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ACROSS CULTURES

Mediation strategies and third party's affiliation across cultures: an
observational approach

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Abstract

We apply a social identity perspective to study third party's strategies, a general and established form of intervention, consisting of a set of tactics or specific, measurable behaviors in the context of a strategic line (Wall, Chan-Serafin & Dunne, 2012), behaviors in the context of the relevant strategic line outside of which would have no meaning or purpose (Lim & Carnevale, 1990; Serrano, 1999).

Using an observational approach this research examines the influence of the social identity and type of labour conflict on mediation strategies. Our theoretical framework suggests how third party's strategies can be used in mediation systems differentiated into ingroup (group to which third party belongs) and outgroup (group to which third party does not belong) in two type of conflicts in the context of employment relations, interest and rights disputes (Devinatz & Budd, 1997).

We demonstrate the role of third parties's strategies in conflict revealing that mediation is more effective when the disputants don't share some aspect of their identities with third parties irrespective of types of conflicts, at the same time, we observed that mediation is more effective in interest based conflicts than right based conflicts irrespective of third parties's affiliation. We found that third parties from ingroup use less contextual and reflexive and more substantive strategies compared with third parties from outgroup in both, interest based conflict and rights based conflict. Implications for conflict management are discussed.

Introduction

The third parties characteristics such as mediation skills or strategies and styles are the most investigated mediation elements that have an influence of the process effectiveness (Jameson, Bodtker, & Linker, 2010; Mareschal, 2005; McDermott, 2012; Martínez, Munduate, Medina & Euwema, 2008). It seem clear from the evidence that the strategies used by third parties during the mediation influence the final outcomes of the conflict management process. In line with this notion, there is evidence that the strategy employed by the third party is one element that can guarantee the effectiveness of the mediation and can predict positive results. (Rodríguez-Piñero, Del Rey & Munduate, 1993; Martínez, Munduate & Medina, 2007). However, the effectiveness of the third parties's strategies may vary according to the dispute situation (Carnevale & Pruitt, 1992; Esser & Marriott, 1995; Carnevale & Choi, 2000).

Although much research on mediation strategies has focused on contingency approach that suggests that the impact of mediation strategies could be contingent to the characteristics of the disputes (Carnevale & Choi, 2000), far less research has examined how mediation strategies can used by third party in different kind of mediation system with mediator belonging to ingroup or outgroup what we refer to as third party's affiliation. It is important to note that the last researches, to our knowledge, third parties strategies across different kind of systems have not been systematically explored, let alone using different methodologies. With respect to different uses of mediation strategies in different kind of mediation system it appears important to investigate the impact of social categorization during mediation process and also in different types of conflicts using different research methods used in other similar research.

While decades of mediation research has focus on mediator behaviors with self-reported measures (Bollen & Euwema, 2013), the social context of negotiations and mediations, has failed to attract extensive interest (Thompson & Fox, 2001), let alone from an observational approaches because the disputants often perceive that observation to be intrusive and threatening (Bollen & Euwema, 2013).

In this article, we present an overview of mediation strategies used for third parties in Chile and Andalusia, Spain. We test the assumption that the effectiveness of mediation strategies could vary in interest based and rights based conflicts through third party's affiliation. The present study aims to demonstrate that, in addition to intergroup disputants, social categorization may also influence the behavior of third parties by

means of affecting the use of third party strategies.

In line with the findings on ingroup favoritism theory, it is predicted that in the applied context of mediations, third parties who share an ingroup identity with one disputant have a propensity to make proposals and to press ingroup member to reach an agreement.

We begin by outlining the basic elements of the theoretical approach and then present two observational studies, one in Chile and another one in Spain.

We conclude by presenting a set of practical guidelines and future directions for the study of conflict resolution interventions in those two types of mediation systems. Our thesis is that use of some mediation strategies can create environments or setting characterized by cooperativeness, trust, and, in doing so, can help to achieve an agreement between parties in labour conflicts in different cultural contexts.

Having mentioned what aims of our study, we will now move on to discuss third party's affiliation and their role in two types of mediation systems.

Defining Third Party's Affiliation and Mediation Systems

The following is a brief report on a third party's affiliation and mediation systems in Chile and Andalusia.

