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[See table of contents](#)

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Article abstract

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# *The Effect of Mediators' Qualities and Strategies on Mediation Outcomes*

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and  
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Mediation is an adjunct to the negotiation process. The majority of public-sector bargaining statutes require mediation as the first step in third party intervention when the parties are unable to negotiate a mutually acceptable labor agreement (Dilts and Walsh, 1988). Mediators have no formal authority to resolve disputes, but can only assist the parties in their negotiations in an attempt to lead the parties to settlement. If mediation is unsuccessful in resolving the dispute the parties are required to submit the dispute to fact finding, and if unresolved as a result of fact finding, the impasse must go to interest arbitration under Chapter 20 of the Code of Iowa. The *Iowa Public Employee Relations Act* also permits the parties to tailor their own impasse resolution procedure, but even these negotiated procedures typically begin with mediation (Gallagher and Chaubey, 1982).

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Surprisingly, little is understood of how mediation can be of utility to the parties. A few studies, however, have focused primarily on the actions (or the parties' perceptions of mediator actions) of mediators and their personal characteristics in resolving disputes (Meyer, 1960; Vidmar, 1971; Johnson and Tullar, 1972; Kolb, 1981; and Hiltrop, 1985). Karim and Pegnetter (1983) examined the strategies used by and the qualities of mediators in the Iowa public sector in 1980 as predictors of mediation success. There have been some studies reported concerning the source and situational characteristics of impasses and their relation to mediation success (Bartunek, Benton, and Keys, 1975; and Kochan and Jick, 1978). Karim and Stone (1986) found that the sources of impasses and situational factors were important determinants of mediation success in Bangladesh.

Kochan and Jick (1978) identified four determinants of mediation success: (1) source of the impasse, (2) situational characteristics of the impasse, (3) mediator strategies, and (4) mediator characteristics. The research concerning these determinants has been sparse. The first and second determinants have been examined by Karim and Stone (1986) and Hiltrop (1985). These studies provide conditional support for the hypothesized determinants. The third and fourth determinants have been subjected to limited testing (Krislov et al., 1975; Kochan and Jick, 1978; Karim and Pegnetter, 1983; Holzworth, 1983; and Hiltrop, 1985). Studies concerning the strategies and characteristics of mediators have not provided conclusive results. The evidence examined has been for several different jurisdictions and over different time periods. Karim and Pegnetter (1983) found that the mediator's characteristics and strategies determined the success of mediation in Iowa public sector disputes during 1980. Holzworth's study (1983) used experimental data and provides limited support for the conclusion that strategies and mediator characteristics are important determinants of mediation outcomes. Hiltrop (1985) used data for Britain and has suggested the parties and the issues are the most important factors in the outcomes of mediation. Hiltrop's study, however, did not focus specifically on strategic factors in mediation. The Kochan and Jick (1978) study found that strategies and mediator characteristics were important determinants of mediation success, but only when considered in the context of other determinants. The Krislov et al. study (1975) compared American and British experiences and was inconclusive with respect to the outcomes and the strategies employed by mediators and mediator characteristics.

The mediator has no formal authority to impose a settlement on the parties. The institutional literature suggests that a mediator must rely on various strategies, skills, and abilities to assist the parties in negotiating a settlement to their impasse (Simkin, 1971). Hiltrop (1985) and Kochan and Jick (1978) suggest that it is the parties, rather than the mediators, who are

the important players in mediator-assisted negotiation outcomes. The institutional and empirical schools are not in perfect agreement concerning the role of mediation in resolving contract disputes. The empiricists believe that characteristics and strategies are important, as do the institutionalists, but how mediator strategies and characteristics are translated into bargaining outcomes are not settled issues. The institutionalists focus on the mediator as the central player. In the institutional analysis it is the mediator who leads the parties to settlement. The empiricists are less concerned with the role of the mediator, but are more concerned with the types of strategies and characteristics that predict mediation success. The empiricists offer very little in the way of analysis concerning the behaviors and roles that result in success and why success is associated with various characteristics and strategies. The institutionalists, on the other hand, are not interested in models that can be used to predict mediation success, but are concerned with describing the «art and science» of acts of mediation and conciliation.

