

Resolving Conflict: Preventing Incivility and Workplace Harassment

The City of Toronto is committed to respectful, equitable service delivery and employment practices. The City recognizes the dignity and worth of every person and promotes a climate of understanding and mutual respect. All employees are responsible for respecting the dignity and rights of their co-workers and the public they serve.

If left unresolved, conflict can quickly escalate to seriously harmful conduct like:

Incivility: including passive aggressive, rude and disrespectful behaviour

Bullying and harassment: including public humiliation, excluding/shunning, spreading gossip, intimidation, derogatory remarks, etc. (see sections 4.7-4.11 of the Human Rights and Anti-Harassment/Discrimination Policy - HRAP)

Workplace violence: including violent gestures, physical assault, or the threat of assault/violence

What is conflict?

Put simply, **conflict** refers to hostile feelings between two or more individuals in which interactions are perceived to be harmful (e.g. disrespectful or frustrating). Conflict typically includes a perception that harm is intentionally inflicted by the other party and where each party believes his/her perspective is right or true and the other's perspective is wrong or incorrect. When adhering to this standpoint, parties typically fail to fully understand or appreciate the other's perspective; resulting in conflict.

Whether we like it or not, conflict is a normal part of human interaction and will always be a part of our lives. This resource was produced by the Human Rights Office to help staff, management, and service-recipients work together to prevent conflicts, resolve them quickly, and support inclusive and respectful behavior. The intention is not to eliminate conflict, but to develop and cultivate the tools to positively and respectfully resolve our differences. The focus is on informal conflict resolution tools, which are often the most effective at enhancing the ability to arrive at shared solutions.

What are the sources of conflict?

Conflict can arise anywhere and at any time. Conflict occurs between friends, family, spouses, co-workers, neighbours, and strangers. The sources of conflict are virtually unlimited, but there are some common overarching themes at the heart of most conflict.

They include:

- Different or opposing values or ideals (e.g. opposing political views on controversial topics such as immigration or abortion)

- Divergent interests in tangible things (e.g. the use or apparent misuse of shared space or objects)
- Different or opposing perceptions of statements or actions (e.g. interpreting an e-mail as hostile when no malice was intended)
- Perceived threats to a person's individual or group identity (e.g. dismissive comments about another's religious practices)

How does conflict manifest?

Conflict manifests as harmful interactions. Conflict may manifest from a single negative interaction (e.g. an argument) that has lasting consequences, or from a series of persistent negative interactions (e.g. rude or dismissive treatment). Conflict typically entails an escalating series of hostile encounters unless both parties make reasonable efforts to seek common ground. Conflict may simmer for weeks, months and even years, or it may escalate quickly to a formal dispute (e.g. a complaint to the Human Rights office or a grievance).

It is important to note that while conflict is normal and often healthy, those with inappropriate and unhealthy responses to conflict may face serious consequences. For example, staff who are found to engage in incivility, harassment, bullying and/or violence may be subject to discipline, up to and including termination of employment. Service recipients found to be behaving similarly may find themselves restricted from City facilities and/or denied services. Seek assistance if you are involved in escalating conflict and do not know how to address it. Employees may seek confidential assistance through the City's Employee Assistance Program.

What are the impacts of conflict?

Like most things, the impact of conflict depends considerably upon how we respond to it. If handled poorly, conflict can spiral out of control, consuming vast amounts of our energy and having harmful consequences for our relationships. Handled well, however, conflict can present a creative opportunity for improvement in relationships; resulting in beneficial consequences between individuals and within groups.

Persistent unhealthy conflict has a number of specific negative consequences for organizations and their employees/service recipients. Conflict can have significant and lasting health effects on individuals. These effects not only impact those who are involved in conflict, but those around them as well. Research shows that the psychological impacts of harassment, for example, can be as serious for bystanders as they are for the intended victim. In addition to the personal costs, unaddressed conflict has serious organizational impacts; including loss of productivity, low morale, increased absenteeism and high employee turnover.

Can conflict be prevented?

While it is virtually impossible to prevent conflict, individuals can take steps that will diminish the likelihood of conflict escalation. The following is a list of de-escalation strategies:

- Keep an open mind and try to understand the perspective of others
- Be open to expanding your understanding of the issue causing the conflict

- Don't make assumptions, but ask questions and clarify the intentions of others
- Recognize and respect that individuals have different values and/or beliefs that may not always conform with your own
- Recognize that differences are enriching and a positive outcome of a diverse City
- Accept the experiences of others as real and valid
- Act respectfully and keep lines of communication open
- Take a step back, or a deep breath before reacting/responding to something you find offensive
- Be willing to apologize sincerely if you have offended someone
- Be open to attempts to resolve conflict, including those made by management
- Be a team player – we all have a role in reducing conflict

