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# A comparison of conflict coaching and mediation as conflict resolution processes in the workplace

Judith Herrmann

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*Mediation and conflict coaching are both dispute support services to assist people in dealing with conflict. Each process is characterised by factors determining whether mediation or conflict coaching may constitute the more appropriate mechanism to help people with their particular conflict. For example, the number of disputing parties, preferences regarding confidentiality and formality, as well as the objectives and expectation of participants seeking assistance with a conflict support service may influence the selection of a process. This article compares conflict coaching and mediation as independent approaches to conflict resolution from the perspective of parties seeking assistance with the aim to identify the most suitable service in a given conflict situation.*

## INTRODUCTION

The field of alternative dispute resolution (ADR) provides a range of different approaches to help to resolve conflict. The suitability of each approach to a particular conflict is influenced by several factors, including the number and availability of disputants. Mediation, for example, requires the co-operation of at least two opposing parties, while conflict coaching is a one-on-one conflict resolution approach involving only one party (and the coach). Conflict coaching can be used in conjunction with or instead of other dispute resolution processes.<sup>1</sup> Although the validity of combining both processes (for example, pre-mediation coaching) is acknowledged, mediation and conflict coaching are regarded as two independent conflict support services for the purpose of this article.

Mediation and conflict coaching differ in a number of major ways, determining which of the two processes may constitute the more appropriate intervention strategy in a given conflict situation.<sup>2</sup> This article focuses on discussing mediation and conflict coaching as dispute support services within the workplace, although the findings may be transferrable to a broader context. Parties seeking assistance are classified as people in dispute (clients) and the entity arranging for the dispute resolution service (sponsor).<sup>3</sup>

## LIMITATIONS

A number of mediation models have developed during recent years, which tend to differ in various characteristics, such as structure and role of the mediator.<sup>4</sup> “Facilitative mediation” is often referred to as the “standard” model,<sup>5</sup> which is why this article will assume this model when comparing characteristics of conflict coaching and mediation.

There are various conflict coaching models in use, differing slightly in process and structure. They are not as clearly distinguishable from each other as the different mediation models; therefore, the following discussion on the criteria of conflict coaching will draw from a range of different models.

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<sup>1</sup> Noble C, “Conflict Coaching – When it Works and When it Doesn’t” (2006) *Mediate.com*, <http://www.mediate.com/articles/nobleC8.cfm> viewed 15 April 2011. See also Noble C, *Conflict Coaching: An Emerging Trend in the ADR World*, Paper presented at the Asia Pacific Mediation Forum Conference (Harun M Hashim Law Centre, International Islamic University, Malaysia, 2008) p 1.

<sup>2</sup> Noble C, “Conflict Coaching: A Preventative Form of Dispute Resolution” (2002) *Mediate.com*, <http://www.mediate.com/articles/noble1.cfm?nl=314> viewed 1 May /2011.

<sup>3</sup> International Coach Federation (ICF), *ICF Code of Ethics* (2008) p 1.

<sup>4</sup> Alberstein M, “Forms of Mediation and Law: Cultures of Dispute Resolution” (2007) 22 *Ohio St J on Disp Resol* 321.

<sup>5</sup> Boulle L, *Mediation: Principles, Process, Practice* (2nd ed, LexisNexis Butterworths, 2005) p 43.

## COMPARISON

### Number and willingness of disputing parties

The number and willingness of the disputing parties is one crucial criterion determining the suitability of the two discussed conflict support services.

Many conflict-related situations are not appropriate for mediation. Often, it is not feasible to engage two or more parties in a resolution process.<sup>6</sup> For example, only one party may be willing to mediate or the other party does not show up for mediation.<sup>7</sup> One of the main differences between conflict coaching and mediation is that in conflict coaching a practitioner works with one individual only, while mediation requires the presence of at least two opposing parties. Tidwell has stated that “between 25 and 50 percent of cases that present for mediation fail to ‘get to the table’ because the other party refuses to participate”.<sup>8</sup> Conflict coaching finds application if it is not possible to engage more than one party in a conflict resolution process. Furthermore, people seeking assistance may not be ready or not even want to engage in a mediation process, instead preferring to deal with the situation themselves. This is another example of a point at which conflict coaching might be useful.

