

ARTICLES

Submitted 06-20-2023. Approved 11-24-2023

Evaluated through a double-anonymized peer review. Associate Editor: Adebukola Oyewunmi

The reviewers did not authorize disclosure of their identity and peer review report.

Original version | DOI: <http://dx.doi.org/10.1590/S0034-759020240302>

THE EFFECTIVENESS OF COMPULSORY LABOR MEDIATION IN CHILE: THE USE OF THIRD PARTY-INFORMED STRATEGIES

Eficácia da mediação laboral obrigatória no Chile: A utilização de estratégias informadas por terceiros

La eficacia de la mediación laboral obligatoria en Chile: El uso de estrategias informadas por terceras partes

Jorge Cea Rodríguez¹ | jorge.cea@uach.cl | ORCID: 0000-0002-8711-3352

.....
*Corresponding author

¹Universidad Austral de Chile, Faculty of Economics and Administrative, Valdivia, Chile

ABSTRACT

This article explores the effectiveness of labor mediators in Chile, focusing on their use of strategies of mediation in compulsory mediation, based on the successful mediator questionnaire developed by Golberg (2005) and the key factors explaining why parties trust the mediator proposed by Poitras et al., (2003) and Poitras (2009). The self-descriptions were analyzed using Atlas.ti 23 software, from which the suggested category system of mediation strategies for building a good relationship with conflict parties was used. Mediators reported the use of two types of strategies, contextual and reflective in compulsory mediation. The results of this research show that the main reason for successful performances reported by mediators was due to the use of contextual and reflective strategies in two types of conflicts (rights and interest-based conflicts) in compulsory mediation in Chile.

Keywords: compulsory mediation, mediation strategies, effectiveness, success, labor conflicts.

RESUMO

O artigo explora a eficácia dos mediadores trabalhistas no Chile, concentrando-se na utilização de estratégias de mediação na mediação obrigatória. Os dados foram coletados em entrevistas semiestruturadas, baseadas no questionário de mediadores de sucesso, como Goldberg (2005), e nos fatores-chave que explicam a razão pela qual as partes confiam nos mediadores, propostos por Poitras et al. (2003) e Poitras (2009). As transcrições das entrevistas foram analisadas com uso do Atlas.ti, em um sistema de categorias sugerido de estratégias de mediação, para a construção de uma boa relação com as partes em conflito. Os achados indicam que os mediadores utilizam dois tipos de estratégias: contextuais e reflexivas na mediação. A principal razão para o sucesso do desempenho dos mediadores se deve à utilização dessas estratégias em dois tipos de conflitos (conflitos de direitos e de interesses) na mediação obrigatória no Chile.

Palavras-chave: mediação obrigatória, estratégias de mediação, eficácia, sucesso, conflitos laborais.

RESUMEN

Este artículo explora la efectividad de los mediadores laborales en Chile, centrándose en el uso que hacen de las estrategias de mediación en la mediación obligatoria, a partir del cuestionario sobre mediadores exitosos desarrollado por Goldberg (2005) y los factores clave que explican por qué las partes confían en el mediador propuestos por Poitras et al., (2003) y Poitras (2009). Las autodescripciones se analizaron utilizando el software Atlas.ti 23, a partir del cual se utilizó el sistema de categorías sugerido de estrategias de mediación para construir una buena relación con las partes en conflicto. Los mediadores informaron del uso de dos tipos de estrategias, contextuales y reflexivas en la mediación obligatoria. Los resultados de esta investigación muestran que la principal razón de los desempeños exitosos reportados por los mediadores se debió al uso de estrategias contextuales y reflexivas en dos tipos de conflictos (de derechos y de intereses) en la mediación obligatoria en Chile.

Palabras claves: mediación obligatoria, estrategias de mediación, efectividad, éxito, conflictos laborales.

INTRODUCTION

Conflict seems to be a necessary part of how people function, and it is essential to organizations' dynamics (Rahim, 2023). Conflict management research has evidenced the substantial costs of absenteeism, stress, and sick leaves brought on by interpersonal conflicts at workplaces, which are harmful to both workers' well-being and competitiveness. (Benítez et al., 2011). Since the end of the 2000s, Chile has experienced a substantial increase in labor disputes, which have reflected in an increase in workers' demands or strikes (Velásquez Orellana et al., 2021; Pérez & Ocampo, 2022).

There is evidence that mediation methods are effective for the proper management of disputes in order to prevent and mitigate repercussions for conflicts (Munduate et al., 2022). However, due to the unique circumstances in which certain disputes arise, there are still issues to be answered about the efficacy of mediation systems when acting in specific work settings and in various socio-cultural contexts (Bollen et al., 2016; Medina et al., 2017; Cea et al., 2018).

Although there is a burgeoning literature that acknowledges mediation as an alternative dispute resolution and non-judicial instrument to resolve labor disputes (Munduate et al., 2022; Cea et al., 2022; Bollen et al., 2016), and there is "sufficient theoretical explanation about the relationship between conflict management and Employee relations, it lacks empirical validation" (Sahoo & Sahoo, 2019, p. 786).

Most surveys on labor mediation have been based on questionnaires given to the parties in dispute following mediation, and there are few qualitative studies on mediators' behavior and their effectiveness (Bollen & Euwema, 2013; Cea et al., 2019a).

This research focuses on the description and interpretation of third-party mediation strategies said to have been used in conflict resolution in Chile. Given the adaptability of the Grounded Theory (Creamer, 2022), it especially investigates the best mediation tactics employed by Chilean labor mediators in rights and interest-based conflicts. The technique is qualitative, and it is based on Grounded Theory (Tan, 2010; Sebeelo, 2022) as well as on the constructivist approach (Charmaz, 2000; Brandhorst et al, 2023), which provides a disciplined approach to qualitative analysis and is an interactive, interpretive process where the results are interpreted in various layers of analysis (Charmaz & Henwood, 2017; Saliya, 2023).

