attorneys are the only ones who represent their party unless the party "takes the stand" and is subject to cross-examination by the opposing attorney.
4. Mediation allows the opportunity for parties to work together and reach a settlement and continue to work together to complete the construction project, very often with a good customer referral

at the end of the job.

5.   After there is a settlement, if other items come into dispute, a new mediation can be scheduled without affecting the prior settled items.

3.3.9 Disadvantages of Mediation

This list is by no means exhaustive, but at least presents a framework in which we can consider the advantages of mediation. In addition, there is a similar list which can be constructed in which we can start to consider some of the typically mentioned disadvantages of mediation.

1.   Mediation does not always result in a settlement agreement. Parties might spend their time and money in mediation only to find that they must have their case settled for them by a court. Opting for mediation, therefore, presents something of a risk. Further, if mediation fails, much of a party's "ammunition" might have already been exposed to the opposing party, thereby becoming far less useful in the ensuing trial.

2.   Mediation lacks the procedural and constitutional protections guaranteed by the federal and state courts. The lack of formality in mediation could be a benefit, as noted above, or a detriment. Mediation between parties of disparate levels of sophistication and power, and who have disparate amounts of resources available, might result in an inequitable settlement as the less-well positioned party is overwhelmed and unprotected.

3.   Legal precedent cannot be set in mediation. Many discrimination cases, among others, are brought with the intention of not only securing satisfaction for the named plaintiff, but also with the hope of setting a new legal precedent which will have a broader social impact. These cases are only "successful" if a high court (usually the United States Supreme Court) hands down a favourable decision on the main issue. Mediation is therefore not benefic ial for such cases.

4.   Mediation has no formal discovery process. If one of the parties to a dispute cannot fully address the case without first receiving information from the other party, there is no way to compel disclosure of such information. The party seeking disclosure must rely instead on the other party's good faith, which may or may not be enough.

3.3.10 Advantages of Conciliation

Informality: The informal nature of conciliation is one of the processes biggest advantages. The process is considered the most relaxed and least adhering to the typical adversarial method of dispute resolution.

Non face to face aspect: Enables parties to engage in a dispute resolution process which does not require the parties to come face to face. This is particularly beneficial when the parties have a particularly disharmonious or acrimonious relationship.

Cost: As with most alternative dispute resolution processes, Conciliation is generally a cheaper option than litigation.

Privacy/Confidentiality: At the beginning of a conciliation, parties generally enter into an agreement as with the majority of alternative dispute resolution processes, that ensures that the parties negotiations are conducted as confidential and private.

Time: Conciliation is more efficient than going through a court process and often can be resolved within a week from the beginning of the process. This can vary however, depending on the complexity of the matter and the nature of the parties involved.

Agreement: As with the mediation process, conciliation requires the parties to come to a mutual agreement for the process to be successful. The benefit of this is that the parties are more likely to walk away from the process satisfied with the decision that they have been involved in making than one which was handed down by an arbitrator or magistrate.

No Binding Agreement: If the parties are unhappy with the way in which the conciliation is being carried out they can leave the process with no obligations other than to pay the costs already incurred from the process.

Conciliator Involvement: The involvement of the mediator can be positive as a conciliator, whilst acting as an impartial third party can provide clarity on issues which are in dispute between the parties.

1.3.11 Disadvantages of Conciliation

- No Binding Decision: If no agreement can be made between the parties, each will be left in the same position as they started. There is no binding decision handed down which can be frustrating to parties who have invested time, money and effort

into the process.

- Conciliator Involvement: Although the conciliator is meant to be an impartial third party, the ability for them to involve themselves in the proceedings through their 'active' involvement can question the unbiased nature of the conciliator.

1.3.12 Kinds of Conciliation

There are mainly two kinds of conciliation. Such as :

(i)   Voluntary Conciliation. (ii)Compulsory Conciliation.

(1) Voluntary Conciliation: Under voluntary conciliation, the disputes are referred to the conciliation officer or the Board of conciliation by both parties under their own free will who agree to have their disputes settled by an outsider, but they may or may not accept the decision.

The ILO (International Labour Organisation) Recommendation No. 92 concerning voluntary conciliation (and Arbitration) 1951 as follows.

1.   Voluntary conciliation machinery appropriate to national conditions should be made to assist in the prevention and settlement of Industrial disputes between employers and workers.

2.   Where voluntary conciliation machinery is constituted on a joint basis it should include equal representation of employers and workers.

3.   (i) The procedure should be free of charge and expeditions, such time limits for the proceedings as may be prescribed by national laws or regulations should be fixed in advance and kept to the minimum.

(ii)   Provision should be made to enable the procedure to be set in million either on the initiative of any of the parties to the dispute or ex-officio by the voluntary conciliation authority.

4.   If the dispute has been submitted to conciliation procedure with the consent of all the parties concerned, the latter should be encouraged to abstain from stick and lock outs while conciliation is in progress.

5.   All agreements which the parties may reach during conciliation procedure or as a result thereof should be drawn up in writing regarded as equivalent to agreement concluded in the usual manner.

2.   Compulsory Conciliation: In case of compulsory conciliation, the disputes are referred to the Board of conciliation. In case of compulsory conciliation, the procedure is made compulsory by provisions requiring the parties' attendance at conciliation proceedings or empowering the conciliation authority to compel their attendance at such proceeding as well as by the prohibition of strikes and lock-outs without prior resort to conciliation. The compulsory conciliation conserve a useful purpose even if the parties attitude make the possibility of a voluntary settlement very unlikely, especially in developing countries where management and trade unions may as yet have relatively little experience of collective labour relations. There is a less chance that the parties would agree even to meet each other for   direct negotiation. Moreover, the management may refuse to recognise and have any dealings with the trade union. In this situation, the compulsory attendance of the parties at a conciliation meeting will help them make each other's acquaintance and to become used to joint discussions. Compulsory conciliation also serves a means of educating, raining and guiding the parties with regard to the nature and conduct of bilateral negotiations.

1.4   Summary

This unit has extensively considered mediation and conciliation, there various types, advantages and disadvantages of each. It was also seen that both mediation and conciliation has its limitations as there is no assurance that both methods will always solve trade disputes. Therefore it is important as student of mediation and conciliation process should be able to know which technique to use at a particular point in time in other to get the best result out during resolution process.

Self -Assessment Exercises

Highlight five roles common to Mediators

1.5 References/Further Readings/Web Resources

Barry Hart, J.N. Doe. & Sam Gbaydee Doe., (1993), Trauma Healing and Reconciliation Training Manual - A Handbook for trainers and trainees

Bercovitch, J. (2006). Mediation Success or failure: A search for the elusive criteria. Cardozo Journal of Conflict Resolution, Vol 7, No.2, pp.289-302.

Christian Health Association of Liberia (CHAL), Peace building training manual, (1995). Fisher, R and Ury, W. (1991) Getting to Yes: Negotiating an Agreement without Giving In,

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Kraybill, R. S., Evans, R, A., & Evans, A. F., (2001), Peace Skills: A Manual for Community Mediators, San Francisco, CA.

1.6   Possible Answers to Self-Assessment Exercise(s)

Although mediators may have different "styles" of mediating, their roles commonly include:

1.   Setting the tone for joint problem-solving by establishing and maintaining a rational and productive atmosphere for negotiation.
2.   Encouraging full disclosure of information.
3.   Assisting the parties to understand each other's perspectives (needs, concerns, values, and fears) and trying to build empathy between the parties.
4.   Facilitating communication between the parties by keeping the discussions "civil"; allowing parties to vet if appropriate; taking the "sting" out of loaded or angry statements by, for example, reframing them in neutral way or in a way which reveals the underlying interest.
5.   Maintaining balance in the process by ensuring that the parties have an equal opportunity to speak.
6.   Identifying and seeking clarification of misunderstandings, assumptions, and discrepancies.
7.   Probing for interests underlying positions taken by the parties in order to expand the opportunity for creative solutions.
8.   Assisting parties to identify common interests.
9.   Assisting the parties to explore and assess their alternatives to a negotiated resolution.
10.   Acting as a "reality check" by challenging parties on their positions (usually in caucus) and by reminding them of the costs of not settling.
        11.   Assisting the parties to generate options for settlement and to develop criteria by which to evaluate those options.

Unit 2   Adjudication and Arbitration

Unit Structure

2.1   Introduction

A high number of organizations are using alternative dispute Resolution (ADR) to resolve organizational conflicts or disputes as we have discussed in unit 1 of this module. Resolving a disagreement before it becomes a legal action can promote the goodwill between management and employees and decrease the undesirable publicity connected with legal disputes. In this unit we will be considering adjudication and arbitration as form of ADR.

2.2   Learning Outcomes

By the end of this unit you will be able to:

- Have an in-depth understanding of adjudication and arbitration
- Discuss their limitations and advantages

2.2   Adjudication

Adjudication is the process in which parties present their case before a judge or jury. Here it assumes that parties are unable to solve their conflicts and a decision must be taken from outside (Wissler, 2004). In adjudication the other party can be sued forcing a decision whether the other wants to participate or not (Wilmot and Hocker, 2007). The law gives that within 14 days of the failure of the conciliator to resolve the disagreement, the Minister of Labour is authorized to pass on the dispute for resolving to the Industrial Arbitration Panel (IAP). This

panel consists of a Chairman, Vice-chairman and not less than 10 members selected by the Minister. Two of the persons are chosen by employers while two are also chosen by the employees.

