

DND photo AR2005-A01-356 by Sergeant Jerry Kean



A graphic and modern form of dispute resolution. Although this application is external to the Canadian Forces, Major Paul Frost, as Assistant Judge Advocate General (AJAG) (Lawyer) with the Provincial Reconstruction Team talks to locals from Afghanistan's Spin Boldak area about monetary claims against Coalition Forces for losses. The AJAG was working on behalf of the Task Force Afghanistan to settle claims that have risen from damage caused by various military manoeuvres.

## ALTERNATE DISPUTE RESOLUTION AND THE CANADIAN FORCES

by Major Brad Coates

*“Conflict seems to be present in all human relationships and in all societies. From the beginning of recorded history, we have evidence of disputes between spouses, children, parents and children, neighbours, ethnic and racial groups, fellow workers, superiors and subordinates, organizations, communities, citizens and their government and nations.”<sup>1</sup>*

– Christopher Moore

### Introduction

Many social commentators would likely agree with the assertion that conflict has been, and continues to be, a pervasive aspect of human social interaction.<sup>2</sup> Although not inherently negative, when left unresolved or poorly handled, conflict can have serious detrimental repercussions for both individuals and organizations.<sup>3</sup> The results of poorly managed workplace conflict manifest themselves in a variety of ways, including low morale, decreased productivity, and high personnel turnover. In recent years, increased awareness of this human resource challenge has helped foster the search for new and innovative conflict management methods.

Historically, individuals working within an organizational setting have had recourse to certain forms of conflict resolution. Invocation of the organizational hierarchy and internal grievance systems are long-standing examples of dispute handling mechanisms. Without question, these processes make important contributions to workplace harmony and productivity. Typically, however, they take a symptomatic approach, focused upon the acute manifestations of conflict, rather than identifying and addressing the underlying causes. As a result, while valuable in certain situations, these traditional approaches have proven to be ill-suited for developing cost-effective and durable solutions over the full spectrum of conflict scenarios.<sup>4</sup> Recognition of the need for a greater range of dispute resolution tools has led many organizations, including the Canadian Forces (CF), to incorporate Alternate Dispute Resolution (ADR) into their conflict management programs.<sup>5</sup>

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The area of conflict management has burgeoned in recent decades, and, today, it is characterized by a plethora of diverse views and terminology. There are essentially three broad categories of conflict resolution methodologies: power-based, rights-based and interest-based. Within the Canadian Forces context, an interest-based methodology is employed, such that ADR is largely understood to be synonymous with interest-based conflict resolution.<sup>6</sup>

In 2001, the Department of National Defence/Canadian Forces (DND/CF) established a national ADR system, consisting of a network of Dispute Resolution Centres (DRC), and a management office in National Defence Headquarters (NDHQ).<sup>7</sup> From a senior leadership perspective, ADR has rapidly come to be viewed as the preferred method for addressing workplace conflict, exemplified in a 2000 joint directive from the Chief of Defence Staff and the Deputy Minister of Defence: "Wherever appropriate, the application of ADR is the preferred DND/CF approach to resolving disputes."<sup>8</sup> Although the negative ramifications of inter-personal conflict have been long recognized within military circles, the implementation of an organization-wide ADR program has not gone entirely unchallenged.<sup>9</sup>

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Given the nascent quality of ADR and the inherently conservative nature of military organizations, a degree of apprehension regarding this program is not altogether unexpected. Cognizant of these concerns, this article examines the

fit between ADR and the Canadian Forces. Although the DND/CF ADR program pertains to both civilian and military members, the current discussion is limited to its application within the Canadian Forces. In order to achieve this objective, two major areas will be explored. First, leading conflict management methodologies will be reviewed to gain an understanding of different approaches and to highlight some potential benefits of ADR. Thereafter, the nature of military service will be discussed to assess the fit between ADR and the Canadian Forces. This article will argue that, although ADR is by no means a panacea solution, in the proper context, it can be a helpful tool for resolving conflict while also reinforcing CF values and contributing to operational effectiveness.

