
The Importance of the Intra-Organizational Culture of Communication in the Context of Employee Mediation

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Abstract:

Purpose: The main purpose of this article is to present the views of employee mediators on the importance of the intra-organizational culture of communication in a crisis situation in an organization and employers' use of employee mediation as a way to improve internal communication in the organization and to overcome the crisis within the organization. The main goal of the work is to investigate whether the high communication culture in the organization has a direct impact on the number of labor disputes, and in the case of commencement of employee mediation, at the end of mediation with a settlement/agreement.

Design/Methodology/Approach: The article uses qualitative and quantitative research. The research tool was supervised telephone surveys, containing questions and statements about the opinion on the impact of the culture of internal communication in the organization on the occurrence of labor disputes and the course of employee mediation. The survey was preceded by a series of in-depth, unstructured expert interviews with employee mediators.

Findings: The higher the culture of internal communication of the organization, the fewer crisis situations in the organization caused by labor disputes, and the greater the chance of reaching a settlement in the event of initiating employee mediation.

Practical Implications: The results can be used to build a high culture of internal communication within an organization. The achieved results may turn out to be particularly useful for organizations in crisis situations (such as, for example, labor disputes) and those that want to prevent the emergence of crises in the future.

Originality / Value: This study is an initial effort in exploring the intra-organizational culture of communication in the context of employee mediation.

Keywords: Intra-organizational communication culture, crisis, employee mediation, the role of the built environment.

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1. Introduction

The statement that the better the internal communication of an organization, the more effective recovery from a potential crisis seems to be a truism today, and this phenomenon is relatively well recognized and described in the literature on the subject (Vos *et al.*, 2011; Kim, 2018). Currently, the world, including Poland, is struggling with a crisis caused by the Covid-19 pandemic. This phenomenon influenced, *inter alia*, to accelerate the development of various branches of the economy, including remote communication tools (Gašior, 2021). Remote team management is an additional challenge for the management and requires the implementation of new tools that can be perceived, on the one hand, as a threat to the management staff (lack of competences), and, on the other hand, as an opportunity and challenge to develop new or dormant managerial competences (Nejman and Sadłowska-Wrzesińska, 2019; Szpor 2018).

Low internal communication culture in an organization may translate into a conflict within the organization, which is quite common. It is difficult for the parties directly involved in the conflict to keep their distance. The literature on the subject increasingly emphasizes the importance of alternative dispute resolution methods and the participation of an "outside" expert in such situations. From the point of view of the organization, employee mediation may be perceived particularly interestingly, as it may play an important role not only in an already existing crisis situation, but also preventively prevent another crisis.

The authors of the article were intrigued by the question: "Can the origin of the conflict, the course and the result of employee mediation be a kind of litmus test of the level of intra-organizational communication in an organization?" and further: "What is the impact of the Covid-19 pandemic on labor mediation and inter-party communication among architecture professionals?" This article is an attempt to answer the above-mentioned questions with the help of experts - employee mediators, who are direct observers of the above-mentioned processes and phenomena.

2. Literature Review

Communication is a complicated and complex process, and the very word "communication" in the dictionary terms "communication, conveying thoughts, giving messages, communication" (Dictionary of the Polish language, 1978; Mruk, 2004). The definition proposed by J. Engel indicates that communication is a kind of transaction between two or more parties and consists in the mutual transfer of information using consciously selected symbols with a specific meaning (Engel, 1998).

Internal communication in a crisis is risky, but the lack of any communication seems even more risky. A crisis or the threat of a crisis itself creates a need for information. Through communication, information is collected, processed into knowledge, and made available to others. The overflow of information generated during a crisis is a sometimes-unmanageable barrier, it can lead to a "collapse", a critical state, and information chaos. Each stage of the crisis management process has its own requirements for creating and

sharing knowledge about the need to gather and interpret information.

Using the crisis management model according to Coombs (1999), we distinguish three phases of crisis management (pre-crisis, crisis response and post-crisis communication) and identify different "types" of crisis communication. In the literature, the crisis response phase is of the greatest interest, the other two phases are less studied and described. So far, the external aspects of the crisis and external communication during the crisis have played quite a significant role in the conducted research (Frandsen and Johansen 2011; Strandberg and Vigsø, 2016; Heide and Simonsson, 2014; Heide and Simonsson, 2015).