The Industrial Arbitration Panel has 21 days to regard a trade dispute and make an award. The Minister must make public the details and a 21days grace is allowed for any of the parties who is not pleased to raise objection, in the event when no protestation is made, the award is authenticated and hence it becomes legally binding on both parties.
It is important to point out that when a trade dispute is referred to the IAP it has to do with matters such as issues bordering on wages, hours of work and any other conditions of employment which are replicated in any statutory provisions (Eniaiyejuni, 2005).

- **Advantages of Adjudication**

The following are some of the advantages of adjudication as given by Wilmot and Hocker (2007):

- Equal protection of the law: - this method permits everyone right to a resolution process and does not require the agreement of the other party; hence, it serves as a power-balancing system. For instance an aggrieved individual can sue a large organization if they feel victimized or cheated.
- Adjudication also provides rules for fairness, such as the permit of evidence
- The use of professionals to speak for the conflict parties is an advantage for parties who need supports in preparation or arrangement of their case.
- Adjudication also serves as a backup for other conflict management procedures. When arbitration, mediation and conciliation fall short to generate agreement, the disputants can then go to court.

- **Limitations of Adjudication**

1. The first limitation of adjudication is that it has been over-used and as a result it is misused. Assurance of fast justice is hard to get; cases can wait as long as two years amid filling and first appearance are frequent.
2. Another disadvantage of the use of legal system to resolve dispute/conflict is that conflicting parties cannot make their own decisions.
3. Adjudication is also limited in that the adversarial system functions on a win or lose situation of conflict assumptions that promote escalation schemes.

Self-Assessment Exercise 1

•   Explain Adjudication

2.3   Arbitration

Arbitration just as in adjudication gives power to a third party to make a decision on the result of a conflict. Parties who cannot settle their dispute without assistance jointly gives power to an arbitrator to solve their conflicts are ordered to do so by a judge or are obliged by contract to search for arbitration. The arbitration procedure varies according to the type of dispute and the wants of the parties (Wilmot and Hocker, 2007).

In a situation when the parties contractually consent to arbitration, the verdict is final. Arbitration can either be voluntary or compulsory. Arbitration is voluntary if both parties consent to the procedure while it is compulsory if both parties do not approve. Regarding successful settlement, it is voluntary if the approval of both parties is vital for giving effect to the arbitration award but compulsory if the award is lawfully binding not regarding if both parties accept or not.

Arbitration in Nigeria combines both the compulsory and voluntary essentials, as the award of the panel will not be validated nor will it be legally binding unless both parties have accepted it and the Minister of Labour confirmed it (Eniaiyejuni, 2005).

- **Advantages of Arbitration**

It is said to be a process used for a wide range of content areas, ranging from contract argument, landlord-tenant conflicts to domestic relations (Kelter, 1994):

1. Here both parties go into arbitration voluntarily unlike in adjudication
2. It also keeps one party from employing passive aggressive on the other
3. Due to the arbitrator's vast knowledge or training in the area of dispute resolution, he or she can regularly offer resourceful content solutions
4. It is also readily available for use in situations in which the partakers experience a communication break down and are no longer able to solve their problems.

- **Disadvantages of Arbitration**

1.   It seeks to resolve issues only on content basis
2.   It also emphasizes the assumption that the parties cannot become skilled to deal with their difficulties, that till a third party intervenes the party can't find a solution

Self-Assessment Exercises 2

Enumerate three advantages of Arbitration

2.5   Summary

This unit has carefully considered adjudication and arbitration as a third party intervention to resolving disputes. In both adjudication and arbitration an outsider for i n s t a n c e a judge decides the outcome of the dispute. Adjudication has its limitation which ranges from miss-use of the process, abuse of the system by clients and so on. This process of adjudication as a conflict resolution exercise is a step that mediators tend to avoid due to the hectic process and the time delay involve in the process as well. Adjudicators would tend to deliver judgments based on the case presented by both parties and their representative. While for arbitration this is the process in which a third party is charged with the responsibility of resolving the dispute or conflict.

2.6   References/ Further Reading/ Web Resources

Eniaiyejuni, B.O.   (2005), Management of Industrial Relations in Nigeria; Lagos: Concept Publications Limited

Keltner, J.W. (2004), the management of struggle: Elements of dispute resolution through   negotiation, mediation and arbitration. Cresskill, NJ: Hampton Press

Wilmot W.W. and Hocker J.L. (2007) Interpersonal Conflict, McGraw-Hill: New York Wissler, R.L. (2004) the effectiveness of court-connected dispute resolution in civil cases

Conflict Resolution Quarterly 22, No.2: 55-88

2.7 Possible Answers to Self-Assessment Exercise(s)

SAE 1

Adjudication is the process in which parties present their case before a judge or jury. Here it assumes that parties are unable to solve their conflicts and a decision must be taken from outside (Wissler, 2004). In adjudication the other party can be sued forcing a decision whether the other wants to participate or not (Wilmot and Hocker, 2007).

SAE2

1. Here both parties go into arbitration voluntarily unlike in adjudication
2. It also keeps one party from employing passive aggressive on the other
3. Due to the arbitrator's vast knowledge or training in the area of dispute resolution, he or she can regularly offer resourceful content solutions
4. It is also readily available for use in situations in which the partakers experience a communication break down and are no longer able to solve their problems.

**Unit 3   Mini-Trials and Early Neutral Evaluation: Peer Review
                Content**

Unit Structure

3.1   Introduction
3.2   Learning Outcomes
3.3   Mini-Trial Concept
        3.3.1 Mini-Trial: Involving Senior Management
        3.3.2 The Mini-Trial Process
3.4   Early Neutral Evaluation
3.5   Summary
3.6   References/Further Reading/Web Resources
3.7   Possible Answers to Self-Assessment Exercises

3.1   Introduction

From the previous unit we considered how to settle dispute amicably
without necessary going to court for settlement. In this unit we would
further look into another means of settling conflict or dispute which
could not be handle from the previous unit which is Mini trial. Mini-
trial is an alternative dispute resolution (ADR) procedure used to settle
issues without taking up additional cost and delay related with court
litigation. Mini-trial does not end up in formal adjudication but it's a
means in which parties gets a solution by means of a structured
settlement process. The mini trial has been updated by several parties
in other to resolve issues amicably without jeopardizing the relationship
that exist between the parties.

Early neutral evaluation on the other hand is seen as a process both in
court and out of court, in which a skilled lawyer gives an indication, as
strong and as comprehensive as the disclosure and representation at that
stage allows, of what would be the outcome if the matter were to be
finally adjudicated in court.

Early neutral evaluation is a process that often occurs early in the pre-
trial stage. A neutral is retained by the parties and counsel to assess the
strengths and weaknesses their case and provide assistance in finding
common ground in the dispute. This informal process helps each side
view the case from the others perspective and offers an evaluation as
to how the matter may be decided in court. The recommendations of the
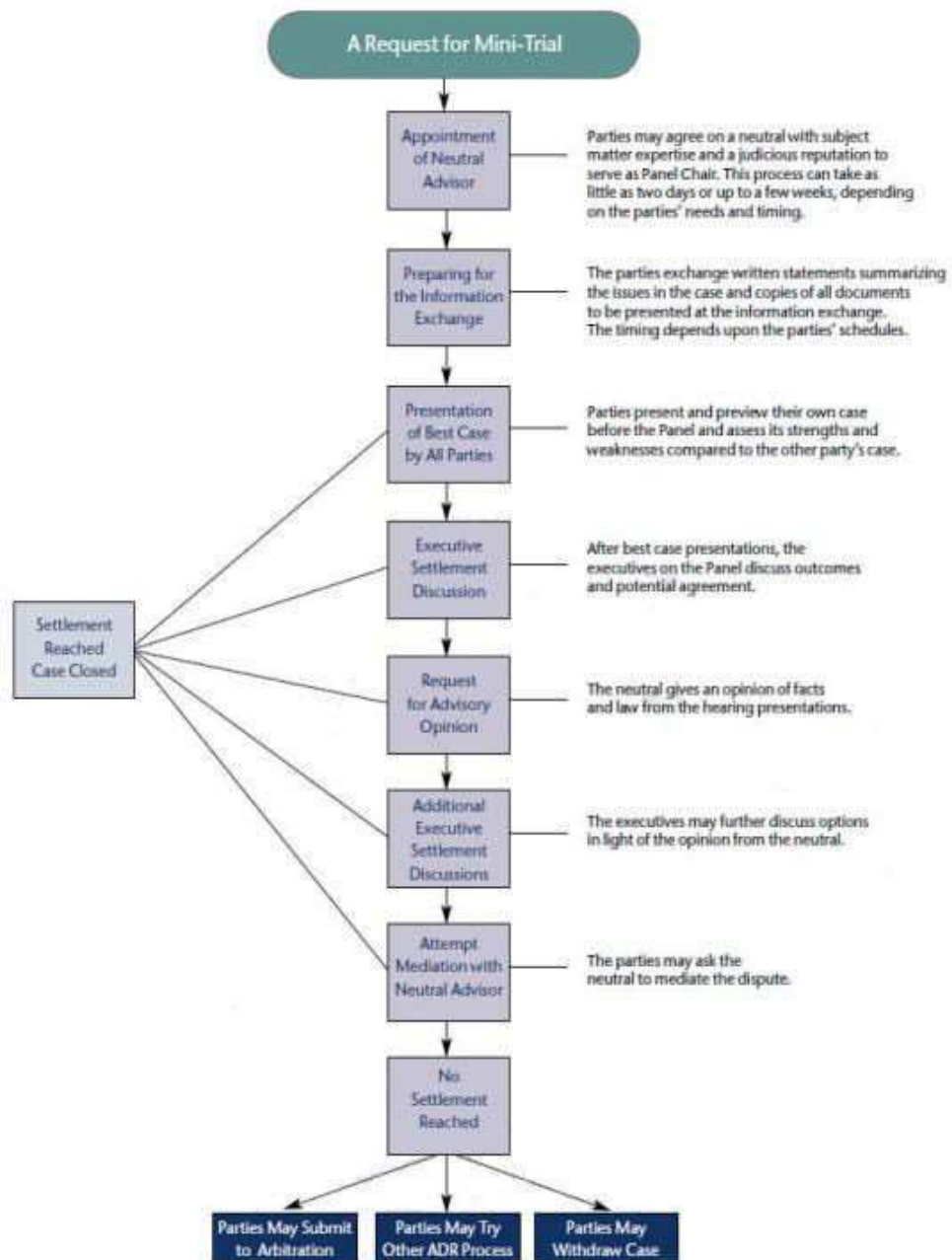neutral are influential but non-binding.