Sometimes people in conflict find it difficult to negotiate one-on-one, especially if issues are complex, emotions are intense, or stakes are high. In such cases, mediation becomes an option for managing conflicts constructively. Mediation is assistance to two or more interacting parties in conflict by a third party who has no power to prescribe outcomes or agreements (Kressel & Pruitt 1989; Wall, Stark, & Standifer, 2001; Wall, & Dunne, 2012).

Previous research on negotiation and mediation has focused on an interpersonal context, the social categorization and identity theory in negotiations has not yet systematically studied social identities of third parties in a conflict resolution (Bazerman, Curhan, Moore, & Valley, 2000; De Dreu & Carnevale, 2003).

Regarding identity theory, Tajfel and Turner (1979) proposed that the groups which people belonged to were an important source of pride and self-esteem, in this sense, the groups give us a sense of social identity, namely, a sense of belonging to the social world.

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We will derive our hypotheses based on social identity theory which suggests that cognitive and motivational processes depend on social categorization (Tajfel & Turner, 1986), the tendency to favor one's own social groups emerges as a core motivation that drives human beings (Brewer, 1999), It is well known that people tend to primarily help and devote resources to ingroup members rather than to members of the outgroup (Tajfel, Billig, Bundy & Flament, 1971). As a result, ingroup persons those with whom one shares social identity are more trusted, respected, and influential than outgroup members those with whom one does not share identity (Haslam, 2001).

We apply this model to the case of mediation in Chile and Andalusia, illustrating how third parties can foment a shift in the salience of common aspects of the disputants' identities, what we think can lead to a different use of mediation strategies. The social identity approach provides a theoretical framework for the analysis of mediation systems in the sense that divided into ingroups (groups to which one belongs) and outgroups (groups to which one does not belong), because are the only differences in the structure of mediation systems that we found.

In Spain (Andalusia) and Chile, mediation for individual labor disputes is applied in contrasting manners. On the one hand, in Andalusia, mediation is hardly developed for individual labor disputes. SERCLA, is one of the few attempts to use mediation for collective labor disputes in Andalusia. The genuine nature of this institution and the way mediation is established in SERCLA makes it interesting to study this system or institution. At SERCLA, mediation is conducted by a team of four mediators, two elected by the trade unions and the others two by the employer's organization (Martinez, 2009). Chile established a deeply-rooted service of conciliation/mediation for individual labor disputes provided by specialized public servants that depend from the labor administration. Therefore the two systems differ in terms of the group affiliation of the third parties, while in Andalusian, the mediators are representative of members of the conflicting organizations that act as third parties, in Chile they are external and depend from the government. In sum, precisely in this two mediation institutions we found differences, in Spain, mediators are representatives of the parties (ingroup's affiliation), while in Chile mediators are completely external (outgroup's affiliation).

From the previous ideas, it can be seen that when the parties in conflicts possess a shared identity aspect, mediation can enhance its salience, particularly when the third parties share the same identity. Mediation should be more effective when the disputants

share some aspect of their identities with third parties irrespective of types of conflicts implied in the mediation process, as mediators may strategically employ identity appeals to enhance this common identity, producing better results, in this sense, third parties who also share this identity aspect will be the most effective, and thus at resolving the conflict, therefore, as a first hypothesis we predict:

Hypothesis 1: Mediation will be more effective when the disputants share some aspect of their identities with third parties irrespective of types of conflicts implied in the mediation process.

Labour negotiations are not a simple matter. Especially when the issues under contention are important to both sides and the type of conflict is about right or law (Medina, Vilches, Otero & Munduate, 2014), there are many obstacles to successful deal, and even many agreements that are reached are essentially stopgap remedial that leave the underlying problem unresolved. As mentioned later, interest based conflicts are simpler to manage than right based conflicts, the Andalusian and Chilean mediation institutions manage this two types of conflicts that will define below.

Defining type of conflict

To manage conflict constructively, those involved must recognize it exists. Conflict exists among individuals when incompatible activities occur (Deutsch, 1973).

There are different kinds of classifications of conflicts, the type of conflict that has been traditionally accepted is the proposal by Jehn (1994, 1995) who distinguished between two types of conflict, task and relationship conflict, but in the context of employment relations there are principally two classes of conflicts between employers and employees, interest and rights disputes (Devinatz & Budd, 1997).