### **Approaches to Conflict Resolution**

**I**n the realm of conflict resolution, there are three primary methodologies: power-based, rights-based and interest-based. First up here will be an overview of the respective models, including comments upon their current usage within the Canadian Forces. Thereafter, a brief analysis will compare the different approaches, and highlight some of the potential benefits of ADR. It is important to note that while these approaches will be examined independently, there is, in fact, much linkage and overlap amongst them.

### **Power-Based**

For the purposes of this discussion, power-based conflict resolution is any process wherein a party in a position of formal authority uses this organizational power to determine the outcome of a dispute. Within an organizational setting, power-based conflict settlement is commonly understood to be those settlements effected by the chain of command. As such, power-based resolution is essentially an adjudicative process, wherein the chain of command considers disputes and renders decisions.

The appeal to authority as a means of dispute resolution is a time-honoured approach within armed forces. Indeed, formal authority in the CF is often employed as a means of resolving conflict. Within an operational environment, where risk is high and timeliness crucial, a decisive, authority-driven leadership style is often seen as necessary. The use of this hierarchical approach, however, is not solely limited to operational settings. Often, with respect to more mundane day-to-day work place conflicts, supervisors are perceived to be well placed to understand the nature of disputes, participants, and organizational considerations.

In a military setting, the power-based approach is viewed as an appropriate mechanism for resolving many types of conflict. This method does, however, have potential limitations from both chain of command and member perspectives. From an organizational viewpoint, a power-based approach may not always be seen as appropriate. In certain situations, the chain of command may feel that, given the nature of the dispute, it is unable to adjudicate, or unable to be perceived as adjudicating, in an unbiased fashion. In other circumstances, supervisors might lack the necessary time, training or skills to address a specific conflict effectively. There is also the concern that overuse of this hierarchical approach normalizes dependence upon the chain of command, while inhibiting individuals from taking responsibility for conflict resolution and from developing the requisite dispute handling skills. From the subordinate's perspective, conflict resolution effected by the chain of command may raise concerns regarding objectivity as well as effectiveness. With respect to objectivity, members may feel that, given unit history and/or workplace relationships, they will not receive fair and non-prejudicial treatment. On the other hand, in terms of outcomes, given its adjudicative nature, a power-based decision can, at times, appear arbitrary, and fail to address key underlying concerns of the participants adequately.

### **Rights-based**

Similar to the power-based approach, the rights-based method appeals to third-party adjudication for conflict resolution. In this situation, however, an applicable body of governing policies and regulations guides the third party. As noted by American conflict commentator William Ury: "This method seeks to appeal to some independent

DND photo CK2004-1000-0184 by Corporal Robert Bottifill



No room for debate here. Armament technicians load a Laser Guided Training Round (LGTR) to a 441 Squadron CF-18 *Hornet* on the hangar line at 4 Wing Cold Lake.

standard such as organizational policy, law or commonly accepted social norms to determine who is right.”<sup>10</sup> Within the Canadian Forces context, such rights-based processes include harassment investigations, grievances, and litigation. These processes tend to cast conflict in positional terms, wherein the desires of disputants are seen, in large part, as being mutually exclusive.<sup>11</sup> The adversarial quality of this approach often presents participants with a ‘win-lose’ proposition.

Rights-based approaches are solidly established and well used within Canada’s armed forces. Indeed, their heavy use within the CF, as well as within the broader societal setting, has contributed to the search for additional conflict management techniques.<sup>12</sup> Given their inherently positional nature, these approaches are limited primarily to addressing the specific symptoms of a given dispute, rather than to any underlying issues that may exist. This characteristic of rights-based processes has proven to be less than ideal for situations where unit cohesiveness and morale are paramount considerations. Despite these challenges, however, rights-based approaches continue to play an important role within an organizational conflict management continuum. In certain types of policy issues, where a formal and public precedent is sought, utilization of a rights-based process may be the appropriate approach. Rights-based mechanisms also provide an essential option for members who feel uncomfortable with, or have exhausted, other avenues of resolution.