This body of conflicting evidence suggests that more work is necessary before conclusions can be drawn concerning the effect of mediator strategies and characteristics on mediation outcomes. This paper examines the mediators' characteristics and the strategies they employ to determine their effect on the success of mediation in resolving impasses by focusing on mediation of labor-management disputes in public education in Iowa during the 1986 impasse year.

## **MEDIATOR CHARACTERISTICS AND STRATEGIES**

Mediators are assigned to disputes by the Iowa Public Employment Relations Board (PERB). There are substantial differences in the individual mediators available to assist the parties. In fact, there are three distinct groups of mediators, those provided by the Federal Mediation and Conciliation Service (FMCS), Iowa PERB staff mediators, and a list of ad hoc mediators used to supplement the services of the full-time people from Iowa PERB and FMCS. The training, experience, and expertise each of these groups of mediators possesses varies substantially.

The strategies employed by the Iowa mediators is similar to those reported in the institutional literature (Simkin, 1971; and Miggiolo, 1971). The mediation strategies can be classified as activities designed to overcome the sources of impasses identified in the content theory of mediation (Pruitt, 1981). These five categories are: (1) economic, (2) organizational characteristics of management and unions, (3) bargaining behaviors, (4) the nature of issues, and (5) personnel characteristics and interpersonal relations. The institutionalists argue that mediation strategies appropriate to

the resolution of each category of impasse differ (Migliolo, 1971; Simkin, 1971). For example, conciliatory efforts designed to reduce hostility or to open lines of communication are appropriate to interpersonal difficulties between the negotiators, but will be ineffective if the source of the impasse is economic. With economic sources the mediator will attempt to get the parties to reconsider priorities, consider the cost of further disagreement, or to offer alternative interpretations of available evidence. If bargaining behaviors cause the impasse then the mediator will need to find ways for the parties to save face, avoid the appearance of being defeated in the negotiations or impasse procedures, and develop more productive modes of negotiations. It is clear that the strategies to be employed by the mediator depend on the source of the impasse and the strategies available for resolution of those specific failures in bargaining.

It is hypothesized that mediator characteristics, such as impartiality, sincerity, communications skills, persistence, self control, expertise, creativity, and general acceptability as a neutral will be important determinants of mediation outcomes. The strategies employed by mediators are also postulated to be important determinants of mediation success.

## **METHODOLOGY**

The data analyzed in this study were collected using a questionnaire sent to 200 union and 200 management negotiators who were involved in impasses in Iowa public education during the 1986 impasse year. The questionnaire, using a Likert scale, was administered during the summer following the 1986 school year, when all but twelve of 214 impasses had been resolved (either through voluntary negotiations or impasse procedures). There were 127 usable management responses and 136 usable union responses to the questionnaire which is available from the authors on request. The respondents were asked to strongly agree, agree, neither agree or disagree, disagree, or strongly disagree with several questions concerning situational factors, sources of impasses, and attitudes towards mediation. The Iowa Public Employment Relations Board (IPERB) case records were the sources of the data concerning case settlement. Discriminant analysis was used to identify those variables that predict the outcome of mediation cases (i.e., successful resolution of the impasse). The data are partitioned in the union and management respondents to determine what predictor variables predict successful impasse resolution for both the teachers' association and the school board.

The stepwise loading method was used to compute discriminant functions. Loading weights of at least ,3 are significant and are therefore reported (Hair et al., 1984). Discriminant analysis identifies significant factors and then uses these factors to predict the outcomes of each mediation case. A discriminant analysis was run using all observations to develop a classification matrix and to determine hit-ratios. The hit-ratio is the percentage of all cases within a group that were successfully predicted as either a settlement or nonsettlement of the impasse, using the significant factors identified for both labor and management. This discriminant function was tested for stability by cross-validation on randomly selected subgroups for both labor and management.

The discriminant analysis provides factors loadings and those factor loadings in excess of ,3 are significant. The significant factor loadings are then used to predict whether an impasse was resolved through mediation or whether mediation failed to settle the impasse. The percentage of case outcomes correctly predicted is the hit-ratio.

