Culture and Workplace Mediation

Cultura y mediación en el lugar de trabajo

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Abstract

The analysis of conflict and mediation in the field of organizations is an area of great theoretical and applied interest. In organizations with a high demographic diversity, it is necessary to analyse these processes using a cultural aproach. In this article, we will study how culture influences the choice of the dispute resolution system, what dispute resolution strategy is used by the parties, and how the level of trust is perceived by the parties. Culture also affects what is important for the parties that have a dispute and the behaviors that are appropriate.

Keywords: Conflict; Workplace Mediation; Culture and Trust.

Resumen

El análisis de los conflictos y de la mediación en el ámbito de las organizaciones es un area de gran interés teórico y aplicado. En las organizaciones actuales, con una elevada diversidad demográfica, es necesario estudiar estos procesos utilizando claves culturales. En este artículo estudiaremos cómo la cultura influye en la elección del sistema de resolución de disputas, qué estrategia de resolución de disputas utilizan las partes , y cómo es el nivel de confianza percibida por las mismas. La cultura además afecta a lo que es importante para las partes que tienen una disputa y los comportamientos que son apropiados.

Palabras clave: Conflicto; mediación en el trabajo; cultura y confianza.

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Hassan Belarbi and Luisa Martin are two co-workers in a unit of International Projects of a consultancy business. Luisa is from the US, while Hassan is Moroccan. Earlier this year, the Director General invited them to apply for a leadership position through a professional evaluation. Luisa got the job. Luisa now oversees ten colleagues, including Hassan. After six months, Luisa requires Hassan to keep a daily record of their calls and activities. This does not require other people for the task. Hassan recently spoke with Luisa. She suggested that his annual review report to be presented about him would not be positive. A negative report would have negative consequences for his professional promotion. In this situation, managers will use mediation to deal with this conflict. Clearly, culture will influence on how these people manage the conflict and the mediation process itself. We will argue how cultural aspects are present in all the elements of a dispute resolution process: the type of conflict, how parties manage the dispute, how they choose a mediation system, and the effectiveness of strategies used by the mediator.

Mediation is an effective method for conflict resolution in at least 70 countries around the world. According to the International Chamber of Commerce (http://www.iccwbo.org/Products-and-Services/Arbitration-and-ADR/Mediation/Introduction/Mediation-and-ADR-statistics/) the settlement rate ranges between 74 and 80% internationally. Culture has been defined as a series of human events that are part of the environment (Herkovits, 1955), as a model for ways of thinking, feeling and behaving (Kluckhohn, 1954), including subjective and objective elements (Triandis, 1972); as a set of reinforcements (Skinner, 1981); as "the collective programming of the mind which distinguishes the members of one group from another" (Hofstede, 1980: 25). In the context of negotiation and conflict resolution the widespread definition of culture is the distinct character of a social group (Lytle, Brett, Barsness, Tinsley & Janssens, 1995).

Imagine that one person makes an unexpected concession, and we would like to know reasons for that concession. This person could yield because of his negotiation style, probably gives more importance to the organizational interest rather than their personal interests. This behavior may also have an organizational explanation: confrontation it is not well accepted within the organization, for this reason, this person preferred to yield. Understanding the behavior using the existing conflict theory is complex for several reasons. The first reason is that the dominant paradigm in the research comes from an individual or team analysis perspective. For example, the widely accepted typology of team conflict by Jehn (1995): task, process and relationship conflict (eg, De Dreu & Weingart, 2003; Jehn, 1995, 1997), nicely captures the dynamics of conflict in small groups, but is insufficient for conflicts on a macro level analysis (organizations, national-level, etc.). According to Gelfand and Harrington (2014) more research is needed that provides explanatory theories and a model on how conflicts operate at the macro level; in this sense, conflict theory, with some exceptions like Ury, Brett y Goldberg (1988), is divorced from the organizational context (Gelfand & Harrington, 2014). To understand the mediation process it is necessary to integrate the society's culture and the organizational context in the analysis (Wall & Dunne, 2012).

