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Workplace Mediation Schemes: Antagonism and Articulation in the Discursive Process of Organizational Conflict and Disputes

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Introduction

In recent years the role of mediation in workplace dispute resolution has increased and has been lauded as a means of efficiently handling conflicts and resolving, and even avoiding, antagonistic employment relationships. Empirical research has highlighted the positive impact of workplace mediation, with studies finding high rates of resolution and satisfaction amongst the parties to the process (for example: Bingham and Pitts 2002; Latreille and Saundry 2014). Some contributions to the literature on mediation, such as Bush and Folger (2005) and also recent UK Government evaluations (Department of Business, Innovation and Skills 2011), even

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suggest that it offers the potential to trigger broader transformations in workplace relations and culture, and mediation can sometimes invoke a somewhat evangelical fervour amongst its proponents. However, despite there being good empirical accounts of the process and impact of mediation there is very little written that offers a more conceptual or theoretical perspective on mediation in the workplace. Within the industrial relations literature, where most accounts of workplace mediation are to be found, theoretical aspects of work are rarely made explicit (Edwards 2011).

In this chapter we attempt to correct this by providing a more theory-informed account of mediation, conceptualizing how and why mediation schemes are developed in organizations, beyond the impetus that the standard promised 'benefits' offer to organizational actors. We offer a more 'politically' nuanced account of mediation that considers the interests and power of various 'stakeholders' in the mediation process and can provide an understating of how mediation schemes can unfold in organizations. To do this, we explore the introduction of in-house mediation into an NHS Primary Care Trust (PCT) in the North of England, using a Critical Discourse Analysis (CDA) approach (Chouliaraki and Fairclough 1999). Specifically, we use an adapted version of Laclau and Mouffes's (1985) analytical framework to explore the discursive processes involved in this development, and to understand the ways in which antagonistic articulations on the part of various individuals and groups shaped what mediation came to mean in that context, and helped shape broader workplace relations.

We begin the chapter by briefly reviewing the literature on the contested nature of mediation, and the roles and responses of different 'stakeholders' in its establishment as a dispute resolution process. There is a notable gap in the research to date, and a need for work which explores and conceptualizes the social processes around the implementation of mediation schemes. The paper then introduces the CDA perspective and specifically Laclau and Mouffe's (1985) work on discourse and social practice, which we propose as an appropriate way to understand the processes through which the 'discourse' of mediation develops and meanings are shared or contested. We then introduce our case material beginning with the methodological underpinnings of the research. The findings define the research 'conjuncture,' and explore the development of the grievance and partnership discourses and analyse the trade union role in the development of mediation. We then conclude by briefly evaluating the contribution of the framework.

Workplace Mediation, Conflict and Discourse

Workplace mediation is a growing area of activity in contemporary organizations (Latreille 2011), and was given added impetus in the UK by the publication of the Gibbons Review (2007), which saw mediation as a means of speedy dispute resolution and reducing the burdens placed on employers, employees and the state. A good deal of the literature supports this positive evaluation of the idea and, as Gaynier (2005) and Ridley-Duff and Bennett (2011) describe, mediation has been promoted with some stridency. Mediation is said to exhibit clear advantages over more traditional grievance and disciplinary processes (Anderson and Bingham 1997; Fox 2005; Sergeant 2005; Goldberg 2005; CIPD 2007), and there may be indirect benefits from mediation such as the improvement of management skills and problem solving capacity (Bingham 2004; Kressel 2006; Saundry et al. 2013). In summarizing the supposed benefits of mediation, Latreille (2011), following Lynch (2001), identifies five basic motives for using mediation: compliance, cost, crisis, competition and culture. However, such a summary rather underplays the potentially contested nature of mediation and the differential impact the process can have on different groups and individuals within an organization.