### Interest-Based

The interest-based model seeks to break the adjudicative and adversarial paradigm of traditional conflict resolution models. It is designed to provide an early, informal, and interactive process, wherein disputants can participate in more actively, and take ownership of, the resolution process. In contrast with the previous methodologies, interest-based resolution is focused upon identifying and addressing the underlying needs of participants (expectations, concerns, values, and so on), as

opposed to focusing solely upon specific conflict manifestations. Interest-based problem-solving is intended to be a flexible approach that can be used directly by disputants, or can be facilitated by ADR practitioners.

Interest-based conflict resolution has been formally adopted only recently within the Canadian Forces, and overall levels of awareness and understanding are correspondingly limited. Similar to the other methodologies, the interest-based process has both strengths and limitations. The interest-based model’s emphasis upon understanding and consensual agreement can be particularly beneficial when addressing workplace scenarios, wherein a key objective is the restoration or enhancement of unit cohesion and morale. Within a classic positional discussion, there are a limited number of resolution options; namely, those of the two disputants, and a compromise between these viewpoints. Through exploration of underlying concerns, the interest-based model attempts to expand the menu of resolution options, and to increase the likelihood of achieving a mutually satisfactory outcome. Being participant-driven, however, the interest-based approach is probably not best suited for situations where individuals are not motivated to participate. This type of problem-solving can be demanding, and individuals that are cajoled into participating may not possess the sufficient level of commitment to succeed. It might also not be ideal in circumstances where organization-wide policy interpretations pertaining to issues such as rights and benefits are being determined.<sup>13</sup>

### Assessment of Conflict Resolution Approaches

To delineate more fully amongst these methodologies and further highlight the distinctiveness of interest-based conflict resolution, the different approaches are discussed in the context of the following criteria.<sup>14</sup>

- a) Cost;
- b) Participant satisfaction;
- c) Durability; and
- d) Effect upon relationship.

#### Cost

It is important to note that, from an organizational perspective, all methods of conflict resolution come with a cost. Any dedicated dispute-handling process entails some combination of time, energy and money. With respect to comparative cost within the conflict resolution continuum, the power-based and rights-based

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approaches can be seen as representing the two extremes. Although each conflict is unique, in a general sense, a directive, authority-driven approach can be relatively rapid and low-cost (at least with regard to addressing the surface manifestations of a dispute), whereas, in light of its inherent bureaucratic and legalistic nature, a rights-based process can be more time-consuming and resource-intensive. With respect to this criterion, the interest-based approach falls somewhere between these two poles. In many instances, interest-based mediation has resulted in rapid resolution. Within the DND context, a 2003 Director General Alternate Dispute Resolution (DGADR) survey indicated that the interest-based approach was successful in quickly resolving several long-standing, rights-based cases.<sup>15</sup> The comparative speed of this approach and its corresponding cost savings are supported by data from a range of organizations using interest-based ADR.<sup>16</sup>

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### **Satisfaction**

Each resolution method has the potential to either meet – or fail to meet – the needs of disputants. Undoubtedly, there are many circumstances where power-based and rights-based processes have resulted in satisfactory outcomes from both organizational and disputant perspectives. A major source of the risk for failure of these traditional approaches, however, stems from their symptomatic and positional approach. With regard to the former, in many disputes, the surface manifestations of conflict are often not the fundamental issues that need to be rectified in order to develop a lasting solution. With respect to the latter, the likelihood of achieving a satisfying outcome for all participants is diminished in conflicts that are framed in purely positional terms.<sup>17</sup> While power- and/or rights-based methods can be successful in developing comprehensive solutions, a detailed analysis of root causes is not, by definition, integral to their processes.