Interest based conflicts refer to those conflicts that pertain to the establishment of the terms and conditions of employment, this type of conflict concern differences on tangible aspects of the contractual relationship, the assignment of tasks or social benefits of work (Martínez, Munduate, Medina & Euwema, 2008; Devinatz & Budd, 1997). Right based conflicts tend to be more legalistic and adversarial (Bain, 1997) and emerge in the application and interpretation of a previously-established norm or law, is about discrepancies entitlements incurred or legal considerations (Rahim, 1992;

Fernández-Ríos, 1996). In sum, the interest based conflicts are related to those concerning the establishment of terms and conditions of employment while rights based conflict or legal disputes are concerning the application and interpretation of a rule previously set out in law or the rights (Martínez et. al, 2008).

Regarding to mediation effectiveness, the type of issue in dispute and type of conflicts are the some element that literature has demonstrated that have relevance in the final outcomes (Carnevale & Pruitt, 1992; Wall & Lynn, 1993; Wall, Stark & Standifer, 2001), in this sense, issues which deal with indivisible elements or principles are generally considered more difficult to mediate (Wall & Lynn, 1993). Ocurr the same in rights based conflicts because the discussion deals with ideas of right and wrong, which means that both parties in conflict have assumed indivisible and non-negotiable positions, in this sense, when the parties are locked into rigid positions for what they think to be right and wrong there is little to negotiate (Messing, 1993), because the type of discussion about fairness and unfairness, rights and legal considerations makes resolution of the conflict more difficult since it tends to escalate the conflict (Lytle, Brett & Shapiro, 1999), and are often associated with a zero-sum outcome, one in which there is a winner and a loser (Lytle et al., 1999).

From the previous ideas, it can be seen that when third parties manage interest based conflicts, the mediation should be more effective.

As we proposed in the section before, when the disputants share some aspect of their identities with third parties the mediation should be more effective, in addition to supposition, in this section we postulate that:

***Hypothesis 2:** Mediation will be more effective in interest based conflicts than right based conflicts irrespective of third parties's affiliation.*

Defining Mediation Strategies

Third parties can facilitate conflict resolution using different kind of strategies. Third party strategy has been defined as an established form of intervention, consisting of a set of tactics or specific, measurable behaviors in the context of a strategic line (Wall, Chan-Serafin & Dunne, 2012).

The uses of these strategies can be influenced by different factors, such as mediation systems, third party's affiliation or types of conflicts, and others, but establishing relations between these factors and third parties strategies is not an easy task. There are sparse studies that provide information about which strategy produces what effects in mediation outcomes (Wall, Stark & Standifer, 2001), some third parties strategies appear to be effective a variety of conflicts while other strategies may be effective in another context (Carnevale & Pruitt, 1992; Esser & Marriott, 1995) or also can be not only ineffective but even detrimental (Posthuma, Dworkin & Swift, 2002), in this sense, a contingency approach suggest that the impact of third parties strategies could be contingent to the characteristics of the disputes (Carnevale & Choi, 2000) varying according to the dispute situation (Esser & Marriott, 1995), in our case, the characteristics of mediation systems in Andalusia and Chile.

One of the most popular classifications of mediation strategies in which we base our article is the theory of Kressel and Pruitt (1985), which is significantly supported in an empirical study by Lim and Carnevale (1990). In this classification, authors discern three types of strategies that third parties can use, contextual, substantive and reflexive strategies.

Contextual Strategies are interventions whose purpose is to facilitate the process of conflict resolution by modifying the circumstances in which the mediation occurs. The role of the mediator is minimal in the sense that the mediator does not seek to directly address the issues of the conflict, but facilitates the process to make the parties themselves reach their own solution. For example, interventions that seek to control the agenda or assist the parties to prioritize issues in dispute is effective regardless of the nature of the dispute (Lim & Carnevale, 1990), or check that the process is effective in all circumstances (Prein, 1984), where the parties think they can resolve the conflict by themselves, active interventions are counterproductive mediator (Zubek, Pruitt, Peirce, McGillicuddy & Syna, 1992). In this sense, third parties who don't share an ingroup identity with one disputant use less directive behavior and therefore use more contextual strategies because are less involved with the parties.

