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Mediation as a Conflict-Solving Device in Collective Industrial Disputes

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Résumé de l'article

Cet article consiste en une enquête sur les résultats récents d'études théoriques et de recherches empiriques relativement à la question de la médiation. Par ce dernier terme, il faut entendre le processus de règlement des différends industriels collectifs en matière de conflits d'intérêts (non pas de conflits de droit), généralement par l'intervention d'une tierce partie neutre. On peut la considérer comme une entente de durée assez longue, c'est-à-dire un élément majeur visant à l'institutionnalisation (formalisation et réglementation) du conflit industriel. Les deux parties se mettent d'accord sur un ensemble de règles de procédure (mais non de substance) dont les dispositions institutionnelles formelles ont pour fonction de régulariser leur comportement d'une façon indirecte. En conséquence, l'article traite de la médiation volontaire (et non de celle imposée par l'État).

On y expose donc les principes et les délimitations générales (entre autres, l'accord volontaire, la fin de l'obligation de maintenir la paix industrielle, la parité de représentation). Les divers problèmes institutionnels sont relativement peu importants lorsqu'il s'agit d'un cas particulier, parce qu'ils ont été obligatoirement standardises dans l'accord général de médiation. Les commissions de médiation sont de petits groupes formes en vue de résoudre les problèmes.

Explicitement, la variable décisive, c'est la tierce partie neutre (celle qui tend à la conclusion d'une nouvelle convention collective). Ses éléments les plus importants ne sont pas les caractéristiques de sa personnalité, mais le rôle qu'elle est appelée à jouer dans le processus de négociation. Ses fonctions principales sont les suivantes: contrôle et canalisation de la communication et de l'information, prise en charge de la responsabilité des résultats à atteindre vis-à-vis les membres des organisations, du public et des représentants des parties eux-mêmes (la nécessité de sauver les apparences). Parmi les tactiques les plus efficaces, on peut noter les échanges avec une partie à la fois, le fractionnement du bloc des réclamations et l'insertion de contrepropositions variées.

Enfin, on traite dans l'article de trois problèmes courants. Les procédures de médiation semblent être moins applicables à au moins quelques problèmes d'importance fondamentale; on y examine quelques questions se rattachant à la médiation sans qu'une tierce partie neutre y intervienne; on traite finalement de procédures diverses pour le règlement des différends dans les services essentiels (le secteur public). Il faudrait une théorie unifiée des différentes méthodes de solution de difficultés susceptibles de s'appliquer à des formes variées de conflits, y compris les conflits du travail.

Mediation as a Conflict-Solving Device in Collective Industrial Disputes

Berndt Keller

This paper is an attempt to schematize and survey those recent efforts of industrial relationists and labor economists to examine mediation within an inter-disciplinary framework.

Mediation is perhaps the least studied subject in the field of industrial relations. (Rehmus, 1965)
The paucity of empirical research on this subject is a function of: (1) the lack of systematic theory of mediation, and (2) the widely held view that mediation is an 'art' unsuited to systematic analyses. (Kockan and Jick, 1978)

Problems of mediation have for many years received little notice from economists and social scientists. It is only recently that industrial relationists and labor economists — as well as experimental social psychologists — have sought to examine this question within an inter-disciplinary framework. The following contribution is an attempt to schematize and survey these recent developments. The research methods employed in the various studies extend from mediators' first hand reports through interviews and observations to (laboratory) experiments. While first hand reports have been available for some time, the experimental attempts are mostly of more recent origin. The analysis is not limited to one country but rather cites national features only to emphasize particular points.

DEFINITION AND DELIMITATION

The failure of contract negotiations does not automatically and necessarily lead to industrial action, that is, to strikes or lock-outs. In all developed western industrialised countries, increasingly differentiated institutional provisions have arisen which make agreement possible without resort to, or even during, industrial action. International comparison shows

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that different national systems of labor relations have put into practice distinctive methods for conflict management. Nonetheless, conflict avoidance or settlement is achieved through problem solving strategies which are largely equivalent in function (Hoffmann, 1974; Galin and Krislov, 1979; ILO, 1983; Blain, Goodman and Loewenberg, 1987).

Formally, two groups of procedures for solving industrial conflicts can be differentiated in relation to the nature of their results. The results of mediation procedures are not generally binding for the parties involved but require rather their express approval. The results of arbitration procedures, on the other hand, are normally binding (externalised conflict solving). On both sides of the bargaining table, the level of information is generally greater for the second group than for the first (see for delimination in international comparison: ILO, 1973; ILO, 1983). It is a process of explicit bargaining, that is, the parties have different interests and communication is possible (Schelling, 1970).