In short, the literature generally tends to frame mediation in a managerialist or functionalist way, situated within a unitaristic discourse where it is essentially conceptualized as a managerial solution to the 'problem' of conflict without acknowledging the variable effects such schemes might have on different interest groups. For example, the cost advantage of mediation (Lipsky and Seeber 1998; Lynch 2001) to an organization will be of little interest to a trade union which feels its role is being diminished by the individualized nature of mediation (Colling 2004; Gospel and Edwards 2011), and which encourages the co-option of employees and masks a coercive form of employee relations (Hyman 1987). The traditional managerialist view of mediation serves to decontextualize and depoliticize workplace problems (Seaman 2010), whilst potentially becoming an object of dispute itself. For this reason there is a need to develop an analytical framework that conceptualizes the socio-political processes involved in implementing and operating mediation in the workplace, so as to develop a richer understanding of contemporary practices. In order to do this we propose a discourse-based theorization using the

CDA approach of Chouliariki and Fairclough (1999), and their development of Laclau and Mouffes's (1985) discourse theory.

Discourse Analysis has emerged as a popular approach to organizational research in the last 10 years (Grant et al. 2004), though not without controversy, debate and dispute (Alvesson and Kärreman 2011; Iedema 2011; Mumby 2011; Bargiela-Chiappini 2011). Discourse analysis is diverse in nature, both conceptually and methodologically (Alvesson and Kärreman 2000), so it is necessary to spell out the conception of discourse that underpins our ideas. We share Chouliariki and Fairclough's CDA (1999) view of discourse, as an important aspect of social practice, inasmuch as discourse is a significant mode of representation of social practices, and plays a significant role in constituting those practices. Like Chouliaraki and Fairclough (1999), however, we prefer to consider discourse as significant alongside other moments of social practice (Harvey 1996), such as: values and emotions; institutions and rituals; power relations and materiality. No social practice is reducible to one moment, nor is any individual moment wholly explainable by any other. Instead we must consider discourse as one of several interrelated moments, and acknowledge that in taking a discourse focus we cannot allow ourselves to lose sight of the others. CDA provides an opportunity to consider the ways in which discourse shapes power and knowledge relations within which subjects are positioned, subjectivities constructed and bodies disciplined or, put another way, how identities, social relations and knowledge systems are constructed (Fairclough 2003; Ainsworth and Hardy 2004). All of these issues are relevant to our consideration of mediation which is itself a knowledge (and belief) system and which involves specific types of social relation and identity.

In developing the link between discourse and social practice Chouliaraki and Fairclough (1999) have drawn on the work of Laclau and Mouffe (1985), which is of particular relevance to this paper because, whilst their framework is quite general in focus, Laclau and Mouffe do make specific reference to the labour process as one of the features of capitalist society that might be better understood through its use. In their brief examination of the labour process in capitalist society, they argue that 'workers' abilities to resist domination in the workplace depend upon their position within an *ensemble of social relations*, and not just the relations of production. In contrast to the then orthodox Marxist view they reject the idea of a homogenous working class, and similarly reject the notion of a

singular form of managerial control. Foregoing a structural determinism for a more contingent process of struggle and antagonism, they present a view of the labour process similar to that of Edwards (1990). As he states:

> Structured antagonism is a basic feature of any exploitative mode of production and…consent, tacit skills, the negotiation of order and so forth have to be understood as shaping how this antagonism is developed and not as principles which can totally counteract it. (Edwards 1990:147).

As Phillips and Jørgensen (2002, 25–26) suggest, Laclau and Mouffe's take on discourse analysis is a means by which we can 'map out the processes in which we struggle about the way in which the meaning of signs is to be fixed, and the processes by which some fixations of meaning become so conventionalized that we think of them as natural,' and also understand the discursive struggles that characterize social practices. In any social field actors strive to fix the meaning of signs, by relating them to other signs in ways which they find socially or politically beneficial. For example, the meaning of 'mediation' depends upon the signs to which it is related by social actors. From a managerial point of view it might be related to the signs of efficiency or economy and thus becomes meaningful in these terms. Alternatively, a trade unionist might relate it to a discourse of individualization in the work-place, thus imbuing it with meaning that is associated with a challenge to collective representation. However, the meaning of any sign is never fixed, as it is constantly brought into relation with other signs that might disrupt its meaning, thus the social field is characterized by struggle and antagonism. Laclau and Mouffe (1985) describe signs as *elements*, which when related together can become *moments*, with a (temporary) fixation of meaning. Meaning becomes fixed around what they term *nodal points*, that is, privileged signs around which other signs are ordered. In an organizational context an example of a nodal point might be 'strategy,' a discourse around which many moments of organizing are ordered. Meaning emerges as possible alternatives are excluded in the *field of discursivity*, creating a unified system of meaning or discourse (Phillips and Jørgensen 2002). In more straightforward terms, social practices involve a constant struggle to fix the meanings of concepts through *articulation*, a political process which is inherent in the social.

