

Article

Intel Corporation's Story

Transforming Unproductive Conflict into Collaborative Solutions

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Intel Corporation, a multi-national company and leader in the high-tech industry, implemented an in-house workplace mediation programme about 4 years ago. Using a small group of trained and experienced Intel mediators, we help resolve difficult and challenging workplace conflicts between co-workers, peer managers, team members, or supervisors and subordinates. Productive conflict is an essential part of creativity and innovation at Intel. In recognition of this and that conflict can also move into an unproductive space, our workplace mediation tag line is 'transforming unproductive conflict into collaborative solutions'. We also named our programme 'collaborative mediation' (CM). Like most large companies, Intel does use mediation as part of the litigation defence toolbox (*i.e.*, 'shuttle' mediation) and mediations associated with workplace discrimination cases brought by the Equal Employment Opportunity Commission and similar state agencies. CM is very different as we strive to resolve conflict internally to avoid this level of escalation.

It started with a question from a human resource (HR) vice president, 'Can we give our employees other options to help them resolve unproductive conflict in the workplace?' At the time, Intel had and still has a robust process of addressing workplace concerns. Our open-door philosophy encourages employees to raise concerns with their direct manager or other senior managers, business human resources, the legal group or through our confidential hotline. We also encourage 'constructive confrontation', a philosophy intended to

separate the people from the problem and immediately deal with issues. And we have strong HR partners that help employees navigate these types of workplace issues. An option that we did not have at the time was a workplace mediation programme. Even though this concept is established in other industries and organisations, the concept of implementing such a programme within Intel was relatively new.

Intel operates in an incredibly fast-paced business environment, and we are in the process of a major company evolution as we move to being a company that powers the data centre and billions of smart, connected devices. In the United States, where we primarily offer workplace mediation, we have a multi-cultural workforce of about 50,000 employees, primarily located in Arizona, California, New Mexico and Oregon, but with a presence in all the major cities of the United States. We need to stay organisationally nimble and competitive. Andy Grove, one of our founders, titled a book regarding our industry as *Only the Paranoid Survive*. Windows of market opportunity open and close quickly. Employee conflicts that negatively impact productivity may result in product or programme delays resulting in lost opportunities as the market window closes and the conflict drags on, often impacting others in their group and beyond. Any way that we can ensure that the speed in which we conduct business is not negatively impacted by conflict is a competitive advantage. 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 our employees. As you will read, we will walk you through critical elements of the programme and why we set it up that way. We will also describe our plans going forwards.

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1 Collaborative Mediation – What It Is and What It Isn't

When we designed Intel's programme, we positioned CM within our existing conflict management processes. Mediation is complementary to our open-door philosophy and supplemental to our internal investigation process. As previously noted, our open-door policy encourages and allows for employees/managers to first try to resolve conflicts themselves and, if necessary, to enlist the support of the next level of management. So in most cases, we would expect that the parties have made a good faith effort to try to work things out before going to mediation. When we say that mediation is supplemental to our investigation process, it means that an employee can request a mediation and/or an investigation. An employee can request a mediation after an investigation or disciplinary action. Alternatively, an employee can request an investigation after mediation. However, we do not run both processes simultaneously. In addition, we will not schedule a mediation if the manager informs us of a forthcoming disciplinary action because we want to avoid the perception that one's participation in mediation contributed in any way to a disciplinary action and conducting the mediation afterwards provides the manager and employee an opportunity to discuss the disciplinary message.

CM is not positioned nor viewed as a formal HR intervention or escalation. This is an important and conscious design element. Mediation offers employees another option that empowers them to establish a resolution and move forwards. We have been able to position CM alongside the 'official' HR processes, yet still be perceived as outside the mainstream. We don't record any mediation information in the standard HR database.

Mediation at Intel is voluntary. It does require both parties to agree in order to move forwards with the mediation. We have had cases in which the initial party contacts us to get more information about mediation and determines at that point not to move forwards for a variety of reasons. There were also cases wherein the first caller agrees but the second party declines. When possible, in situations involving an employee and a manager, we try to determine the manager's willingness to participate in mediation first before talking to the employee to avoid the case where the employee agrees to mediation but, for a variety of reasons, the manager does not. We have completed mediations for employees and managers at all levels of the organisation up to and including vice presidents. About half of our mediations involve peers and the other half are employee-and-manager relationships. We believe a key to the programme's success hinges on both the participant's voluntary participation and that there are not any negative implications for either accepting or declining this resource.