3.2   Learning Outcomes

By the end of this unit you will be able to:

- Explain the mini-trial process
- Mini-Trial Concept
- Explain Early Neutral Evaluation\

3.3   Mini-Trial Concept

Figure 3.1: A Mini – Trial Process Overview Source: American Arbitration Association 2005

3.1.1   Mini-Trial: Involving Senior Management

Mini-Trials are informative and valuable undertakings, as they offer company executives an opportunity to obtain a better understanding of the issues at hand and each party's posit ion in a dispute. A Mini-Trial affords parties the opportunity to both practice and preview the presentations of their own cases, as well as to assess the strength of their adversaries' positions in a case. The less formal setting of a Mini-Trial emphasizes the importance of a business perspective in the dispute, and it provides senior executives with an opportunity to participate more fully in the resolution of company disputes.

Mini-Trials may be a consideration for parties when uncertainty or varying op inions exist, inside and outside of organizations, about the value of or the most effective way to present a case. They can also be effective when maintaining relationships is important to future business opportunities, and they can aid the parties in discovery and future litigation or arbitration planning. In addition, when clients are involved in a case with issues of a highly specialized technical nature or subject matter that calls for a neutral with a specific background or level of expertise, a Mini-Trial may be an appropriate option.

The Mini-Trial process is initiated with a written agreement from the parties. Once the case has been opened, the parties are given a list of prospective Panel Chairs that have the requested expertise. The parties may either mutually agree on an individual or ask that the AAA to appoint a neutral Chair from the designated list. The parties and the neutral then schedule a date and time for the information exchange and decide on the formality of the proceedings, the applicability of evidence rules and any other procedural aspects of the Mini- Trial, including the presentation of witness lists.

3.1.2   The Mini-Trial Process

The neutral Chair presides over the Mini-Trial process, during which each party is allowed to present its evidence or information in an abbreviated "best case" format. Generally, federal or state court evidence rules do not apply in Mini-Trial presentations and, like Mediations, these proceedings are confidential.

At the conclusion of the presentations, senior executives from each company have an opportunity to begin settlement discussions with the AAA neutral acting as conciliator or mediator. If no settlement is reached, the parties can request an advisory opinion from the neutral Chair. These opinions often include a discussion of important issues of law and fact that support the non-binding opinion. After the delivery of

the opinion, the senior executives participating in the panel meet again to have further settlement discussions. The parties can, at this point, request that the neutral act as a mediator if they are seeking a final resolution of the dispute. If the parties want to adopt the Mini-Trial process as a part of their contractual dispute settlement procedures, they may insert the following Mini-Trial clause into their contract in conjunction with a standard Arbitration provision:

If a dispute arises out of or relates to this contract, or the breach thereof, the parties agree first to submit their dispute to a neutral advisor pursuant to the American Arbitration Association's Mini-Trial Procedures administered by the American Arbitration Association before resorting to arbitration, litigation, or some other dispute resolution procedure.

Self-Assessment Exercises
With the aid of a diagram, explain **Mini-Trial Concept**

3.4   Early Neutral Evaluation

Early neutral evaluation is also a method of alternative dispute resolution in which a person acts as a neutral person and evaluates the merits and demerits of their positions. In modern times, this is used alongside mediation proceedings so as to help the parties to evaluate the merits of their case. This is usually done by an experienced litigator who has vast experience of litigation. He gives opinion about the merits and demerits of their case. He is neutral in his opinion and this enables the parties to keep their trust on him. He doesn't know the parties or doesn't have interest in any one party at the cost of the other. He gets his fees from both parties no matter they settle their dispute or not; this enables him to keep neutral position and also to keep the trust of the parties (Blake, 2010).

Early neutral evaluation is different from mediation in the sense it is direct communication of early neutral evaluator about their issues. In mediation, the parties try to sort out their dispute/issues themselves. A mediator doesn't comment upon the merits or demerits of a case. He is only facilitator. In early neutral evaluation, the evaluator deals with the merits and demerits of the case directly. It is different from court or arbitral proceedings because an evaluator only gives opinion about the merits of the case and he doesn't give verdict binding on the parties. Similarly, it is different from conciliation because an evaluator doesn't try to settle the dispute of the parties. All he does is to give an honest and neutral opinion with regard to the merits of the case of parties. In recent times, early neutral evaluation is taken as part of the mediation

proceedings. This means it is good technique for the resolution of disputes of commercial nature (Blake, 2010).

3.5 Summary

This unit has looked at mini trial and early neutral as a tool for resolving conflicts. Mini trial in itself can be seen as a complete method of conflict resolution; it is also very effective in the effective management of the work place. The concept, meaning, effects and process needed were considered and well explained.

Self-Assessment Exercises

How would you differentiate Early neutral evaluation from mediation?

3.6 References/Further Readings/Web Resources

Meek, S. B. (1996). *Alternative Dispute Resolution* Tucson, Az.: Lawyers and Judges.

Moore, C.W. (2003). *The Mini-trial Process: Practical Strategies for Resolving Conflict.* 3d ed. New York: Jossey-Bass.
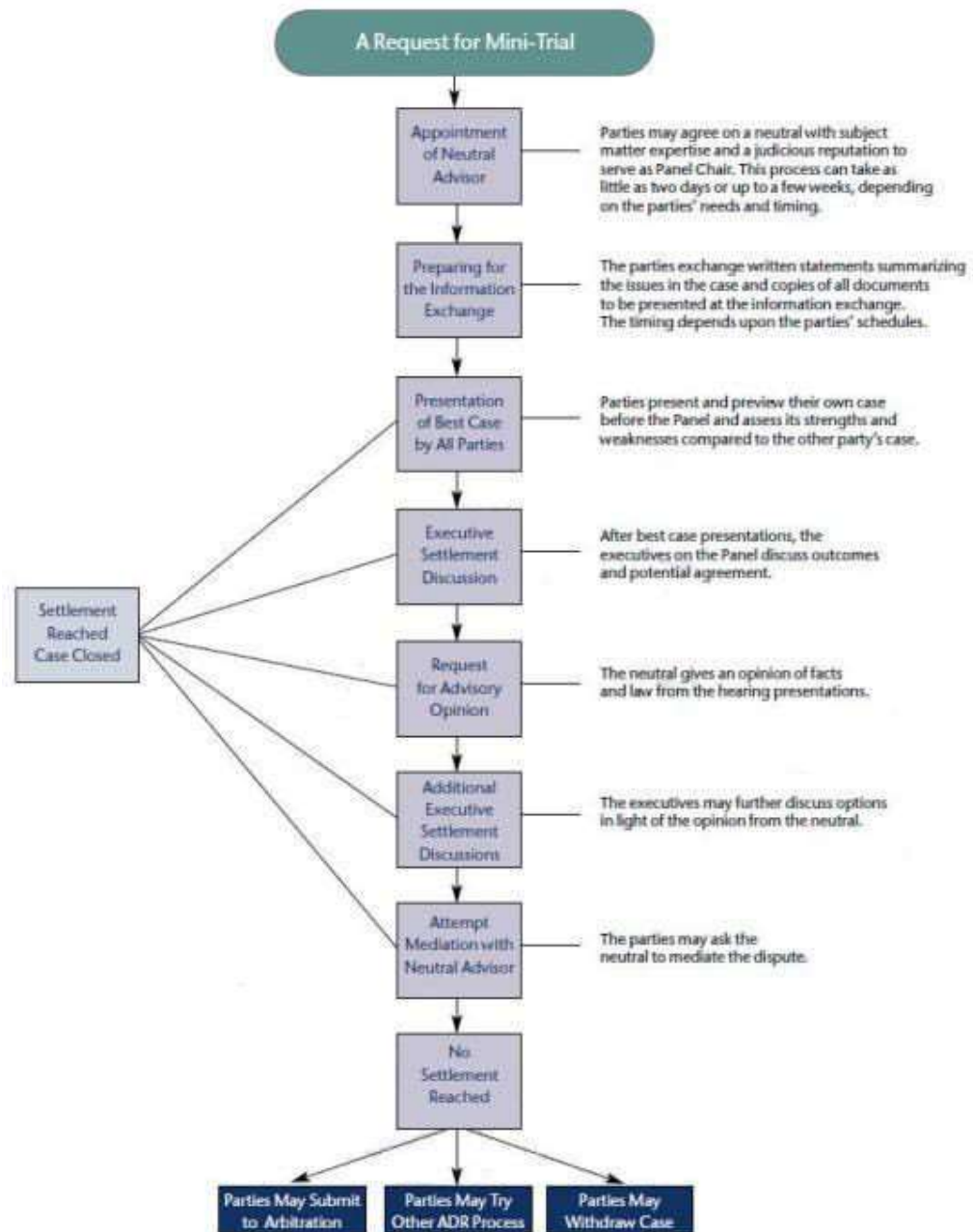
Ware, S. J. (2001). *Alternative Dispute Resolution.* St. Paul, Minn.: West Group. Vinod, K.A. (2001). Alternative Dispute Resolution Methods
http://www.collyerbristow.com/default.aspx?sID=55&ctID=11&cID=221&lID=0

Possible Answers to Self-Assessment Exercises

SAE 1

SAE 2

Early neutral evaluation is different from mediation in the sense it is direct communication of early neutral evaluator about their issues. In mediation, the parties try to sort out their dispute/issues themselves. A mediator doesn't comment upon the merits or demerits of a case. He is only facilitator. In early neutral evaluation, the evaluator deals with the merits and demerits of the case directly.