Chouliaraki and Fairclough (1999) argue that Laclau and Mouffe (1985) overplay the degree of contingency evident in social practices, and suggest that some social forces will have more influence over articulatory practices than others, evidenced by patterns in meaning across different practices and contexts. It is abundantly clear that in many contexts social actors do not have equal opportunities to make articulations or equal capacity to fix meanings through that process. To avoid seeing meaning within these practices as permanently provisional and endlessly open to new meaning, whilst also avoiding structural determinism, Chouliariki and Fairclough (1999) develop the idea of conjunctures, that is, relatively durable assemblies of people and practices that come together around specific social projects. Conjunctures exhibit relative stability, but also hold the possibility of change, though the range of possible changes is limited, thus avoiding the excessive contingency of Laclau and Mouffe's (1985) ideas.

Phillips and Jørgensen (2002) argue that the primacy of politics is a feature of Laclau and Mouffe's thinking. This politicized view of social organization sits well with the antagonism that Edwards (1990) sees as characteristic of workplace relations, and allows an understanding that goes beyond the usual class or relations of production explanations of conflict. The process of antagonism is played out in struggles over articulation within organizations; for example, Thomas and Hewitt (2011) recently used Laclau and Mouffe's work to examine the ways in which managers and clinicians articulated their ideas of professionalism in the context of Clinical Governance initiatives in a Primary Care Trust (PCT) in the NHS. A framework that acknowledges struggle and uses the idea of articulation might be useful in the context of the employment relations that surround mediation, being an appropriate way of conceptualizing the social relations that take place between those involved in the development and practice of mediation in the workplace. It would seem to counter the simplistic view of mediation as simply a means of managerial control, as it represents a rejection of the unilateral managerial authority implicit within conventional procedures, and also involves recognition of the validity of the conflicting views inherent in organizations. To explore its value further, we will now apply the framework to the development of a mediation scheme in a specific organization.

Methodology

The research upon which this chapter is based took a multiple method approach which was used to construct a case study of mediation in the respondent organization, a Primary Care Trust (PCT) in the NHS. The research explicitly sought to examine the effects of the development and implementation of mediation on relationships between key groups in the employment relations process, most notably senior trust managers, HR professionals and trade union officials representing several employee groups. The research strategy comprised two main elements: archival research and a programme of semi-structured interviews with key respondents in the PCT. Several archival sources were used in the research, beginning with the examination of policies and procedures relating to various aspects of employment relations in the Trust, including grievance, discipline and performance management. In addition, several sources of statistical data were accessed: firstly, statistics relating to the frequency (and outcomes) of grievance and disciplinary cases, mediations and tribunal applications, secondly, data from three consecutive years of the staff attitude survey, and thirdly, published figures on absenteeism and staff turnover.

The second element of the research strategy involved a programme of nineteen semi-structured interviews with key organizational actors. This did not include individuals who had been through mediation but focused on those involved in its development; that is, individuals who were pivotal to the introduction of mediation at PCT. Overall, five members of HR staff (broadly defined) were interviewed, drawn from advisor, manager and director level, three of whom were also trained mediators. One HR manager, who was primarily responsible for the introduction of the scheme, was interviewed twice. Six operational managers were interviewed, drawn from different areas of the organization, of which three were trained mediators. Six trade union representatives were interviewed, five from UNISON, the largest recognized trade union, and one from Unite, though one of the UNISON respondents had been the Royal College of Nursing (RCN) representative until recently. Three of the union respondents were trained mediators, and the other three had no direct involvement with the mediation scheme. Finally, the external consultant who had provided the initial mediation training was also

interviewed. The majority of the interviews were conducted face-to-face, but three were conducted by telephone for logistical reasons and in total just under 20 hours of interview data were recorded.

Transcripts of the interviews were used as the basis of the qualitative analysis, the data being coded around several themes. Firstly, conjunctural characteristics prior to the development of mediation were examined in relation to data from documentary sources. Respondent views on the relations between HR, union representatives and operational managers were examined in the context of broader developments in and around the PCT. Secondly, the data was analysed for evidence of new opportunities and forms of articulation being evident in the relations between the three groups. In particular we looked for evidence of nodal points in the case, that is, discourses that had particular influence on the way in which the meaning of mediation became fixed in the PCT. Finally, we considered the position of individuals in this discursive process and the impact it had on the identity of key people.