2 Our Programme – The Experience

Although not anticipated when we kicked off this programme, we learned that the triage process is very much an art in itself. The initial intake is typically held within one meeting, focussing on a few parts: 1) inform and educate about the mediation process; 2) assess the situation and determine whether CM is an appropriate resource to be utilised; 3) if appropriate, address the party's concerns to encourage them to agree to move forwards with mediation; and 4) if they agree, determine a better understanding of what is truly important to them and their desired outcome, as well as what they think the other person's desired outcome would be, in order to help with the mediator's preparation. We have leveraged the research noted in the *Conflict Resolution Quarterly* article 'Dealing with Resistance in Initial Intake Calls to Mediation: The Power of "Willing."' ¹ This article focusses on the importance of the call taker, emphasising the process versus the ideology of mediation. The study also uses conversation analytic techniques to demonstrate how questions 'addressing whether the caller would be willing to mediate generated stronger agreement from the caller than when other formats were used.' We are also very fortunate to have some naturally skilled mediators on our team who excel at the triage process.

Our mediations typically last 3 to 5 hours. Coupled with the initial triage and possibly a pre-mediation meeting (depending on the complexity of the case), each party typically 'invests' about 4 to 6 hours in the mediation process. For many in the world of mediation, this might seem very short. At Intel, given the culture and the fast pace, any request for a few hours of one's time is significant. To do justice to the mediation process, we realised we need at least a time slot of 3 hours. We honed our message to position this as an 'investment'. In most cases, both parties state that the conflict had already consumed a significant amount of time and energy and the potential to be able to move forwards in a more productive working relationship resonated with them. Sensitive to the toll on-going conflict can have on an organisation's ability to effectively operate, we strive to complete the mediation within 2 weeks of the initial request. We encourage each party to be open during mediation by creating a 'safe' environment and space. When we mediate, the parties decide what, if anything, they want to share with their manager(s). The parties may agree to share the discussion in general, or just the agreement or nothing at all. Both parties have agreed that this is a problem that they own and that they are using the mediation process to work it out themselves. We have had cases in which managers never knew that their employees participated in a mediation. In cases where the

1. Sikveland R. & Stokoe E. (2016). Dealing with Resistance in Initial Intake Calls to Mediation: The Power of "Willing". *Conflict Resolution Quarterly*, 33(3).

employees jointly agree to share the mediation discussion with their manager, we strongly encourage them to do it together so that they can both hear what each other says. Barring any guideline violation that we learn as part of the mediation process, we as mediators do not share any aspect of the mediation discussion. If the manager knows that the mediation has taken place and asks us how it went, we say that it was a good meeting and to base the effectiveness of the mediation on their observations as to how well they are working together now and in to the future. We reinforce that managers should recognise their employees for using mediation as a resource to help them resolve their own conflict.

In our experience, conflicts in the workplace often arise from communication style differences, role/responsibility confusion and/or work style differences. In mediator terms, these are differences that are relational, structural or from differences concerning interests or values. One concept that has particularly resonated in mediations between the parties is the distinction between intent and impact – a simple yet powerful concept. Because of the pace we operate at, there are many opportunities for misunderstanding and/or misperceptions and sometimes it takes a multi-hour meeting with trained, experienced mediators to help both parties unpack and re-assemble decisions or statements that were intended one way and taken a different way. A recent mediation between two managers focussed on a major misunderstanding – they had gotten off on the ‘wrong foot’, the conflict escalated and, to their credit, they decided to successfully utilise mediation to help them clear the air. The participants place an amazing amount of trust and confidence in the mediators. They are open and honest about their working relationship and the challenges they face. Ideally, we utilise co-mediation with both parties in person.² Occasionally, we have one mediator attend in person and the other mediator either on video conference or on the phone. We have found many benefits to co-mediation such as working together to prepare for the mediation, leveraging each other’s skills and backgrounds during the mediation, and learning from and supporting each other. The mediators typically debrief with three simple questions: 1) What worked really well? 2) What might we have done differently? and 3) What did we learn from this mediation? We primarily utilise this debrief as both a training and a learning process with a focus on mediation techniques. Mediators are all aware of how intellectually and emotionally challenging mediation cases can be. Our amazing small team of mediators provide great support and encouragement to each other after these mediations.