A one-on-one process has advantages and disadvantages. Because one party is missing, coach and coachee can only construct possible reactions and outcomes, bearing the risk of generating unrealistic options.<sup>9</sup> That said, coach and coachee have a lot more freedom to practice various scenarios to benefit the coachee in his or her conflicts and develop long-term, broader conflict management skills.

During mediation all parties have the opportunity to express their needs; hence they can all be considered during the process. Ideally, most needs are dovetailed and reflected in the agreement the parties reach, allowing for workable solutions all parties can live with.<sup>10</sup> On the contrary, strategies defined during conflict coaching may not necessarily suit the person the coachee is in conflict with because that side cannot be directly tested during the process. Clients in conflict coaching can never truly know the other person’s intentions and opinions.<sup>11</sup> Thus, there is no guarantee that the exercises and strategies developed in the conflict coaching room are applicable solutions. Tidwell has argued that conflict coaching is by no means aiming to fully resolve a conflict but instead intends to assist clients in developing strategies to reduce the negative consequences of conflict.<sup>12</sup>

Overall, this suggests that mediation would be the recommended process if at least two parties are willing to engage and have a strong interest in a resolution because it considers the needs of all parties involved. Conflict coaching will be more suitable if only one side is able or willing to engage in the process.

### Complexity of conflict

Individuals may generally demonstrate problematic conflict conduct at the work place. For example, some people are not in dispute with only one party but may have a pattern of problematic communications with various individuals.<sup>13</sup> A broad approach might be required in this situation, helping the individual to address and understand his or her patterns.

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<sup>6</sup> Brinkert R, “Conflict Coaching: Advancing the Conflict Resolution Field by Developing an Individualistic Disputant Process” (2006) 23(4) *Conflict Resolution Quarterly* 517 at 517.

<sup>7</sup> See North B, “Conflict Coaching: When Mediation Isn’t A Possibility” (2009) *Mediate.com*, <http://www.mediate.com/articles/northB1.cfm> viewed 2 April 2011.

<sup>8</sup> Tidwell A, “A Preliminary Evaluation of Problem Solving for One” (2001) 18(3) *Mediation Quarterly* 249 at 249.

<sup>9</sup> See North, n 7.

<sup>10</sup> Brandon M and Robertson L, *Conflict and Dispute Resolution – A Guide for Practice* (Oxford University Press, 2007) p 87.

<sup>11</sup> Segal L, “Teaching People to Fish in the Sea of Conflict: The Benefits of Conflict Coaching” (2011) *Mediate.com*, <http://www.mediate.com/articles/segalL1011010.cfm> viewed 15 April 2011.

<sup>12</sup> Tidwell, n 8 at 254.

<sup>13</sup> Segal, n 11.

## Objectives of client and sponsor

According to Brandon and Robertson, the main purpose of those participating in conflict coaching is to get a better understanding of constructive communication, decision-making, problem-solving, and conflict resolution.<sup>14</sup> Noble underlined that the objectives of those taking part in conflict coaching may focus on improvement of general communication and conflict management skills, rather than strategies on how to resolve a particular dispute.<sup>15</sup> People may choose conflict coaching to understand how to prevent dispute escalation, and learn how to effectively engage and communicate in conflict and difficult conversations.<sup>16</sup> Furthermore, conflict coaching may be used to help parties in preparing for mediation or a rights-based process.<sup>17</sup> Therefore, conflict coaching concentrates on conflict management rather than resolution, and has application with or without any informal or integrated conflict management system. “Conflict management” includes conflict resolution, but goes beyond it because it also involves important initiatives such as prevention and containment.<sup>18</sup>

Originating in executive coaching, conflict coaching is also used as a means of training and professional development.<sup>19</sup> Coping with human conflict forms the foundation of any managerial work and is relevant for building leadership competency.<sup>20</sup> This is supported by Jones and Brinkert who argue that the ability to handle conflict is essential for the organisation’s competitiveness because conflict-related communication skills are central to supervising others, co-ordinating with peers, and influencing upwards in the organisational hierarchy.<sup>21</sup>

Conflict coaching may also be used as a training tool to prepare individuals to coach other people in conflict.<sup>22</sup> For example, in an organisational setting, being an effective coach may be particularly important for staff dealing with workplace disputes, such as managers, supervisors and people working in human resources.