Findings

In our analysis of mediation in the PCT we focus on a number of aspects of Laclau and Mouffe's (1985) discourse theory. We begin by defining the boundaries of the *conjuncture*, before showing how the development of mediation was shaped by two *nodal points*, 'grievance culture' and 'partnership,' two discursive features against which a range of *elements* were defined, helping to shape a shared understanding or temporarily *fixed meaning* for mediation. We also consider the opportunities that arose for articulation by groups and individuals involved in the development of mediation, and the ways in which the discursive resources available to them changed.

Defining the Conjuncture

Our first task must be to define the appropriate conjuncture for this piece of research. Theoretically, the conjuncture could be the entire NHS project, or at the other end of the scale, an instance of local service provision within the PCT. For the purposes of this research we have framed the PCT itself as the conjuncture, though it was made up of several different

services and functions, and was geographically dispersed. The logic for this will become clear through the following analysis, but this definition would also be recognized by the respondents interviewed, who despite working within separate services did tend to identify with the PCT as the appropriate umbrella organization for their work.

Within the case, three groups emerge as significant in relation to the development of mediation: the HR function, the trade union representatives (often referred to by respondents as 'staff side'), and operational management, heading up specific services within the PCT. The interplay of relations between the three groups (and between significant individuals within each group) is very evident in the account of how mediation was developed and run, and our analysis focuses on the political processes the groups engaged in, especially on attempts to fix discursive meaning through articulation. It would be inaccurate to present the groups as homogenous, as some significant differences of opinion were evident in the data collected and we also found that the role of key individuals was very influential on the way in which mediation developed. In the ensemble of social relations, these individuals did not always adhere to the expected collective views and responses, and articulations within the local 'field of discursivity' were not wholly determined by broader structural or sociopolitical factors, such as the policy positions of the various groups, but were sometimes locally determined by the social practices of individual actors.

At the time of the research[1] the PCT was responsible for commissioning primary care in an area of the North West of England serving 386,000 people, and covering services such as general practitioners, dentists, pharmacists, opticians and other community provision. PCTs were substantial organizations, responsible for around 80 % of the total NHS spend in the UK and providing the majority of services that are most used by the population. The PCT employed more than 2,700 employees (April 2010), a fairly stable figure, though influenced by the transfer of some staff to other agencies. At the time of the research the PCT was facing external pressure regarding service provision and it was thought that some services would be lost to other providers, making for an uncertain environment for all members of the organization.

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[1] PCTs were abolished in 2013, following the passing of the Health and Social Care Bill 2011 in March 2012. The responsibilities of the PCT largely passed to General Practitioner-led Commissioning Consortia.

Employee relations within the PCT were conducted in the context of far reaching changes in NHS management, including the formation of the PCT itself from the reorganization of a number of separate bodies, and more specifically were shaped by the NHS *Agenda for Change* grading and pay system, agreed in 2004, which is claimed to improve flexibility and fairness in terms and conditions (NHS Employers Organization 2011). The formal structure of employment relations in the Trust reflected patterns in the NHS as a whole. Several trade unions and employee organizations were recognized, including UNISON, UNITE, the Royal College of Nursing (RCN) and the British Medical Association (BMA), with trust-level collective bargaining and consultation taking place through the Joint Consultative and Negotiating Committee. In 2006/2007 a Partnership Framework agreement was made within the newly formed PCT with the stated aim of 'fostering long-term good relations between unions, staff and managers, based on common interest which promote the PCT's performance, the quality of working life for staff and enhanced patient care.' A revised 'Workforce Partnership Agreement Framework' was introduced in 2009, which set out the role played by trade union representatives within PCT. A designated 'partnership lead' would oversee and coordinate staff side representatives, with a specific responsibility to 'analyse and monitor grievances, disciplinary cases and fair treatment complaints.' Thus the management and resolution of individual conflict was explicitly seen as within the overall scope of partnership.