The second is that cross-cultural research has mostly focused on the national level, equating a cultural group with a nation-state and examining cross-cultural differences in national values (Hofstede, 1980; House *et al.*, 1999; Schwartz, 1992). Values have a significant impact on organisational practices and behaviors (Trompenaars, 1994), on personal characteristics related to effective leadership (Leung *et al.*, 2002), and in implicit theories

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of social behavior (Morris & Peng, 1994). However, although individuals have distinctive cultural values and idiosyncratic preferences, strong organizational context provide situations (e.g. O'Reilly & Chatman, 1996), which may have more influence on the behavior than culture. The Lewin PxS model (1951) or Mischel's research (1973) about the situational strength is pertinent to this framework in the sense that individual differences are less likely to directly affect behavior when the situation is structured, so that subjects have a clear expectation about what behavior is appropriate in that situation, so that people behave following a script without any cultural or personal differences.

To sum up, in order to understand how culture influences dispute resolution it is necessary to distinguish culture as a dimensional phenomena (Schein, 1985). The most external level (level 1) is the *visible and audible* behavioral patterns, and the constructed physical and social environment (institutions, for example). The deepest and invisible level (level 3) is that of *basic assumptions* about human nature and relationship to the environment. To understand the influence of culture on conflict management we need to jump between those levels. The behavior of a mediator in a particular organizational context depends not only on their cultural values (level 2), but also on the existing systems for resolving conflicts in the organization (level 1), the political tradition about how to manage the conflicts (level 1), or basic assumptions from their own culture (level 3).

1. Rethinking conflict types in organizational settings

The first step to address workplace mediation is to understand what types of conflict occurs between parties. Distinguishing between the types of conflict is relevant in cross-cultural setting, because of the differences found in labour relationship systems. For example, in the US, most salary disputes occur between individuals: employer and employee, however in countries with a high regulated labour system, labor unions have an important influence in negotiation. While in non-regulated countries, mediation is primarily about relationship conflict in unionized organizations, mediation is usually used to manage interest and legal disputes (ACAS, 2014).

We must distinguish between interpersonal and collective disputes. An interpersonal conflict is a dispute between individuals. In this sense, Jehn's (1995) typology of conflict types (task, process & relationship conflict) is often used to analyse interpersonal conflicts. Literature exists about how to manage tasks and relational conflicts (e.g. De Dreu & Weingart, 2003). In this sense, mediation could be useful in relational conflicts (De Dreu & Van Viannen, 2001), in discrimination cases (Miller, 2001) and even in cases of high relational conflicts, such as cases of bullying (Zapf & Gross, 2001).

On the contrary, little evidence exists about how to manage collective disputes, common in European organizations. The collective dispute is not defined solely if the conflict is between a group (unions) or against another (employers). A conflict that addresses promotion criteria or salary (for example Hassan and Luisa) represents in some countries a collective problem, and in its resolution may have to identify the interest of unions on this issue. Hassan considers experience and seniority as main criteria for promotion, applying the existing collective agreements in the organization. Luisa thinks that competence should be the criteria for promotion. Negotiating promotion criteria depends on collective bargaining in Spain. The resolution of this individual case can have influence on other workers. The role and influence of unions could be important in this situation.

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The collective bargaining field proposes a different category of conflict that can be added to the existing ones with the purpose of understanding the characteristics of the macro-level organizational conflicts (Martinez *et al.*, 2008). This literature distinguishes between interest based conflict and right based conflicts or legal conflict (Martinez *et al.*, 2008; Ross, Fisher, Baker & Buchholz, 1997). Interest based conflicts refer to those conflicts that pertain to the establishment of the terms and conditions of employment; this type of conflict concerns differences on tangible aspects of the contractual relationship, or social benefits of work. An example might be the negotiation of a salary, or conditions in which employees will work (Martinez *et al.*, 2008; Devinatz & Budd, 1997). On the other hand, right based conflicts refer to the application and interpretation of a previously established norm or law, are about discrepancies in entitlements incurred or legal considerations (Rahim, 1992). Examples of this situation are when a complaint is presented by a worker, denouncing the violation of a rule (for example, risk prevention rules), conflict about work rules, or disciplinary codes. On this occasion, the employee may claim that his or her rights as a worker have not been respected and there may be also circumstances in which management may claim that its rights have not been respected (Bain, 1997).