Hypothesis 3: *Third parties will use less contextual strategies when the parties share some aspect of their identities with him compared with third parties who doesn't share aspects of their identity with parties in both, rights based conflict and interest based conflict.*

Substantive strategies, regarding the content of the mediation, refer to those interventions that directly cover the topics in conflict in the quest to move the negotiations toward an agreement. For example, trying to change the positions of any of the parties, make a suggestion of agreement. Related to these strategies, several authors have raised issues such as the active strategies are ineffective in low intensity conflicts (Donohue, 1989), the pressure is effective in high conflict and ineffective in low conflict (Lim & Carnevale, 1990).

We believe that the Andalusian third parties have a more directive behavior than the Chilean third parties because mediators who share an ingroup identity with one disputant have a propensity to make proposals and to press ingroup member to reach an agreement, therefore, they use more substantive strategies for facilitate the agreement between the parties.

Hypothesis 4: *Third parties will use more substantive strategies when the parties share some aspect of their identities with him compared with third parties who doesn't share aspects of their identity with parties in both, rights based conflict and interest based conflict.*

Reflective strategies look for to establish trust between the parties, the mediation and the mediator. Some examples of this type of intervention are: develop trust with the parties and use humor to relax the atmosphere, among others. Regarding these strategies are known conflicts of high intensity parties are more likely to suffer reactive devaluation (Ross & Ward, 1995), where the parties are convinced of the legitimacy of their position, they think that the third party will inevitably dictate to their favor, so that mediation does not find it an attractive alternative (Schuller & Hastings, 1996), or that in a context of high hostility, strategies troubleshooting between the parties can be dysfunctional (Zubek et al., 1992).

We think that outgroup's affiliation generate less trust because is less involved with the parties, in this sense, third parties who don't share an ingroup identity with one disputant will use more reflexive strategies than third parties who share an ingroup identity with one party because they want and need to establish rapport and build trust with the disputing parties.

***Hypothesis 5:** Third parties will use less reflexive strategies when the parties share some aspect of their identities with him compared with third parties who doesn't share aspects of their identity with parties in both, rights based conflict and interest based conflict.*

Having defined what is meant by mediation strategies, we will now move on to method and results of our study. In the next section, we will present some of the findings of our observational research on the impact of third party's affiliation and types of conflicts on mediation strategies. Two studies have been conducted to investigate these predictions. Study 1 investigated the third parties strategies during mediation where third parties were affiliated to disputants. Supplementing Study 1, contrary to our predictions, Study 2 tested the assumption that non-affiliated third parties conducts to uses of mediation strategies leading to high effectiveness, irrespective of types of conflicts implied in the mediation process.

Method

Study 1

Participants

In order to collect data for this study, we randomly selected 25 real mediation cases from the Extrajudicial System for Labor Conflict Resolution in Andalusia (SERCLA) that were observed of which 60% cases were mediations in rights based conflicts and 40% cases were mediations in interest based conflict. The average length of the mediations was 2 hours and 30 minutes which is very similar to the average of SERCLA annual reports. A settlement was reached in 80% of mediation cases in interest based conflicts and in 26,66% in right based conflicts.

Procedure and measures

An observational category system to structure and guide the observations was designed by an expert team from University of Seville (See Appendix X).

We carried out direct observations of the real mediation cases where two

observers (trained by researchers in SERCLA procedures and in the use of the category system) have sat apart in the room where mediation was taking place and have coded the presence or absence of a number of behaviours indicators of the mediation strategies. We analyzed the mediation strategies based on the taxonomy proposed by Kressel and Pruitt (1985), distinguishing between contextual, reflexive and substantive strategies.

To analyze contextual interventions we focused on indicators of behaviours oriented to manage the mediation process, establishing the agenda, prioritizing issues, etc. Examples of these indicators are: "*Third parties arrange the agenda and set priorities to discuss the issues*", "*Third parties summarize what each party is exposing*". For reflexive strategies we focused on indicators intended to gain the acceptance of the disputants and establish trust, introducing the system and the mediators, describing mediators' functions and parties' responsibilities, generating a positive atmosphere to encourage the parties to use the mediation, using humour, etc. Examples of these indicators are: "*Third parties clarify their role as facilitating of communication and guiding the process*", "*Third parties use breaks or humour to lighten the atmosphere*". Finally, indicators of substantive strategies focused more on approaching directly the issues in dispute, presenting and analyzing proposals for settlement, pressing parties, etc. Examples of these indicators are: "*Third parties press the parties*", "*Third parties suggest tradeoffs among the issues in the current proposal*".