The Grievance Culture Discourse

Employee relations in the PCT prior to the introduction of mediation were heavily characterized by conflict, a view shared by both management and unions. A discourse of conflict permeated relations between management and unions at this time. As one of the operational managers reported there was 'a really typical confrontational conflict management style if you like, where there was an "us and them," *management versus staff side situation*.' Generally, respondents identified that there was a lack of trust between union representatives and management (both operational and HR), coupled with insecurity associated with numerous

organizational changes within the NHS. In simple terms this antagonism could be attributed to union militancy, and indeed, union representatives freely admitted that their style was confrontational:

> We went in always with a big hammer, trying to get a bigger hammer than they had. It was all of that – banging on the table; a lot of, this is what policies are. 'You'll do this or we'll do that and if you don't do that, we're going to grievance.' (Union Representative)

However, the situation was rather more complex. As several respondents suggested, the antagonism, which was largely centred in one service area but with a corrosive influence further afield, stemmed from an operational management style that drew confrontation from staff side. According to one senior HR manager operational managers did not treat union reps with much respect and there was a lack of openness in management, which meant that unions had little voice in the organization other than that exerted through formal processes. Indeed the HR lead on mediation described some operational managers as feeling themselves as having an 'absolute divine right' to manage, introducing changes with little or no consultation or discussion with staff side at all. As one union representative said, 'You couldn't sit down with management. Management never wanted to sit down with you.' Combined with the relative inexperience of some operational managers, some of whom seemed to relish the opportunity to adopt a heavy-handed 'business' approach, this provoked an aggressive response from union representatives, who felt formal procedures were the only means of asserting their voice in the PCT.

In terms of conflict resolution, the result, as described by several respondents, was a 'grievance culture,' which became a dominant discourse or nodal point in the conjuncture. Actions and communications were invariably interpreted and understood in relation to this grievance discourse, the conflict being so intense as to be seen as a culture in its own right. For example, management respondents claimed that trade unions would immediately formalize employee grievances and encourage the submission of formal complaints on a wide range of issues. At the same time, management also tended to apply and enforce procedures very rigidly, 'sticking to policy' (union representative) with

a degree of inflexibility that provoked a similarly stubborn response from union representatives.

In the absence of opportunities to articulate the interests of their members, unions were using the procedures to provide a platform for their collective voice, and reinforce their collective identity as a counter to management. One particular union representative, nicknamed the 'Grievance King,' a sobriquet he came to relish, was especially willing to use the grievance procedure as a means of resisting management. He commented,

> Sometimes I'd say I've got to go back and have a go at these people…. We'd go after certain managers but, equally, they would go after certain ones of us…. It was just a game of who's going to get each other.

Typically the outcome from this would be a protracted formal grievance process that, more often than not, would be found in the employee's favour.

In terms of our framework the development of the grievance culture discourse arose primarily from operational managers marginalizing staff in decision-making, and creating a context within which the only opportunity for staff and unions to articulate their interests was through formal procedures. This then became a nodal point around which individuals and groups developed meaning for processes of conflict resolution, and more generally the '(ill) health' of the employment relationship in the PCT. Managerially, the culture became a 'problematic' discourse, as the costs of formal processes were high, whilst from a union perspective the culture initially meant 'winning' and 'getting one over' on management, thereby simply reinforcing the distance between the groups. However, the situation would change, and a new nodal point would emerge within the conjuncture.

The Partnership Discourse

Attempts to remedy the climate of mistrust at the PCT began with the development of partnership working. While the Agenda for Change initiative had involved partnership working, this was largely construed by unions as a management tool to facilitate change in grading and pay systems. Thus they claimed that there was little 'real' partnership evident

in management and staff relations. A key event that changed this was the appointment of an Acting Director of Human Resources who placed significant emphasis on building personal and direct relationships of trust with trade union representatives, changing the meaning of partnership in the trust and creating a different mode of partnership working.

The Director made a number of material changes to the partnership approach, including two significant developments: firstly, union representatives were given substantial facility time and access to resources, which allowed them to play a much more active role, but was also a clear sign that they were respected and valued by management. Secondly, trade unions were consulted to a greater extent and invited to meetings where key decisions were being discussed:

> They gave us the access to meetings; they gave us access to information. They were more open. And they were honest as well. You know, they acknowledged the fact that we do have issues and it was that open dialogue, and I think there was a development of trust. (Union representative)

Even the 'Grievance King' union representative recognized the positive changes. The new HR Director, who had brought partnership working to the organization, 'was very quick…getting parties round the table, which I always wanted and the union reps wanted.'