Unit 4   Negotiation

Unit Structure

4.1 Introduction

In this unit we would look into another method of resolving conflict, this method is applied when the other methods of resolving conflict discussed in the previous unit has either failed to yield a positive outcome or to use this as the best alternative to solve the crisis at hand. Negotiation arises in conflict resolution when the parties know that their interdependence have been able to ascertain their concerns, and are determined to work on both incompatible and overlapping goals (Bartos, 1974). Negotiation permits conflicting parties to mention their preference, talk about their relationship, hold back themselves from certain actions and raise their predictability about each other (Wall 1985). Negotiation and collective bargaining are often times used interchangeable; the crucial goal of negotiation is to create an opportunity for both parties to table their concerns and reach an agreement.

4.2   Learning Outcomes

At the end of this unit student are expected to:

• Explain what negotiation is
• Describe the characteristics of Negotiation
• List the basic skills required for negotiation

4.3   Theories of Negotiation

Roger Fisher's approach to conflict resolution (or negotiation) which introduced the term 'principled-negotiation'; the principle-based approach aims to resolve conflict by deferring judgment to a moral principle. Such an approach advocates the need for interest-based negotiations in contrast to those based on a 'position'. For example Fisher would suggest that an interest would include issues like security, esteem and pleasures, whereas positions would define how one achieved those interests.

Fisher encourages the need for empathy and asks the question – "why does one hold one position and another hold a different one"? Fisher suggests that empathy allows parties to discern the underlying interest which by creativity may result in amicable solutions (what this author would refer to as 're-negotiated positions' to each party. Like Burton, Fisher defines the most powerful interests as human needs, which he identifies as security, economic-well- being, a sense of belonging, recognition, and control over one's life.

Self-Assessment Exercises 1

> Explain Negotiation as a mechanism for solving conflicts

4.4   Characteristics of Negotiation

These characteristics are divided into four, namely:

1. **Distributive Bargaining:** - this occurs when there is conflict among the parties, and the result shows a gain for one party and loss for the other. That is each party seeks to identify and manipulate the position of the other party on the issues for negotiation. For example if the conflict between management and the union is on salary increase, it simply means the union will gain while the other party which is the management will lose.

2. **Integrative Bargaining:** - this has to with bringing in creative answers that will integrate the interest of the parties and result in joint benefit for both parties. It happens when parties have two or more issues to settle and are ready to come up with creative ways to please both parties.

3. **Attitudinal Structuring:** - this occurs when the activities of one party affects the attitude of the other party, it involves attitudes such as respect, trust etc that can impinge on the agreement

standard of both parties in a positive manner and lead to a good acceptance of issues brought for negotiation.

4. **Intra-organisational Bargaining:** - this is when both parties discuss with their team members about the alterations in the bargaining position. For instance those negotiating on behalf of management will try and persuade them to shift grounds or position on a particular issue, using the salary increment example we used earlier, the negotiators will convince management to consent to a higher salary; likewise those negotiating for the union must also try to persuade to agree to the negotiated contract, so they must be responsive to the request of the members and also sensible.

4.5   Bargaining Principles

According to Eniaiyejuni (2005), these are undocumented principles which labour management negotiators follow:

1. Parties to bargain must be flexible. Normally negotiations go on by having other offers and counter-offers resulting to a settlement.

2. The terms of the final agreement must be put into practice without alteration, but if otherwise it has to be negotiated

3. Once a concession is reached it cannot be withdrawn

4. There must be an agreement on the time frame regarding settlement before or early in the negotiation process which must be honoured by the parties.

5. Hard words, threats and loss of temper are taken care of by both parties as legitimate approach and should not be allowed to weaken either party's belief in the other's integrity, or their wish to settle without taking positive action.

4.6   Procedure for Negotiation

As soon as a proposal is ready, what needs to be done is to create rules and procedure for negotiation, which consists of time and place of negotiation, duration of the meeting, rules on conduct of the meeting, organize the presentation of points etc.

The negotiation procedures are as follows:

1. *Agenda:* - during negotiations the agenda is decided upon with regard to the list of items to be bargained on. This is latter distributed.

2. *Conduct of Meeting:-* here management presents the chairman while the union presents the Vice-Chairman of the meeting. The

seating arrangement is such that one party sits on one side and the other party on the other facing each other. The next thing is the introduction of each member of the teams. The chairman then goes on to say the reason for the meeting placing emphasis on the need for agreement.

3. *Opening:* - the union opens the meeting by presenting their case for management to react to.

4. *Bargaining Format:* - there is no specific format that the agenda must follow but there are two ways to the issue, which are:

➢ The Piecemeal approach: -this recommend that the issues should be settled as they are raised one after the other, when an issue is raised and finalised it is pushed away and then the next issue is taken. Minor issues are dealt with first before the major ones, this might be because the pressure of negotiating is reduced moreover goodwill is established when minor issues are bargained first. A disadvantage of this method is that it does not give room for a easy swapping in the case when either party plans to use a minor item to catch a major one (Eniaiyejuni, 2005).

➢ The total method: - in this approach no item on the list is considered to be finally resolved until every other item on the list is resolved. This method is advantageous in the sense that it reflects all the deliberations significant to t he entire package. It also assists in extracting the maximum advantages from a potential trade-off.

4.7   Negotiating Skills

Certain skills are needed in the course of negotiation. These include:

i.   The ability to define a series of objectives and not to be rigid at the same time
ii.   An effective communication skill to present information and arguments clearly and logically.
iii. Human relations skills needed for interacting with others such that one is persuasive and firm but not seen as been unnecessarily authoritative.
iv.   The ability of prioritising well.
v.   Ability to read and understand non verbal signs.
vi.   The ability to listen to others and not always wanting to be heard at all times.

Self-Assessment Exercises 2

1.	Describe the characteristics of negotiation
2.	Mention the skills necessary for negotiating

4.8 Summary

This unit has looked at negotiation as a tool for resolving conflicts. The characteristics, procedures and skills needed for negotiating was considered and dealt with extensively. As a negotiator, it is important that we realise the effect and method of using negotiation exercise in dispute resolution. Therefore, Negotiation is not just about being a dialogue between two or more people or parties, but it is more about compromise and brings both parties together to resolve the dispute amicably. It is used to bargain for the collective interest or advantage of the parties involved in the negotiation process.

Negotiation is a process that occurs in different facet of the society, ranging from business, non profit organisations, government, legal proceedings and also among nations which is to give a final output of favourable outcome and amicable resolution.

4.9 References/Further Reading/Web Resources

Bartos, O.J. (1974), *Process and outcome of negotiations*. New York: Columbia University Press

Eniaiyejuni, B.O. (2005), *Management of Industrial Relations in Nigeria;* Lagos: Concept Publications Limited

Fisher, R and Ury, W. (1991) *Getting to Yes: Negotiating an Agreement without Giving In,* Second Edition, London, Sydney, Auckland, Bergvlei SA, Business Books Limited

Schuler, R.S and Jackson, S.E (1981) *Human Resource Management: positioning for the 21st Century*. West Publishing Company: New York

Wall, J.A. (1985), *Negotiation: Theory and Practice*. Glenview, IL: Scott, Foresman and company.

Wilmot W.W. and Hocker J.L. (2007) *Interpersonal Conflict*, McGraw-Hill: New York

Possible Answers to Self-Assessment Exercises

SAE 1

Negotiation is one mechanism used for solving ongoing conflicts with others. It allows for conflicts to be settled peacefully by acknowledging the stakes that all parties have in the successful resolution of the conflict. Negotiation is achieved by bringing the parties involved in the conflict to the table to have a compromise or negotiate on possible solution to the conflict or dispute. The process of negotiation is generally adopted in other to resolve a pressing issue or dispute by making both parties to reach a middle line and to avoid it leadinginto further crisis thereby taking it to the court which would be of detriment to both parties

SAE 2

1.   The characteristics are divided into four, namely:

I.   Distributive Bargaining: - this occurs when there is conflict among the parties, and the result shows a gain for one party and loss for the other. That is each party seeks to identify and manipulate the position of the other party on the issues for negotiation. For example if the conflict between management and the union is on salary increase, it simply means the union will gain while the other party which is the management will lose.