Crisis communication can be defined as sending and receiving messages explaining a specific event, identifying its likely consequences and results, and providing specific information to reduce damage - including image damage - to affected communities in a fair, fast, accurate and complete manner (Vos *et al.*, 2011; FearnBanks, 2007). Effective crisis management involves crisis communication that can not only alleviate or eliminate a crisis but can sometimes bring an even greater positive reputation to the organization than it did before the crisis. This view coincides with the widespread perception of the phenomenon of crisis as both a threat and an opportunity for the organization (Wieczerzyńska, 2009; Gunder, 1998).

According to A. Zelek, "a crisis can be understood as a consequence of disruptions in the existence or implementation of one or more factors determining the existence and development of an enterprise, both those with external and internal impact, depending on the efficiency of management" (Zelek, 2003). During the literature review, it can be concluded that there is no single, universally accepted definition of crisis. In all these definitions, the emphasis is on whether the organization knows, understands, plans, and does everything to prevent, mitigate, respond and learn from the crisis (Barton, 1993; Konieczny, 2001; UNWTO, 2011). The system of open internal communication is emphasized here, indicating that communication in an organization should not always be based on a formal structure (hierarchy-free communication) (Corwall and Perlman, 1990; Bratnicki, 2001).

The high communication culture in the organization is related to the fact that the management is required to make the right communication choices (Žur, 2013; Barker and Du Plessis, 2002). It is of particular importance in situations where the crisis directly affects employee problems (Chodyński, 2013). Kaj (2021) compares the company to a bat: "it should act like a bat: receive feedback from the environment, analyze its overtone and modify the method of communication on this basis".

An example of a crisis in an organization may be a collective dispute with a trade union or even an individual dispute with an employee. It should be emphasized that, on the one hand, not every such dispute immediately means a crisis, but on the other hand, a crisis may arise even before there is a protest, strike, or dispute in court. Such "incendiary" element may be informing employees of a reduction in employment or termination of an employment contract by an employee due to the fault of the employer. In each of these cases, it will be important to put in place the appropriate internal procedures of the

organization and their execution. The area of internal communication of the organization is of particular importance here.

In the event that an employee mediator appears in a specific dispute, one of his first tasks is to distinguish whether he is dealing with a conflict, a crisis or just a problem to be solved, as well as to determine what are the causes and dynamics of the conflict (Godlewski and Śliwa, 2015). Employee mediation may take two completely different faces, depending on whether the dispute concerns an individual employee case or whether it will be a collective dispute.

Table 1. Basic differences between individual employee mediation and mediation in collective disputes

Important characteristic	Type of mediation	
	In collective clauses	In individual causes
Legal basis	Articles 10–15 of the Act of 23 May 1991 on resolving collective disputes (Journal of Laws No. 55, item 236, as amended).	Articles 183 (1) -183 (15) et al. the Act of November 17, 1964 - Code of Civil Procedure (Journal of Laws 1964 No. 63, item 296, as amended).
Mediation parties	Trade union representing the collective interests of employees and the employer or employers' organization (Lewandowicz-Machnikowska M., Górnicz-Mulcahy A. 2011)	Claimant and defendant (in the process) or employer and employee (in out-of-court mediation).
The subject of the dispute	Concerning working conditions, wages or social benefits, and the rights and freedoms of trade unions of employees or other groups who have the right to associate in trade unions (Article 1 of the Act on Resolution of Collective Disputes).	It concerns individual employee claims in the field of labor law. Cases in the field of social insurance are excluded from mediation (Civil Procedure Code Art. 477 (12)).
Characteristics of mediation	It is an obligatory stage in resolving a collective dispute before taking a possible strike action (Kohl H., 2009).	"It is an alternative (to conciliation and court settlement) methods of amicable settlement of civil disputes in labor law matters" (Chomiak M., et al., 2008)
Formal ways of ending mediation	1. agreement, 2. record of differences (Lewandowicz-Machnikowska M., Górnicz-Mulcahy A., 2011)	1.conclusion of a settlement before a mediator, 2.no settlement (statement in the protocol from mediation that "no settlement was reached". (Brol J., 2010)