The potential for a holistic and mutually acceptable resolution is one of the appeals of the interest-based model. Given the pre-eminent role that participants play in directing discussion within the interest-based approach, the likelihood of achieving increased understanding, and then developing a ‘win-win’ solution, is enhanced. This is especially true in situations where misconceptions or lack of communication have contributed to the dispute. An example of this success can be seen in the experience of the United States Postal Service, where exit surveys of 26,000 ADR participants showed that 88 percent of employees were either highly satisfied or satisfied with the process, compared with 44 percent under traditional rights-based processes.<sup>18</sup>

### **Durability**

In addition to cost and satisfaction, durability is an important component of conflict resolution. This is especially true for organizations such as the Canadian Forces, where turnover is costly and personnel retention

is highly desirable.<sup>19</sup> The durability of any resolution is linked to two key factors: disputant satisfaction with the outcome (discussed earlier), and the enforceability of the resolution. With regard to this latter factor, it may seem, at first glance, that an agreement enforced by law or regulation (in the case of a rights-based resolution), or by the chain

of command (in a power-based resolution), would be highly durable. While in certain cases, this may be true, the perception of durability can be somewhat illusory. If fundamental underlying issues remain unresolved, conflict can rapidly re-emerge, albeit in a slightly different guise.<sup>20</sup> Somewhat counter-intuitively, the relatively informal agreements resulting from interest-based resolution can be quite robust, given the participants’ contribution to their development. ADR practitioners have often noted that the understanding developed during interest-based processes contribute as much to settlement durability as any formal resolution agreement.<sup>21</sup>

### **Effect upon Relationship**

With regard to disputes between members of the same work unit, the success of a resolution will, in significant part, be contingent on its effect on their future relationship. This is particularly important in the Canadian Forces, where work unit membership tends to be comparatively long-standing, and teamwork is highly valued within the rights-based and power-based processes, the relationship between disputants is often viewed as a peripheral issue, with limited influence upon resolution development. At times, relationship issues may be addressed within these models; however, such consideration is often comparatively superficial, limited to the relationship in the context of the acute manifestations of the dispute. The interest-based model is the only method that focuses on the relationship in a dedicated manner. It recognizes the criticality of workplace relationships, addressing them as crucial aspects of resolution development. In light of its interactive format, interest-based ADR also provides a platform to address workplace reintegration concerns, in situations where relationships have become dysfunctional.

### **Overview of Methodologies**

In examining the different models, it is apparent that while each has its strengths, none is optimized for the full range of dispute situations. The lack of a universally applicable methodology highlights the requirement to integrate a combination of approaches in a comprehensive conflict management system. Within such a framework, an interest-based option can be a valuable complement to the power-based and rights-based approaches. As shown in Table 1, the interest-based model is a relatively low-cost, timely mechanism that is well suited for restoring work relationships and developing lasting solutions.<sup>22</sup>

	POWER-BASED	RIGHTS-BASED	INTEREST-BASED
COST	■	■■■	■■
SATISFACTION	■■	■	■■■
DURABILITY	■	■	■■■
RELATIONSHIP	■■	■	■■■
■ = low      ■■ = moderate      ■■■ = high			

Table 1 – Comparative Methodology Overview.

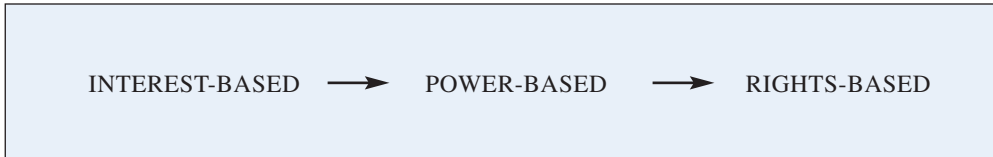


Table 2 – Conflict Resolution Continuum – Process Formality.