Table 1. Description of different conflict types in organizational setting

Conflict types	Description
Task Conflict	Conflict over contents and goals of the work
Relationship conflict	Conflict based on interpersonal relationships
Process conflict	Conflict over how work gets done
Interest based conflict	Conflict over working conditions (holidays, wages, working hours)
Right based conflict	Conflict over the application or interpretation of labor standards (how to apply risk prevention law, wage policies, promotion policies)

There are some significant differences in effectiveness in interpersonal and collective conflict. Lytle, Brett and Shapiro (1999) argue that the conflicts in which the parties focus on their rights and legal considerations (right conflicts) are often associated with zero-sum results in which there is a winner and a loser. Hiltrop (1989) found that the percentage agreement is 40% when the conflict is about principles or moral issues (relational conflict). On the other hand, Messing (1993) states that when parties hold strong positions on what they believe is right (as in right based conflicts), mediation is more difficult. Agreement rates in interest conflict is over 80% in some mediation systems (see ACAS, 2014). In individual conflict in Spain, the agreement rate in right based conflict is about 40% (Medina *et al.*, 2014).

2. Conflict Intensity

Once a conflict begins, it may grow in intensity, become unmanageable, produce aggressive behavior between the parties in conflict, and trigger a spiral of unpredictable consequences (Mikolic, Parker & Pruitt, 1997). This phenomenon is known as conflict escalation, which refers to a rise in the conflict's intensity and the severity of the tactics used throughout it. When a conflict escalates in this way, it can lead to rupturing the relationship between parties, tremendous hostility, and may impede creativity (De Dreu, 2010, Rubin, Pruitt & Kim, 1994). An escalated conflict generates a very negative organizational

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dynamic. It is the basis of psychological harassment (Arenas, Medina & Munduate, 2010) and predicts a high percentage of employee turnover and absenteeism (De Dreu, 2010). Glasl (1994) proposes a general model of escalation of 9 phases. Based on this model, there is evidence that mediation is effective in certain intensity conflicts and in very specific phases of escalation (see figure 1). Mediators may decide, based on the intensity of the conflict, when it's possible to work with the parties in the same table, work separately (using caucus) or use arbitration.

The decision to use caucus is very relevant in cross-cultural mediation. The idea of meeting separately with disputing parties for any reason prior to meeting jointly is an anathema to many mediators (Billikopf-Encina, 2002), who are concerned that their neutrality could be compromised in such meetings (Moore, 1986). However, mediation will benefit from extensive use of caucuses and pre-mediation meetings in cross-cultural conflicts because the mediator has the opportunity to meet privately with each party to define the issues of mediation, to understand the cultural awareness of each party about the other party's culture, explore the parties knowledge of the culture and values of the opposing party (Radulescu and Mitru, 2012). In this line, when relationships between negotiators or team members were poor, joint face-to-face meetings actually decreased the likelihood of agreement (Swaab et al., 2012). Caucus is one way to build a positive relationship with disputants is to express empathy in the pre-caucus, necessary in cross-cultural settings (Swaab y Brett, 2014).