Management can also take steps to diminish the likelihood of conflict and provide staff with tools that empower them to address conflict in healthy ways. Management can and should take pro-active steps to prevent conflict escalation. For example, management should:

- Set and consistently reinforce expectations for civility and respect
- Be a role model - show staff how to respond to conflict calmly, effectively, and respectfully.
- Create an environment where staff feel comfortable to vocalize issues
- Remain vigilant: observe and listen for evidence of conflict and be prepared to act at the earliest opportunity
- Provide training to individuals who appear to struggle with finding constructive approaches to conflict
- Seek advice and assistance from internal stakeholders, such as the Human Rights Office and Human Resources

How is conflict addressed?

Conflict is often considered from the view of adversaries; as something to be won or lost. In fact, interpersonal conflict is more often mutual in that both parties contribute to ongoing conflict and neither is truly correct or fully wrong. Parties can successfully address conflict through dialogue and by taking a collaborative approach to their concerns.

- **Dialogue** is a communication process that aims to build relationships between people as they share experiences, ideas, and information about a common concern. It helps individuals take in more information and perspectives than they previously had as they attempt to forge a new and broader understanding of a situation. Dialogue is a unique communication process because it focuses participants' attention on listening for understanding. In some cases, true dialogue can be difficult to achieve without the assistance of a facilitator/mediator.
- **Collaboration** follows dialogue as the next step towards resolution. When parties in conflict are able to see the situation from the other's perspective, they may begin to work together to find mutual resolution options.

Other approaches to addressing conflict may initially appear beneficial, but can actually exacerbate or prolong conflict. For example, many individuals faced with conflict choose to avoid the matter or quickly give in to the other's demands.

- **Avoidance** is a common reaction to conflict. Many individuals faced with conflict prefer to flee, deny it, or avoid the matter altogether. This is a legitimate approach for handling the symptoms of conflict (e.g. negative interactions), but does nothing to address the underlying source of the conflict. Parties who have a limited requirement to interact may find avoidance a preferable option, but individuals who interact regularly should make good faith attempts to resolve their issues as the underlying problem will persist. Seek assistance if necessary.
- **Capitulation** occurs when one party agrees to meet the interests of another at the expense of their own needs. A positive capitulation approach may be pursued when sacrifice of some interests is required to maintain a positive relationship or it is desirable to demonstrate or foster cooperation. Capitulation strategies can exacerbate conflict where one individual is constantly capitulating to the other's interests/demands.

Consider your approach to conflict and whether opportunities for collaboration and resolution exist. More often than not, parties in conflict are able to resolve conflict collaboratively. However, from time to time it may be necessary for parties to engage a more formal dispute resolution process.

- **Dispute/complaint:** When individuals are unable to address and resolve conflict on their own, they may engage a formal complaints process to assert their claims. There are several options available for disputants to raise concerns regarding conflict at the City: they may raise their concerns to a manager as a first step; they can make a confidential enquiry to the City's Human Rights Office; they may have the option of filing a grievance (employee) or a complaint to the City's Ombudsman (service-recipient); and/or they may decide to pursue their complaint in the courts or at the Human Rights Tribunal of Ontario (HRTO).

What is Management's role in addressing conflict?

Management has an important role to play in resolving all types of conflict. Managers set the tone of the workplace by modeling respectful behavior and communicating expectations for respect and civility; including between employees and in the treatment of service-recipients. Further, if management becomes aware of incivility and/or harassment (even if a complaint has not been submitted) they must take immediate steps to address the issues (see sections 3.0-3.2 of the HRAP).

Management have a range of options available for addressing conflict, including:

- Ask parties in conflict to try to resolve their concerns themselves if appropriate
- Facilitate a meeting between the parties in conflict and attempt to assist the parties to find common ground
- Seek advice and assistance from internal stakeholders, such as the Human Rights Office and Human Resources, and report incidents of escalating conflict
- Take appropriate steps to address staff who demonstrate a lack of civility and respect; including, but not limited to: implementing training, coaching and/or progressive discipline.

What is the role of the Human Rights Office?

Parties can also contact the Human Rights Office [See: [Complaints Procedures](#)]. The Human Rights Office (HRO) administers a dispute resolution process that is an alternative to more adversarial processes such as grievance arbitration. The HRO will assess complaints and will explore options to resolve the complaint. The HRO may assist the parties to negotiate a resolution, conduct a mediation, or investigate to determine whether there has been a breach of the City's [Human Rights and Anti-Harassment/Discrimination Policy](#). The HRO can also examine broader issues that may have contributed to a complaint, including a toxic or poisoned work environment.