## RESULTS

The data for labor and management are not matched by specific mediation case. That is, the analyses were conducted as though labor and management were independent groups, rather than using paired observations. This research design not only allows for the testing of the original hypotheses, but also permits independent identification of the factors most important to the respective parties. This independent identification of the importance of factors provides for useful conclusions concerning the respective differences in labor and management negotiators and their perceptions. The settlement rate for cases in the sample are obtained by dividing the total cases settled in mediation [Group I] by the total number of cases. For the management sample the settlement rate was just under 20 percent, while for the union it was just over 12 percent. Those cases settled in or as a result of fact finding brings the total settlement rate before interest arbitration to almost 80 percent.

Table 1 shows the significant strategy variables for union negotiators and their relative importance in the discriminant function. The most important variable, «avoidance of appearance of defeat» had a loading of ,79 for union negotiators. This variable is also the most important variable for management negotiators [see Table 2] with a loading of ,67.

**Table 1**  
**Discriminant Analysis for Union Negotiators**  
**Strategies**

| <i>Question</i>  |                     |                |                      | <i>Loading</i> |
|--|---------------------|----------------|----------------------|----------------|
| Suggested proposal which help avoid the appearance of defeat of either party |                     |                |                      | ,79            |
| Help «save face» for individuals on either negotiating team                  |                     |                |                      | ,69            |
| Helped devise a framework for negotiations                                   |                     |                |                      | ,60            |
| Tried to gain trust of parties   |                     |                |                      | ,58            |
| Tried to control expressions of hostility                                    |                     |                |                      | ,53            |
| Educated the parties to the bargaining or impasse resolution process         |                     |                |                      | ,44            |
| Suggested a review of needs with our own constituency                        |                     |                |                      | ,43            |
| Called for frequent caucuses   |                     |                |                      | ,43            |
| Clarified the needs of other parties   |                     |                |                      | ,38            |
| Attempted to «simplify» agenda   |                     |                |                      | ,38            |
| Discussed the «costs» of continued disagreement                              |                     |                |                      | ,33            |
| Suggested a particular settlement  |                     |                |                      | ,33            |
| <i>Predicted Group Membership</i>  |                     |                |                      |                |
| <i>Group</i>   | <i>No. of Cases</i> | <i>Settled</i> | <i>Nonsettlement</i> |                |
| Group I  |                     |                |                      |                |
| Case settled   | 11                  | 9              | 2                    |                |
| Group II   |                     |                |                      |                |
| Nonsettlement  | 125                 | 7              | 118                  |                |
| TOTAL  | 136                 | 16             | 120                  |                |
| Hit-ratio 93,13  |                     |                |                      |                |

For union negotiators there were twelve strategic aspects of mediator assistance that were important predictors of mediation outcomes. The hit-ratio of mediator strategies for union negotiators was just over 93 percent. Table 1 shows that the prediction of settlement was slightly less than the accuracy of the predictions for nonsettlement, but both were in excess of 80 percent.

Table 2 presents the discriminant analysis of mediator strategies for management negotiators. For management negotiators there were ten strategic variables that were significant predictors of mediation outcomes.

**Table 2**  
**Discriminant Analysis for Management Negotiators**  
**Strategies**

| <i>Question</i>   | <i>Loading</i> |
|---|----------------|
| Suggested proposals which helped avoid the appearance of defeat of either party | ,67            |
| Clarified the needs of other parties  | ,61            |
| Suggested a particular settlement   | ,55            |
| Help «save face» for individuals on either negotiating team                     | ,51            |
| Suggested a review of needs with our own constituency                           | ,50            |
| Discussed other settlements or patterns   | ,50            |
| Tried to gain trust of parties  | ,44            |
| Tried to change expectations of parties   | ,43            |
| Helped devise a framework for negotiations                                      | ,37            |
| Attempted to «simplify» agenda  | ,36            |

| <i>Group</i>    | <i>No. of Cases</i> | <i>Predicted Group Membership</i> |                      |
|-----------------|---------------------|-----------------------------------|----------------------|
|                 |                     | <i>Settled</i>                    | <i>Nonsettlement</i> |
| <i>Group I</i>  |                     |                                   |                      |
| Case settled    | 9                   | 7                                 | 2                    |
| <i>Group II</i> |                     |                                   |                      |
| Nonsettlement   | 118                 | 17                                | 101                  |
| TOTAL           | 127                 | 24                                | 103                  |
| Hit-ratio 84,03 |                     |                                   |                      |

The hit-ratio for the management negotiators is slightly over 84 percent. The prediction of settlements for management negotiators was about 78 percent, but predictions of nonsettlements was almost 90 percent. The hit-ratios therefore indicate that the model better predicts mediation failures than successes for management.