The 'investment' in partnership working brought about a new meaning for the process, with the unions now seeing it as a possible opportunity for constructive dialogue in the organization. For some operational managers the developments were seen as a threat, undermining their 'right to manage,' but others recognized that the staff side brought something positive to the organization:

> It puts them in a position where perhaps they feel they've got a greater voice in the outcome of something … And certainly I think it's been a positive move from a staff side point of view as well, because they have a big involvement. (Operational manager)

Some senior managers also believed that while these early attempts to develop partnership were positive they were fairly fragile and that actors could 'very, very quickly…revert to type' (Senior Manager).

The development of the partnership approach by the HR Director, seems to have had a significant impact on workplace relations within the PCT. Crucially, however, this was largely based on building high trust social relations between key individuals. Therefore, while there was still antagonism between management and unions at the level of specific disputes, there was now a better shared understanding of the corrosive culture that had prevailed and a broader view that it could and should be changed. In terms of our framework the development of this new nodal point was not simply born out of discursive actions. The new meaning of partnership was rooted in the material changes initiated by the HR Director that gave union representatives real opportunities and resources to participate in partnership activities. This also represented a symbolic change in the PCT, shaping new understandings of what partnership meant. Although some operational managers saw the changes as indicative of a decline in their right to manage, most respondents viewed them positively and partnership became the new nodal point around which the meaning of mediation would be created.

Developing Mediation and the Union Role

The mediation scheme in the PCT was developed at the point at which the 'grievance culture' discourse began to give way to the 'partnership' discourse. As Laclau and Mouffe's (1985) theory suggests, we cannot easily disentangle events and meanings, nor see them in simplistic sequences of actions and articulations; within the field of discursivity signs are continually brought into meaning against other signs. In this case the meaning of mediation emerges alongside the transformation of 'partnership' from a meaningless label to 'real' partnership between management and staff side.

Like the new partnership approach, the impetus for the introduction of the mediation scheme came from the Acting Director of HR, who had previously been responsible for introducing a similar scheme in another NHS organization. Often seen as a way of reducing the costs of grievance and dispute handling she also felt mediation would contribute to a different culture in the PCT. Recounting an early meeting

with two union representatives (including the 'Grievance King'), she felt the situation they described was:

> …clearly claim and counter claim, claim and counter claim, but all really relationship issues that, if we could just bring these people into the room and start talking, it was so obvious to me as a trained mediator, that 90 % of the issues they had would go away.

She got support and funding from the HR directors to develop the scheme, even though there was some suspicion of mediation within the HR function, which was 'out of the HR comfort zone' as it potentially threatened 'their professionalism' (Acting HR Director) and their adherence to 'safe' formal procedures.

The idea was strongly supported by senior management who saw the introduction of the scheme as reflective of a shift towards:

> …a collaborative approach to managing employment relationship issues. This type of cultural development, aimed at minimizing the use of formal resolution processes is very effective in reducing costs and time for the organization and also has a more positive outcome for the individual. (PCT Annual Report and Accounts, 2008/2009).

However, trade unions were initially hostile to the proposal for similar reasons to the HR function; mediation threatened to take the central task of dispute resolution out of their hands, and some operational managers also saw the scheme as a further threat to their right to manage.

In order to begin to develop support for mediation, the HR Director encouraged one of the HR managers to be trained as a mediator by Acas. Importantly, the manager in question was well-respected by colleagues, and this established the credibility of mediation amongst the HR department. An awareness event was then held, involving about fifty people, including HR managers, operational managers and trade union representatives, and those interested in becoming mediators were identified. However, key union representatives were still extremely negative. In particular, they saw mediation as a deliberate strategy to blunt their ability to fully represent members:

> At the time it was regarded with great suspicion because some union representatives felt it was a way for management to pull the union's teeth…. No, this is to get rid of the only way we have a voice. (Union representative)

Initially, the mediation scheme was interpreted by unions as a deliberate attempt at incorporation and identity regulation. Even the awareness event represented an opportunity for resistance to managerial control and an opportunity to bolster the union line on conflict resolution. The HR Director had identified the 'Grievance King' as one of a number of key individuals who were targeted to take part in the event, for three reasons. Firstly, as the lead representative he would deal with the largest number of individual cases. Secondly, he came from a part of the organization that had a high number of disputes. Thirdly, and most significantly, he was well respected by union representatives and by staff and therefore his validation of mediation would help to reduce opposition, suspicion and resistance. His initial reaction at the event was perhaps predictably negative but after some discussion with other union officials and a period of reflection, however, he decided to participate in the mediation training programme, though he still thought he would 'kibosh' it if necessary.