We view mediation as the first step, albeit a big step, in re-building trust in the working relationship. We want to leverage what takes place during mediation to be ongoing fuel to that re-building process. We emphasise at

the end of each mediation that the on-going success depends on the parties’ commitment to the agreement that they reached and to their working relationship. Ideally, the parties meet on some frequent basis to discuss how things are going and if they need to tweak their agreement.

Some mediations are transformative, and there is ground-breaking understanding, with both parties sharing a hug and establishing a friendship after the mediation. But in most cases, there is simply an agreement to re-establish ways to work together productively and supportively.

Our belief is that mediation is an information-sharing and –gathering process where both parties can get a broader appreciation for the reality of the situation.³ While most do, not all our mediations have ended with an agreement. Sometimes the effect of just feeling ‘heard’ can begin to dislodge that trapped feeling that conflict can have on individuals. Sometimes it validates an employee’s desire to transfer to a new group or manager. There seems to be a respect that both parties take away even when an agreement has not been reached. At the beginning of each mediation, we remind both parties that even though the conversation might get difficult through the course of the mediation, they should try to remember that the commitment the other party made to choose to be there and to participate in this process is a show of good faith and a willingness to try to improve the working relationship.

Even when a mediation meeting does not take place, we have observed benefits. There have been numerous instances when we observe that the prospect of mediation is a catalyst for discussion and resolution. One party decides to meet with the other party by themselves prior to the mediation and they begin to work things out. We also have many examples where the caller finds benefit in the triage discussion, and we help them think through what is important to them, to the other person, and empower them to find a new and different approach to the conflict. These discussions naturally turn into conflict coaching.

3 How Are We Doing?

After each mediation, we send both parties a short survey. Ninety-three per cent of participants say they would recommend mediation to others as a way to help resolve a work-related conflict. We also follow up with a survey 3 months after mediation, and 83% of participants say it helped resolve their dispute in a way that was sustained.

We have received many anecdotal comments in these surveys that highlight the post-mediation benefits as employees return to their roles re-engaged with a full focus on their job and the group’s productivity. We

2. Gottfried A.M. (2009, Feb 2). What Is Co-Mediation, and When Should It Be Used? Alona M. Gottfried's Mediation Blog. Retrieved from <<https://alonag.wordpress.com/2009/02/02/what-is-co-mediation-and-when-should-it-be-used/>>.

3. Friedman G. & Himmelstein J. (2008). *Challenging Conflict – Mediation Through Understanding*. Chicago: American Bar Association.

have many specific comments from key employees who said they would have left Intel had it not been for the results of the mediation process. Although difficult to quantify, we feel the CM programme has helped Intel reduce conflict and allowed employees and organisations to focus on critical business developments. Additionally, many employees note that they are impressed that such a programme exists and that this shows Intel cares about their employees. They value this informal and creative way of resolving their differences.

4 Where Do We Go Next?

A mediation ‘programme’ requires management support, stakeholder management and the full suite of project management elements. The actual mediation itself needs to be supported with a programme infrastructure and support processes to include intake and triage, mediator assignments, follow-up surveys, mediator support, training and on-going marketing. We have been able to achieve this with a small group of six passionate and dedicated mediators who work about 10% to 15% of their time supporting the CM programme.

As this journal notes, ‘mediation has the potential to transform tradition, shape ideologies, paradigms and practices.’ We at Intel are on a journey, and we believe that we can continue to broaden and expand this initiative by means of the following:

- Broadening the acceptance of workplace mediation in our corporate culture
- Expanding the programme beyond the United States
- Establishing a meta-feedback loop process where we integrate themes and trends into our organisation/health processes
- Exploring how mediation skills can be integrated into group facilitations
- Expanding mediation skill set training to HR colleagues and managers
- Expanding conflict coaching skills

Workplace conflict impacts employees (both professionally and personally), their teams and management, and ultimately the business results. As mediators, it is incredibly motivating to facilitate a meaningful discussion where the employees come to resolution and know this made a significant difference in their lives while also significantly benefiting the business.