II.   Integrative Bargaining: - this has to with bringing in creative answers that will integrate the interest of the parties and result in joint benefit for both parties. It happens when parties have two or more issues to settle and are ready to come up with creative ways to please both parties.

III.   Attitudinal Structuring: - this occurs when the activities of one party affects the attitude of the other party, it involves attitudes such as respect, trust etc that can impinge on the agreement standard of both parties in a positive manner and lead to a good acceptance of issues brought for negotiation.

IV.   Intra-organisational Bargaining: - this is when both parties discuss with their team members about the alterations in the bargaining position. For instance those

2   . Certain skills are needed in the course of negotiation. These include:

i.   The ability to define a series of objectives and not to be rigid at the same time

ii.   An effective communication skill to present information and arguments clearly and logically.

iii.   Human relations skills needed for interacting with others such that one is persuasive and firm but not seen as been unnecessarily authoritative.

iv.   The ability of prioritising well.

v.   Ability to read and understand non verbal signs.

vi.   The ability to listen to others and not always wanting to be heard at all times.

MODULE 4   THE OMBUDSMAN SYSTEM

Unit 1   The Ombudsman System
Unit 2   The theory of Social Justice
Unit 3   A unified model for ombudsman system

Unit   1   The Ombudsman

Unit Structure

1.1   Introduction
1.2   Learning Outcomes
1.3   Definitions of Ombudsman
1.4   Origin of Ombudsman
1.5   Features and function of Ombudsman
1.6   Criticisms of the Ombudsman System
1.7   Summary
1.8   References/Further Reading/Web Resources

1.1   Introduction

In module 3, you learnt about the various alternative third party dispute resolution methods. These include mediation, conciliation, adjudication, arbitration, mini trials and negotiation. In this module you will learn about another alternative dispute resolution method known as the Ombudsman. In this unit, you will learn about the Ombudsman concept in terms of definitions, origin, feature, rationale, functions and criticism. The Ombudsman system is a way of addressing complaints from the public, especially for those who cannot afford to go law courts.

1.2   Learning Outcomes

By the end of this unit, you will be able to:

• Define Ombudsman
• Explain the origin of Ombudsman
• Enumerate the features of an Ombudsman system
• Explain the rationale for Ombudsman
• Describe the functions of the Ombudsman
• Critique the Ombudsman system.

1.3 Definition of Ombudsman

The name "Ombudsman" comes from Sweden and literally means, "representative". An Ombudsman is one who assists individuals and groups in the resolution of conflicts or concerns(Wesley, 2004). Such a position has many synonyms which include ombudsperson, ombuds and public complaints officer. Ombudsman system is not confined to government ministries. There could be an ombudsman in universities, corporations and hospitals and could be for various demographic groups such as children's ombudsman in Ireland (Reif, 2004).

An organizational ombudsman is defined as a designated neutral person who is appointed by an organization to facilitate the informal resolution of concerns of employees, managers and students, as well as external clients of an organization (Wesley, 2004). At the governmental level, the classical ombudsman is usually appointed by a legislative body or the president of a country to represent the public with concerns on the conduct of government agencies through formal/informal investigations. An advocate ombudsman is defined as one who advocates on behalf of a designated population (Rowe, 1995)

1.3   The origin of Ombudsman

As a modern institution, ombudsman dates back to the office of the "justite ombudsman'' which was established by the Parliament as a watchdog in Sweden. In 1919, over a century, after Sweden, Finland also adopted the concept. Denmark followed in 1954 and Norway became the last of the Scandinavian countries to adopt the concept in 1962. West Germany adopted the concept during its military era in 1954, and thus qualified as the first non- Scandinavian country to do. New Zealand was the first Commonwealth country to introduce an ombudsman system into the civil service in 1962.(Ngerian Public Complaints Commission, 2013).

A prototype of ombudsmen flourished in China during the Qin Dynasty (221 BC), and in Korea during the Joseon Dynasty (Park, 2008). The position of secret royal inspector, or Amhaeng-eosa was unique to the Joseon Dynasty, where an undercover official directly appointed by the king was sent to local provinces to monitor government officials and look after the populace while travelling incognito. The Roman Tribune had some similar roles, with power to veto acts that infringed upon the plebeians. Another precursor to the ombudsman was the Turkish Diwan-al-Mazalim which appears to go back to the second Caliph, Umar (634-644) and the concept of Qadi al-Qadat. (Pickl, 1987).

The first preserved use was in Sweden. In the Danish Law of Jutland from 1241, the term is *umbozman* which means a royal civil servant. From 1552, it was also used in the other Scandinavian languages such as the both Icelandic and Faroese *umboosmadur,* the Norwegain *ombudsman* and the Danish *ombudsmand.* The Swedish speaking minority in Finland uses the Swedish terminology.
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The modern use of the term began in Sweden, when the Swedish parliamentary Ombudsman was instituted by the instrument of Government of 1809, to safeguard the rights of citizens by establishing a supervisory agency independent of the executive branch. The predecessor of the Swedish Parliamentary Ombudsman was the Office of Supreme Ombudsman ("Hogste Ombudsmammen"), which was established by the Swedish King, Charles XII, in 1713. Charles XII was in exile in Turkey and needed a representative in Sweden to ensure that judges and civil servants acted in accordance with the laws and with their duties. If they did not do so, the supreme Ombudsman had the right to prosecute them for negligence. In 1719 the Swedish Office of Supreme Ombudsman became the Chancellor of Justice.

The parliamentary Ombudsman was established in 1809 by the Swedish Riksdag as a parallel institution to the still-present Chancellor of Justice, reflecting the concept of separation of powers as developed by Montesquieu.

In general, an ombudsman is state official appointed to provide a check on government activities in the interest of the citizen, and to oversee the investigation of complaints of improper government activity against the citizen. If the ombudsman finds a complaint to be substantiated, the problem may get rectified, or an ombudsman report is published making recommendations for change. Further redress depends on the law of the country concerned, but this typically involves financial compensation. Ombudsmen in most counties do not have the power to initiate legal proceedings or prosecution on the grounds of a complaint. This role is sometimes referred to as a " tribunitian" role, and has been traditionally fulfilled by selected representatives – the terms refers to the ancient Roman "tribunes of the plebians" (tribuni plebis), whose role was to intercede in the political process on behalf of common citizens.

The major advantage of an ombudsman is that he or she examines complaints from outside the offending state institution, thus avoiding the conflicts of interest inherent in self- policing. However, the ombudsman system relies heavily on the selection of an appropriate individual for the office, and the cooperation of at least some effective official from within the apparatus of the state.

Many private companies, universities, non-profit organizations and government agencies also have an ombudsman to serve internal employees, and/ or other constituencies. These ombudsman roles are structured to function independently, by reporting t o the CEO or board of directors. According to International Ombudsman Association (IOA) Standards of Practice, they do not have any other role in the organization. Organizational ombudsmen often receive more complaints than alternative procedures such as anonymous hot -lines (Howard, 2010).

Since the 1960s, the profession has grown in the United State, and Canada, particularly in corporations, universities and government agencies. The organizational ombudsman works as a designated neutral party, one who is high-ranking in an organization, but who is not part of executive management. Using an alternative dispute resolution (ADR), an organizational ombudsman can provide options to whistleblowers or employees and managers with ethical concerns; provide coaching, subtle diplomacy, generic solutions (meaning a so lution which protects the identity of one individual by applying to a class of people, rather than just for the one individual) and mediation for conflicts; track problems areas; and make recommendations for changes to policies or procedures in support of orderly systems change.

Self Assessment exercise 1

- **Trace the evolution of the ombudsman from 1919 to the 21st century**

1.4   Features and functions o f an Ombudsman

Hossain (2013), discusses extensively the features of an ombudsman. These are :
Independent of government in an ideal situation

Responsible for making sure that administrative practices and services or public bodies are fair, reasonable, appropriate and equitable.
An officer of the legislature.

Able to conduct confidential investigations that are non-threatening and protect complainants against retribution.

Required to file annual report with the legislative Assembly.

According to Anderson (1969), the essential characteristics of the Ombudsman's post require that the individual filling it be:

1.   Independent;
2.   Impartial ;
3.   Expert in government;
4.   Universally accessible; and
5.   Empowered only to recommend and to publicize

In 1962, a seminar was arranged by the United Nations Organization and the participants suggested some features of Ombudsman as follows(UN Technical Assistance Operation, 1962)

1.   It is only an instrument of parliament for supervising administrative action but also a protector of individual rights.
2.   Investigations conducted by it are completely impartial and independent of the administrators.
3.   Investigation can be started by the ombudsman at his own initiates basing his actions of information received by him.
4.   The investigation is conducted informally.
5.   The ombudsman has considerate flexibility in the form of action which he would take in given case.

Other unique features of ombudsman in different countries of the contemporary world are as follows:

1.   Any citizen can bring complaints before the Ombudsman without the counseling of lawyers. In Sweden even prisoners have the right of sending complaints to the Ombudsman through respective authorities.

2.   Citizens can send their complaints to the Ombudsman in writing. In Finland these complaints can be given orally by the physical presence in the Office of Ombudsman. But in France the scenario is something different. A French person with a complaint cannot go directly to the mediator. Instead he or she must communicate with a member of parliament, who will decide whether the complaint has sufficient merit to be passed on for action by the mediator (Dragnich, 1981: 306).

3.   Ombudsman can delegate their power of inquiry to a deputy but cannot be delegate their power of decisions.

4.   Ombudsman has considerable direction as how far he takes a case against officials. In most cases Ombudsman simply points out the officials' errors and suggest to the respective authority.