In contrast, facilitative mediation is primarily a structured form of conflict resolution.<sup>23</sup> Mediation within a workplace setting offers a process by which employees can settle their own disputes and reach resolution and agreements for the future, assisted by a third party. Participants are encouraged to discuss and explore the issues they are having whilst explaining and defining their underlying needs and interests.<sup>24</sup> According to Moore, facilitative mediation creates an optimal environment for negotiations, enabling the development of a mutually acceptable agreement. Moore further explains how “mediation is usually initiated when parties can no longer handle the conflict on their own and when the only means of resolution appears to involve impartial third-party assistance”.<sup>25</sup>

For this reason, if the focus is on finding agreement to an already existing conflict, then mediation will be the recommended process. If, however, client and sponsor have a great interest in conflict prevention and want to develop the client’s general conflict management and communication skills, then conflict coaching is the more appropriate course of action.

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<sup>14</sup> Brandon and Robertson, n 10, p 62.

<sup>15</sup> Noble (2006), n 1.

<sup>16</sup> Jones TS and Brinkert R, *Conflict Coaching* (Sage Publications, Inc, 2008) pp 3-4.

<sup>17</sup> Noble (2008), n 1, pp 7-8.

<sup>18</sup> Flynn JF, “Beyond ADR: A Systems Approach to Conflict Management” (2001) 17(3) *Negotiation Journal* 207 at 208.

<sup>19</sup> Brinkert, n 6 at 518, 525.

<sup>20</sup> Flynn JF, “Integrated Conflict Management Programs Emerge as an Organization Development Strategy” (2003) 21(5) *Alternatives* 99 at 113.

<sup>21</sup> Jones and Brinkert, n 16, p 11.

<sup>22</sup> Noble, n 2; Brandon and Robertson, n 10, p 62.

<sup>23</sup> Gadlin H, “The Ombudsman: What’s in a Name?” (2000) 16(1) *Negotiation Journal* 37 at 42.

<sup>24</sup> Alexander N, “The Mediation Metamodel: Understanding Practice” (2008) 26(1) *Conflict Resolution Quarterly* 97 at 111; see also Brandon and Robertson, n 10, p 86.

<sup>25</sup> Moore CW, *The Mediation Process* (3rd ed, Jossey-Bass, 2003) p 15.

## **Additional skills development**

Apart from their main purposes defined above, both mediation and conflict coaching may have additional positive effects on individuals and their work settings. Conflict coaching can help individuals to develop long-term problem-solving techniques for future disputes. The process can empower clients to take responsibility for their lives and equip them with additional skills to understand their own interests and those of others, assisting them to manage their own conflict situations in constructive and conciliatory ways.<sup>26</sup>

Similarly, the process of mediation may have benefits that reach beyond the mediation room. Besides addressing substantive issues, mediation may support the participants to establish and strengthen relationships of trust and respect.<sup>27</sup> The process assists people in raising concerns regarding trust, accuracy of information and fairness of decisions.<sup>28</sup> It provides a platform for the parties to directly and actively practise how to raise these concerns in front of another party. The goodwill it can foster between the parties may also have a positive impact on their relationship with others. Parties may gain a better understanding of interest-based negotiations and gain faith that mutually acceptable solutions to conflicts are achievable.

Conflict coaching focuses on similar conflict management skills but only allows for the theoretical discussion of the reaction of the coachee's counterpart, since the opposition is not present in the process. There are opportunities for practical exercises to enhance the learning process, where the conflict coach can act as a role player, simulating the conflict situation.<sup>29</sup> Unfortunately, due to the counterpart's absence, the coach can only rely on information provided by the coachee when playing the role. Thus the actions are based on assumption and may not be accurate, especially if the coachee provides limited information about the other party.

In mediation, parties depend on each other's reactions. If one or both offer limited perspectives, this might constrain the range of possible options, as well as the overall learning process. On the other hand, experienced conflict coaches may be able to encourage various avenues to a conflict, broadening the client's understanding of conflict and fostering general conflict management skills.