Another noteworthy difference amongst the approaches is the level of process formality, from low to high: interest-based, to power-based to rights-based (see Table 2). This progression in bureaucratic structure and formality has two notable effects. The resolution process becomes more time-consuming and costly as institutional procedures and regulations come increasingly into play. And decision-making power is transferred from the disputants to a third party along this same continuum.

### Canadian Forces Values

So far, this article has examined the different approaches to workplace conflict resolution. Throughout the analysis, it has been argued that the interest-based model of conflict resolution, used in the CF ADR program, has potential for addressing a range of workplace disputes in an efficient and comprehensive manner. Given this apparent utility, the question remains as to whether this approach is well suited to the Canadian Forces. In order to answer this question, several aspects of military service will be discussed briefly; namely, organizational culture, command and control structure, and organizational conservatism.

### Organizational Culture

James Hunt has defined organizational culture as, "... the system of shared values and beliefs that develop within organizations and guides the behaviour of its members."<sup>23</sup> One of the key components of the CF's organizational culture is the view that people, both individually, and as members of a combat unit, are critical to success on the battlefield.<sup>24</sup> Although appropriate resources and doctrine are essential, militaries have traditionally viewed the quality, morale and cohesion of their personnel to be of paramount importance.<sup>25</sup> Within this personnel focus, special

What, therefore, is the relationship between ADR and this team-focused aspect of military culture? As previously noted, it is widely accepted that conflict in the work environment can be destructive. Not only does it have a detrimental effect on the actual disputants, but, if left unresolved, it can spread and impact the larger work group, thus undermining morale and performance. For organizations such as the Canadian Forces that rely upon teamwork, an erosion of unit effectiveness can have catastrophic consequences. ADR offers a means to reinforce unit integrity by helping to address disputes early and effectively. At its most basic level, ADR is aimed at empowering individuals to deal better with conflict that, in turn, should enhance unit effectiveness and overall operational performance.

Given its flexible and informal nature, ADR provides a timely means of dispute intervention. This responsiveness can help address conflict before it becomes deeply entrenched, and/or it spreads to the broader group. This point is particularly salient when contrasted with the rights-based process, which can take significant time, and, as a result, can allow conflict to fester unresolved over a prolonged period. Alternate Dispute Resolution's focus upon the root causes of conflict, rather than upon its symptoms, supports the creation of creative and comprehensive outcomes with greater likelihood of lasting success. Interest-based discussions can also provide a valuable format for clarifying and establishing behavioural norms within groups. Within the interest-based process, participants have the opportunity to share expectations and values that can lead to increased understanding and enhanced group cohesion. The interaction between process participants has been particularly effective in increasing mutual understanding. The CF ADR program has demonstrated particular effectiveness in this respect: exit surveys indicate that 76 percent of participants felt that the other party

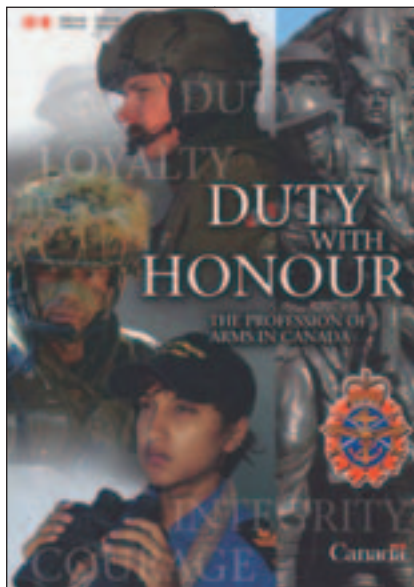
**“Members of the armed forces are required to place the concerns of society before their own personal well-being.”**

had gained a better appreciation of their point of view as a result of the process, while 67 percent stated that they had obtained an increased appreciation for the other party's perspective.<sup>27</sup> This understanding, coupled with the onus ADR places upon participants for solution development, increases the likelihood of attaining outcomes that strengthen interpersonal relationships and reinforce organizational values.