5.   In Sweden the Ombudsman has the right to examine any documents question any person and demand and every

assistance from the accused offices or persons. "The Danish Ombudsman is responsible for investigating any complaint against public official concerning abuse of power, negligence or abuse of trust. He can inspect all state administrations, and enter all state establishments. He has access to all minutes and official documents power of inquire of the finish Ombudsman is similar to the Swedish Ombudsman.

6.   The scope of work of the Ombudsman varies country to country.

7.   An Ombudsman though has enormous prestige, power and responsibility has no legal powers except to inquire.

8.   In Sweden the Ombudsman has no right to express his opinion about the decisions taken by courts or agencies.

9.   Another feature of Ombudsman is that people can get the opportunity to having justice cheaply.

Functions of Ombudsman

Generally, an Ombudsman may receive complaints from three sources:

i.   Complaints sent to him by groups of people.
ii.   Complaints sent to him by any person; and
iii.   The Ombudsman may, on the basis of the newspaper comment/electronic media or otherwise, proceed to investigate (Halim, 1998:291)

The Ombudsman can also act as an agency to suggest administrative reforms. He may assume the role of a legislature advisor. He may call attention of the legislature to the desirability of reconsidering any law he believes has provided unreasonable, unjust, oppressive or discretionary results (Ahmed, 1993).

Rationale for Ombudsman System (Hassain, 2013).

In modern times the government in both developed and developing countries have assumed multitude of functions and roles in the field of socio-economic welfare of the citizens. The scope and dimension of the activities of the government and those of the powers and the authorities of the officials and public agencies have thus expanded enormously. As a result, the government has become complicated and forceful in modern times (Gellhon, 1966:3).

In modern times it has been felt that the existing machineries for adjusting and redressing grievance of the individuals increasingly tend to be inadequate to fulfill this purpose.

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administration. But a number of problems are associated with the role of the jurisdiction. Unlike ombudsman system, informal investigation cannot be conducted by the regular or ordinary courts. Legislation is expensive, time consuming, protracted, slow and very complicated and cumbersome process. The judicial process is also highly impersonal and formal. On the contrary, the process of Ombudsman's investigation is very informal and flexible and there is an element of personnel touch and concern. Furthermore, as the complainant is required to pay a very nominal or no fee/ deposit, the Ombudsman provides a mush cheaper justice than the regular system can offer. (Adedin, 1992:11).

1.5   Criticism Against Ombudsman

Hossain (2013), enumerates a number of criticisms against the Ombudsman system which may differ from country to country. These are:

1.   The Ombudsman can work only in small countries. In a large populous country, the Ombudsman cannot handle complaints without a huge bureaucratic organization.

2.   The Ombudsman system may be weighed down by slow decision making and time consuming investigative procedures which might delay justice or redress of complaints.

3.   The Ombudsman has no real powers and can recommend only. Government officials and agencies may listen to suggestions depending on their will

4.   The Ombudsman tends create the illusion that all is well with the governments.

5.   The Office is adaptable only to parliamentary countries. The system interferes with the ministerial responsibility in parliament.

6.   The Ombudsman is part of the government establishment and tends to sustain its actions. The Ombudsman is a government technique used primarily to determine what is bothering the citizens without supplying an effective remedy.

7.   The system relies a great deal on a single individual his personality, his judgment, his impartiality, and his independence.

Some of these criticisms are contentious and may not apply in all situations.

Self-Assessment Exercise 2

1.   According to Anderson (1969), there are essential characteristics required to fill the Ombudsman's post. Discuss?
2.   Evaluate the Criticism leveled against the ombudsman institution According to Hussein (2013)

1.6   Summary

In this unit, you have learnt about the definition of ombudsman, the origin, its features, and functions. You also learnt about the criticisms of the ombudsman system. An ombudsman is one who assists individuals and groups in the resolution of conflicts or concerns. An ombudsman can exist at an organizational level or at the governmental level. At the government level, the ombudsman is appointed by a legislative body. Modern day Ombudsman concept started in Sweden in 1919, even though, a prototype of ombudsman flourished in China during the Qin Dynasty in 721 BC. The essential characteristics of the Ombudsman are: independence, impartiality, expert in government affairs, universally accessible, and possession of power to publish information on the guilty party. Generally, an ombudsman may receive complaints from three sources: (I) complaints from groups of people (II) complaints from any person, (III) issues published in print or discussed in electronic media.

A number of problems associated with the role of the judiciary in serving the people, ombudsman system. Informal investigations cannot be conducted by the regular courts; hence there is a role of a flexible, inexpensive and effective system of seeking redress. The ombudsman system is not without criticisms. In large populous countries, the ombudsman can only treat few cases. Complaints against government institutions ma y also be swept under the carpet or not brought to the media.

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Possible Answers to SAE 1

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SAE 2

1.   According to Anderson (1969), the essential characteristics of the Ombudsman's post require that the individual filling it be:
a.   Independent;
b.   Impartial ;
c.   Expert in government;
d.   Universally accessible; and
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2.   Hossain (2013), enumerates a number of criticisms against the Ombudsman system which may differ from country to country.

These are:

a.   The Ombudsman can work only in small countries. In a large populous country, the Ombudsman cannot handle complaints without a huge bureaucratic organization.

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g.   The system relies a great deal on a single individual his personality, his judgment, his impartiality, and his independence.

Unit 2   The Theory of Social Justice

Unit Structure

2.1.   Introduction

In the last unit, you learnt about the Ombudsman concept. In this unit, you will learn about the theories behind the concept. The concept of Ombudsman could be argued to have taken root in theory of social justice. In order to ensure that all people have access to justice, the Ombudsman provides an avenue for such needs to be met. In this unit, you will learn some underlying theories of Ombudsman such as the social justice theories, the social contract theory and the fundamental human rights. When these areas are not addressed in an economy, the seeds of conflict are being sown.

2.2   Learning Outcomes

By the end of the unit, you will be able to:

•   Explain the social justice concept
•   Practice the two moral powers
•   Enumerate the characteristics of social contract theory
•   Describe the equal basic liberties in any society.

2.3   The Social Justice Concept

The term "social justice" was first used in 1840 by a Sicilian priest, Lugi Taparelli d'Azeglio and given prominence by Antonio Rosmini – Serbati in 1848 (Novak, 2000). The concept of social justice implies that society should treat all who have deserved it, equally well (Mills, 1997)

Mills (1997) imagines that societies can be virtuous in the same way that individuals can be. The demand for the concept of social justice become popular in modern firms, when very complex societies operate by impersonal rules applied with equal force to all under "the rule of law". Hayek (2000), notes that the term social justice first came into prominence as an appeal to the ruling classes to attend to the needs of the masses of uprooted peasants who had become urban workers. Social justice should be understood as a specific justice that involves:

(i)   inspiring working with and organizing others to accomplish together a work of justice. Citizens in this case are expected to give back for all that they have received from the free society or to meet obligations of free citizens to think and act for themselves.

(ii)   The second characteristic of social justice is that it aims at the good of the society and not for the good of one agent only.

Rawls (1996), states that the theory of social justice is more applicable to the ombudsman concept. Rawls (1996), sees justice as fairness based on certain principles in a society assumed to consist of free and equal persons with equal opportunities. Rawls theory is about relationship between members of an association (society). Rawls theory sees society as a fair system of cooperation over time, from one generation to another.

Self-Assessment Exercise 1

1.   Relate the Ombudsman functions to the social justice concept in the words of Rawls.

2.4 The Social Contract Theories

The theory of social contract states that members of a society are accorded certain rights in return for giving up certain freedom such as lawlessness or by remaining alone. These rights are to be enforced by the state or representatives of the society. Such rights are not static and they may change from time to time. For example, a constitution gets suspended when a military government takes over in a country. Another example is that the right to form unions in organizations is at the will of the government of the day. The theory also expects that additional rights will always entail bearing additional responsibilities and vice versa. Ombudsman is a system of assisting members of the society to enjoy any deprived rights;

Kelly (2013), states that the term social contract could be found in the writings of Plato. However, the modern social contract theorists are Jean Jacques Rousseau, (1762). Hobbes (1985) and Locke (2003).

Thomas Hobbes expanded on the idea when he wrote *levitation* in response to the English Civil War. In this book he wrote that in the earliest days there was no government. Instead, those who were the strongest could take control and use their power at any time over others. Hobbs' theory was that the people mutually agreed to create a state, only giving it enough power to provide protection of their well-being. However, in Hobbes theory, once the power was given to the state, the people then relinquished any right to that power. In effect, that would be the price of the protection they sought.

Jean Jacques Rousseau and John Lock each took the social contract theory one step further. Rousseau wrote *The Social Contract, or Principles of Political Right* in which he explained that the government is based on the idea of popular sovereignty. Thus the will of the people as a whole gives power and direction to the state. John Lock also based his political writings on the idea of the contract. He stressed on the role of the individual. He also believed that revolution was not just a right but an obligation of the state abused their given power.

Social contract theorists assert that in order for a society to function, there must be a real or hypothetical agreement among its members regarding the rights and responsibilities of both the state – which is concerned with advancing the common good – as well as its citizens – who are concerned with advancing their self-interests. For this contract to work, every member of society must be presumed to agree to its terms.

This hypothesis poses the problem of how are individual members of society are "contracted"? Some have asserted that the obligation to conform to the term of social contract is a consequence of birth. For example, children are born into a particular society at a particular point in time, are reared within that society and, thus are obligated to follow its laws.