Working with a conflict coach will support people's learning processes and will allow them to practice using tools not only for conflict management and communication but also for self-reflection.<sup>30</sup> Certain techniques used during conflict coaching encourage coachees to "step aside from their familiar story" and be more objective.<sup>31</sup> This is supported by Tidwell who claims that a one-on-one process can assist the client in recognising that there is always another story in a conflict situation to be considered.<sup>32</sup> Conflict coaching may increase the client's perspective-taking which may benefit the coachee not only in future conflict situations but also in other areas of life.<sup>33</sup>

Mediation also has the potential to enhance the parties' objectivity because parties in mediation will gain a greater understanding about the various sides to a story when learning the opponent's narrative. However, while people in mediation may generally understand that there are multiple versions of a story, individuals in conflict coaching might go one step further by actively practising altering their perspectives and building empathy towards others in conflict.<sup>34</sup>

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<sup>26</sup> North, n 7; Brandon and Robertson, n 10, p 62.

<sup>27</sup> Moore, n 25, p 15.

<sup>28</sup> Brandon and Robertson, n 10, p 87.

<sup>29</sup> North, n 7.

<sup>30</sup> Segal, n 11.

<sup>31</sup> Brinkert, n 7 at 522.

<sup>32</sup> Tidwell, n 8 at 255.

<sup>33</sup> Jones and Brinkert, n 16, p 62.

<sup>34</sup> Tidwell, n 8 at 255.

Segal cautions that repetition is important in order to change habitual patterns of thoughts and attitudes.<sup>35</sup> Thus it may take a series of sessions for clients to remember and apply what they have learned in their conflict support service. Mediation is usually a one-time process while conflict coaching is commonly conducted over a number of sessions. It can thus be assumed that conflict coaching will be more effective in changing habits and attitudes of a client than mediation.<sup>36</sup>

### **Role of practitioner and parties**

Mediators focus on facilitating the negotiations between the parties and assisting all parties equally in identifying their interests. They do not act on behalf of one party or take sides, but are usually described as neutral or independent. The issues discussed during the mediation process are defined by all attending parties. During facilitative mediation, substantive goals often need to be negotiated and parties may need to make concessions to reach a mutually acceptable agreement.<sup>37</sup>

Conflict coaching is an individualised process specific to the client. According to Noble, conflict coaches provide a high level of support, assistance and encouragement to help people to manage their conflict.<sup>38</sup> Starr highlights that the coach's attention and commitment to the client's situation is exceptional and is rarely experienced elsewhere because conflict coaches attend solely to the client and the client's agenda.<sup>39</sup> Coachees have the opportunity to define their own personal goals and work towards them.<sup>40</sup> It is up to the client's discretion to which extent he or she wants to integrate the goals of others, although coaches will usually encourage clients to consider the conflict from the point of view of others.<sup>41</sup>

Not all individuals in conflict may be ready to engage alone and actively in a dispute resolution process, and may feel the need to be attended by a support person. Mediation allows for additional support since parties may be accompanied by a legal representative or other form of support person, who sometimes speak on the party's behalf.<sup>42</sup> Conflict coaching is defined as a process involving one coach and one coachee and depends thus on the client's active engagement.<sup>43</sup> Conflict coaching does not require a direct confrontation between the coachee and his or her opponent and may thus constitute a valuable support service for those who do not feel ready to engage in a joint process. The selection of the conflict support service will depend on the needs of the client and the client's expectations of the role and level of attention provided by the practitioner.

### **Time**

According to Brandon and Robertson, a mediation process usually takes between two to five hours.<sup>44</sup> A typical conflict coaching session, as suggested by Noble, lasts from 45 to 75 minutes.<sup>45</sup> Conflict coaching is usually held on an ongoing basis over a specific period of time – either short, medium or long term.<sup>46</sup> Hence, mediation is in most cases a one-time process, while conflict coaching tends to be conducted in a number of sessions.

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<sup>35</sup> Segal, n 11.

<sup>36</sup> Brandon and Robertson, n 10, pp 62-63.

<sup>37</sup> Charlton R and Dewdney M, *The Mediator's Handbook* (2nd ed, Lawbook Co., 2004) pp 45-47, 107-109; see also Brandon and Robertson, n 10, p 87.