### Command and Control Structure

As stated in the CF service manual, *Duty With Honour*; "... the fundamental purpose for the Canadian profession of arms is the ordered, lawful application of military force pursuant to government direction."<sup>28</sup> Members of the armed forces are required to place the concerns of society before their own personal well-being. This is reflected in the unlimited liability clause associated with military service, wherein members are required to risk, or even to forfeit their lives in the pursuit of national objectives. For members of the CF, this obligation is articulated in the *National Defence Act*: "The regular force, all units and other elements thereof and all officers and non-commissioned members thereof are at all times liable to perform any lawful duty."<sup>29</sup> To accomplish its mission, the CF, like other armed forces, is organized in a clear, hierarchical structure. This formal structure provides an unambiguous command and control relationship between superiors and subordinates, within which the respective responsibilities of the two groups are clearly articulated. With respect to conflict resolution, an important aspect of this relationship is the emphasis it places upon leadership responsibility. Not only are subordinates accountable for being responsive to the chain of command, but supervisors are also responsible for ensuring the well-being of subordinates.

It is not entirely unexpected that the implementation of an ADR program in this type of organizational setting could result in a certain degree of apprehension. In the Canadian Forces, where responsibility is placed upon leaders for the care of their personnel, the use of ADR services may be viewed by some as reflecting poorly upon supervisors, and also as diminishing the credibility of the command structure. From this perspective, the use of ADR could be interpreted as an indication that the chain of command is unable to address the concerns of members adequately. While this initial perception is understandable, it is clearly at odds with the view of CF leadership. Contrary to being frowned upon, the use of ADR is strongly encouraged by senior leadership. Comments from the Chief of the Land Staff are representative in this regard: "ADR is a tool of choice for facilitating communication, promoting mutual understanding, and encouraging diligent and lasting conflict resolution. It should be used to its full capacity."<sup>30</sup>



In addition to issues of perception, the establishment of a new dispute resolution process may raise concerns about encroachment upon command responsibility and authority. At first glance, it does not appear unreasonable to think that externally facilitated conflict resolution could infringe upon traditional areas of leadership responsibility or risk circumvention of the chain of command. Upon examination, however, concerns that ADR poses a challenge to the chain of command appear to be minimal. Interest-based conflict resolution does not limit the ability of supervisors to play a strong role in conflict resolution. In fact, one of the explicit objectives of the Canadian Force's ADR program is to support the chain of command by providing an additional means to

address workplace conflict.<sup>31</sup> ADR assistance can take the form of training and coaching to enable leaders to play a more effective and direct role in conflict resolution. In more problematic situations, ADR practitioners can provide neutral and expert assistance in diagnosing and addressing workplace conflict. Unlike many rights-based processes, ADR does not have the authority, nor the mandate, to impose externally developed solutions on local leadership.<sup>32</sup> While ADR emphasizes participant responsibility for solution development, the process is also geared to ensure that disputants involve appropriate decision makers when the proposed resolution impacts the broader organization.

### Organizational Conservatism

Armed forces are unique organizations that are charged with tremendous responsibility. Military action entails significant risk – and, in certain circumstances, failure by the armed forces can result in significant damage to, or even failure of, the state. Given the risks associated with failure, militaries are inherently conservative organizations, and, as such, tend to rely upon proven operational and organizational methods. As noted by Major (now Colonel) Chris Shelley of the Royal Military College of Canada:

"...the military mindset is conservative for good reason. The moral obligation of the officer corps to ensure the physical security of the state from attack requires officers to value what has proven itself in battle, and to treat with suspicion the new and unproven."<sup>33</sup>

When this conservatism is coupled with the view that success on the battlefield is dependent upon the quality of the individual soldier, it is not surprising that armed forces continue to emphasize long-standing and proven approaches to personnel management.