Adversarial Processes vs. Mediation

The courts, grievance arbitration and HRO hearings share a common process, in that a central decision maker determines the outcome of a complaint. A judge/arbitrator/adjudicator considers and analyses evidence, including oral testimony, and a public and binding decision is released in which one party is theoretically declared the victor over the other. This process is adversarial, meaning that individuals are on opposite sides of the issue and work against each other to prove their position rather than try to solve the underlying issues. While all conflict resolution processes result in participants experiencing some degree of anxiety, adversarial approaches can be particularly stressful. Given the requirement to convince a decision maker to rule in one's favour, adversarial approaches encourage individuals to discredit their adversary and disprove their evidence through a series of tactics, including cross-examination. These processes are highly rigid, invasive and legalistic.

Parties who choose adversarial options relinquish control and influence over the process and eventual outcome in the hope that the decision-maker sides with them. Parties in conflict, however, often over-inflate the strength of their position, and may be disappointed with the outcome. Further, while adversarial approaches to conflict may effectively resolve the dispute, in that a decision is handed down on the merits of the evidence, the underlying sources and causes of the conflict most often remain unaddressed. Adversarial approaches are also extremely expensive and time-consuming; it is not uncommon for complainants to wait years for a hearing in an adversarial process, during which time the conflict may remain.

What is Mediation?

Mediation is a confidential dispute resolution process, during which a neutral third party assists two or more parties to resolve conflict. It is a voluntary process where parties in dispute consent to meet with a trained mediator to determine whether the dispute can be resolved in a mutually satisfactory manner. See the definition of mediation at [section 4.12 of the HRAP](#).

In contrast to processes where a central decision-maker determines a winner and a loser, the parties who are in conflict have a central role in mediation by presenting their side of events and in determining the resolution. Mediators do not assess the parties' positions and do not make decisions with respect to either sides' case. Additionally, mediators do not solve the parties' conflict. Instead, they provide guidance and create the conditions under which the parties can work through their dispute and resolve the

conflict. They lay the groundwork to repair damaged relationships and encourage creative solutions.

Mediators assist parties to resolve disputes on their own terms by helping the parties to recognize the root causes of the conflict. As a result of the central role played by the parties in the mediation process, and its focus upon dialogue, understanding and self-reflection, mediation not only has the potential to address disputes, but also the underlying sources of conflict at the heart of the issue. Because of this, creative options not available through adversarial approaches can be considered in mediation, with the potential for win/win scenarios where both parties leave satisfied with the results.

Given the expectation that parties take an active and positive role in the resolution of their conflict, mediation participants are required to demonstrate: a willingness to discuss the conflict honestly and in good faith; a genuine desire to resolve the conflict; and a reasonable level of respect for the other party. Strong emotions like anger and sadness are appropriate when they convey the intensity of an experience or belief, but not if used to intimidate the other side.

Mediation principles: While not every mediation process is identical, there are key principles that always apply. These include:

- Mediation is confidential - mediation discussions between parties are treated as private and confidential to the full extent permitted by law. Given the strict confidentiality provisions, parties can speak freely about their concerns, problems and behaviour without fear of information being used against them.
- Mediation is voluntary – all parties in dispute must voluntarily agree to attend a mediation session. At no point will individuals be coerced into mediation.
- Mediation is participatory – with the assistance of a mediator, parties in dispute actively participate in the resolution of their conflict, including determining the final outcome (although there may be circumstances when approval for resolution measures must be sought).

How can mediation help?

While parties in conflict may take the pre-emptive measures described previously in this resource to try to resolve their conflict themselves, sometimes additional assistance is required in order to support dialogue, increase collaboration and restore harmony. Parties can become entrenched in their positions and unable to identify and analyze the key sources of conflict without assistance. Mediators are trained to help parties fully communicate with each other to negotiate fair and mutually satisfactory results.

What is Conciliation?

Conciliation is a restorative form of mediation that takes place after another dispute resolution approach has been concluded. Conciliation acknowledges that after the conclusion of more adversarial approaches, sources of conflict can remain. For example, an investigation may result in a report with findings of wrongdoing, but the report does not address the sources or causes of the underlying conflict that triggered the complaint. In addition to a focus upon dialogue and collaboration, parties in conciliation are expected to take responsibility for problematic behaviour identified through the original dispute resolution process.

Resources:

- Human Rights Office – resources, support, and complaint information
 - Human Rights and Anti-Harassment Discrimination Policy + Procedures
 - Incivility Resource
- Human Resources – resources, support and complaint information
 - Employee Assistance Program
 - Workplace Violence Policy + Workplace Violence Guidelines

External Resources:

- Let's Talk – a Guide to Resolving Workplace Conflicts
- Workplaces that Work – workplace conflict toolkit
- Ontario Human Rights Commission –harassment and discrimination resources