This paper is the first qualitative approach to identify the strategies that mediators say they have used in compulsory mediations and their effectiveness in Chile.

Firstly, this paper advances the agenda of research by examining experiences of participants in compulsory real mediation proceedings. This is accomplished through 21 interviews with individuals representing various sectorial contexts with unique characteristics.

Secondly, this paper employs Lim and Carnevale (1990) framework to investigate the effectiveness of strategies in workplace mediation, drawing on the works of Cea et al. (2015, 2018, 2019a, 2022). Additionally, the paper evaluates the implications of third-party interventions for compulsory workplace mediation, raising two crucial questions. What strategies are employed for third-party involvement in compulsory workplace mediation in Chile, and to what extent these strategies enhance their effectiveness.

LITERATURE REVIEW

Labor relations in Chile

In Chile, a highly unequal economy where productive sectors coexist with subsistence activities, a failing social policy structure, and poor labor negotiation power contribute to the country's labor market's low salaries (Zawadsky, 2021). Labor relations in Chile are generally confrontational, marked with a lack of trust between the various actors (employers, workers and the State), and in the post social pandemic outbreak context, the conditions of precarious contractual links and labor flexibility, so typical of the capital-labor relationship in the Chilean neoliberal context, emerge more strongly (Organization for Economic Co-operation and Development [OECD] 2009; Lefio et al., 2020). On the other hand, conflict at work is expressed in subtle and periodic forms, where various forms of injustice perceived stand out (Frei et al., 2022) in different sectors and industries.

The service/ commerce sector has experienced considerable expansion in its workforce. Notably, this sector presents job opportunities that reflect contemporary modernization trends, as well as precarious employment types stemming from outsourcing processes (Arredondo, 2017).

The unionization rate reaches in Chile only 20.6% at the national level (Rebolledo, 2020), it is also evident the reduced size of trade unions, wages increase below productivity gains, increase in precarious female labor, and decline in the number of workers participating in collective bargaining processes (Leiva, 2012). In recent years we have witnessed a growing interest in the mediation of collective labor disputes (Wall & Dunne, 2012; Latreille & Saundry, 2014; Bollen et al., 2016; Saundry et al., 2018; Cea et al., 2019a). This trend is particularly visible in Chile, according to data from the Directorate of Labor during the period 2002-2016 (years with records available to the public), while in 2002 there were 268 mediation cases, in 2016 this figure reached 2984, adding up to a total of 23.998 labor mediation procedures for the period informed (Cea et al., 2019b), with an average effectiveness or settlement rate of 65.16% (Labour Direction, 2010, 2014, 2015, 2016; Cea et al., 2019b), suggesting that there is still room for improvement.

The labor mediation system

According to the Directorate of Labor (2002, 2017a, 2017b), mediation is a method of resolving disputes in which the parties concerned work to come up with solutions with the help of a neutral third party who serves as a moderator to encourage trust and communication.

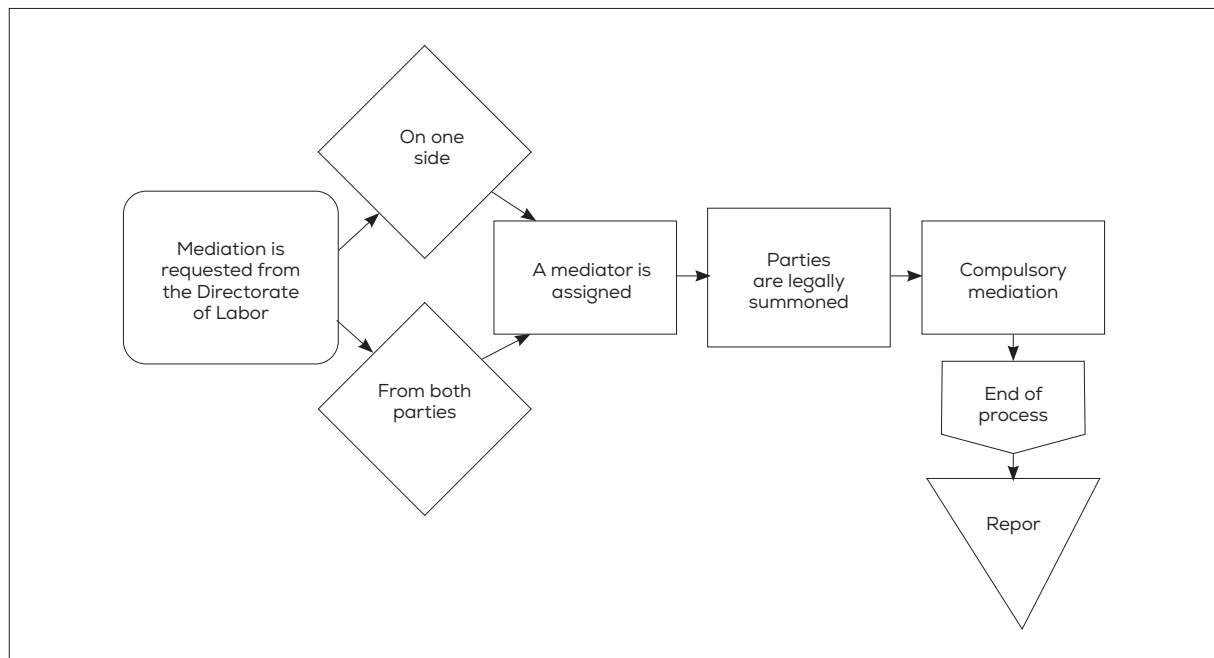
In Chile, the Directorate of Labor handles both collective disputes from collective bargaining and individual claims for constitutional violations, providing free services. (Labour Direction, 2002). Collective disputes involve employers and organized workers, with unions playing a role of ensuring fairness in workplace dispute resolution (Currie et al., 2017). The Directorate of Labor handles both rights and interest-based conflicts in this context

(Medina et al., 2017; Cea et al., 2018; Cea et al., 2019a). Either party can request mediation, but it requires the acceptance of the other party for the mediation to proceed (Labour Direction, 2002, 2017a, 2017b).