Figure 1. Glasl' Conflict Escalation model and appropriate conflict resolution mechanism.
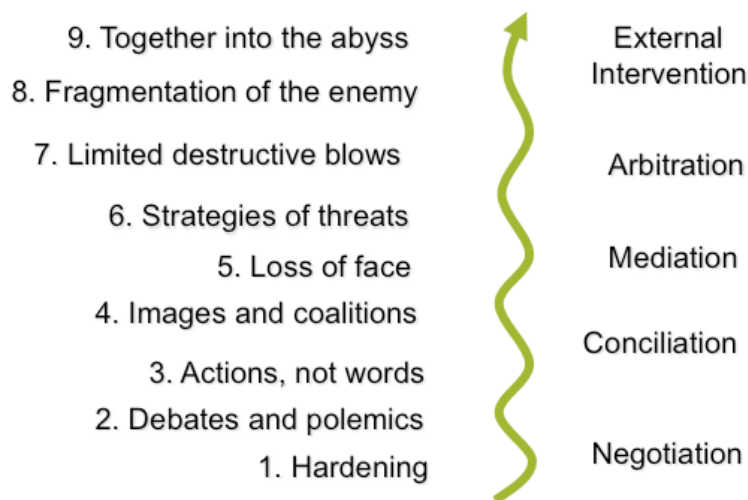
3. Strategies for negotiating disputes

Although some typologies of conflict strategies, styles or behaviour exists, we will use the well known framework of integrating interest, applying rules and deferring to status power (Ury, Brett & Goldberg, 1993) because its validity to be generalized to other cultures (Tinsley, 1998). The *interest approach* promotes the resolution of conflict focussing on the underlying interest of each side and integrating them. The idea is that parties share information about their interest and parties try to integrate these interest using two ways: a) prioritizing interests and searching an agreement where some interests are more

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important for one part than for another, or b) looking for a novel or innovative solution that satisfies both parties' interests. The second way to manage conflicts is using mutual objective and *independent standard and regulations*, as laws, principles, organizational traditions, etc. (Ury *et al.,* 1993). Parties could discuss how their position is related to these standards. Parties also can argue that the other proposal is invalid because the standard is not pertinent to this issue. Finally, parties can negotiate conflict by using *power*. High power party might force their ideas onto the lower status parties, using mechanism such as vote, threat, intimidation or status (Tinsley, 2001).

All approaches assume that principles could be different in different cultures (Tinsley, 2001). The *interest approach* considers that the individual interest of parties in conflict are more important than, for example, collective interest; in this case, evidence suggests that the collective interest can be more relevant than individual interest in collectivistic cultures (Tinsley, 2001). Also assumes that all parties are equal, interests are equally legitimate and parties have equal freedom to express their interests without penalty. In this case, in some countries, parties may have difficulties to express their personal interest because of censorship or retaliation. Finally, the interest approach assumes that parties have the possibility to choose whether to remain in the relationship or break from it. In many cultures, it is socially preferable to avoid conflicts or be obliged to lose relationships (e.g. Cai & Fink, 2002).

The *applying rules approach* assumes that standards are universally applicable. The rules for understanding equality, equity and social justice are culturally sensitive. It is possible that a person considers an equitable proposal as unfair, because justice in that culture is more based on equality that equity (Greenberg, 2001). Also, social norms and tolerance for deviant behavior can be more or less strong depending on the culture; the concept of Tightness-Looseness (Gelfand *et. al*, 2011) explores this dimension in 33 countries. The extent to which members of certain cultures follow the norms can have an impact on mediation in at least two ways. First, territorial conflict contributes to loosening norms, therefore people from contested territories will have a tendency to disregard the norms. In which case, mediators from this culture might perceive following rules as important. Second, tolerance for deviant behavior has an impact on whether the mediator might be considered fair or unfair in a given situation. What the tightness looseness principle explains is that norms will be enforced differently by mediators across cultures and which factors the mediator considers deviant behavior will vary as looseness increases.

Finally, power strategy assumes that status difference exists and it is socially acceptable to use these differences to solve conflict. In this sense, using the power to manage conflicts is not equally tolerated in some cultures (Medina *et al.*, 2014). Although ample substantiation exists in the literature about the effectiveness of interest-based mediation (e.g. Slakieu, 1996, Ury *et al.*, 1993), evidence is derived mainly from western countries. Mediators must take into account the culture of the conflict parties.