Table 3 presents the discriminant analysis for union negotiators concerning mediator characteristics. Only three characteristics predict mediation outcomes for union negotiators. The hit-ratio for union negotiators is just over 85 percent.



**Table 3**  
**Discriminant Analysis for Union Negotiators**  
**Characteristics**

| <i>Question</i>                      |                     | <i>Loading</i>                    |                      |
|--------------------------------------|---------------------|-----------------------------------|----------------------|
| Impartiality and sincerity           |                     | ,32                               |                      |
| Ability to «speak» parties' language |                     | ,32                               |                      |
| Persistence and self control         |                     | ,30                               |                      |
|                                      |                     | <i>Predicted Group Membership</i> |                      |
| <i>Group</i>                         | <i>No. of Cases</i> | <i>Settled</i>                    | <i>Nonsettlement</i> |
| Group I                              |                     |                                   |                      |
| Case settled                         | 11                  | 8                                 | 3                    |
| Group II                             |                     |                                   |                      |
| Nonsettlement                        | 125                 | 8                                 | 117                  |
| TOTAL                                | 136                 | 16                                | 120                  |
| Hit-ratio 85,25                      |                     |                                   |                      |

Table 4 presents the discriminant analysis for management negotiators concerning mediator characteristics. There are twice as many aspects of mediator characteristics that are important predictors of mediation outcomes for management than are in evidence for union negotiators. The hit-ratio for mediator characteristics with management negotiators is just over 87 percent.

The results reported in Tables 1 through 4 show a great deal of consistency in the perceptions of labor and management concerning the characteristics and strategies employed by mediators. The strategies and characteristics of mediators also are accurate predictors of mediation outcomes.

## DISCUSSION

The results clearly demonstrate that several aspects of mediator strategies are important predictors of mediation outcomes for both labor and management. Comparing the results reported in Table 1 and Table 2 show that the most important predictive factor for both labor and management was «Suggested proposals which help avoid the appearance of defeat

of either party». Closely related to the avoidance of appearance of defeat was another variable with a significant loading for both groups of negotiators, «Help 'save face' for individuals on either negotiating team». This evidence suggests that distributive bargaining issues, those concerning the assignment of respective rights or the allocation of resources between the parties, (Walton and McKersie, 1965) were important sources of impasses. With such issues it is clear that the mediator's function is to assist the parties in finding compromises or solutions which both may accept. The saving of face or the avoidance of the appearance of defeat clearly suggests the mediator must lead the parties to a graceful way out of the impasse dilemma.

**Table 4**  
**Discriminant Analysis for Management Negotiators**  
**Characteristics**

| <i>Question</i>                      | <i>Loading</i>                    |                |                      |
|--------------------------------------|-----------------------------------|----------------|----------------------|
| Ability to «speak» parties' language | ,63                               |                |                      |
| Persistence and self control         | ,54                               |                |                      |
| Acceptability as a neutral           | ,51                               |                |                      |
| Knowledge and expertise              | ,51                               |                |                      |
| Impartiality and sincerity           | ,50                               |                |                      |
| Originality and creativity           | ,43                               |                |                      |
|                                      | <i>Predicted Group Membership</i> |                |                      |
| <i>Group</i>                         | <i>No. of Cases</i>               | <i>Settled</i> | <i>Nonsettlement</i> |
| Group I                              |                                   |                |                      |
| Case settled                         | 11                                | 10             | 1                    |
| Group II                             |                                   |                |                      |
| Nonsettlement                        | 116                               | 14             | 102                  |
| TOTAL                                | 127                               | 24             | 103                  |
| Hit-ratio 87,02                      |                                   |                |                      |