Government-appointed mediators are legally recognized, in contrast to private mediators. Whenever parties choose private mediation and reach an agreement, they are required to formalize it by means of a unique instrument set at a “settlement contract” regulated by article 2446 of the Civil Code and other applicable rules. This contract empowers them to resolve disputes extrajudicially. The resolution reached at the mediation is treated akin to any regular contract, subject to the principles of mutuality, validity, relative impact, and fulfillment (Jequier-Lehuedé, 2018; Romero Seguel, 2020).

The Labor Directorate has established different types of labor mediation, according to the modifications established in the Labor Code modified by Law 20.940 (Labour Direction, 2017a). The most common form of mediation in Chile is Compulsory Mediation, also known as “Good Offices.” It’s voluntary for the requesting party but mandatory for the other party when a request is made. Its purpose is to help resolve conflicts in the collective bargaining process by facilitating agreement and the signing of a Collective Bargaining Agreement (Labour Direction, 2017a). This mediation model is outlined in the Labor Code and operates as shown in Figure 1:

Figure 1. General model of compulsory workplace mediation in Chile



LITERATURE REVIEW

Effective mediation strategies

Evidence demonstrates that a mediator's tactics play a significant role in predicting whether mediation will be successful (Martínez et al., 2008; Medina et al., 2017; Cea et al., 2018; Munduate et al., 2022).

Mediation is generally regarded as being effective in labor disputes as a result of its focus on the conflicting parties and the use of a neutral third party to assist them to reach agreements voluntarily (Goldberg, 2005; Boulle et al., 2015; Georgakopoulos, 2017; Lee & Lim, 2019; Munduate et al., 2022). Recently, research suggested that the optimal mediator, strategy, and tactics will be chosen based on the structural and interpersonal elements of labor relations in order to reach a mutually satisfying and gratifying resolution (Munduate et al., 2022).

In order to have parties in a conflict develop and manage matters to come up with alternatives that enable them to reach an agreement that resolves the conflict and/or improves the relations between them, mediators use a variety of strategies and behaviors (Bollen et al., 2016), but there is little understanding about the interactions between parties and mediators (Pujol et al., 2023).

Strategies in mediation, as defined by Wall et al. (2012), are a general and planned mode of intervention comprising specific tactics. Kressel and Pruitt's (1985) widely recognized classification, supported by empirical studies (e.g., Lim & Carnevale, 1990; Medina et al., 2017), identifies three key strategy types, namely: contextual strategies, substantive strategies, and reflective strategies.

Contextual strategies in mediation focus on helping parties find their own solutions by adjusting the circumstances in which the mediation takes place. Unlike substantive strategies, mediators don't directly tackle conflict issues. Instead, they facilitate the process. Examples include simplifying and prioritizing the agenda (Munduate et al., 2022).

Substantive strategies refer to interventions that directly address the issues in conflict in an attempt to move the negotiation towards an agreement. Some examples of this type of intervention are to try to change the positions of one of the parties, to make a suggestion for agreement (Munduate et al., 2022).

Finally, reflective strategies are those interventions that attempt to gain the acceptance of the parties, to establish trust in the mediator and in the mediation process, and to create a basis for the development of future activities. There is significant evidence in the literature of the fundamental role of trust in workplace mediation and conflict resolution processes and that it is the basis for such strategies (Poitras et al., 2003; Kydd, 2003; Goldberg, 2005; Maoz & Terris, 2006; Goldberg & Shaw, 2007; Poitras, 2009; Kong et al., 2019; Masood & Javed, 2016; Lopez-Fresno et al., 2018; Rivera Adrover & Casado de Starizky, 2019; Isaacson et al., 2020; Riera Adrover et al., 2020a; Riera Adrover et al., 2020b; Munduate et al., 2022). Recently, studies have shown that employees appeared to feel psychologically safe, which eventually results in less group conflicts, when they trust they have supportive leaders and there is organizational trust (Joo et al., 2023).

Types of conflict

Mediation can be used to manage different types of conflict (Gale et al., 2002; Wall & Dunne, 2012; Redorta, 2020), two of them, rights and interest-based conflicts, are managed by Directorate of Labor (DT) and have empirical support in previous research (Cea et al., 2013, 2014, 2015, 2018, 2019a).

Rights-based conflicts refer to the application and interpretation of a previously established norm, with a conflict occurring when there is a history of violation of a collective agreement or labor standards (Rahim, 1992; Devinatz & Budd, 1997; Xi et al, 2022). Interest-based conflicts, on the other hand, refer to conflicts over the establishment of the terms and conditions of employment, which come up when employers and workers negotiate a collective agreement and attempt to establish the conditions under which the employment relationship will be carried out (Devinatz & Budd, 1997; Martínez et al., 2008; Medina et al., 2017; Xi et al, 2022). Focusing on the conflicting interests makes the resolution easier, it helps uncover underlying issues, preserves relationships, and allows for flexible negotiations, according to various studies (Gallagher & Gramm, 1997; Martínez et al., 2008; Munduate & Barón, 2007; Cutcher-Gershenfeld & Kochan, 2004; Euwema et al., 2019).