Who is the mediator	The person who obtains the consent of the parties. The parties jointly select a mediator from the list of the minister competent for labor matters or from outside the list. If they fail to reach an agreement in this respect, at the request of one of the parties to the dispute, the mediator is appointed from the above-mentioned letters. (Kancierz K, et al., 2021)	Any natural person (except a judge in active service) with full legal capacity, enjoying full civil rights: 1. entered on the list of permanent mediators kept by the president of the regional court, 2.or entered on the list kept by a non-governmental organization / university, 3.or not entered on any of the above lists of mediators, but having the appropriate competences to conduct mediation (ad hoc mediator) (Głodowski W., 2016)
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Source: Own work.

3. Material and Methods

Below are the results of the supervised telephone survey conducted among 20 mediators dealing with employee mediation, including 10 mediators participating in individual employee mediation from the Greater Poland Voivodeship (80% of them are mediators entered on the list of court mediators kept by the President of the District Court in Poznań, 20% are mediators from the list of employee mediators at the District Chamber of Legal Advisers in Poznań) and 10 mediators participating in labor mediation as part of collective disputes throughout Poland (from the list of the Ministry of Labor and Social Policy).

The following issues were analyzed in the research, the number of employee mediations in which the respondents participated, concluded with a settlement / agreement as part of a collective dispute, the number of cases in which a settlement / agreement was not reached as part of a collective dispute, but the parties reached an agreement after the end of mediation, assessment of trends in terms of the number of employee mediation and their causes, the manner and tools of communication between the parties before initiating employee mediation, the most common subject of disputes and the most common causes of conflicts between the parties, assessment of the relationship between communication problems between the parties and the fact of initiating mediation, types of the most common communication problems leading to conflicts between the parties, places with interior design elements where employee mediation took place.

Also, assessment of the improvement of communication between the parties during mediation, assessment of the impact of improving communication between the parties on concluding a settlement / agreement before the mediator m, the relationship between the low / high communication culture in the organization and the number of employee conflicts, the relationship between the low / high communication culture in the organization and the number of disputes concluded with a settlement / agreement before a mediator, suggestions of the respondents regarding the improvement of internal communication of the organization in cases not concluded with a settlement / agreement. The survey was preceded by a series of in-depth, unstructured expert interviews with employee mediators.

4. Results and Discussion

Considering the effectiveness of mediation in the sense of ending the mediation either with a mediation settlement or an agreement as part of a collective dispute, all respondents agreed that this effectiveness was above 80% for them. On the other hand, the assessment of trends in relation to the amount of employee mediation and the reasons for these trends was not as consistent. The dividing line ran here depending on whether we were dealing with individual mediation or mediation carried out as part of a collective dispute. Mediators in individual employment cases stated that the number had increased over the past 18 months, despite the epidemic in Poland.

One of the main reasons here is the increase in knowledge of alternative dispute resolution methods, including employee mediation. The awareness of employers and employees in this regard leaves much to be desired, but from year to year there is a gradual progress in this respect. The pandemic situation in Poland resulted in difficult personal access to courts and mediators, which forced mediators to work remotely. 90% of respondents very quickly adapted to the new situation and introduced online or hybrid mediation. A completely different situation took place in labor mediation as part of collective disputes. The respondents emphasized that in the last 18 months the number of mediations has significantly decreased, and the main reason was the pandemic situation in Poland and the resulting difficult access to courts and mediators, as well as periods of compulsory social isolation.

In the analyzed area, differences between individual employee mediation and those conducted as part of collective disputes have become apparent. Mediators in collective disputes pointed out that the specificity of these mediations would not allow them to conduct online mediation. The respondents pointed to the usually large number of participants on the part of employees, as well as the need to personally establish ties with the parties in the plant and listening directly to the voices of both sides of the conflict, which cannot be replaced by any online meeting.