The term mediation, as used here, is to be understood as the process of settling collective disputes of interest — and not disputes of rights — generally through the intervention of a neutral third party. Thus no distinction will be made between mediation and conciliation, the term usually employed by Europeans. The aim of mediation is always the conclusion of a new contract and not the interpretation or application of existing arrangements. International comparison shows that, as a rule, collective disputes of interest are solved by mediation whereas individual and collective disputes of rights are solved by more or less formalized arbitration procedures (Gladstone, 1984). The latter conflicts do not generally lead to industrial action. When high-level specialized labour courts are responsible for legal disputes and grievances (as in the highly legalized industrial relations system of the FRG, and in contrast, for example, to the U.K.), voluntary arbitration procedures lose much of their importance. Their significance is much greater in, for example, the Anglo-Saxon countries (ILO, 1977; Fairwether, 1983) where collective bargaining agreements are not usually viewed as legally enforceable contracts establishing legal rights.

The collective bargaining system can be characterised as a compromise searching system in which mediation in the case of impasses is essential for the realization of aims. It makes possible permanent and stable cooperation and ensures promotion of compromise through escalation of risk. From the point of view of the sociology of conflict, scholars refer to a clear tendency towards an institutionalisation of industrial conflict and, thus, the conflict over distribution between capital and labor. The agreement upon a long-term framework for mediation can thus be seen as a major element in the extensive institutionalisation of industrial conflict and as a balancing of

power through the institutionalisation of zones of conflict. This growing tendency in its various facets leads to a formalisation and regulation of industrial conflicts.

With this in mind, theories of labour relations should be taken into consideration (Keller and Groser, 1980). Different rules delimit the central themes and areas of interpretation. Mediation agreements, in this context, can be seen as part of the system of rules for labour relations and, indeed, as one which establishes procedural rules and is, thus, of a formal type. In the case where procedural rules are dominant, the aim is above all the maintenance or re-establishment of industrial peace, with questions of concrete conditions of only secondary importance. In the case where greater emphasis is placed on substantive rules, the exact regulation of the conditions of employment are of primary importance, this method accepting the risk of industrial conflict. The difference between these two forms is that the one regulates conditions of employment directly (level of pay, working hours, vacation, and other working conditions); the other only indirectly, in that it influences the behaviour of the various representatives of the formal and informal organisations (for example, agreements on mediation and all other conflict settlement mechanisms).

The structuring of impasse procedures is dependent upon the characteristics of the particular national labour relations system. Historically, mediation agreements are the result of the introduction of freedom of association and the founding of interest groups (usually in the late 19th or early 20th century). Changes in societal and political relations also influence the means of negotiation as a part of growing industrial activity. The objectives which led to the development of impasse procedures were:

- a strengthening of the accountability of the various parties,
- an increasing of the chances for agreement,
- a strengthening of the duty to maintain industrial peace.

Within the institutional arrangements it is also fundamental, in the historical perspective, to differentiate between state and autonomous mediation. Thus, on the one hand, the state can prescribe mediation, that is, force the bargaining parties to the negotiation table, where they can reach a volontary settlement. Quite often, under certain circumstances, it can order cooling-off periods, or intervene more drastically through enforced mediation. On the other hand, the bargaining partners can agree on mechanisms among themselves when bargaining autonomy (non-intervention) is formally guaranteed by the state. While in the first alternative the state formulates the framework and supervises their observance, the latter is based on a voluntary agreement between the bargaining partners

with a governmentally guaranteed bargaining autonomy. The following is based on the latter instance, being applicable for the majority of the developed industrialised countries.

PRINCIPLES AND GENERAL DETERMINANTS

The function of procedural rules is to raise the level beyond which strikes become necessary through exhaustion of all possibilities for negotiation. Voluntary subordination through mediation agreements is organised along the following lines:

- autonomous agreement on procedure between the bargaining parties without supervision of state agencies (the voluntary nature of autonomous mediation);
- strict rejection of legally regulated coercive mediation;
- mediation by the parties themselves, i.e. academics or experts function only without voting rights;
- parity of representation on the commission generally under the chairmanship of one or two independent neutrals;
- (majority) proposals for agreements having only the character of recommendations for the bargaining partners, who decide on acceptance or rejection of the proposal on their own responsibility;
- the procedure chosen must end within a clearly defined period, one that both sides can take into consideration;
- the ending of the obligation for industrial peace and the point where the introduction of industrial action becomes possible is clearly established; and
- the agreement is terminable anytime within a reasonable period (for example one year) without any consequences, i.e. it takes the form of a terminable bargaining contract.