<sup>38</sup> Noble (2006), n 1.

<sup>39</sup> Starr J, *The Coaching Manual* (3rd ed, Pearson Education, 2010) pp 4, 8; see also ICF, *Professional Coaching Core Competencies* (1999) p 3.

<sup>40</sup> Starr, n 39, p 159.

<sup>41</sup> Jones and Brinkert, n 16, pp 58-59.

<sup>42</sup> See Charlton and Dewdney, n 37, pp 286-289, 328-329. This is only recommended if both parties are supported by another person in order to not negatively affect power dynamics (p 312).

<sup>43</sup> Jones and Brinkert, n 16, pp 4-5.

<sup>44</sup> Brandon and Robertson, n 10, p 86.

<sup>45</sup> Noble, n 2.

<sup>46</sup> Brandon and Robertson, n 10, p 63.

If sponsor and client feel the need to find some immediate solutions to a conflict, mediation will be more suitable than conflict coaching. If time does not play a dominant role and the focus is on other criteria, then conflict coaching may be the better approach.

### **Formality**

Mediation at the workplace is often informal, but can also be conducted in a more formal way including legal or union representatives. If the facilitative model is used, the process is usually preceded by an agreement to mediate, signed by all relevant parties and establishing the terms of the process.<sup>47</sup> Facilitative mediation may also result in a written agreement signed by each party at the end of the process. According to Charlton and Dewdney, the majority of agreements reached at mediation are legally enforceable.<sup>48</sup> It must be considered though that workplace mediation agreements are not “legally enforceable” in terms of “a court would be prepared to enforce the terms of the agreement”.<sup>49</sup> However, if a mediation agreement is breached it may be used as a point of reference by management for further disciplinary actions.

Conflict coaching is usually preceded by joint signatures of coach and coachee on an agreement outlining the terms of the coaching sessions.<sup>50</sup> The coaching process does not usually result in a written agreement or any other formal document relating to enforcing anything.<sup>51</sup> Coach and coachee will most likely focus on determining an action plan to assist the client with the given dispute – provided that this is the purpose of the conflict coaching relationship. However, the plan is usually not recorded in writing, and not made available externally.

Management sponsors might have a strong interest in obtaining a written outcome of dispute resolutions between staff members which they may then refer to at a later stage if disciplinary actions became necessary.<sup>52</sup> They may also have an interest in evaluating the “success” of a dispute resolution process, which they may find easier after mediation than conflict coaching because mediation typically produces more measurable outcomes than conflict coaching. The clients may also prefer formal, written documentation of the outcome of a dispute resolution process. In this case mediation may constitute a more suitable approach.

Both facilitative mediation and conflict coaching tend to follow a certain model, which may be more or less rigid depending on the style of the practitioner. Usually, facilitative mediation is well structured with a clear sequence of stages including a written agenda listing the issues in dispute. It is generally assumed that parties taking part in a facilitative mediation “appreciate a sense of order and predictability in the session, knowing what will happen next and why”.<sup>53</sup>

Conflict coaching also follows a certain system, which may be more or less rigid depending on the model. For example, the CINERGY model is said to follow a defined order with preset questions to be asked by the conflict coach.<sup>54</sup> The PS1 model as presented by Tidwell consists of three components and is said to provide structure and focus to the session, although it seems to be more flexible within its components than the CINERGY model.<sup>55</sup> At the beginning of the first conflict coaching session, the coach usually briefly informs clients about the nature and purpose of conflict

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<sup>47</sup> Charlton and Dewdney, n 37, pp 338-343.

<sup>48</sup> Charlton and Dewdney, n 37, p 126.

<sup>49</sup> McSwan R, *Workplace Mediation* (2011), personal communication with Herrmann J.

<sup>50</sup> Hardy S, *Conflict Coaching* (2011), personal communication with Herrmann J.

<sup>51</sup> Noble (2008), n 1, p 7.

<sup>52</sup> McSwan, n 49.

<sup>53</sup> Charlton and Dewdney, n 37, p 9; see generally pp 3-10.

<sup>54</sup> Hardy, n 50.