The mediators were also reported, by both parties, to have contributed to mediation outcomes by «suggest(ing) particular settlements» and «clarify(ing) the needs of other parties». These mediator roles are closely associated with the face saving and avoidance of defeat roles identified as the most significant factors. By suggesting particular settlements or clarifying the needs of the other party a mediator can assist the parties in

avoidance of placing their opponent in a situation that can only be identified as a defeat at the bargaining table. By avoiding the entrapment of a bargaining opponent the costs of agreement can be reduced thereby achieving a settlement. Additionally, mediators' strategies aimed at simplifying the bargaining agenda and developing an agenda for the parties' negotiations are significant for both union and management negotiators. Again, these factors are aimed at assisting the parties through identifying bargaining behaviors that may entrap an opponent or inhibit effective communications. By simplifying or developing an agenda for the negotiations the mediator adds predictability to the negotiations and allows the parties to gain sufficient information on which to base decisions concerning the achievement of their own demands and those of their opponents.

These six strategic variables are directly associated with overcoming failures in the parties' bargaining behaviors and interpersonal problems. In the context of mediation strategies these factors are difficult to separate. To the extent that the cause (or perceived cause) of the impasse is the parties' bargaining behavior and interpersonal relations these are the types of strategies that would be predicted to be employed in successful mediation. These strategies are also consistent with factors identified with successful negotiations (Ashenfelter and Johnson, 1969). What may be of greater interest is that these same variables also predict the failure of mediation. The use of these strategies where inappropriate, will also result in the failure of mediation.

There remain two other strategic variables with significant loadings for both labor and management. These are, «tried to gain trust of parties» and «suggested a review of needs with our own constituency». The «trust of parties» variable demonstrates that mediators can only be successful in assisting the parties if both labor and management trust the mediator. Mediation is an adjunct to the parties' own negotiations. A successful mediator must endeavor to assist the parties, but without both parties' trust such assistance will not be welcomed. The «constituency» variable can be interpreted in several ways. Possibly the intraorganizational support for mediator-proposed bargaining positions is insufficient to result in a mutually acceptable settlement (Walton and McKersie, 1965). When a mediator enters the negotiations and suggests alternative bargaining positions, it is often necessary to convince the negotiators to consult with their constituencies and build support, otherwise the lack of constituency support may result in failed negotiations. The «constituency» variable is an organizational characteristic and the «trust» variable concerns interpersonal relations, but with both the mediator and opponent rather than just the opponent.

There are union and management variables that are not significant for the other bargaining party. Variables unique to the union negotiators are, (1) «tried to control expression of hostility», (2) «educated the parties to the bargaining or impasse resolution process» and (3) «discussed the 'costs' of continued disagreement». Variables unique to management negotiators are, (1) «discussed other settlements and patterns» and (2) «tried to change expectations of parties».

The union variables suggest that there is hostility evident in the parties' negotiations when impasse is reached. The union negotiators reported that mediators attempted to control hostility, but management did not. There are two alternative explanations. One party may be hostile, but which one is not evident from the data. If management expresses hostility, the mediator may have to work with the union to overcome this hostile management. On the other hand, the union negotiators may be hostile and the mediator must employ similar strategies with management to overcome hostility. In the Iowa sample, it appears that in the event of hostility the mediators focus their efforts in overcoming hostility by the unions, regardless of the source. This variable may be classified as a personal and interpersonal relations variable.

The other two variables seem to suggest that union negotiators may not understand the implications of taking a dispute to higher steps of the impasse procedures. The data show that mediators focus strategies on educating the union negotiators concerning progression through the impasse procedures. Together with the education function the data also show that mediators have spent effort in explaining the costs of continued disagreement to the union negotiators. That these variables were not of importance to management negotiators is of some interest. The data suggest that management negotiators are either already aware of these costs or focus on other aspects of the negotiations.