The very existence of mediation agreements changes bargaining positions, i.e. the procedure effects the process of bargaining (Webb, 1979). With an existing mediation agreement both sides attempt, through using its structure, to achieve what for them is a beneficial result, without a strike and while trying to avoid being made primarily responsible for the compromise achieved. Certain elements of the procedure (automatic setting in motion) can strengthen this trend, so that mediation is no longer an *ultima ratio,* a very last means of overcoming real impasses, but is rather used as an integral part of bargaining tactics. The large majority of mediations are successful and efficient in the sense of avoiding conflicts so that industrial action is not necessary.

Institutional problems can be relatively unimportant for concrete procedures when they have already been standardized in a binding way and regulated in the mediation agreement as a basis for the procedure; this is, however, as international comparison shows, by no means the case in all countries. Negotiations are shortened and eased as only substantive, but no procedural questions need to be discussed. This includes:

- the manner of bringing the mediation process into being (appeal by one party with a necessary obligation to admit the other, appeal by both parties, and automatic, i.e. establishment of mediation without a special declaration of willingness by one or both parties being necessary);
- the question of time-limits (between the failure of regular negotiations and the meeting of the mediation commission or the time between the formulation of the mediation commissions proposal and the parties declaration of acceptance or rejection); normally relatively short periods are agreed upon to take away the possibility of the mediation being intentionally drawn out. This eases the mediators job and increases the possibility of compromise; and
- the factors relating to the neutral such as choice of person, method of appointment (by the parties themselves or externally) and voting rights.

Mediation commissions are small problem solving and solution achieving groups, which in the majority of cases consist of not more than seven members. After a failure of negotiations the committee is reduced, with the aim of increasing the ability to compromise; the parties' representatives who are most experienced in collective bargaining remain. There is a clear tendency towards organizations sending only their leading member representatives as well as allowing the same to take part in various negotiations. Experienced commission members are very important for successful mediation and are prefered to non-experienced negotiators, above all because of their greater familiarity with facts and information. Also important is an equel level of negotiation experience on both sides, through which the willingness to compromise increases. Moreover, maintaining more or less the same personnel for both commissions is held to be important as the level of familiarity with the information (knowledge of the arguments, their context, the different standpoints, etc.) is higher, reducing aggression which could possibly have arisen in the preceding bargaining round. The willingness to compromise, a necessary prerequisite for the success of mediation, increases with identity of personnel for both commissions (Külp *et al.*, 1972).

THE NEUTRAL MEDIATOR

The decisive variable in an explanation of the mediation process and its success is not its institutional framework but the neutral third party. He can be seen as the central new element in comparison with regular negotiations. High-level professionalisation of the mediation function is typical in the U.S. (Federal Mediation and Conciliation Service — FMCS and the related state organizations) (Kolb, 1981) and the U.K. among others (Advisory, Conciliation and Arbitration Service — ACAS) (ILO, 1983; Jones and Dickens, 1983; Hiltrop, 1985; Smith, Griffiths and Frick, 1986; Smith, Frick and Griffiths, 1987). Where such professionalisation does not exist, the neutral third party decides whether to accept the assignment on the basis of individual calculations of costs and benefits. As a rule, non-economic factors such as an increase in prestige resulting from successful mediation are also considered. Finally, the functions of mediator and arbitrator are clearly separated in most countries.

Having little formal authority, the neutral's ability to influence can be greatly increased when the parties assign him, beyond the position of being a middleman, a full and decisive right to vote. When the recommendations of the commission are supported by a simple majority, the mediator can put forward non-binding suggestions for a resolution together with one side (which are, however, often rejected by the other).

Bringing in a mediator influences the tone of the bargaining representatives. On the one hand, the expectation of his introduction leads to a different attitude before his intervention; this can lead to intended concessions not being made during the regular negotiations but rather being held back until the introduction of the mediator. Furthermore, concessions can also be held back when, because of the institutional structure, other procedures for resolving conflicts beyond the introduction of a mediator are available. On the other hand, his information and alternatives of action restructure the situation after his intervention (Johnson and Tullar, 1972).