At this stage it was clear that the Acting HR Director recognized the importance of changing the meaning of mediation in the organization and focused her attention on key opinion formers in the HR function and the union. However, the process cannot really be seen as one of simple manipulation and co-option, as she seems to have been intent on letting groups and individuals arrive at their view of mediation without too much direct influence on her part. For example, the way in which the mediation training was designed and conducted did not seek to sidestep or underplay the pervasive adversarial employee relations in PCT. Instead it used existing employer–union conflicts as a focus. There was time to discuss existing issues of mistrust and conflict; role-play exercises dealt with real situations facing the organization; and individuals had to take roles that would challenge existing assumptions, union representatives taking on management roles and vice versa.

Existing divisions between unions and management were very clear, even physically, 'you had staff side people sat over here and you had managers sat over there' (Operational Manager). Participants were encouraged

to air grievances and explain how they felt about the roles played by managers, employees and unions; a critical area of discussion being 'the right to manage.' Despite difficult discussions all those respondents (HR, operational management and union representatives) who had attended the training believed that this approach was necessary in order to shift entrenched attitudes and establish trust between the mediators. In the language of our framework, this was a process within which different positions and views could be openly articulated, perhaps for the first time, with groups that were usually seen as opponents. From this process there was a clear sense of a transformative impact on those that involved, and in particular on those participants who had previously adopted a confrontational approach to disputes:

> During the training, it was like these eureka moments. You could see people having these, like, oh you know, really enlightening, you know, light bulbs switching on and things like this that they could see the value of, you know, using mediation. (Operational Manager)

The 'Grievance King,' who had been very sceptical of the entire concept and process, explained that the mediation training had helped him to understand (for the first time) the perspective of managers: 'Mediation gets people to sit in the other person's shoes…until you can understand what pressure somebody's under, or how they think, you know, don't judge them.' Not only did he now recognize the perspective of managers but he also began to see that an approach based on dispute resolution as opposed to adversarial resistance would deliver improved outcomes for trade union members. However, it would be inaccurate to see the developments as involving the co-option of union officials. Their involvement was a very self-conscious and calculated move. As the 'Grievance King' said,

> Some [union representatives] were a bit sceptical thinking, 'Hang on a minute, have we been sucked in here?' but the vast majority would say, 'If **you** like it, [knowing what my previous was, which is grievance king and everything else] you've either been brainwashed within six, seven days or you genuinely think it is a better way'…. And I said, 'But if we don't stop all

these grievances we're going to end up in a mine full of problems…. So let's give it a go, give it a little while, give it a year or so and see what happens.'

During the training the shared meaning of dispute resolution was changed from one of a conflict to be won at the expense of opponents, to one more focused on understanding the 'other side' and arriving at resolutions that would benefit union members and employees, as well as the organization. Given their success with grievances there was no necessity for union officials to give ground to management, but as more common ground on the meaning of conflict and appropriate forms of resolution was found the hostile antagonism seems to have given way to a more 'cooperative' struggle, with renewed dialogue and better mutual understanding.

Despite the expectation that union officials would feel mediation undermined their role and risked atomizing the collective role of the union, the most significant discomfort was found amongst operational managers. Line managers had to agree to mediation being used, and the mediation agreement stated that if parties were unable to resolve their dispute, 'normal' management process may be implemented. Even so, managers were concerned that the mediation process could undermine their authority and their ability to manage. As one mediator commented,

> They couldn't see why it was taken out of their hands. It was a control issue for managers you know. They regarded themselves as not managing if they were not actually doing the thing that fixed the problem. So it was trying to convince managers to relinquish control in order to gain more control.