Results

Inter-rater reliability was satisfactory ($K > .90$), and discrepancies were solved by discussion. As shown in table 1, a t-test was developed to analyze differences in strategies in effective and ineffective mediations. Results indicate that there are significant relations in the use of strategies in effective and ineffective mediations. Reflexive strategies are more used (marginally) in cases where settlement was not achieved ($M = 3,55$) as compared to cases where a settlement is achieved (3,12) [$t(23) = -.640$; $p < .10$]. Data also show that contextual strategies are more frequently used (marginally) in cases where a settlement is achieved ($M = 3,51$ and $M = 3,40$ in ineffective mediations) [$t(23) = -.257$; $p < .10$].

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In the same way, substantive strategies are more employed in cases where a settlement is achieved ($M= 6,81$) than in cases without agreement ($M= 5,48$) [$t(23)= 2.04$; $p < .05$].

Table 1. T-test of mediation strategies in effective and ineffective mediation in Andalusia.

	Settlement		No Settlement		Correlations	
	Mean	SD	Mean	SD	1	2
1. Reflexive	3.55*	1.85	3.12*	1.56		
2. Contextual	3.51*	1.09	3.40*	1.05	.128	
3. Substantive	6.81**	1.49	5.48**	1.72	.223	.012

Note: * $P < .10$ ** $P < .05$ *** $P < .01$

Table 2 provides the means and standard deviations of studied variables among type of conflict. No significant differences were found in the variables.

Table 2. Means and standard deviations of studied variables by type of conflict.

	Interest-based		Rights-based	
	Agreement	No agreement	Agreement	No agreement
1. Reflexive	2.53 (.140)	3.06 (.276)	4.28 (.229)	3.64 (.144)
2. Contextual	3.67 (.123)	2.74 (.062)	3.19 (.795)	3.52 (.108)
3. Substantive	6.63 (.154)	6.86 (.111)	7.18 (.153)	5.23 (.173)

Note ^{a, b}: Means that do not share the same superscript differ at $p < .01$. $N=25$, ** $p < .01$. Standard deviations shown in parentheses.

Study 2

Participants

The participants in this study were professional labour third parties from the National Direction of Labour (DT) conducting real mediation cases in Chile. Mediations cases were randomly selected of the whole mediations conducted in the system during the two months period where observations were carried out. 19 mediation cases were observed of which 52.63% cases were mediations in rights based conflicts and 47.36% cases were mediations in interest based conflict. The average length of the mediations was 2 hours and 15 minutes. A settlement was reached in 88,88% of

mediation cases in interest based conflicts and in 80% in right based conflicts.

Procedure and measures

It carried out direct and systematic observations of the mediation cases with the same category system and procedure of study 1 and applied to National Direction of Labour (DT) in Chile.

Results

Inter-rater reliability was satisfactory ($K > .90$), and discrepancies were solved by discussion. As shown in table 2, a t-test was developed to analyze differences in strategies in effective and ineffective mediations. Results indicate that there are significant relations in the use of strategies in effective and ineffective mediations.

Reflexive strategies are more used in cases where settlement was not achieved ($M = 8,92$) as compared to cases where a settlement is achieved ($7,00$) [$t(17) = 2.53$; $p < .05$]. Data also show that contextual strategies are more frequently used (marginally) in cases where a settlement is achieved ($M = 8,73$ and $M = 6,29$ in ineffective mediations) [$t(17) = 2.97$; $p < .05$]. In the same way, substantive strategies are less employed in cases where a settlement is achieved ($M = 1,92$) than in cases without agreement ($M = 2,48$) [$t(17) = -.287$; $p < .10$].

Table 3. T-test of mediation strategies in effective and ineffective mediation in Chile.

	Settlement		No Settlement		Correlations	
	Mean	SD	Mean	SD	1	2
1. Reflexive	8.92**	0.59	7.00**	3.10		
2. Contextual	8.73**	0.77	6.29**	3.14	.967***	
3. Substantive	1.92*	.315	2.48*	.297	-.312	-.174

Note: * $P < .10$ ** $P < .05$ *** $P < .01$

Table 4 provides the means and standard deviations of studied variables among type of conflict. No significant differences were found in the variables.