In the bargaining structure, the mediation phase comes at a relatively late stage. The mediator should intervene only at a relatively late point, but before the beginning of a strike. He should only concern himself with those conflicts presented to him by the parties concerned (Galin and Krislov, 1979). The neutral third party influences, *ex definitione,* all stages of the mediation process; he is limited only in that he cannot force a final settlement.

The primary goal of a mediator is the agreement on a new contract and avoidance of industrial action (maintenance or re-establishment of in-

dustrial peace) (Wall, 1979) for which various tactics and strategies are used (Kolb, 1983). In contrast, specific regulations on particular topics are less important. As far as contents of agreed upon rules are concerned, orientation is found in quasi-rational criteria, such as expert recommendations or pay comparability, which can offer the neutral some legitimacy. An agreement found fair in relation to the existing norms offers an acceptable solution for both sides involved in the conflict (Schelling, 1970). The use of the norms of social equality and parity as points of comparison gives the same or similar advantages to both parties (Pruitt, 1972; Hamner and Harnett, 1975). The mediator can help towards the maintenance or achievement of these norms by taking over the responsibility for concrete interpretation. The expectations of the organisations' members can in this way be reconciled with those of the leaders (influence on the process of intraorganizational bargaining according to Walton and McKersie, 1965).

Especially in the older, often purely descriptive literature, the question of whether or not the personality and the personal characteristics of the mediator increase the chances of effective influence is intensively discussed (Keller, 1975). In the more recent contributions, on the other hand, it is generally agreed that too much emphasis was originally placed on this factor and, that, in an analysis of mediation as a process, it is not very important. Personality characteristics have been over-valued, especially in the U.S., because of aspects of practice as well as methodological problems. More important is the role of the neutral in the bargaining process or, in other words, the question of alternatives of action.

The most important functions of the neutral are (Keller, 1981):

- control and channelisation of the flow of communication and information (especially influencing the quality of available information, extra information for one or both sides, increasing the reliability of communication);
- taking over the responsibility for the results and thus reducing the responsibility of the representatives of the parties, i.e. reduction of loss of prestige.

The latter function of avoidance of loss of face, coming from the psychological view of the mediation process, is assumed by the mediator (Podell and Knapp, 1969; Rubin, 1980):

- especially *vis-à-vis* the members of the organisations for whom every mediation agreement must be made justifiable, because they have to ratify and thus legitimize them (Maggiolo, 1971; Wall, 1981);
- in special cases *vis-à-vis* the public for whom the influence and the responsibility of the mediator can be real or purely imagined;

- not only *vis-à-vis* important reference groups or persons of authority but as well *vis-à-vis* the functionaries themselves in the form of a reduction of individual psychological prestige and role conflicts (Pruitt and Johnson, 1970; Pruitt, 1972).

The necessity for avoiding loss of face which, in this case, is taken over by the neutral, is in its general form emphasized in micro-sociological and psychological theories. It is often stated that «the need to save face» is one of the most widespread, nearly universal, psychological norms of our culture (Brown, 1968).

In mediation procedures the loss of prestige, arising from necessary concessions from seemingly irreconcilable starting positions, can be held to a minimum by making the mediator formally responsible for the compromise. The responsibility of the representatives, who previously had to surrender heavily defended positions, is reduced. The concessions necessary for agreement can be presented as having been forced upon them by the mediator — and thus less voluntary. Here the comparison with the applied game theory has often been made in that an agreement coming from a mediator creates less of an impression of the weakening of a negotiating position than those coming directly from the bargaining partners (Podell and Knapp, 1969; Pruitt and Johnson, 1970).

The results have to be presented by the leaders to their members, i.e., the members must ratify the results. In the wide ranging literature on mediation within social science research, it is often stated and even experimentally demonstrated that the leaders, as representatives, are involved simultaneously in dual bargaining, with the opponent and with his own organisation, whereby as a rule contradictory role expectations arise (Frey and Adams, 1972; Wall, 1975). Added to this is the fact that, on both sides, various members or member groups have different interests which must all be included in the mediation proposal, to guarantee its ratification (Simkin, 1971). Especially important in this context is the relationship between the mediator and the leaders of the bargaining teams (Kolb, 1983).

By turning to the institution of mediation, a process with meetings taking some time, the impression arises among members of the organization and the public that an especially hard and tenacious struggle is taking place. The leaders of the organizations can legitimize the compromise by stating that it was not pressure from the opposition but rather public pressure represented by the neutral that caused them to give way. The neutral, as a rule, makes a great effort to find a compromise formula which representatives, as well as organization members and the public, can find acceptable.