3.1. Types of mediators

The second issue to consider is who mediates: We can classify the different possibilities of workplace third party intervention in two categories: a) internal vs. external, and professional vs. amateur (Butts *et al.*, 2014). We consider an internal mediation when the mediator belongs to the same organization, and external mediation when the mediator comes from outside the organization. There are many possibilities in internal mediation:

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chair of the risk prevention department, the HRM team, ombudsman/ombudswoman, and a mediation committee. In the external mediation, a company delegates an external professional (consultant, a lawyer, a professional mediator, etc.) who mediates within the organization. Likewise, organizations can rely on people with certain characteristics or charisma to exercise as mediators (amateur mediation), which may (or may not) be trained, or employ professional mediators for this purpose (professional mediation). There are obvious advantages and disadvantages of each system: the knowledge of the organization by internal mediators, objectivity and impartiality by external ones, knowledge and practice of professionals, etc. At the same time, some organizations offer formal mediation and others do not.

With the exception of organizational ombudsmen, who have particular functions handling complains from workers, the rest of third party intervention can offer mediation for managing disputes. It seems that when formal mediation institutions exist, mediation is more apt to take place, and third parties use a more legalistic approach, relying upon rules or laws. In contrast, when no formal mediation is present, it's likely that third parties would be less assertive and more bound by community norms (Wall & Dunne, 2012).

What criteria should an organization consider to select a disputes' system? Evidence suggests that cultural differences between the parties and between the parties and the third party can affect the effectiveness of mediation (Inman, Kishi, Wilkenfeld, Gelfand, & Salmon, 2013; Salmon, Gelfand, Çelik, Kraus, Wilkenfeld & Inman, 2013). For mediation to happen, both parties must consent to the third party intervention. Although there are conflicting arguments about the biases of the third party in the effectiveness of dispute resolution (Betts, 1994; Carnevale & Choi, 2000), there is evidence in international mediations that state that if the third party is culturally closer to one party than the other, it can be perceived to be biased and will be less likely to accept mediation, and in the event of the acceptance, it will be less effective (Inman *et al.*, 2014).

A recent study by Bercovitch and Jackson (2001) argued that mediation tends to be used in conflicts characterized by high complexity, high intensity and long duration, unequal parties, and where the willingness of the parties to settle peacefully is in doubt. The choice and acceptance of this type of conflict management could have some cultural influence, in fact, parties in conflict from hierarchical, collectivist and high context cultures may be more accepting of third party authority than those from egalitarian and individualistic cultures (Brett, 2007).

Organizations should base their decisions about mediation on the *trust* generated by the dispute resolution system. In this sense, trust is one of the key mechanisms of mediation at all levels of analysis (individual, social, and structural or political) (Fulmer & Gelfand, 2012). There are many arguments about the need to generate trust in mediation, for example, when the level of trust between parties in conflict will have an effect on mediation process and third party behaviors, with third parties being more likely to focus on relationship improvement when trust is low (Ross 1996). Trust can be built by individual competences or behaviors (mediators competences and behaviors, previous history of relations with him, charisma...), or structural causes (neutrality, professional experience), and there are likely universal and culture specific aspects of trust (Fulmer & Gelfand, 2012). In this sense, Goldberg (2005) notes that the ability to build trust and communication are the most important skills in the success of mediation. Researchers and experts in the field confirm that in order for the mediators to successfully face the

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processes of conflict resolution, they must not only possess knowledge and experience related to the topic but also certain abilities and attitudes, such as communication, trust, empathy and neutrality to properly carry out the process (Munduate *et al.*, 2008). Golberg (2005) emphasizes that the ability to generate trust and communication are the most important competences regarding the success of the mediation; where listening is the main technique used by the mediator: carefully listen to the concerns and needs of each of the parts; recognize the legitimacy of at least some of the concerns and needs and clarify that the best effort is going to be made in order to help to meet the needs and concerns impartially.

Fulmer and Gelfand (2012) propose that cross-cultural research can help to increase trust in organizational settings. People in collectivistic cultures tend to have lower generalized trust than people in individualistic cultures (Bohnet, Herrmann, & Zeckhauser, 2010). People from collectivistic and individualistic cultures draw from different sources in forming interpersonal trust: Collectivistic managers prefer situational information and interpersonal connections, whereas individualists prefer dispositional information and common category membership (Branzei, Vertinsky & Camp, 2007).