METHODOLOGY

There are numerous qualitative studies in the literature that have effectively used the Grounded Theory tradition to analyze their data and are focused on organizations or labor dispute management (Kreiner et al., 2006; Ashforth et al., 2007; Trefalt, 2013; Sawyer et al., 2017). The methodology used was Grounded Theory, which has had some updates (Clarke, 2005; Charmaz, 2014; Corbin & Strauss, 2015; Bryant, 2017) and taken different forms, but with some elements in common such as rigor, hard work and care in both data collection and analysis. While not all studies using this methodology would generate a complete theory, the primary aim of this methodology is to explain and present convincing descriptions of social processes (Timonen et al., 2018).

Participants

All disputes were resolved by mediators from the Directorate of Labor in the Chilean public sector. The interviews were carried out with participants from regions of the country where there are more labor conflicts (Labour Direction, 2019a, 2019b, Observatorio de Huelgas Laborales [OHL]-Centro para el Estudio del Conflicto y la Cohesión Social [COES], 2019), one in northern Chile (Coquimbo), two in the center (Metropolitan Region and Valparaíso) and three representative ones in the south (Biobío, Los Ríos, Los Lagos), mainly in branches of economic activity of

services/commerce (14 of 21), only three cases in the forestry sector, two in the mining sector, one in the industry sector and one in the tourism sector.

Nearly all of the organizations were large, having their own Human Resource departments or access to HR expertise, except for two. To some extent, while acknowledging that the sample is not representative, its makeup reflects the results of previous studies that highlight the significantly higher application for mediation in public institutions (Bennett, 2013; Bennett, 2016; Bennett et al., 2020), like Directorate of Labor, and how the size of the organizations affects the use of mediation (Latreille et al., 2012, Bennett, 2016).

The selection technique of the individuals to be interviewed was theoretical sampling, i.e., it was guided by the development of the theory, the immediate interpretation of the data, thus determining the selection of the cases (Martínez-Salgado, 2012; Saliya, 2023) and facilitating the processes of interpretation, analysis and construction of meaning. Sampling ended with theoretical saturation, i.e., when the collection of new data no longer provided additional information to explain existing categories or to discover new categories, i.e., thematic units that allow the information obtained to be grouped and organized (Vivar et al., 2010; Saliya, 2023). In terms of sampling strategies, convenience sampling was used, as the choice was based on non-randomly determined methods (Martín-Crespo & Salamanca, 2007). Twenty-one people were interviewed in the position of labor mediator of the Directorate of Labor belonging to the Ministry of Labor and Social Security, the Chilean State body in charge of the extrajudicial system of labor dispute resolution in Chile, which is the main reason they were chosen.

The criteria with which the participants were chosen were that the mediators came from regions of the country where there is more labor conflicts, and each mediator had to have at least one-year experience in that position (the mean was= 4.70, SD= 0.80). Mediators' ages ranged from 35 to 57 years old, 7 male and 14 female.

Procedure

The study involved the Directorate of Labor (DT), the primary agency for labor mediation in Chile. Permission and access to mediators were requested to the DT, starting with the National Director who received the invitation to participate. Mediators from regions with higher number of strikes and Compulsory Mediation rates were prioritized, and the interviews took place in Individual Conciliation and Labor Mediation Centers under the DT's jurisdiction.

The participants were informed about the purposes of the research and subsequently, each interviewee signed a letter of informed consent.

With the interviews transcribed, the information was analyzed using the Grounded Theory qualitative analysis model (Strauss & Corbin, 1994; Bonilla-García & López-Suárez, 2016; Rogers, 2023), which is characterized by being systematic and emergent. Thus, the data were coded through three instances proposed by Bonilla-García and López-Suárez (2016), namely open, axial and selective coding. In open coding, codes were generated based on the inductive subjectivity of the researchers, textual quotations were identified, data were reduced into categories that

gave rise to concepts, which in turn were grouped into families or subcategories. The codes emerging from the first transcripts were considered to develop questions for the subsequent interviews (theoretical sampling). Two assistant researchers independently coded interview transcripts and discussed and finalized a set of codes agreed. First-order codes were based on behavioral indicators and on their relevance to mediation strategies. Second-order themes were then categorized, forming the foundation of our theoretical model. The coding process concluded upon reaching theoretical saturation, employing theoretical coding techniques (Hernández Carrera, 2014) for data interpretation and categorization.

Atlas.ti 23 was used as supporting software for the coding and analysis of the data obtained through the interviews. By means of axial coding, relationships among the codes or subcategories were found through an active, systematic search and constant comparison (possible relationships can be found in Figure 3). Relationships among the categories were established and a graphical representation model was developed (Friese, 2014). In the selective coding, the conceptual relationships among the codes or subcategories were established, which finally made it possible to understand and make sense of the data obtained (Linneberg & Korsgaard, 2019).

Interview

Semi-structured interviews were conducted, which were based on a question guide and where the interviewer was free to introduce additional questions to clarify concepts or obtain more information about the topics. Interviews are the most important data collection tool in qualitative research (Rosenthal, 2017), allowing for contextualized and holistic information (Vieytes, 2004) and contributing to a more complete understanding of the behavior and effectiveness of labor mediators and the meaning they give to their actions. The interviews consisted of 14 topic-questions (see Table 1) on demographics, type of conflict, successful mediator questionnaire developed by Golberg (2005), and the key factors explaining why parties trust the mediator proposed by Poitras et al., (2003) and Poitras (2009). Mediators were encouraged to focus on the last successful mediation in which they participated and to describe the use of certain strategies. In this respect, 53,1% of mediators referred to rights-based conflicts and 46,9% referred to interest-based conflicts.