Table 4. Means and standard deviations of studied variables by type of conflict.

	Interest-based		Rights-based	
	Agreement	No agreement	Agreement	No agreement
1. Reflexive	9.10 (.055)	8.80 (.001)	8.75 (.062)	6.10 (.380)
2. Contextual	9.00 (.062)	8.52 (.001)	8.45 (.085)	5.17 (.350)
3. Substantive	3.07 (.427)	0.76 (.001)	0.76 (.001)	3.34 (.364)

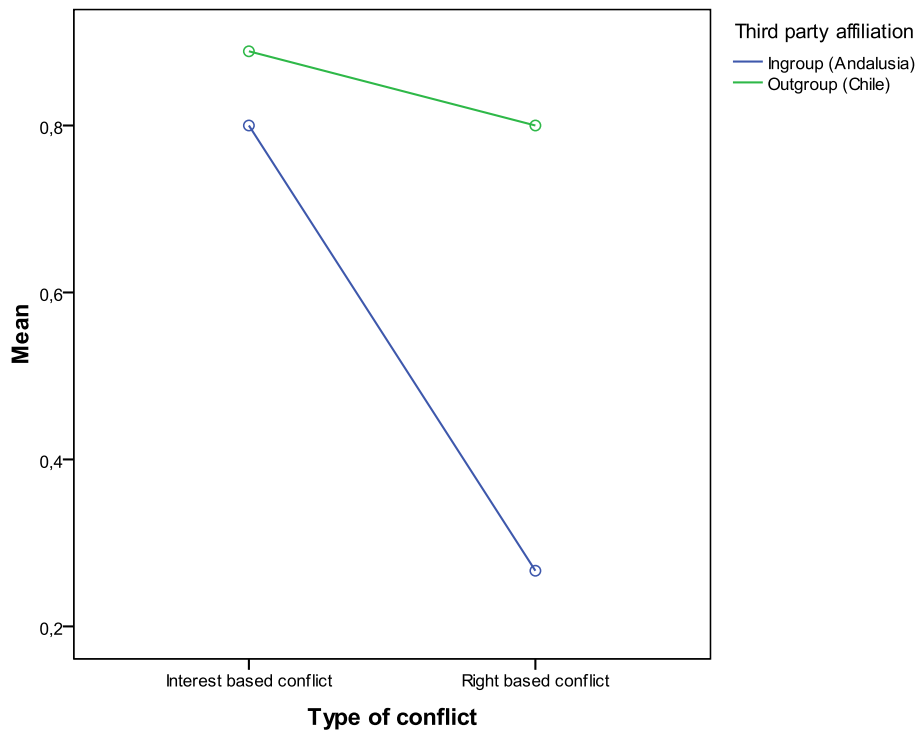
Note ^{a, b}: Means that do not share the same superscript differ at $p < .01$. $N=25$, $**p < .01$. Standard deviations shown in parentheses.

Relating comparative results of study 1 and 2

In the above tables we have seen the summary statistics for the use of strategies of mediation in Chile and Andalusia in interest and rights based conflicts. The differences in effectiveness and use of strategies of mediation between Chilean mediators and Andalusian mediators are highlighted. Chilean presents more effectiveness and more use of contextual strategy, as we have seen in the article “Mediation across cultures: Contextual strategy and influence third parties’ effectiveness” in this dissertation.

The following ANOVA (one way) show that above results are statistically significant. We predicted that ingroup’s affiliation and type of conflict will lead third parties to have better outcomes or more level of effectiveness. Analysis of variance showed that type of conflict and third party’s affiliation influence effectiveness $F(1, 44) = 2.978$ $p = 0.92$. Third party from outgroup in interest based conflict have the more level of outcomes ($M = 0.89$, $SD = 0.33$), compared to third party from ingroup in interest based conflict ($M = 0.80$, $SD = 0.42$). Third party from outgroup in right based conflict ($M = 0.80$, $SD = 0.42$) have the more level of effectiveness compared to third party from ingroup in right based conflict ($M = .27$, $SD = 0.45$). The figure 1 shows the effects of third party’s affiliation and type of conflict on effectiveness.