This inherent conservative approach does not detract from the potential utility of ADR for the Canadian Forces. It may, however, account for a certain degree of hesitation in incorporating new tools, such as Alternate Dispute Resolution. Although from an organizational standpoint, ADR represents a fresh approach to conflict resolution, many of its underlying principles and techniques are drawn from traditional methods that are familiar and well-tested, such as, the value of early intervention and active communication. In a way, ADR can be viewed as an attempt to institutionalize and to enhance long-standing informal problem-solving techniques, rather than to establish an entirely new approach. This article has argued that interest-based ADR is consistent with Canadian Forces values. This fit, however, is not necessarily well understood throughout the organization. A 2002-2003 DND survey indicated that 52 percent of respondents were not cognizant of the departmental ADR program.<sup>35</sup> Even fewer were likely aware of the program's objectives, or its methodology. When this limited awareness is coupled with the CF's conservative nature, it becomes apparent that a determined effort will be required to fully 'operationalize' ADR within the Canadian Forces.

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## Conclusion

The observation that unresolved or poorly handled conflict is costly is as true within the armed forces as it is within society at large. In the Canadian Forces context, conflict entails several types of costs: those that are readily measurable with respect to time and money, and those that are more difficult to measure in quantifiable terms. It is perhaps within this latter category, where personal and family stress, morale, group cohesion, and operational effectiveness are captured, that the impact of conflict is most significant.

To address this challenge, and to work toward establishment of a truly comprehensive conflict management system, the Canadian Forces has promoted interest-based ADR as a key tool. Within the CF's dispute management continuum, ADR is not intended to replace traditional rights-based and power-based approaches. Rather, it is seen as a complement to these systems – one that is well-suited to contribute to issues such as unit cohesion and morale. Alternate Dispute Resolution's focus upon participant involvement



DND photo AS2006-0311a. By Sergeant Dennis Power

Canadian Forces personnel on operational deployment in a desert region of Helmand Province, west of Kandahar, Afghanistan.

and underlying interests provides a mechanism for disputants to develop consensual, satisfactory and lasting resolutions.

As noted at the outset, there remain some questions regarding ADR and its fit with Canadian Forces values and culture. While this apprehension may be understandable, it has been argued that rather than being a threat, interest-based ADR can be an important tool to support and reinforce Canadian Forces values. To be optimised, however, this promising resource will

need to be embraced by leaders at all levels as a valuable, effective and acceptable mechanism for addressing workplace conflict. Normalizing ADR within the CF will take continued time and effort. Once fully integrated, however, it should pay significant dividends, through provision of an increased organizational conflict management capacity, and, in turn, through enhanced morale and operational effectiveness.