Table 1. Interview topics

1.	Description of the compulsory mediation system.
2.	Can you describe your role in compulsory mediation?
3.	What types of conflict are most frequent?
4.	How can the mediator's work be successful or effective? What skills and techniques do you think the mediator should possess in order to contribute to reaching and fulfilling agreements?
5.	What emotions mainly arise when participating in the mediation process?

Continue

Table 1. Interview topics

Concludes

6.	How do you open up the conflict, how do you get to know parties' interests and feelings, how do you get to know the problem?
7.	When is it advisable to hold several sessions, to hold joint meetings or separate meetings?
8.	What types of conflicts are most frequent? What types of conflicts have you dealt with in your last mediation?
9.	Referring to your last mediation, how do you explain your success as a mediator? Do you think all mediators are equally successful for the same reasons in compulsory mediation?
10.	Do you think it is easier to manage legal conflicts than conflicts of interest? In which cases have you been more effective?
11.	Do you think that trust between the parties is essential in mediation?
12.	How important is communication in the mediation process? From your point of view, what aspects of communication are essential for the mediation process to be effective?
13.	And with regard to the prestige, respect and the vision that people or social representation have of the Directorate of Labor Relations and the Mediation Centers, do you think that people or users of the system trust the Institutions? Do you consider that the mediator has a reputation for being honest, trustworthy, ethical?
14.	Regarding the success and effectiveness of mediation, would you like to add anything else?

RESULTS

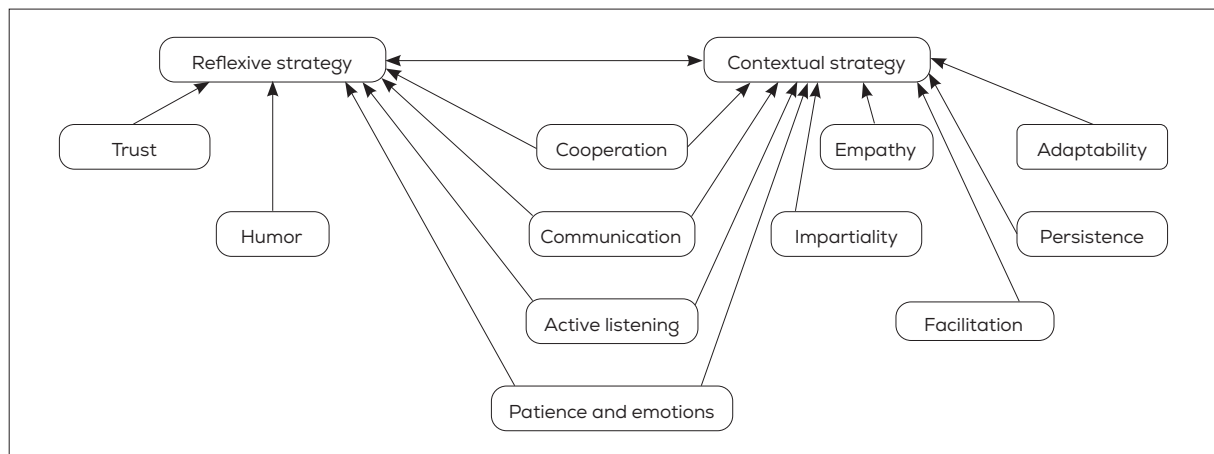
Data analysis involved identifying common concepts in interviews, leading to two main categories and subcategories for both rights and interest-based conflict mediations. The preliminary analysis focused on conflict types, mediators' success explanations, and mentions of mediation strategies.

Two categories of mediation strategies emerged: “contextual strategies” to facilitate conflict resolution and “reflective strategies” to build trust in the mediator and in the mediation process. Table 2 presents the initial findings on how interviewees mentioned these strategies for both rights and interest-based conflicts, which shows the description of the use of strategies and not necessarily their use:

Table 2. Frequency of types of mediation strategies reported by mediators

Strategies /Type of conflict	Interests	%	Rights	%	Total	%
Reflexive strategies	9	60	10	58,82	19	59,38
Contextual strategies	6	40	7	41,18	13	40,62
Total	15	100	17	100	32	100

As it can be seen in Table 2, both reflexive and contextual strategies were mentioned as equally used in rights and interest-based conflicts in compulsory workplace mediation, which is consistent with previous studies on general workplace mediation (Cea et al., 2022). Based on the subsequent analysis of the interviews, a network of category relationships and their components was elaborated. Figure 1 shows the network of relationships between the categories and the elements that form part of them.

Figure 2. Network of relationships of categories and elements of mediation strategies

Reflexive strategies

The service/commerce sector has experienced significant growth over the last three decades, becoming a pivotal stage in the process of capitalist modernization (Arredondo, 2017).

In this service/commerce sector, reflexive strategies are crucial. However, their significance is not confined to this sector alone. Mediators have acknowledged their importance in resolving conflicts that arise in various fields, including forestry, mining, industry, and tourism. They correspond to behaviors that seek to establish trust in the mediator and the mediation process. This category is made up of the following elements or subcategories that emerged from the analysis: one the one hand, Trust in the mediator and in the process, on the other hand, Humor in mediation.