An important and efficient tactic, often mentioned in the literature, is separate meetings, i.e. the neutral confering with only one party. The mediator can then offer a submitted proposal as his own. This, however, does not effect the bargaining position of the party offering the proposal, in the case where the proposal is rejected (Maggiolo, 1971; Haman *et al.*, 1978). The function already mentioned of the control of the flow of communication and information is especially clear in this process (Wall, 1981).

In their interdisciplinary theory of labor negotiations, Walton and KcKersie (1965) have, as is generally known, differentiated analytically four interdependent sub-processes: distributive bargaining, integrative bargaining, attitudinal structuring, and intraorganizational bargaining. Characteristic of integrative bargaining is that through simultaneous bargaining on various points of conflict, trade-offs may arise, i.e. concessions on different points of conflict can be exchanged (Froman and Cohen, 1970; Walker and Thibaut, 1971). This segmentation of the general collective bargaining process can be applied to the problem of mediation in the narrower sense: so-called combined demands are often presented, composed of various elements. Such packages are easier to mediate than single demands (Chertkoff and Esser, 1976; Wall, 1981). The neutral can, because of his ability to control communication and information, i.e. his ability to involve himself deeply in the process, work out any number of alternatives in separate meetings, using them as a basis for his own proposals (splitting up the demands and introducing alternatives). If one of the parties took this task, this could be interpreted as weakness by the opposite side or the general public. The strategies the mediator should make use of depend quite obviously on the intensity of conflict (Rubin, 1980).

CURRENT PROBLEMS

The subject matter of mediation is, in the majority of cases, problems of pay and salary and, rather less, often other conditions of work. Great difficulties have arisen in the past few years with the bargaining of master agreements. Strikes and lock-outs arise more often here than in other cases. This indicates a partial strain on the «normal» mediation procedures in questions of fundamental importance (safeguarding of interests within the process of technological or organizational rationalisation or the introduction of shorter working time). Although the time limits assigned for mediation is usually lengthened or dropped altogether, compromises are hardly ever achieved for these complicated «qualitative» demand. This reflects the suggestion put forward in the literature that mediation as a method of conflict settlement is more applicable for certain types of conflict than for

others, especially those problems of fundamental importance to the parties (Kochan and Jick, 1978; Jones and Dickens, 1983; Hiltrop, 1985).

Rather more often than not, so-called political mediation becomes necessary, whereby a (state or federal) politician, on whom the two parties have informally agreed, takes over the role of the neutral. The trade unions, wishing to strenghten bargaining autonomy through independent procedures, are generally opposed to political mediation. Governmental attempts at mediation are nonetheless common when other mediation has failed to produce a result or when industrial action is expected to have political or economic consequences.

Mediation without a neutral third party is a possible alternative practiced in various industries. It has an implicit and decisive disadvantage. The procedure only has the character of a continued bargaining round with fewer participants; what remains is the increased ability of such bodies to compromise. In this case one of the representatives of the employers and employees becomes the leader (in place of the neutral) «from meeting to meeting». The representatives must achieve a result alone; their proposal is final and binding for both parties. For successful mediation it is essential, in this case, that the representatives of the two sides do not come from the affected district but rather from another area (the function of taking over the responsibility for the results). In other cases (with a neutral third party), on the other hand, an identity of personnel in both commissions is sought.

Consequently, a special variation in mediation agreements for procedures with a neutral has recently arisen: each party names (together or separately) a neutral chairman of their choice to be in office for a number of years. When no agreement can be made on a chairman for a particular problem, one is picked by lottery. The losing candidate has no vote and supports the position of the chairman. This method avoids an important drawback that can be seen in the case of the pre-planned alternating of chairmen, namely that the one party blocks off the less favourable chairman on unimportant conflict issues. The possibilities of manipulation available to both sides arising from the estimate of voting rights are greatly limited by the lottery decision. The neutral can no longer be a stable point of calculation for the negotiating parties.

A further exception is seen in essential services (Simkin, 1971), especially in the public sector (Pankert, 1980). Here, because of the (assumed or real) consequences of industrial action for the general public, the right to strike is limited or even denied for various employee groups (Cordova, 1985). In a number of countries, the discussion about procedures for settling collective conflicts within the public sector has been intensive and pro-

tracted, while in the larger branches of private industry, mechanisms for the settlement of conflicts have been institutionalised through voluntary agreements between both parties.