## NOTES

1. Christopher Moore, *The Mediation Process*, 2<sup>nd</sup> Edition (San Francisco: Jossey-Bass Publishers, 1969).
2. Conflict is defined by Hocker and Wilmot as, "... an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources, and interference from others in achieving their goals." J. Hocker and W. Wilmot, *Interpersonal Conflict*, 4<sup>th</sup> Edition (Madison, Wisconsin: WCB Brown and Benchmark, 1995), p. 21.
3. Coser suggests that inter-personal conflict can sometimes serve as an antecedent for positive change. Lewis Coser, *The Functions of Social Conflict* (New York: The Free Press of Glencoe, 1964), pp. 33-38.
4. For an overview of recent survey results regarding the cost of workplace conflict, see John Ford, "Workplace Conflict – Facts and Figures", available from <[http://www.cgassociates.net/Articles\\_.htm](http://www.cgassociates.net/Articles_.htm)>, accessed 14 April 2004.
5. A 1997 survey of Fortune 1000 corporations revealed that 90 percent of respondents viewed Alternative Dispute Resolution (ADR) as a critical cost-control technique. *Ibid.*
6. In a legal context, ADR is often used to describe resolution achieved outside formal litigation. Douglas Yarn (ed.) *Dictionary of Conflict Resolution* (San Francisco: Jossey-Bass Publishers, 1999), pp. 17-18.
7. Department of National Defence. *CANFORGEN064/03 ADMHRMIL*, dated 22 May 03.
8. Department of National Defence. *CANFORGEN 018/00 CDS/DM*, dated 01 January 00.
9. An informal poll of senior officers, conducted by the author at Canadian Forces Command and Staff College in 2004, identified some concern that ADR may be detrimental to the chain of command.
10. William Ury, Jeanne Brett, and Stephen Goldberg, *Getting Disputes Resolved* (San Francisco: Jossey-Bass Publishers, 1998), p. 7.
11. Positions can be viewed as the initial desires of the parties. For example, party A gets raise – party B does not get raise.
12. The increased use of formal conflict resolution processes is evident throughout North American society. A 1989 US Federal Courts Study Committee indicated that employment discrimination cases alone increased 2166 percent between 1970 and 1989. Ford, p. 1.
13. Conceptually, interest-based methodology could be used in a wide range of scenarios. Within the CF, ADR is employed primarily as a tool to handle interpersonal disputes.
14. Ury et al, pp. 11-12.
15. In a sample of a dozen DND cases utilizing ADR, several resulted in the rapid resolution of long-standing rights-based cases. Department of National Defence, "Conflict Management Program: Report for 2003-2004", 6 October 2004
16. US Postal Service ADR mediations take an average of four hours, and have resulted in 84 percent of all cases being closed without a formal complaint. The Postal Service has estimated that this has resulted in millions of dollars in savings since program inception. Made available from <[http://www.cgassociates.net/Articles\\_.htm](http://www.cgassociates.net/Articles_.htm)>, accessed 27 December 2004.
17. In such a formulation, the potential outcomes are limited to the competing positions of the participants, or to a compromise between the two viewpoints, neither of which promises to satisfy all disputants or to result in a lasting solution.
18. *Ibid.*
19. For the most part, the armed forces cannot hire people with the requisite skill sets in the labour market and are required to conduct extensive and costly internal training.
20. Within the CF, it has not been uncommon for members to file multiple, sequential complaints on apparently related matters.
21. Based on discussions with DND ADR practitioners.
22. The relative ratings are notional, and they do not apply in all cases.
23. James Hunt, Richard Osborn, and John Schermerhorn, *Basic Organizational Behavior*, 6<sup>th</sup> Edition (New York: John Wiley and Sons, 1997), p. 267.
24. For a discussion of unit cohesion and its importance to the military, see Christopher Straub, *The Unit First* (Washington: National Defence University Press, 1988).
25. This view of personnel primacy is widespread throughout military literature. In the Canadian context, it can be seen in Department of National Defence, *Duty with Honour*. CFP A-PA-005-000 AP-001, Ottawa, 2003.
26. For an overview, see Donna Winslow, "Misplaced Loyalties", in *The Human in Command*, Carol McCann and Ross Pigeau (eds.) (New York: Kluwer Academic/Plenum Publishers, 2000), p. 296.
27. Department of National Defence, *Conflict Management...*
28. Department of National Defence, *Duty...* p. 4.
29. Department of National Defence, "National Defence Act" Section 33 (1), made available from <<http://laws.justice.gc.ca>>, accessed 16 April 2004.
30. Department of National Defence, LFCO 11-87, *Conflict Management Program Application*.
31. Department of National Defence, *CANFORGEN 064/03...*
32. Rights-based processes often have the authority to direct the chain of command to take certain actions.
33. Chris R. Shelley, "A Crisis of Character? Ethical Development in the Canadian Officer", in *Canadian Defence Quarterly*, Vol. 25, No. 4, (Summer 1996), p. 25.
34. Department of National Defence, *Conflict Management...*, p. 18. Recent surveys have noted a marked increase in awareness.