In contrast, social contract theorists reason that the free choice to remain a member of society – not birth is what binds each member of society to the contract's terms. In this sense, human beings "volunteer" to belong to society simply because it is rational and in one 's self interest to do so (Lessnoff, 1986). Laws – weather penal or non-panel – are non-coercive in that, once children have observed society and matured, they can choose as adults to stay or to leave. The choice to stay is what binds citizen to the social contract and to abide by its terms. This is how the "contract" emerges, as has been argued at least as

early in intellectual history by Plato (1981). In *Crito,* Socrates maintained that a decision to remain in society confers legitmacyto the social contract theory and imposes it obligations upon a citzen. A decision to leave society signals illegitimacy and, although relieved of its obligations, a citizen must suffer the consequences of this decision to leave society.

Taking their cue from Hobbes (1985), in *Leviathan,* other proponents of social contract theory have argued that in order for citizens to keep from perpetrating injustices against one another and to live in peace, there must be a guarantee in the event that one citizen perpetuates an injustice against another citizen, society will not retrogress to the law of nature. For these theorists, the social contract emerges not from birth, law, or the choice to remain, but from the virtue of justice. Deliberation about what justice requires convinces members of society not only to cooperate with one another but to also to adhere to their agreements as well (Gauthier, 1986).

2.3   Fundamental Human Rights

The United Nations declaration of human rights can be said to have its roots in the social justice concept and the social contract theory. On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. These Rights were to be published by member countries and should be dissemilated, displayed, read and expanded principally in all educational institutions. This instruction underscores the importance the United Nations attached to the fundamental human rights (United Nations, 1998).

The following constitute the Universal Declaration of Human Rights
PREAMBLES
Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Whereas disregard and contempt for human rights have barbarous acts which have outraged the conscience of mankind, and advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of identity relation between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedom,
Whereas a common understanding of these rights and freedom is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member States themselves and among the peoples of territories under their jurisdiction.

Article 1

- All human beings are born free and equal in dignity and rights, they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

- Everyone is entitled to all the rights and freedom set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

- Everyone has the right to life, liberty and security of person
Article 4

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms

Article 5

- No one shall be subjected to torture or to cruel, inhuman or degrading treatme nt or punishment.

Article 6

- Everyone has the right to recognition as a person before the law.

Article 7

- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation and against any incitement to such discrimination.

Article 8

- Everyone has right to an effective remedy by the competent national tribunals for violating the fundamental rights granted him by the constitution or by law.

Article 9

- No one shall be subjected to arbitrary arrest, detention or exile.
  Article 10
- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has all the guarantees necessary for his defense.

- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks

Article 13

- (1) Everyone has the right to freedom of movement and residence within the borders of each state

- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

- (1)Everyone has the right to seek and to enjoy in other countries asylum from persecution.

- (2)This may not be invoked in the case of persecutions genuinely arising from non- political crimes or from acts contrary to the purposes and the principles of the United Nations.

Article 15

- (1) Everyone has the right to a nationality

- (2)No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality

Article 16

- (1) Men and women of full age without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

- (2) Marriage shall be entered into only with the free and full consent of the intending spouse.

- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

Article 17

- (1) Everyone has the right to own property alone as well as in association with others

- (2) No one shall be arbitrarily deprived of his property.

Article 18

- Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief on teaching, practice, worship and observance.

Article 19

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, received and impact information and ideas through any media and regardless of frontiers.

Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association

- (2) No one may be compelled to belong to an association. Article 21
- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

- (2) Everyone has the right to equal access to public service in his country.

- (3) The will of the people shall be the basis of the authority of government ; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be   held by secrete vote or by equivalent free voting procedures.

Article 22

- Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the

organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- (1)Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

- (2) Everyone, without any discrimination, has the right to equal pay for equal work.

- (3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- (1) Everyone has the right to a standard of living adequate for the health and well- being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made general available and higher education shall be equally accessible to all on the basis of merit.

- (2) Education shall be directed to the development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious gro ups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- (1) Everyone has the right freely to participate in the culture life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific literary or artistic production of which he is the author.

Article 28

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

- (1) Everyone has duties to the community in which the alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of the meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purpose of the United Nations.

Article 30

- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

- **Fundamental Human Right in Nigeria**

In the 1999 Nigeria Constitution (Federal Government of Nigeria, 1999), the rights generally recognized as fundamental are:

Right to life
Right to marry Right to procreate
Right to raise children free from unnecessary government interference
Right to freedom of association; of expression
Right to equality of treatment before the law (fair legal procedures).
Right to freedom of thought
Right to religious believe
Right to choose when and where to acquire formal education Right to pursue happiness
Right to vote.

Self-Assessment Exercise 2

Enumerate the Fundamental Human Rights as contained In the 1999 Nigeria Constitution (Federal Government of Nigeria, 1999)

2.6   Summary

This unit discusses three theories relevant to the Ombudsman concept. The concept of social justice implies that society should treat all who have deserved it, equally well. Among the social justice theorists is Rawls (1996), who sees justice as fairness based on certain principles in a society assumed to consist of free and equal persons with equal opportunities. This assumption is necessary for the Ombudsman concept to work. The theory of social contract states that members of a society are accorded certain rights in return for giving up certain freedom such as lawlessness or by remaining alone.These rights are to be enforced by the state or representatives of the society, the ombudsman is considered one of these representatives. The major theorists of social contract are Rousseau, Hobbes and Locke. In this unit, you also learnt about the fundamental human rights, which the United Nations considered to be so important that they all agreed to abide by them and give them maximum publicity in their countries

2.7   References/Further Reading/Web resources

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Possible Answers to Self-Assessment exercises

Answer to SAE 1

Rawls (1996), states that the theory of social justice is more applicable to the ombudsman concept. Rawls (1996), sees justice as fairness based on certain principles in a society assumed to consist of free and equal persons with equal opportunities. Rawls theory is about relationship between members of an association (society). Rawls theory sees society as a fair system of cooperation over time, from one generation to another.

Answer to SAE 1

In the 1999 Nigeria Constitution (Federal Government of Nigeria, 1999), the rights generally recognized as fundamental are:
Right to life
Right to marry Right to procreate
Right to raise children free from unnecessary government interference
Right to freedom of association; of expression
Right to equality of treatment before the law (fair legal procedures).
Right to freedom of thought
Right to religious believe
Right to choose when and where to acquire formal education Right to pursue happiness
Right to vote.

Unit 3   A Unified Model for Ombudsman Function

Unit Structure

3.1   Introduction

In unit 2, you learnt about three theories that serve as basis for the ombudsman concept. In this unit, you will learn about a unified model for developing an ombudsman function. This model is developed by a coalition of federal ombudsman in the United States of America in February 2009. In May, 2006, the coalition of Federal Ombudsman (CFO) and the Federal interagency ADR working group steering committee adopted a guide that can be adopted by ombudsman in carrying out their functions (Howard, 2010). The content of this unit is adopted form the guide, called, "a Unified Model for Developing an Ombudsman Functions."

3.2   Learning Outcomes

By the end of this unit, you will be able to:

•   Explain the ombudsman charter
•   Enumerate the types of ombudsman
•   Describe the components of a unified model for developing an ombudsman functions

3.3   The Ombudsman Charter

To a great extent, the products and services that an Ombudsman organization provides are determined and driven by the nature of the ombudsman charter or mandate. The charter is formal document that presents the existence of the office and it functions.It formally establishes the office, describes its mission and functions, specifies

Ombudsman " deliverable" (products and services) and creates (ideally) a direct reporting line to the organization's top manager. The Ombudsman program charter may limit the ombudsman to internal or external callers/visitors, a specific business area (or several) or a specific areas of need (contracting); or the charter may implement a board program providing may services to both internal and external contacts simultaneously. It depends on the charter.

The main outcomes of the ombudsman office are dispute prevention and dispute resolution, conflict management and problem resolution. From an organization-wide perspective, creation of an ombudsman program sends a strong message to customers and employees that management 1) cares about them, and 2) seeks to provide effective and equitable disputes resolution. The products and services offered by an ombudsman program will vary from country to country and from organization to organization and so will the specific types of value. They depend on the ombudsman charter, internal or external role, pre-existing conflict management services offered, reporting level, degree of management   support,   union/non- union environment, types of ombudsman   (classical/organizational   operating   environment (bureaucratic, unstructured) and other factors. The specific program notwithstanding, ombudsman program, if implemented carefully, can add value to management, the organization, and customer groups, and human rights recognition in a country.

A more detailed of services expected of an ombudsman are:

Management services

a.   Serve as an 'early warning system" for managers. When process or policy problems are identified early, they can often be resolved before they become acute, thus preventing major disruptions. There is a much higher probability that problems will be resolved to the satisfaction of many when they are addressed at an early stage. In addition, when problems are ident ified early, they can often be resolved before productivity suffers or profit declines.

b.   Provide an office that managers/officials can approach for neutral assistance. The ombudsmen can confidentially (no identifiers) provide useful feedback or reporting on business products and serves (to the extent it is captured in the ombudsman data base tracking system).

c.   Through informal facilitation or mediation, help avert actions that can be extremely costly and damaging to the workplace such as

litigation or violence in the workplace

d.   Help increase awareness of key issues or problems in the organization. When trends emerge, they can be shared with managers through routine reporting as long as confidentiality is preserved as appropriate.

e.   Make recommendations (workplace or business-oriented) would not that managers can use to take appropriate action, that otherwise they would not have known were needed..

f.   Provide mechanisms for confidential feedback on operating programmes. Organizations can request that the ombudsman provide confidential focus groups or facilitation services that will [provide feedback on operating programs that would not otherwise have been available.

g.   Indentify rumors that can be addressed through management communications. Serve as an information resources regarding rumors and assist management in providing information to employees.