These latter two variables are classified as a nature of the issues variable, but as they apply to negotiations once they enter the impasse procedures. There are several explanations for the significance of these variables. The democratic nature of unions may result in substantial negotiator turn-over for some bargaining units. The result may be that they are a relatively larger number of inexperienced negotiators representing unions than represent public schools in Iowa in 1986. Further, it is possible that the 1986 cuts in state aid to education have been perceived by unions and their representative as an unfair imposition of the burden of the farm crisis in Iowa on public school teachers. No evidence exists to support either of these alternative hypotheses.

Significant mediators' strategies unique to management concern the expectations and benchmarks relevant to the parties' negotiations. The use of comparative data in negotiations is very common to the public sector (Dilts and Walsh, 1988). To the extent that management focuses on comparable settlements, the mediator's task may be to simply provide alternative interpretations of what the comparability data mean. This is consistent with changing both parties' expectations concerning bargaining outcomes. These variables are not easily classified, but if the explanation offered here is accurate then they appear to be economic variables.

Tables 3 and 4 report the results for mediator characteristics. Again labor and management negotiators exhibit three significant variables in common. Both parties view the mediator's (1) «impartiality and sincerity», (2) «ability to 'speak' their language» and (3) «persistence and self control», as important determinants of the utility of mediation. These variables are personal and interpersonal relations variables, but only as they apply to the mediator's role.

These data suggest that there may be more to the success of mediation than the sources of impasse and the strategies employed by the mediators. Hiltrop (1985) suggests that it is the parties that determine the success of mediation in Britain. To the extent that these results can be generalized to the United States, specifically Iowa, the results reported here can be interpreted as requiring the parties to trust in the neutrality and sincerity of the mediator as prerequisite to mediation success. If the parties are not convinced of the mediator's impartiality or sincerity they will not trust the mediator. Without the parties' trust in the neutral the mediation process is doomed to failure.

Communication, the second variable, is the key to mediator implemented strategies. If the mediator cannot communicate with the parties, on their level and in their language, then the strategies used by the mediator will not be recognized by the parties and cannot be effective.

Persistence and self-control is difficult to separate from the first two variables in this category. Mediator self-control is an important personal characteristics. Without self-control a mediator may alienate negotiators and thereby undermine any value mediation may have for the parties. There are numerous other human relations implications of self-control including: assisting with communications failure, helping to overcome personality conflicts between negotiators, and even the mediator's trustworthiness. Persistence is a prerequisite to effective mediation. If an issue was easily resolved and did not involve difficult problems the parties would normally be able to reach settlement without resort to the impasse procedures. It is therefore clear that the significant characteristics of mediators identified by

both labor and management may be prerequisites to effective mediation. If these characteristics are not in evidence then mediation would be expected to fail.

These results also suggest that the traditional approach to the study of mediation (Kochan and Jick, 1978) may fail to fully account for an important characteristic of the mediation process. Based on Hiltrop's (1985) results, the mediator's behaviors and characteristics influence the parties attitudes towards mediation and negotiations. In turn, the parties' attitudes towards mediation may be the determinant of mediation outcomes. This hypothesis is beyond the scope of the present study, but is deserving of future attention.

In addition to the three mediator characteristics variables that are significant for both labor and management, there are three additional variables uniquely significant for management negotiators: (1) «acceptability as a neutral», (2) «knowledge and expertise» and (3) «originality and creativity».

The acceptability variable suggests that if the mediator is not viewed as an acceptable neutral then mediation will fail from the management side. The remaining two variables suggest that acceptability as a neutral is more than impartiality and sincerity for management negotiators. The abilities brought to the negotiations and the knowledge possessed by the mediator are significant for management negotiators. What may be somewhat surprising about these results is that management views these latter three variables as important, but the union negotiators do not. Management negotiators may be more concerned with the technical aspects of negotiations than are union negotiators. Management tends to focus more on economic efficiency and market conditions, while union negotiators may be more concerned with equity. Again it is interesting to note that management focuses on more technical aspects of finance, rather than the basic notions of equity evident for unions. The results of this study are consistent with another area of research in industrial dispute settlement. The research findings concerning the parties' selection of interest arbitrators suggests that management prefers economists and that both parties prefer arbitrators with some legal background (Bloom and Cavanaugh, 1986). The parties to interest arbitration are able to strike arbitrators from a panel and therefore mutually select the neutral. With mediation the parties have no self-determination and can reflect their dissatisfaction with a neutral only by proceeding to higher steps in the impasse procedures. This suggests that if the parties were permitted to select their mediator in a fashion similar to that used in interest arbitration the mediation process may be more successful. Certainly this hypothesis is worthy of further investigation.

