

How Can ODR Benefit Business?

*Julia Morelli**

Attending quite a few international ODR (online dispute resolution) forums over the years, I witnessed an increase in the breadth and depth of knowledge and application of ODR practices. Much of the discussion in past years has focused on e-commerce, insurance claims and the application of ODR to the justice system in a way that mirrors the application of ODR in commercial venues.

The question, *How Can ODR Benefit Business?*, acknowledges the potential harm businesses face from B2C conflict due to costs and time lost, damage to reputation from online reviews and disruptions to supply chains. In our discussions of ODR, we have taken into consideration adverse effects from disputes with customers, suppliers, government agencies and other businesses, while we have largely ignored the cost of conflict within organizations.

Whether we look at the business of government or private industry, the amount of time and energy spent on intra-organizational conflicts is high. Additionally, there is a significant impact on reputation, and employee and customer loyalty. The ramifications vary, but the effect is real.

It is time to broaden the discussion now that we have the advantage of understanding best practices for ODR that emerged in the B2C arena. We can learn from them, and from the failures, as we look at the possible applications of ODR to intra-organizational conflict.

Not all workplace conflict can or should be addressed using ODR. The same thought and planning used in the development of ODR platforms and processes for external disputes applies to the use of ODR for internal disputes. There are challenges and circumstances that indicate that the use of ODR for certain kinds of workplace conflict is ill-advised. In general, disputes involving interpersonal and professional relationships and interactions are more complex than B2C conflicts. That said, we could combine best practices from ODR, human resource management and organizational and professional development to guide decision-making.

Here are four observations that support the use of ODR for intra-organizational conflicts:

- 1 Characteristics are similar to those of the B2C model – workforces that are hard to get together are increasingly common, and this is especially true given the prevalence of telework and distributed work locations. Just as Lord Justice Briggs can work cases while on his boat, he can start conflict on his boat. All of us are capable of getting into conflict anytime we communicate.

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- 2 Relationships matters – in B2C dispute resolution, there is a desire to maintain and improve ongoing interactions, and with workplace conflict, there most often is interest in preserving the relationship.
- 3 Dispute prevention – identification of conflict sources and proactively addressing them can make a difference. Itai Brun's presentation on ODR for kids (Agree-Online) demonstrates the opportunity to get the wisdom of the crowd to increase the number of options for addressing conflict situations. Other ways to use technology to address conflict related to human communication and interaction are gathering anonymous information through surveys or games and the application of technology for executive, life and workplace coaching.
- 4 Pathways for dispute engagement – they need to be clear and transparent and work in concert with each other.

As Leah Wing and Colin Rule pointed out, we gain loyalty from well-handled disputes and that includes internal customers – employees, managers and executives. Just as the application of ODR to external conflicts is useful, we should explore the uses of ODR for workplace conflicts. The same guiding principles and questions apply. Organizational culture, the venue and jurisdiction make a difference and apply to standards development.

To expand the range of creative options to deal with intra-organizational conflict, we can benefit from the use of games, application of education principles and machine learning to help individuals identify potentially inflammatory language, and the use of wisdom of the crowd. It is time to develop new ways for business to benefit from ODR internally as well as externally.