Lewicki and Bunker (1996) proposed that trust relationships move from calculus-based trust to identification-based trust, and this may depend on the level of interdependence of a culture. According to the social identity theory (Turner, 1984), when the third parties belong to in-group affiliation, this generates greater trust because they are more implicated with the parties and share an in-group identity with disputants. Based on that, some mediation systems have generated trust structurally, with the composition of the mediation team. For example, the system of co-mediation of Spain for collective and individual conflict (SERCLA), is a system in which trade unions and employer's associations design a list of eligible mediators, so that two of them are appointed by the principal employer's association, and the other two by the two largest trade unions' lists (one appointed by each). The idea of participation in the conflicting parties in mediation teams to build trust is also used in intergroup and community mediation (e.g. Rubenbeld & Clement, 2012). In this sense, the differences between the parties, and between the parties and the third party, can affect the effectiveness of mediation (Inman, Kishi, Wilkenfeld, Gelfand & Salmon, 2014). These mediation systems, where the conflicting parties feel identified with the team of mediators, can be very effective in managing intercultural conflicts within organizations. Hassan will certainly trust a mediation process where one of the mediators intervening in the process belongs to his cultural group.

4. Cultural Influence on Mediator Strategies

The next step is to consider what strategies the mediator will use in the mediation process. Culture can impact the structure of alternative dispute resolution systems and the mediator's strategy (Carnevale, Cha, Wan & Fraidin, 2004). Third party strategy has been defined as an established form of intervention, consisting of a set of strategies or specific, measurable behaviors in the context of a strategic line (Wall, Chan-Serafin & Dunne, 2012). We analyzed the influence of culture on the mediator's strategy based on the model developed by Kressel and Pruitt (1989) that has received empirical support in several studies (Carnevale & Henry, 1989, Lim & Carnevale, 1990; McLaughlin, Carnevale & Lim, 1991). This model identified three basic forms of mediator's strategy: *Substantive* stra-

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tegy deals mainly with the issues in the dispute. *Contextual* strategy involves facilitating the dispute resolution process so that the parties themselves find an acceptable solution. *Reflexive* strategy focuses the mediator on the dispute and helps him/her create a foundation for their future activities. One of the elements of reflexive strategies is *rapport,* which is "an empathic and trusting relationship with the parties". Rapport has been identified as the most important skill for resolving a dispute by research on what makes mediation practitioner's successful (Goldberg, 2005; Goldberg & Shaw, 2007). Carnevale (1986) identified three basic forms of mediator's strategy: *Pressure* (use of coercive tactics) consistent with substantive tactics, *compensation* (use of rewards) consistent with reflexive tactics and *integration* (using information to solve the dispute). We include integration here as the fourth mediator's strategy that is subject to cultural differences (see table 2).

Table 2. Mediation Strategies

Strategy	Definition	Example
Reflexive strategies	Orient mediators to the dispute, gain entry and the acceptance of the disputants, create trust toward the mediator and the mediation process and lay the foundations for the development of their activities.	Using humor to lighten the atmosphere, or developing rapport with the parties.
Substantive Strategies	Interventions that deal directly with the issues in dispute in an attempt to move the negotiation toward a settlement	Suggesting a particular settlement, or attempting to move one or both parties off a committed position,
Contextual Strategies	Interventions geared towards facilitating the conflict resolution process by altering the circumstances in which the mediation occurs.	Establishing priorities on the list of issues to discuss, simplifying agenda.
Informational Strategies	Interventions related to the handling of information to facilitate understanding of interest of each conflicting parties.	Using information to solve the dispute Analyzing the situation together with the client, integrating ideas to reach a joint decision