<sup>55</sup> Tidwell, n 8 at 250-256.

coaching.<sup>56</sup> Coaches are unlikely to discuss the different stages of the coaching model with the client in order to maintain the client's self-determination.<sup>57</sup>

Thus, if clients prefer a more structured process during which they will know exactly what is happening and in which order, then facilitative mediation might be a recommended process.<sup>58</sup> It needs to be considered that clients' anxiety towards a clear and structured process might derive from the fact that they are in the same room as their opponent. Since conflict coaching does not directly involve the other party to a conflict, coachees may not feel the same urge for structure and predictability as they do in mediation. If clients want to maintain a higher level of flexibility and self-determination, then conflict coaching appears to be the better approach.<sup>59</sup>

## Confidentiality

The NADRAC Practice Standards require mediators to not voluntarily disclose to anyone who is not a party of the mediation any identifying information obtained during the mediation unless required by law or with consent of the participants.<sup>60</sup> The terms of confidentiality of the mediation and any limitations to it must be clarified prior to mediation and be recorded in writing by all participants. Within the context of workplace mediation it is possible to include a clause in the consent form allowing the mediator to "verbally brief the referring body after the facilitation as to whether the issues involved in the proceeding have been resolved" and to notify "Principal and HR and appropriate senior personnel ... of the outcome ... PROVIDED THAT this is only done on a 'need to know' basis".<sup>61</sup>

The International Coach Federation (ICF) Code of Ethics requires conflict coaches to "maintain the strictest levels of confidentiality with all clients and sponsor information".<sup>62</sup> A conflict coach does not report to management about the participant's progress in any way.<sup>63</sup> Content discussed with the coachee is not revealed to anybody unless required by law or determined otherwise in the coaching agreement or contract. If conflict coaching is undertaken within the workplace setting, it is up to the coachees' discretion to provide information about the coaching sessions to their employer.

If the sponsor wants to be informed about the outcome of a conflict support process, then mediation will be more suitable. If clients prefer to deal with a conflict in the most confidential way possible and do not want anybody to be informed about their development within the process then conflict coaching will be a better option.

## Power imbalances

Participants taking part in a dispute resolution process do not always have an equal capacity to impose their will. Opinions of practitioners differ as to how power imbalances should be dealt with in the mediation room.<sup>64</sup> A mediator may be required to pay more attention to the less powerful party, which may be regarded as favouritism by the other party.<sup>65</sup> A mediator's interventions to rectify an

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<sup>56</sup> ICF, *FAQ ICF Code of Ethics* (2009), "Coaching World", p 8.

<sup>57</sup> Hardy, n 50.

<sup>58</sup> This applies primarily to facilitative mediation. Other mediation models may be less process focused and structured (see Folger JP and Bush RAB, "Transformative Mediation: Theoretical Foundations" in Folger, Bush and Della Noce (eds), *Transformative Mediation: A Sourcebook* (Institute for the Study of Conflict Transformation, 2010) pp 24-25).

<sup>59</sup> Hardy, n 50.

<sup>60</sup> NADRAC, *Australian National Mediator Standards – Practice Standards* (2007) p 9.

<sup>61</sup> McSwan, n 49, *Consent form: Paxis – Dispute Resolution*.

<sup>62</sup> ICF, n 3, p 3.

<sup>63</sup> Brandon and Robertson, n 10, p 63.

<sup>64</sup> Charlton R, "Practical Realities in Dispute Resolution" (2009) 20 ADRJ 10 at 12.

<sup>65</sup> Benjamin R, *The Risks Of Neutrality – Reconsidering The Term And Concept* (2001) Mediate.com, <http://www.mediate.com/articles/benjamin.cfm> viewed 19 November 2010.

imbalance of power may breach the concepts of neutrality and impartiality,<sup>66</sup> which are regarded as important qualities of a mediator.<sup>67</sup> If power imbalances remain unaddressed, however, the mediation may result in unfair outcomes because the more powerful party may dictate the process while the needs of the less powerful party are largely ignored.<sup>68</sup>