## CONCLUSIONS

The results reported support the hypotheses that both mediator characteristics and strategies predict mediation outcomes. Many of the strategies and characteristics found to be significant are important for both labor and management negotiators. Three of six significant mediator characteristics are common to labor and management. Eight of fourteen significant mediator strategies are common to both labor and management.

These results, when viewed in light of other recently reported results, suggest that mediator characteristics may be necessary prerequisites to mediator strategies becoming effective in resolving impasses. This hypothesis is deserving of further research and is beyond the scope of the present study.

It is clear that mediator strategies and characteristics are predictive of mediation outcomes, but there is more to be learned concerning how mediator characteristics and strategies affect the outcome of negotiations. Considerable research is needed before conclusions can be drawn concerning the manner in which the strategies and qualities of mediators affect outcomes of impasse negotiations.

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### ***L'effet des qualités et des stratégies des médiateurs sur l'issue de la médiation***

La médiation est probablement la question la moins étudiée de tous les moyens de solution des impasses utilisés à la fois dans les secteurs public et privé. Ceci est malheureux puisque la médiation est le mécanisme de règlement des différends auquel on a recours le plus aux États-Unis. La médiation a été étudiée tant par les tenants de l'approche institutionnelle que par ceux de l'approche empirique et ces deux groupes en sont venus à la conclusion que le travail des médiateurs, leur personnalité et les perceptions des parties sont à la base de l'efficacité de ce mécanisme. Mais ceci reste cependant incomplet. Le but du présent article consiste à vérifier l'effet des qualités et des stratégies des médiateurs dans le règlement réussi des impasses.



Cette étude se fonde sur une analyse discriminante pour déterminer si les qualités personnelles des médiateurs et les stratégies qu'ils utilisent permettent de prédire le succès de la médiation dans le règlement des impasses dans le secteur public en Iowa. On a tiré les données de questionnaires distribués aux négociateurs patronaux et syndicaux dans 214 situations d'impasse qui se sont produites en Iowa en 1986. Les questions portaient sur divers aspects des négociations, sur l'impasse elle-même et sur le rôle joué par le médiateur assigné à leur dossier. Pour quantifier les données, on a utilisé l'échelle de Likert.

Les résultats obtenus confirment les hypothèses selon lesquelles la personnalité du médiateur et sa façon d'agir permettent de prédire l'issue de la médiation. De plus, plusieurs tactiques et qualités personnelles jugées significatives sont importantes pour les deux parties. Trois des six caractéristiques significatives sont les mêmes pour les syndicats et les employeurs, soit (1) leur habileté à 'parler' le langage des parties, (2) la ténacité et la maîtrise de soi et (3) l'impartialité et la franchise. Huit des quatorze tactiques ou stratégies du médiateur considérées comme significatives sont également communes aux deux parties. La plus importante d'entre elles consiste dans la formulation de propositions de nature à éviter une apparence de défaite d'une partie ou de l'autre.

Ces résultats, lorsqu'on les considère à la lumière d'un certain nombre d'autres études récentes, permettent de voir que la personnalité des médiateurs peut être une des conditions préalables pour que leurs stratégies deviennent efficaces dans la solution des impasses. La constance avec laquelle la personnalité des médiateurs est perçue par les syndicats et par les employeurs ainsi que l'importance relative de certaines de leurs stratégies supportent l'hypothèse voulant que les théories sur les comportements dans la médiation sont exactes; cependant, ces théories doivent faire l'objet de recherches plus poussées.

Il est clair que les stratégies et la personnalité des médiateurs permettent de prédire l'issue de la médiation, mais il faut en savoir plus sur la façon dont elles influencent les résultats. Les conclusions de cette étude confirment que la perception qu'ont les parties du médiateur est un facteur déterminant dans l'aide que la médiation peut apporter dans la solution des impasses.