Culture affects what is important for people (values) and the social behavior that is appropriate (norms) (Zou, Tam, Morris, Lee, Lau, & Chiu, 2009). The distinction between cultural norms and values in helpful in understanding how culture influences mediation as it suggests that certain cultural elements operate at the individual level, affecting what is important to people, and at the group level affecting the appropriate behavior of the parties. The intrinsic worth of values is to do as social principles that guide behaviors and set a broad framework for organizational routines and practices (Hatch, 1993). For example, values communicated by third parties assist the mediation process by embedding expected behaviors within an alternative dispute resolution systems' culture. Values therefore provide a base through which third parties can act with an established form of intervention affecting the type of approaches that mediators will employ (Wall & Dunne, 2012). Values and norms can in turn manifest artifacts (organizational rituals, language and stories) and lead to desired behaviors such as certain types of mediation strategies. In the following section, we discuss cultural elements that have an influence on the four tactics described above.

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- SUBSTANTIVE. The use of the Substantive strategy can be facilitated by certain cultural elements. For example, it will be more likely in countries where masculinity and power distance are high (values), where aggression is normative and democracy is weak (norms). Masculinity represents a preference for achievement, heroism, assertiveness and material rewards for success (Hofstede, 2001). Masculinity increases toughness and competitiveness, mediators from highly masculine cultures will be more likely to use pressure compared to mediators from less masculine cultures. Power distance expresses the degree to which the less powerful members of a society accept and expect that power be distributed unequally (Hofstede, 2001). Power distance can affect the receptiveness of a mediator and his role. For example, in high power distance cultures, the intervention of a high status third party in a dispute is deemed as legitimate (Rudin, 2002; Chia, *et al.*, 2004; Meyer, 2002). Power distance can influence the way that people react to third party authorities to the degree in which authorities can gain acceptance for themselves and their decisions through providing dignified, respectful treatment is influenced by the cultural values of the disputants, the evidence suggests that mediation, are more likely to be effective among those parties who have low power-distance values (Tyler, Lind & Huo, 2000). Power distance will influence the mediator's choice, as power distance increases, the parties are more likely to choose members high in the hierarchy. On the other hand, power distance might influence what mediators from high power distance cultures consider fair as the parties might be representing different hierarchical levels. In these types of cultures with high power distance, loyalty and obedience to those in higher authority is required, and, in fact, is the norm (Gelfand & Brett, 2004). In terms of cultural norms, aggression is normative in honor cultures (Cohen, 1996). In honor cultures people's value both in their own eyes and in the eyes of others (Nisbett & Cohen, 1996; Pitt-Rivers, 1965, 1977; Rodríguez Mosquera, Manstead, & Fischer, 2000). The tendency towards aggression has been empirically observed in several studies (Cohen & Nisbett, 1994, 1997; Cohen, Nisbett, Bowdle, & Schwarz, 1996; Ijzerman, Van Dijk & Galucci, 2007). Therefore, we expect members of honor cultures, whether as mediator or as parties, to engage in more pressure behavior.
- CONTEXTUAL. Contextual strategies are interventions for facilitating the conflict resolution process 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. Examples of this type of intervention are: simplify the agenda, prioritize the order of the day, separate parties in caucus, prioritizing issues, select a sequence for discussion of the issues.

For process management we propose that in hierarchical cultures, a higher authority is expected to make the decision and disputants would be expected to comply, and on the other hand, the third party has an order from the collective to subordinate the individual interests to the group (Chia, Partridge & Cong, 2004).

A mechanism for building trust between the parties and free expression of emotions and interests in a secure climate, are private or caucus sessions, especially when there are hidden agendas or conflict has considerable intensity (Medina and Munduate, 2014). As we said previously, the caucus could be an important mecha-

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nism in intercultural mediation, a recent meta-analysis (Swaab, Galinsky, Medvec and Diermeier, 2012) has shown that it is better to avoid mediation that is face to face contact in the early stages of dispute resolution, and gather separately to try to build rapport and positive relationship with the parties.