Trust in the mediator and in the process

It is defined as a way to gain parties' acceptance, alluding to behaviors that seek to establish trust in the mediator and in the mediation process, as well as the expectation that the other party will cooperate in the future (Pruitt & Carnevale, 1993; Lopez-Fresno et al., 2018). Greater trust in mediators means that they have easier access to information that can help the parties reach a possible agreement. The faster trust is gained, the faster access to information and the faster the mediation performance can be (Poitras, 2013; Kals et al., 2016):

It is important from the outset to build trust, first between the parties and the mediator, then in cooperation with each party and finally between the parties to gain information and ensure better behavior of the parties in the future (Mediator 2).

Trust is fundamental to reach a successful mediation (Goldberg & Shaw 2007; Poitras, 2009; Stimec & Poitras, 2009; Rivera Adrover & Casado de Starizky, 2019; Isaacson et al., 2020):

Trust helps you relax and relax the issues, put yourself in the other's place, be trustworthy for the parties, not necessarily in all mediations they reach agreement, sometimes you can't reach, but obviously trust helps reaching a better understanding... eeh resolving conflicts is better with trust (Mediator 5).

Humor in mediation

Some mediators indicated that the active use of humor in mediation can lighten the atmosphere, reduce tension in conflicts, and build trust between the two parties (Harnack, 2016; Kurtzberg et al., 2009):

I think that all mediators are not successful for the same reasons, I think that it depends on personal factors..., one of the things that I consider very important is the use of humor to relax the atmosphere (Mediator 14).

For me it is fundamental to take things in a relaxed way to generate a better atmosphere, using humor reduces the tension of the conflict and allows the parties to lower their barriers when negotiating... (Mediator 12).

Contextual strategies

These strategies refer to behaviors designed to facilitate the conflict resolution process aiming at helping parties find acceptable solutions to problems. The mediators from the aforementioned sectors, including services/commerce, forestry, mining, industry, and tourism, have all reported the importance of these strategies. This category includes the following items or subcategories that appeared in the interview: empathy, adaptability and/or flexibility, impartiality, facilitation, and persistence.

Empathy

Respondents rated this as very important. It is understood as the ability to put oneself in another person's shoes in order to understand what is happening to the other person (Munduate & Baron, 2007; Goldberg, 2005; Goldberg & Shaw 2007; Bollen & Euwema, 2013):

You can gain trust in the parties in conflict by being empathetic and understanding what is really happening to them, this is difficult especially because sometimes you tend to empathize more with one than with others (Mediator 18).

...effectiveness is achieved with real interest in the parties over the conflict, empathy, listening, putting oneself in the other's place in order to understand them (Mediator 4).

Adaptability and/or flexibility

Several interviewees emphasized the importance of ensuring sufficient adaptability or flexibility to tailor activities at any given time to each individual situation and mediation requirements. Mediators sometimes need to improvise, be flexible to move the process forward, and adapt tactics to specific situations (Coleman et al., 2016):

Success hinges on having the requisite skills, adaptability, and the ability to adjust to each phase of the process (Mediator 15).

In mediation you come across many things, overflowing emotions, injustices, misunderstandings, eh, deteriorated relationships, sometimes there are things that affect you, the important thing is to have the ability to adapt to different situations to be able to cope better with each of the demands and thus avoid making mistakes...(Mediator 21).

Impartiality

Impartiality in mediation means respecting the negotiators' decisions by refraining from proposing alternatives with which it is achieved, to maintain neutrality and confidentiality (Goldberg, 2005; Boulle et al., 2015; Georgakopoulos, 2017; Labour Direction, 2017b; Hanaway, 2021):

...mediators should not provide alternative solutions to the conflict, the solution should come from the disputants, they are the ones who know what is best for the parties" (Mediator 2).

On the other hand, a relatively neutral intervention designed to follow the parties' negotiations can create an opportunity for the parties to engage in exploratory dialogue about their conflicts in order to find their own solutions (Seaman, 2020):

The third party has to act confidently, neutrally, impartially, with equidistance, aiming at having the conflicting parties open up to dialogue and find the best solutions to their conflicts themselves (Mediator 9).

Facilitation

It is understood as favoring the conditions for a correct resolution of conflicts, promoting that the parties themselves reach their own solution.

Sometimes it is necessary to modify the circumstances in which mediation takes place to help the parties find their own solutions, it is difficult, but with experience one gradually understands that the solutions do not depend on oneself (Mediator 7).

Eh...we have to be very clear about what type of conflict is behind it, for things not to get complicated we have to do several things, to simplify the agenda, to prioritize the order of what is going to be dealt with in the day's session, the idea is to facilitate things so that everything flows, we have to do our part in these things (Mediator 8).

Persistence

As interviewees mentioned, persistence in guiding parties to find their own solutions is essential, aligned with Tallodi's (2019) observation that mediation involves numerous factors demanding perseverance:

Eh...because not everything is so easy, we have to insist and insist, we have to be very patient because our intervention does not necessarily have immediate results, that is why we must persist and have the confidence that with what we do we are contributing to the resolution of conflicts (Mediator 20).

At mediation it is necessary to foster an atmosphere conducive to parties' communication and collaborative problem-solving, focused on their autonomy and determination to reach agreements, requiring both persistence and patience (Mediator 6).

Contextual and reflective strategies

This section includes those subcategories common to the two categories that have emerged. Common elements or sub-categories among the contextual and reflective strategies reported by the interviewees are the following: cooperation, communication, listen to, and patience and emotions.

Cooperation

Mediators describe cooperation as a fundamental characteristic of the mediation process, relating it directly to trust with the mediation process as well as with the other parties to the conflict:

...cooperation in that there is always going to be one who has to give in and when they are in a negotiation process both parties give in on certain things, maybe one party leaves one point aside but asks another party to favor them on another point (Mediator 21).