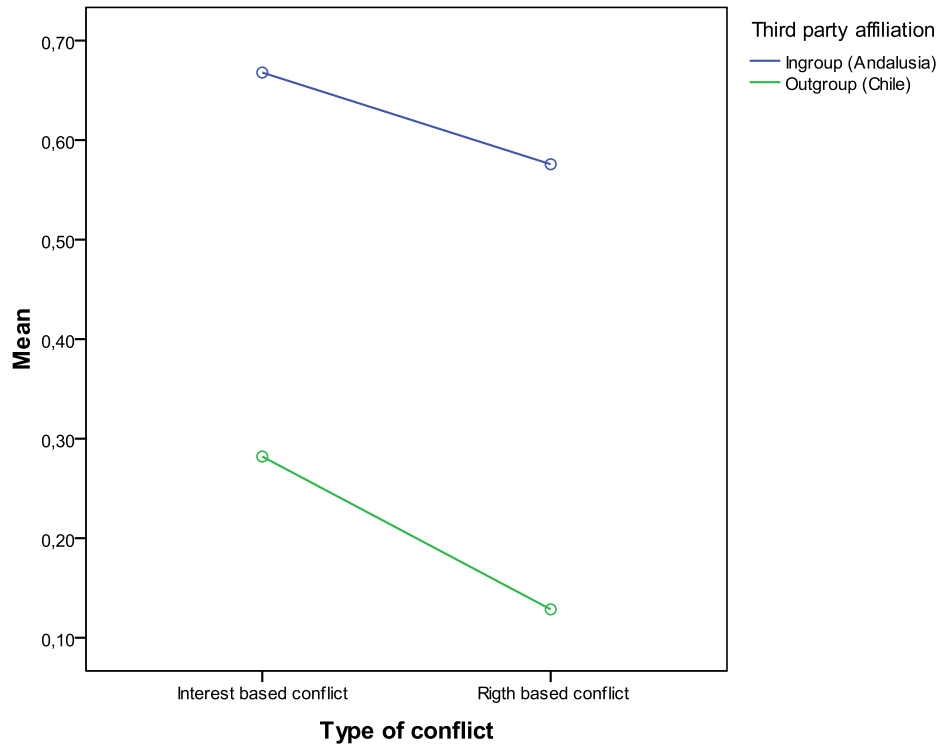
Figure 1. Effects of third party's affiliation and type of conflict on effectiveness



Effects of third party's affiliation and type of conflict on substantive strategy

We predicted that ingroup's affiliation and type of conflict will lead third parties to use substantive strategy. Analysis of variance showed that type of conflict and third party's affiliation influence substantive strategy $F(1, 44) = 1.179, p = 0.67$. Third party from ingroup in interest based conflict ($M = 6.67, SD = 1.41$) use more substantive strategy compared to third party from outgroup in interest based conflict ($M = 2.82, SD = 4.07$). Third party from ingroup in right based conflict use more substantive strategy ($M = 5.75, SD = 1.85$), compared to third party from outgroup in right based conflict ($M = 1.28, SD = 1.63$). The figure 2 shows the effects of third party's affiliation and type of conflict on substantive strategy.

Figure 2. Effects of third party's affiliation and type of conflict on substantive strategy



To evaluate the use of third parties strategies, we compared participants who participated in both study 1 and study 2. The hypotheses 3, 4 and 5 were tested using independent samples t-test, we found significant differences between ingroup and outgroup in the use of mediation strategies in the sense that all hypotheses were supported.

Data also show that contextual strategies are more frequently used third party from outgroup ($M= 8,34$ and $M=3,45$ from ingroup) [$t(42)=-12.40$; $p<.05$]. In the same way, reflexive strategies are more employed third party from outgroup ($M= 8,62$) than third party from ingroup ($M= 3,35$) [$t(42)= -11.10$; $p<.05$], contrary to what was found in the use of substantive strategies where third party from ingroup makes greater use of them ($M= 6,12$) in comparison with third party from outgroup ($M= 2,01$) [$t(42)= 5.66$; $p<.05$].

Conclusion

The present paper contributes to research on intergroup mediations, as well as to research on ingroup favoritism, by investigating whether social categorization could affect the use of mediation strategies in two types of mediation systems and two type of conflict, in other words, we test the assumption that the effectiveness of mediation strategies could vary in interest based and rights based conflicts in two types of mediation systems.