- REFLEXIVE STRATEGY AND RAPPORT: Collectivism, is a preference for a tightly knit society in which individuals can expect others of a particular in-group to look after them in exchange for loyalty (Hofstede, 2001). We expect collectivist cultures to engage in reflexive strategy, as they are motivated to show their interest in the group and their relationships. For example, Callister and Wall (2004) found that mediators in Thailand (collectivist culture) request that the disputants forgive each other, and make the disputants apologize more as compared with American mediators, these behaviors are consistent with cultural values of collectivism, harmony, and face saving. Moreover, the importance of rapport is consistent with the distinction between cultures with independent and interdependent constructions of the self (Markus & Kitayama, 1991). An independent self-construal is based on individual autonomy whereas an interdependent self-construal is based on the connectedness of one individual to others. This cultural difference suggests that in interdependent cultures rapport is even more important than for independent cultures. Consistent with this idea a study about the differences between Americans (individualistic culture) and Chinese (collectivist culture) when choosing a third party to act as a mediator, Americans prefer a stranger whereas the Chinese prefer a person with ties to both disputing parties (Fu & Morris, 2000).

Evidence in collective conflicts suggests that in Spain, contextual and substantive strategies are positively related to settlement in rights conflicts and in conflicts of interests. Whereas the effectiveness of reflexive strategies varies depending on whether the conflict is a conflict of interests or a rights conflict. Specifically, an increase in the use of reflexive strategies is negatively related to the general settlement outcome particularly in rights conflicts (Martinez et al, 2008). A posterior study in Chile suggests that the use of contextual and reflexive strategies contribute to the success of mediation in Chile having no distinction regarding the use of strategies in different types of conflicts (Cea, Ramírez-Marín & Medina, 2015). To sum up, reflexive strategies can be dysfunctional in some cultures and functional in others.

- INTEGRATION STRATEGY: Carnevale (1986) define this strategy as the use of information to manage conflicts. In this sense, information exchange is also influenced by culture. Understanding how parties communicate is very important for mediators. Sánchez Burks, Nishbet & Ybarra (2000) show that Anglo Americans remember more task information while Hispanics remember more socio-emotional cues when they are exposed to the same work situation. We have also discussed in the preceding sections that the importance of relationships varies across cultures. In this sense Gelfand, Severance, Fulmer, and Al Dabbagh (2012) discuss the influence of the American (IAMS: individuals' asserting and maximizing self-interest strategy) and East Asian (NOOS: not to offend others strategy) ecological niches on negotiation and dispute resolution. They note that Americans engage in open information exchange (Brett & Okumura, 1998; Pruitt & Lewis, 1975; Olekalns & Smith, 2000) and that East Asians engage in indirect information exchange, through the proposals they send across the table (Adair & Brett, 2005).

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Brett, Behfar & Sánchez Burks, (2013) argue that westerners prefer to get issues out in the open, stating the problem and how they'd like to see it resolved. People don't expect their logically constructed arguments to be taken personally. Often, they describe problems as violations of rights and hold one another accountable for fixing them. But that same approach is a problem throughout East Asia, where the overriding impulse is to work behind the scenes through third parties to resolve conflicts, all the while maintaining harmony and preserving relationships. Under pressure from a Western, an East Asian might say, "That could be difficult," without explaining why (Harvard Business Review https://hbr.org/2013/12/how-to-argue-across-cultures/).

5. Conclusions

Culture influence which roles are available in third-party dispute resolution; how third parties should intervene and whether they focus on interests, rights, or power; how trust or distrust in the mediation process, and what strategies can be used in mediation. This means that a negotiator`s culture can give us the answer to why they have taken such a position or why a certain item has more priority than another. Literature also establishes that the negotiators from collectivist cultures are very sensitive to social assessment of his or her performances, which is why they try to portray a favorable image to the in-group, even to the detriment of future cooperative negotiations with the other party. Culture affects what is important for people and the social behavior that is appropriate. Findings on mediation should be quarantined when two people from different cultures have a conflict. Mediators must look at the process with a different perspective, like a kaleidoscope; each new mediation is a new scenario where learning is possible and necessary.

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