It must then be considered that the mediator's evaluation of the parties' power may be subjective and thus incorrect. Astor has argued that the relationships of power between the parties may not be random and may need to be considered during mediation.<sup>69</sup> This is supported by Mayer who cautioned that it is unrealistic to remedy pre-existing inequalities in a few hours.<sup>70</sup> Power imbalances can cause an ethical dilemma for mediators because they may feel urged to balance parties' self-determination and fairness of the process and outcome.<sup>71</sup>

In conflict coaching, the opposing party to a conflict is not present during the session. Thus a coach does not need to immediately deal with power imbalances in the conflict coaching room and does not face the ethical dilemma encountered by mediators. Nevertheless, Mayer cautioned that power is integral to all interpersonal relations, and always has an effect on dispute resolution processes.<sup>72</sup> For this reason, power relationships are likely to play a role within the client's conflict and need to be addressed.

According to Jones and Brinkert, conflict coaching provides a safe environment for people with little power to determine power sources and develop desirable strategies and tactics.<sup>73</sup> They further suggest that "conflict coaching concerning power is arguably most helpful as it fosters clarity regarding communication behaviours".<sup>74</sup> With the absence of the other party, however, it might be difficult for a coach to correctly assess power relations. Clients might be oblivious to how power structures are contributing to the conflict situation. Thus the validity of the strategies and tactics developed during conflict coaching may depend on the accuracy of the description of the power relations by the client.

There is no simple answer as to which process is more suitable if significant power imbalances exist between parties to a conflict. It appears that it is more likely for these power imbalances to become evident or problematic in mediation than in conflict coaching because both parties are present in mediation room. On the other hand, this provides an opportunity to acknowledge the imbalances and deal with them immediately. Power relations contributing to the conflict have a less problematic impact on a coaching session, but may also be less evident because only one party is present. Relevant information can only be provided by the client and may thus be one-sided because they are dependent on the client's judgment.

## CONCLUSION

The above analysis has identified important criteria distinguishing mediation and conflict coaching as independent approaches to conflict resolution. It has become clear that certain elements of a conflict will determine whether mediation or conflict coaching is the more suitable dispute resolution process.

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<sup>66</sup> Astor H and Chinkin CM, *Dispute resolution in Australia* (LexisNexis Butterworths, 2002) p 151.

<sup>67</sup> Riskin LL, "Understanding Mediators' Orientations, Strategies, and Techniques: A Grid for the Perplexed" (1996) 7(24) *Harv Negot L Rev* 47.

<sup>68</sup> Cobb S and Rifkin J, "Practice and Paradox: Deconstructing Neutrality in Mediation" (1991) 16(1) *Law & Social Inquiry* 35 at 45.

<sup>69</sup> Astor H, "Some Contemporary Theories of Power in Mediation: A Primer for the Puzzled Practitioner" (2005) 16 *ADRJ* 30 at 31-32, 35.

<sup>70</sup> Mayer B, *The Dynamics of Conflict Resolution* (Jossey-Bass, 2000) pp 51, 53, cited in Charlton, n 81 at 12-13.

<sup>71</sup> Taylor A, "Concepts of Neutrality in Family Mediation: Contexts, Ethics, Influence and Transformative Process" (1997) 14 *Mediation Quarterly* 215 at 221.

<sup>72</sup> Mayer B, "The Dynamics of Power in Mediation and Negotiation" (1987) 16 *Mediation Quarterly* 75.

<sup>73</sup> Jones and Brinkert, n 16, p 119.

<sup>74</sup> Jones and Brinkert, n 16, p 136.



First, it is advised to check the number and availability of people involved in the conflict. If only one party is willing or available to engage in a resolution process, then conflict coaching is the only possible support process. Conflict coaching would also be advised if one person is in conflict with a number of others, since the person might be exhibiting a pattern of conflict behaviour which can be addressed during conflict coaching.

Client and sponsor should also consider the complexity of the conflict and the objectives they would like to achieve within the conflict resolution process. It is recommended to determine whether the focus is on reaching a mutually acceptable agreement or to enhance the development of broader, long-term conflict management skills of the parties involved. The former supports mediation, while the latter suggests conflict coaching as the more appropriate service. Other criteria such as the time frame for the intervention process, power imbalances, the role of the mediator and preferences in formality and confidentiality may further influence the suitability of either mediation or conflict coaching as strategies for conflict resolution.