2.   Customer services

a.   Provide an identified and accessible focal point for receiving complaints of any kind. This enhances trust of the organization by both employees and customers (depending on the focus of the ombudsman program). The ombudsman's guarantees of confidentiality (to the limits of the law) with no fear of reprisal, and neutrality are unique services.

b.   Enhance morale and Increase productivity (internal programs).

c.   Establish an informal channel of inquiry for those contacts who do not wish to pursue a formal channel. Informal channels are usually quicker, less disruptive or costly compared to more complicated and lengthy formal channels.

d.   Channel people to the correct process or formal procedure (outside of the ombudsman role), when appropriate, if the inquirer does not know what options are available.

e.   Provide services to all with no regard for position or type of issue (customers, employees, management, contractors, regulated entities, etc).

f.   Furnish a channel of access to records and management officials to those who are not aware of their options.

g.   Provide a location where individual can "be heard." A frequent component of dissatisfaction, low morale and violent acting out is a perception of "never having been heard."

h.   Provide a neutral source of confidential assistance for all types of problems (e.g. service-driven (customer), management, peer-to-peer,) that is interest-driven rather than rights-driven.

i.   Provide inquirers or customers a place of last resort, when other recognized problem assistance processes have failed.

3.   Organizational services

a.   Provide a source of assistance for all business and administrative areas. The ombudsman's charter, if drafted properly, prevents organizational isolation. He/she can assist all or several parts of the organization simultaneous or independently on a one-to-one basis.

b.   Review and resolve problems that cut across administration or business functions and recommend a broad or cross-functional remedy if a generalized problem or systemic difficulty emerges.

c.   Save the organization significant resources by enabling the organization to eliminate unfair processes and improve inefficient business/administrative process.

d.   Be recognized as an "authority" that can evaluate issues, and recommend options after an impartial review of the matter (sometimes the fact that a review is occurring leads to a resolution of the problem).

e.   Create trust. The existence of an effective ombudsman function sends a strong message the management is serious about problem prevention and resolution. This alone can sometimes enhance morale and increase productivity.

f.   Support quality control through identification and resolution of systemic or process problems.

g.   Provide a means of internal control. Areas of vulnerability can be indentified and corrections implemented before severe difficulties arise (e.g. accounting, contracting or auditing abuse; violence in the workplace; discrimination, litigation, productivity,

etc.).

h.   Help reduce the severity of penalties to the organization that may result from litigation (private sector). If litigation is pursed, monetary penalties recommended by the Uniform Sentencing Guidelines can be significantly reduced when an ombudsman function is in place and operating effectively. An established ombudsman program demonstrates the intent of the organization to prevent problems and resolve disputes fairly and in a timely and effective manner. This established and verifiable intent may result in substantially reduced penalties in the event of a negative court ruling.

i.   Save valuable resources by preventing disputes and resolving them informally in lieu of costly litigation.

j.   Improve the image of the organization. No matter the outcome, inquirers are left with the conviction that a fair "hearing" has taken place.

k.   Assist other organizational components when problems fall outside their role (e.g. communication issues, peer-to-peer work problems, teamwork issues, etc.)

Self-Assessment Exercise

> **1.**   Explain five organizational services provided by the ombudsman.

Types of Ombudsman

There are two major types of ombudsman generally recognized: classical and organizational. Some characteristics of the two major types are:

•   **Classical:**

-       Created by law

-       Generally appointed by legislative bodies;

-       Receive complaints about acts of government agencies;

-       Designated neutrals;

-       Often have the power of subpoena; and

- Perform formal investigations.

• **Organizational**

- May or may not be created by law;

- Not appointed by legislative bodies;

- Often serve internal staff;

- May serve external parties [e.g. clients of the organization, or in the case of government, a regulated group];

- Handle problems and complaints informally;

- Designated neutrals; and

- Perform informal reviews

• **Other types**

- Legislature

- Executive

- Advocate

- Long-Term Care
- Acquisition Ombudsman

Characteristics of an Ombudsman

i. Neutrality: the important of neutrality to the ombudsman role cannot be over- emphasized. There is no room to "bend" neutrality. If the program structure allows for 'representation of' or "taking the side of" any inquirer, it is departing from generally accepted ombudsman practice, and therefore, strictly speaking, is not an ombudsman program. Ombudsman can "take the side of" fair process, but absolutely cannot become the representative of any contact or "take the side of" an inquirer. A clear understanding of neutrality is essential, and it must be actively applied at all times when one functions in the role of an ombudsman.

ii. **Informality: I**nformality is vital to the role of an organizational ombudsman and the success of the program. There is a unique

flexibility inherent in organizational ombudsman work since the ombudsman is contacted prior to the point where parties have assumed a public commitment regarding the issues..

There is greater opportunity to gather information and explore options at this point because contacts have not committed themselves to a particular avenue or strategy. Any find ings, recommendations, or actions can be explored in an informal manner. Organizational ombudsmen distance themselves from inquirers or issues that are in formal process, since it can result in requests for information that may compromise confidentiality. Note that classical ombudsman typically offer formal mediation, engage in formal processes and develop formal, public reports.

iii.   **Confidentially:**

a.   Establishing and maintaining confidentiality is of critical importance to the ombudsman. Many times, assurance of confidentiality is the sole reason contacts will call the ombudsman's office. As an alternative to other more formal processes, assurance of confidentiality along with neutral assessment of issues and disputes are characteristics that make the ombudsman function unique. Ways in which an ombudsman can endeavor to preserve confidentiality include:

i.   Avoiding the creation of any records unless absolutely necessary to conducting business;

Self-Assessment Exercises

Explain Neutrality and informality as characteristics of Ombudsman

2.6   Summary

This unit discusses three theories relevant to the Ombudsman concept. The concept of social justice implies that society should treat all who have deserved it, equally well. Among the social justice theorists is Rawls (1996), who sees justice as fairness based on certain principles in a society assumed to consist of free and equal persons with equal opportunities. This assumption is necessary for the Ombudsman concept to work. The theory of social contract states that members of a society are accorded certain rights in return for giving up certain freedom such as lawlessness or by remaining alone. These rights are to be enforced by the state or representatives of the society, the ombudsman is considered

one of these representatives. The major theorists of social contract are Rousseau, Hobbes and Locke. In this unit, you also learnt about the fundamental human rights, which the United Nations considered to be so important that they all agreed to abide by them and give them maximum publicity in their countries

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Possible Answers to Self-Assessment exercises

Answer to SAE 1

The following are the organizational services provided by the Ombudsman

a.   Provide a source of assistance for all business and administrative areas. The ombudsman's charter, if drafted properly, prevents organizational isolation. He/she can assist all or several parts of the organization simultaneous or independently on a one-to-one basis.

b.   Review and resolve problems that cut across administration or business functions and recommend a broad or cross-functional remedy if a generalized problem or systemic difficulty emerges.

c.   Save the organization significant resources by enabling the organization to eliminate unfair processes and improve inefficient business/administrative process.

d.   Be recognized as an "authority" that can evaluate issues, and recommend options after an impartial review of the matter (sometimes the fact that a review is occurring leads to a resolution of the problem).

e.   Create trust. The existence of an effective ombudsman function sends a strong message the management is serious about problem prevention and resolution. This alone can sometimes enhance morale and increase productivity.

f.   Support quality control through identification and resolution of systemic or process problems.

g.   Provide a means of internal control. Areas of vulnerability can be identified and corrections implemented before severe difficulties arise (e.g. accounting, contracting or auditing abuse; violence in the workplace; discrimination, litigation, productivity, etc.).

h.   Help reduce the severity of penalties to the organization that may result from litigation (private sector). If litigation is pursed, monetary penalties recommended by the Uniform Sentencing Guidelines can be significantly reduced when an ombudsman function is in place and operating effectively. An established

ombudsman program demonstrates the intent of the organization to prevent problems and resolve disputes fairly and in a timely and effective manner. This established and verifiable intent may result in substantially reduced penalties in the event of a negative court ruling.

i.   Save valuable resources by preventing disputes and resolving them informally in lieu of costly litigation.

j.   Improve the image of the organization. No matter the outcome, inquirers are left with the conviction that a fair "hearing" has taken place.

k.   Assist other organizational components when problems fall outside their role (e.g. communication issues, peer-to-peer work problems, teamwork issues, etc.)

Answer to SAE 2

Neutrality: the importance of neutrality to the ombudsman role cannot be over- emphasized. There is no room to "bend" neutrality. If the program structure allows for 'representation of' or "taking the side of" any inquirer, it is departing from generally accepted ombudsman practice, and therefore, strictly speaking, is not an ombudsman program. Ombudsman can "take the side of" fair process, but absolutely cannot become the representative of any contact or "take the side of" an inquirer. A clear understanding of neutrality is essential, and it must be actively applied at all times when one functions in the role of an ombudsman.

Informality: Informality is vital to the role of an organizational ombudsman and the success of the program. There is a unique flexibility inherent in organizational ombudsman work since the ombudsman is contacted prior to the point where parties have assumed a public commitment regarding the issues