...as I say there has to be a lot of cooperation and a lot of trust, if there isn't, nothing good will come of it (Mediator 20).

Communication

It is considered necessary to facilitate the parties to come up with alternatives and/or solutions to the conflict and it is also considered a key tool for building trust in the process and in the mediator (Isaacson et al., 2020; Fritz, 2021):

...Creating a conducive communication environment for parties to empathize, negotiate, and achieve mutually satisfying agreements. Fostering trust, facilitating dialogue, and guiding rather than imposing solutions (Mediator 2).

...communication has to be fluid, it has to be understood in order to reach an agreement, otherwise the other party will not understand you (Mediator 8).

Active listening

Active listening serves as the cornerstone for establishing a trustworthy working relationship between the mediator and the conflicting parties, as emphasized by Hanaway (2021). It signifies a genuine desire to comprehend the intended message (Isaacson et al., 2020; Fritz, 2021):

...listening to each party, putting oneself in the other's shoes. Identifying what is important, being trustworthy to the parties. Active listening skills are fundamental, applying the technique of open and closed questions as needed (Mediator 1).

The key to success is active listening without judgement, listening with an ear and observing gestures and things that are not said with words... (Mediator 19).

Patience and emotions

A mediator needs patience and belief in the process, even when things feel very stuck (Hanaway, 2021):

...above all with patience to create a space that allows the parties to express themselves respectfully, to put themselves in the place of the other and to generate solutions that are satisfactory to them (Mediator 6).

On the other hand, one must be patient and try not to get emotionally involved in the situation, for which it is necessary to manage the expression of strong and destabilizing emotions (Goleman, 2005), to regulate one's own emotions or those of the parties in conflict (Kelly & Kaminskiene, 2016; Cea et al., 2019b).

...one must be patient and not express strong emotions, one must learn to manage emotions... (Mediator 21).

Anger, rage, impotence are frequent, so sometimes you have to sit at a table with people who don't want to move from their positions. It's not that the employer doesn't want to, it's the other people who don't want to, and the workers say the opposite, so you have to be very patient and manage your own emotions and those of the conflicting parties (Mediator 16).

CONCLUSION

This paper has been developed in the research concerning workplace mediation in two respects: first, it focuses on the experiences of participants in compulsory mediation through 21 interviews with individuals drawn from different contexts in Chile. Second, it uses Goldberg (2005), Poitras et al., (2003), and Poitras (2009) framework to explore effectiveness of mediation in two types of conflicts.

Regarding the choice of mediator's strategies for optimal effectiveness in diverse mediation situations and organizational contexts (as discussed by Bollen et al., 2016, Coleman et al., 2014), the literature suggests that mediators use a Contingency Model in workplace mediation. This approach emphasizes aiding disputants to gain a better grasp of each other's concerns and interests. It acknowledges that there is no universally superior approach, strategy, or style for mediating workplace conflicts. The choice should be context-dependent, considering factors such as national and organizational culture, disputants' traits, conflict specifics, and mediator attributes (Bollen et al., 2016), in our case, the current investigation found that mediators reported the use of two types of strategies to manage different sectoral conflicts in compulsory mediation in Chile.

The study's most salient discovery is the description of the application of two types of strategies that mediators report they use in compulsory mediation, namely contextual and reflective, in the performances of Chilean labor mediators. The trusting relationship could be influenced by the mentioned use of contextual and reflective tactics, which also help the parties come up with their resolution to the problem, which is congruent with the literature suggesting that trust seems to be necessary to conclude mediations with an agreement (Poitras & Le Tareau, 2009; Cea et al., 2018; Cea et al., 2019a; Riera Adrover et al., 2020b).

This reinforces the findings of some previous quantitative studies, in the sense that these types of strategies or set of behaviors could explain the effectiveness of mediation in general mediation systems (Cea et al., 2015; Cea et al., 2018).

The results presented are consistent with the findings found by Goldberg (2005), Poitras et al., (2003), and Poitras (2009) in that the majority of mediators stated that the central reason for their success was their ability to develop a good relationship with the parties through behaviors such as empathy, trust, neutrality, patience, communication skills, and active listening. There were no discrepancies observed in the implementation of strategies of mediation reported and their efficacy across various sectors and industries. Mediators have acknowledged the importance of the use of reflexive and contextual strategies to resolve conflicts that arise in various fields, including service/commerce, forestry, mining, industry, and tourism.

There are two primary drawbacks to the current study. First off, all data originate from the Directorate of Labor, a state agency that offers labor mediation services. The ability to compare the qualitative with quantitative elements of the mediation strategies that the interviewees may have indicated they use in their actions, as well as to compare with private mediation, would be interesting in the future.

Second, the data refer to a single type of mediation, the compulsory one. In the future, it would be interesting to compare the different types of mediation that occur in Chile (voluntary mediation, in the process of collective bargaining; requested by employers or workers; organized mediation of temporary workers; mediation of collective conflicts), as well as possible differences in economic sectors.

Third, because the interviewers themselves provided these subjective assessments of things like trust, collaboration, communication skills, patience, emotions, empathy, and other things, there may be some bias in the results. The findings of this research report on the description of the use of the strategies and do not necessarily imply that mediators use them all the time.

It is expected that future research can also collect data from conflicting parties while using other methodologies (quantitative, experimental, or mixed), which may encourage triangulation (McDermott, 2012; Baim-Lance et al., 2020; Stamenkov, 2022) and achieve more conclusive findings. Investigation of the effects of the factors existing in the disputing parties and/or the nature of the dispute on the success, trust or perceived fairness of the mediation process is also seen as an important study in the future.