This specific bond and preparation for the mediation process probably also translates into the fact that mediators in mediation as part of collective disputes most often know how their cases ended, even if there is no agreement before the mediator (e.g., whether there was to strike). The literature on the subject emphasizes that one of the advantages of mediation from court referral is that even if it does not end with a mediation settlement, a fairly large percentage of these cases later end with a court settlement (Gmurzyńska, 2016). However, the mediators surveyed in individual mediations unanimously confirmed that they do not receive such feedback and are unable to assess what percentage of cases ends with a settlement after the mediation is completed.

Architectural space is an element that affects all participants of it. Its series of stationary and movable elements affect all senses (hearing, sight, smell, taste, and touch) (Hall, 1978). What is unnoticeable for people becomes important in employee mediation. The research shows that 90% of individual mediations take place in the mediator's office, the remaining 10% most often takes place in a mediation office, e.g., at the seat of the OIRP

in Poznań. In a pandemic in the last 18 months, more than half of these mediations took place online. In collective disputes, almost 100% of mediations took place at the workplace, which was the subject of the collective dispute. This was due to the availability of a suitable place for mediation, a well-known place inspires greater trust of employees and is an element conducive to initiating mediation talks.

The interior design in which mediation takes place, along with its movable elements, is important in individual employee mediation. This is confirmed by the research of Osmond (1959), Hall (1978), Bańka (1997) and others. The most important 3 items were the arrangement of furniture, the color of the walls and the need to have at least two rooms. The arrangement of the table and chairs can influence the behavior of the parties or balance the hyperactivity of one of the parties, this is influenced not only by the unwritten rules of behavior studied by Hall (1978), but also by the experiences of offices in open and closed spaces, which were initiated in Germany in the 1960s, and their subsequent analysis of the impact on people, the quality of work or interpersonal relations (Einbrodt and Beckman 1969).

It was indicated that the colors of the walls should be subdued, rather bright, not aggressive. 90% of the respondents emphasized the necessity of having at least two rooms in order to be able to hold individual meetings with each participant during the mediation. All respondents confirmed that they sometimes changed the arrangement of the room interior during the mediation. The above-mentioned elements were elements valued higher than: the type of furniture in the room, the proximity to the toilet or the place where drinks and possibly snacks are placed, although these elements also play a role during the mediation.

In the 1960s, Osmond formulated a theory about socially escape and socially attractive spaces (Osmond, 1959). In the former, people avoided each other, while in the latter, they made contacts. Moving elements in stationary spaces are important, as studied by Somer (1969). Somer's theory is confirmed by the results of the survey among the respondents who indicated that the time and quality of coffee served during mediation loosen the parties or break the deadlock in mediation. A large number of stimuli that appear especially in new places increase the level of arousal (Bańka 1999), hence a conclusion can be drawn, consistent with the results of the survey among mediators in collective disputes, that the interiors known to the parties provide less stimuli to the participants and allow for calmer mediation.

Both surveyed groups of mediators unambiguously indicated pay and working conditions, conditions of social benefits and performance of employee duties as the most frequent subjects of labor disputes. Taking the circle of conflict as a point of reference according to Ch. Moore (Wachowiak, 2002) the most common sources of the crisis were a relationship conflict (bad communication, strong emotions, and erroneous perception), a material interest conflict (money, time, division of labor), a data conflict (lack of information or misunderstanding of data) and a structural conflict (unequal distribution of resources and forces, excess tasks).

As for the mediators' observation of the methods and tools of communication between the parties before initiating individual mediation, they were rarely able to indicate these methods and tools in detail (10%). This is because in the vast majority of cases, mediators do not familiarize themselves with the case files (Jakubiak-Mirończuk and Stachura, 2017), and practically all knowledge about this communication is obtained during direct conversations with the parties during mediation. Interestingly, however, in general, all of them confirmed that in their opinion there is a strong correlation between communication problems between the parties and the occurrence of a dispute and initiation of mediation. It seems that during mediation, the mediator rarely inquires what methods and tools of communication were used by the parties before, unless the parties themselves revealed it during the interview.

The conducted research shows a rather different conclusion - that in the course of mediation very often revealed communication tools and methods that were not previously used by the parties and the use of which was most often suggested to the parties by the mediator himself as a tool for improving communication between the parties already in mediation. Mediators frequently observed symptoms of a lack of proper communication between the parties, as evidenced by the following examples of statements made by the parties during the mediation: "I was totally surprised that I was fired", "I did not know that the employer expected me to do so", "I did not realize that my employee has such personal problems, if I had known about it, I would have found a different solution ", " I did not know that this obligation is such a heavy burden for the employee ".