Such managerial concerns were made more acute by the appointment of the 'Grievance King' as one of the scheme co-coordinators. His previous militant and confrontational style increased the threat that managers felt, heightening their sense of the risk of losing control and their 'right to manage' disputes, '…you can imagine that gave lots of scepticisms, because of this person who was now coming and saying mediation, mediation, mediation. So that I think was quite a big barrier for a lot of managers across a lot of levels.' (Operational Manager).

Most union representatives initially had mixed feelings about the scheme. Those uninvolved in the training were concerned that the

mediation discourse and the associated discursive and social practices were a deliberate attempt to reduce union influence, and that opting for mediation was in some way conceding defeat. However, the 'Grievance King's' assurances were listened to and some got involved in the scheme as mediators or through making referrals:

> And the more people got involved and members were going back to their staff rep saying, 'Hi, we've got it resolved, a lot better than I thought. You know, a bit frightened when I went but I think a better outcome.'

Indeed, as the scheme progressed, clear benefits for the union emerged. Firstly, it was suggested that the introduction of mediation had facilitated informal processes of resolution which in turn generated improved outcomes for members, 'You've got the member back to work; you've got the situation where there's a better working environment for the member.' (Union representative) Secondly, union respondents claimed that this had also led to increased membership and a strengthened union organization. A clear demarcation was kept between individual disputes, appropriate for mediation and the collective representation process. There was also always the option to revert to the formal process if mediation did not work, so the union representatives did not feel that the mediation scheme had undermined their position. The position from which they articulated their views had changed and the grievance culture had been dismantled, but to be replaced by what the officials thought was a more positive, co-operative, and no less strong position.

Conclusion

The developments at the PCT would seem to fit into the theoretical framework we have proposed, which provides an appropriate way to conceptualize the changes that took place. The role of managers and trade union officials in the development of the scheme has to be placed in context; that is, the conjuncture of social and power relations and institutional structures that were found in the Trust at the time. The data shows that meaning played a central part in the development of the mediation scheme, and the move from the 'grievance culture'

(nodal point) to 'partnership' was of great significance in the process. Partnership provided union representatives with greater opportunities to articulate their views and interests and also built trust and confidence in the motives of the Acting Director of HR, who was championing the introduction of mediation.

Whilst the mediation scheme was initiated by HR, there was no evidence that there was any co-option of the unions into the scheme. The union representatives became involved in the developments with a high degree of scepticism, if not hostility, and fully aware that such schemes could undermine their role in representing members. Equally there was no evidence to suggest the scheme was developed with a view to challenging or undermining the unions. Acknowledging the antagonism between operational managers and unions, the HR managers seemed to see the scheme as a means to develop a new, less antagonistic discourse in the case of individual conflicts, in short replacing the discourse of grievance with that of resolution.

For Laclau and Mouffe (1985) political processes are at play in social organization through struggles between discourses. In our case these processes are evident at several levels. Firstly, there is an underlying discourse of industrial relations shaping the ways in which union officials and managers relate to each other; the basic antagonism that Edwards (1990) identifies. In the PCT this antagonism was sedimented and intensified by local circumstances into a second discourse, that of the 'grievance culture,' which then shaped the discursive and political activities of social agents in the conjuncture. However, such discourses, though dominant, remained fluid, and the revitalized 'partnership' discourse evolved to provide a different political environment, within which new articulations and positions could be developed. What is also evident in our case is the role of individuals in the ensemble of social relations. The Acting HR Director and the 'Grievance King,' both played significant roles in shaping the meaning of mediation and in fixing that meaning with other social actors in the conjuncture. The implication of this is that we cannot simply look at structural influences on discourse, or even the collective 'views' of groups as the defining elements in shaping meaning, we must also acknowledge the contingent influence of specific people at specific times. Although this makes for uncomfortable 'theorizing,' as it limits

generalizing about particular phenomena, it seems more realistic and still allows us to identify political processes that may be evident in other contexts. In addition, it provides one way of developing an alternative to the binary distinction between managerialist approaches that sees dispute resolution processes as means of correcting the problem of workplace conflict, and perspectives which locate such initiatives within managerial attempts to restrict the influence of labour within the relations of production. Instead by focusing on the way in which the interests of workers and managers are constituted and reconstituted through an ensemble of social relations, including the personal relations between individual actors, we are able to develop a more nuanced understanding of the changing nature of workplace employment relations.

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