Clearly there is a great difference between the public and private sectors in relation to the strategy and quality of the mediators as well in the effectiveness of the procedures, so that results cannot simply be transfered (Robins, 1976; Karin and Pegnetter, 1983). With differing (external) environmental factors, various other procedures apart from mediation have been experimented with and put into practice. Especially within the rapidly expanding public sector of the U.S., quite a number of variations of arbitration procedures (among others final offer arbitration versus conventional arbitration, final offer arbitration on a package or issue-by-issue base) have been practically tested and empirically examined (Gerhart and Drotning, 1980; Ponak and Wheeler, 1980; Kochan, 1980; Anderson, 1981; within experimental social psychology Magenau, 1983; Bazerman, 1985). In all variations the neutral controls not only the process but also the end result of the proceedings, the latter not being the case in simple mediation procedures. Furthermore, the type of intervention changes the progress and results of the negotiations (Rubin, 1980; Ehrenberg and Schwarz, 1983). There are also combinations of different procedures. With mediation-arbitration (med-arb), the mediation takes place first with the neutral subsequently deciding on the issues of conflict which are still not settled. Thus, more alternatives are available to him than in the case of «normal» mediation procedures.

These special problems clearly lie outside the scope of this paper. Altogether, the sort of highly institutionalized conflict settlement discussed here has a very positive function within the area of settlement of collective industrial conflicts, not in the sense of a final and lasting resolution but in the sense of temporary solutions.

With regard generally to theories of conflict, the introduction of independent authorities or persons in interpersonal conflicts is a commonly used form of conflict resolution in various conflicts between individuals, within or between organisations, or international conflicts (Fisher, 1972 and 1978; Young, 1972; Bartunek *et al.*, 1975; Folberg and Taylor, 1984). However, an integrated theory of the different methods of conflict resolution for various sets of circumstances has only begun to be developed, even though conflict intervention numbers among «growth industries» (Rubin, 1980; Fisher, 1983; Sheppard, 1984).

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La médiation comme moyen de résoudre les différends industriels collectifs

Cet article consiste en une enquête sur les résultats récents d'études théoriques et de recherches empiriques relativement à la question de la médiation. Par ce dernier terme, il faut entendre le processus de règlement des différends industriels collectifs en matière de conflits d'intérêts (non pas de conflits de droit), généralement par l'intervention d'une tierce partie neutre. On peut la considérer comme une entente de durée assez longue, c'est-à-dire un élément majeur visant à l'institutionnalisation (formalisation et réglementation) du conflit industriel. Les deux parties se mettent d'accord sur un ensemble de règles de procédure (mais non de substance) dont les dispositions institutionnelles formelles ont pour fonction de régulariser leur comportement d'une façon indirecte. En conséquence, l'article traite de la médiation volontaire (et non de celle imposée par l'État).

On y expose donc les principes et les délimitations générales (entre autres, l'accord volontaire, la fin de l'obligation de maintenir la paix industrielle, la parité de représentation). Les divers problèmes institutionnels sont relativement peu importants lorsqu'il s'agit d'un cas particulier, parce qu'ils ont été obligatoirement standardisés dans l'accord général de médiation. Les commissions de médiation sont de petits groupes formés en vue de résoudre les problèmes.

Explicitement, la variable décisive, c'est la tierce partie neutre (celle qui tend à la conclusion d'une nouvelle convention collective). Ses éléments les plus importants ne sont pas les caractéristiques de sa personnalité, mais le rôle qu'elle est appelée à jouer dans le processus de négociation. Ses fonctions principales sont les suivantes: contrôle et canalisation de la communication et de l'information, prise en charge de la responsabilité des résultats à atteindre vis-à-vis les membres des organisations, du public et des représentants des parties eux-mêmes (la nécessité de sauver les appa-

rences). Parmi les tactiques les plus efficaces, on peut noter les échanges avec une partie à la fois, le fractionnement du bloc des réclamations et l'insertion de contre-propositions variées.

Enfin, on traite dans l'article de trois problèmes courants. Les procédures de médiation semblent être moins applicables à au moins quelques problèmes d'importance fondamentale; on y examine quelques questions se rattachant à la médiation sans qu'une tierce partie neutre y intervienne; on traite finalement de procédures diverses pour le règlement des différends dans les services essentiels (le secteur public). Il faudrait une théorie unifiée des différentes méthodes de solution de difficultés susceptibles de s'appliquer à des formes variées de conflits, y compris les conflits du travail.