The most common proposals of mediators for parties (mainly for employers) were then, the use of a notice board, appointing a representative of employees for ongoing talks with the employer, regular employee meetings, integration meetings and the use of a system of reprimands and instructions. Moreover, 40% of the respondents admitted that the problem of incorrect and illegible regulations applied in each workplace is very often revealed during mediation, which clearly translates into a data conflict and communication problems between the parties. Mediators in collective disputes provided detailed answers to questions about the tools and methods of communication between the parties before the dispute arose and mediation was initiated. This is due to the specific preparation for mediation, i.e., conducting detailed talks with the parties to the conflict before starting meetings with all parties. Research shows that companies (especially large ones) very often have implemented tools and methods for communicating between management and employees.

Organizations here mainly use employee meetings, integration events, providing information via an authorized employee, notice board, e-mail, discussion forum for employees, communication platforms and the Help Desk knowledge base. Theoretically, there should be no major problems with internal communication in the organization. Over 90% of respondents expressed the opinion that in organizations where theoretically there is a high culture of internal communication, the effects depend primarily on the control of information flow and the tightness of the introduced system. The respondents noticed that in companies where theoretically there is a high communication culture, the problem is most often a bad flow of information between employees representing the employer or

trade unions and other employees. Mediators expressed a fairly unequivocal opinion here that too often there is a distortion of information from management and provided to employees by unions or selected representatives (Chancellor *et al.*, 2021). In the opinion of the respondents, it is influenced by the willingness to "manage the company by unions" in these organizations. The distortion of the communication message is also influenced by the more and more common use by the parties of channels in which information appears that is not always reliable and verified, such as rumors, rumors, social networks, etc.

Another important cause of employee conflicts in companies where theoretically there is a high culture internal communication, according to the respondents, is the formalistic approach of the management to the company's internal procedures, regulations, and regulations, as well as arranging these elements in a language incomprehensible to employees. Of course, the respondents emphasized that the application of established rules and procedures is positive and necessary, while when applying them, it should not be focused only on the so-called the letter of the law, but also on the dialogue and communication with employees.

Otherwise, disputes arise despite the theoretically high communication culture in the company, which confirmed some views in the literature (Corwall and Perlman, 1990). On the other hand, among companies that, for various reasons, did not use the above-mentioned tools (e.g., inability to hire an HR specialist due to lack of funds, failure to organize employee meetings due to the employer's lack of awareness and high employee turnover in the company), according to the respondents, correct and effective communication was extremely difficult, which translated into both the number of labor disputes and the antagonistic attitude of the parties at the very beginning of the mediation.

All respondents confirmed that in over 90% of cases during mediation, there was significant communication between the parties, which had a significant impact on the conclusion of the mediation with a settlement (Suchanek, 2018) and that a high internal culture of communication directly translates into a smaller number of labor disputes in the organization.

5. Conclusions

The conducted research confirmed the significant importance of the intra-organizational culture of communication in a crisis in the organization (labor disputes). The vast majority of employers are also beginning to see the value of employee mediation as a way to improve internal communication in the organization and to overcome the crisis within the organization. It was found that the high communication culture in the organization directly translates into a smaller number of labor disputes, and in the case of commencing employee mediation at the end of the mediation with a settlement.

It also found that the amount of individual labor mediation carried out in the last 18 months due to COVID-19 increased, while mediation in collective labor disputes decreased. The conducted research confirmed that the environmental architecture of which humans are a part influences their behavior, and thus their behavior during

mediation. Both fixed elements (shape of rooms, wall colors, light, etc.) and movable elements (furniture arrangement, serving coffee, etc.) influence the course of mediation.

The results of the research and their analysis indicate that the conclusions contained in the article may contribute to the continuation of research in this area, in particular in the area of developing tools allowing to control the actual (not declared) level of the intra-organizational culture of communication in relation to crises related to labor disputes and the use of technology remote in employee mediation.

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