

Editorial

From the Editor

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The Corporate Mediation Journal (CMJ) is a periodical about mediation within and between organisations.

Mediation skills have much to offer to facilitate communication within and between organisations. At work, we all hope to have good relationships with our colleagues and superiors, but tensions will occur. The same applies to relationships with customers and competitors or even externally in the infrastructural environment of the organisation, that is, with third parties. Mediation skills can make the difference between loss of speed, energy, time, costs on the one hand and smooth operations and fruitful relationships, both within and between organisations, on the other. Mediation skills make it possible to address issues in a non-aggressive manner and to face issues in a less defensive way. They make it possible to conduct the same conversation differently.

In this issue of *CMJ*, Jodi Maslowski and Patrick Lau, in-house workplace mediators at Intel Corporation, explain how their work helps employees to resolve unproductive conflict in the workplace. The internal mediation programme stems from Intel's philosophy to encourage 'constructive confrontation', a philosophy intended to separate the people from the problem and immediately deal with issues. This article shares the development of a specialised mediation programme that has added value to the business by accelerating the resolution of conflict and by being recognised as another valuable resource/benefit by Intel's employees.

That mediation is a useful management tool not only within organisations but also in contacts between organisations becomes clear from the interview Claire Mulder had with Martin Fisher, General Counsel EMEA at Celanese Corporation.

In *CMJ* 2017/1 (p. 9), Anna Doyle, mediator and ethics officer of Eurocontrol, pointed at the dynamic synergy potential between mediation skills and ethics. She found

that very often there are ethical issues that underpin the conflicts and disputes that arise in the daily life of an organisation and its people. Ethics, risk management, compliance, cooperation, quality control, customer service, contract negotiations, leadership issues, every aspect of organisational life and – for that matter – success all depend on communication between people. Corporate social responsibility is the expression of the ethics of an organisation not only in mission statement and codes of conduct, but also in the actual conduct of organisations. Non-judicial grievance mechanisms play an important role in enhancing corporate social responsibility. One of the corporate social responsibility instruments with a built-in non-judicial grievance mechanism are the Guidelines for Multinational Enterprises of the Organisation for Economic Co-operation and Development (OECD).

Issues about compliance, interpretation or execution thereof can be submitted to a National Contact Point. Adhering governments are required to set up such a National Contact Point, whose main role is to further the effectiveness of the Guidelines by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that may arise from the alleged non-observance of the guidelines in specific instances. In this issue of *CMJ*, the published results are of empirical research undertaken by scholars at Nijerode University in the Netherlands about the quality – in terms of legitimacy – of decisions of National Contact Points in the Netherlands, the United Kingdom and the United States.

Mediations are of all sorts. They may be about healing, but also about little more than dealing. If a conflict is about more than just miscommunication, negotiation will be an element of the process. When serious parties sincerely attempt to resolve their issues, they will most likely get to a negotiation phase in the mediation about the substantive content of the problem. The question

can arise then, 'Who will make the first offer or first demand?' Making this first offer is called 'anchoring' or dropping an 'anchor' in negotiation jargon. In an article about the negotiation element in mediation, various aspects of anchoring are investigated. Does an anchor influence the outcome of a negotiation? Is it smart to drop an anchor early on or is it better to wait? How to respond to an anchor dropped by a counterpart? How to frame an anchor? There are multiple ways of looking at anchors and dealing with them and that it would be a serious mistake not to be conscious of the theoretical and practical aspects of anchoring when entering into a negotiation. There is more to the theory and practice of anchoring than the often-proffered idea that it is almost always best to avoid being the one to make the first move. It is further discussed what role the mediator can play when it comes to first offers or first demands. The mediator is there to facilitate the process. How to facilitate the parties who want to start negotiating but are reluctant to be the first to show their hand?

Plenty to read for every one interested in communication within and between organisations.