One of the distinguished aspects of this study is the empirical nature, based on data supplied by professional third parties from Andalusia and Chile in the two type of conflict that they work. We used the observational approach in this study complementing the methodology used in our dissertation and considering the relevance of convergence of evidence and triangulation that indicate that findings supported by different methods offer a greater assurance that the conclusions are not due to an error or artifact of the procedures (Carnevale & De Dreu, 2005).

Both studies disconfirmed hypothesis 1 supporting that mediation is more effective when the disputants share some aspect of their identities with third parties irrespective of types of conflicts implied in the mediation process.

The ANOVA (one way) confirmed hypothesis 2 regarding mediation is more effective in interest based conflicts than right based conflicts irrespective of third parties's affiliation. The hypotheses 3, 4 and 5 were tested using independent samples t-test and were supported.

Hypothesis 3, predicted that third parties from ingroup use less contextual strategies compared with third parties from ingroup in both, rights based conflict and interest based conflict.

As for contextual strategies, which consist of managing the process to help disputants find a solution, they are intrinsically linked when the role of the third parties is minimal, this is consistent with our prediction in the sense that third parties who don't share an ingroup identity with one disputant use less directive behavior and therefore use more contextual strategies because is less involved with the parties.

Hypothesis 4, predicted that third parties from ingroup use more substantive strategies compared with third parties from ingroup in both, rights based conflict and interest based conflict.

Regarding substantive strategies that deal directly with the issues in dispute, data showed that the Andalusian third parties have a more directive behavior than the Chilean third parties, we believe because third parties who share an ingroup identity with one disputant have a propensity to make proposals and to press ingroup member to reach an agreement using more substantive strategies for facilitate the agreement between the parties because people tend to primarily help and devote resources to ingroup members rather than to members of the outgroup (Tajfel, Billig, Bundy & Flament, 1971).

Hypothesis 5, predicted that third parties from ingroup use less reflexive strategies compared with third parties from ingroup in both, rights based conflict and interest based conflict.

From literature we know that third parties consider important to build rapport and gain the trust and acceptance of the disputants (Goldberg, 2005); however, this is not always an easy task (Kressel & Pruitt, 1989) and as data has shown third parties who don't share an ingroup identity with one disputant will use more reflexive strategies than third parties who share an ingroup identity with one party because they want and need to establish rapport and build trust with the disputing parties.

This findings could be consistent with the theory in the sense that ingroup persons those with whom one shares social identity are more trusted, respected, and influential than outgroup members those with whom one does not share identity (Haslam, 2001). We think that outgroup's affiliation generate less trust because is less involved with the parties, therefore, they need use more reflexive strategies.

Practical implications and future studies

As a practical implication this research provides some guidelines about the third parties strategies that are more effective in two types of conflicts and two type of mediation systems; with this respect, we would suggest third parties to focus more on managing the process by contextual and to impress parties in conflicts and gain their acceptance towards the mediation process with reflexive strategies, and devote less efforts dealing with the issues by substantive strategies.

Some mediation strategies seem to create environments or setting characterized by cooperativeness, trust, and, in doing so, could helps to achieve an agreement between

parties in labour conflicts in different cultural contexts, in this sense, we would like to conclude with some areas for future research.

In the first study we analyzed the third parties strategies and their effectiveness during mediation where third parties were affiliated to parties in conflict with observations of real mediation cases. In the second study we have complemented the data with non-affiliated third parties. An exploration of the perceptions of the parties with regard to the behaviour of the third parties and their effectiveness would also be very useful and interesting.

The limitations of our research simultaneously suggest interesting directions for future inquiry. Although that we have make the distinction between mediation systems based on external (mediators) versus internal third parties (representatives) and we used the social identity theory in dispute resolution (ingroup versus outgroup third party's affiliation) as an explanation for cultural variations in two specific cultures (Spain and Chile) in third party's strategies, we don't have any measures about culture. An exploration of the influence of cultural and national traditions of industrial relations systems in the design of Alternative Dispute Resolution (mediation systems) would also be very interesting.

Finally, we have defined external and internal third parties in both mediation systems in the sense that external third parties refer to mediators internal third parties refer to representatives. An examination about strategies of managers who act as a mediator that can also be seen as internal third parties and the difference between internal third parties (managers) and the role of representatives of the parties (ingroup's affiliation) would be also convenient and interesting.

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