REFERENCES

- Arredondo, F. (2017). *El conflicto laboral en el sector servicios: Rupturas y continuidades en la conflictividad del trabajo chileno*. <https://repositorio.uchile.cl/handle/2250/176708>
- Ashforth B., Kreiner G., Clark M., & Fugate, M. (2007). Normalizing dirty work: Managerial tactics for countering occupational taint. *Academy of Management Journal*, 50, 149–174. <https://doi.org/10.5465/AMJ.2007.24162092>
- Baim-Lance, A., Onwuegbuzie, A., & Wisdom, J. (2020). Project Management Principles for Optimizing Publication Productivity of Mixed Methods Studies. *The Qualitative Report*, 25(3), 646–661. <https://hdl.handle.net/10210/460762>

- Benítez, M., Medina, F., & Munduate, L. (2011). El estudio del conflicto en los equipos de trabajo. Una visión de las contribuciones científicas realizadas en España. *Papeles del Psicólogo*, 32(1), 69–81. <https://www.papelesdelpsicologo.es/pdf/1920.pdf>
- Bennett, A. (2016). Experiencing mediation from the disputants' perspective. *Reframing Resolution: Innovation and Change in the Management of Workplace Conflict*, 171-190. https://doi.org/10.1057/978-1-137-51560-5_9
- Bennett, T. (2013). Do union-management learning partnerships reduce workplace conflict?. *Employee relations*, 36(1), 17-32. <https://doi.org/10.1108/ER-02-2013-0018>
- Bennett, T., Saundry, R., & Fisher, V. (2020). *Managing employment relations*. Kogan Page Publishers.
- Bollen, K., Munduate, L., & Euwema, M. (2016). *Advancing workplace mediation: Integrating theory and practice*. Springer International.
- Bollen, K., & Euwema, M. (2013). Workplace mediation: An underdeveloped research area. *Negotiation Journal*, 29 (3), 329-353. <https://doi.org/10.1111/nejo.12028>
- Bonilla-García, M., & López-Suárez, A. (2016). An example of methodological process of grounded theory. *Cinta de Moebio*, (57), 305-315. <https://dx.doi.org/10.4067/S0717-554X2016000300006>
- Bonilla-García, M., & López-Suárez, A. (2016). Ejemplificación del proceso metodológico de la teoría fundamentada. *Cinta de Moebio*, (57), 305-315. <https://dx.doi.org/10.4067/S0717-554X2016000300006>
- Boulle, L., Goldblatt, V., & Green, P. (2015). *Mediation: Skills and strategies*. (pp. 1-447). LexisNexisNew Zealand: LexisNexis.
- Brandhorst, J., Compton, C., Solon, K., Huyler, D., McGill, C., & Barnhart, L. (2023). What Can Grounded Theory do for Human Resource Development? An Approach for Post-Pandemic Research and Beyond. *Human Resource Development Review*, 22(2), 180-203. <https://doi.org/10.1177/15344843221149309>
- Bryant, A. (2017). *Grounded theory and grounded theorizing: Pragmatism in research practice*. Oxford University Press.
- Cea, J., Medina, F., & Ramírez, J. (2013). Culture and perceived Mediation Effectiveness and Strategies in Interest and Rights Conflicts. XVI Congress of the European Association of Work and Organizational Psychology, Münster, Alemania.
- Cea, J., Medina, F., & Ramírez, J. (2014). Mediation Across Cultures: Contextual Strategy and Trust Perception Influence Third Parties' Effectiveness. XXVII Annual Conference of International Association for Conflict Management, Leiden, The Netherlands, July, 2014.
- Cea, J., Medina, F., & Ramírez, J. (2015). *Mediation and Conflict Management in the Workplace: A Comparative Study between Chile and Spain* (Unpublished doctoral dissertation). Seville, University of Seville.
- Cea, J., Medina, F., & Ramírez, J. (2019a^a). *Mediation outcomes: Type of conflict and third party affiliation influence trust perceived*. Paper presented at the International Annual Meeting of the Society for Experimental Social Psychology, Toronto, Canada.

- Cea, J., Medina, F., & Ramírez-Marín, J. (2018, June 25). Contextual Strategy and Justice Perceptions Influence Labour Mediators' Effectiveness across Cultures. In Chin, J.L., Paper presented at the 76th Annual Conference International Council of Psychologists. Montreal, Canada.
- Cea, J., Medina, F., & Ramírez-Marín, J. (2023). Estrategias efectivas de los mediadores chilenos en conflictos laborales. *Innovar: Revista de Ciencias Administrativas y Sociales*, 33(88). 133-148. <https://doi.org/10.15446/innovar.v33n88.106277>
- Cea, J., Riveros, & Cárdenas, R. (2019b). La Mediación Laboral y la Gestión de las Emociones de las Terceras Partes, Chile. *Anuario de Negociación y Resolución de Conflictos*, 3, 66-80. <https://doi.org/10.5354/0719-0816.2019.56949>
- Charmaz, K. (2000). Grounded theory and methodology: Objectivist and constructivist methods, en *Handbook of Qualitative Research*, 2^a ed. Editado por N. K. Denzin y Y. S. Lincoln, 509-535. Sage Publications.
- Charmaz, K. (2014). *Constructing grounded theory (2nd ed.)*. Sage.
- Charmaz, K., & Henwood, K. (2017). Grounded theory methods for qualitative psychology. *The SAGE handbook of qualitative research in psychology*, 2, 238-256. <https://doi.org/10.4135/9781526405555>
- Clarke, A. E. (2005). *Situational analysis: Grounded theory after the postmodern turn*. Sage.
- Coleman, P. T., Kugler, K., Gozzi, C., Mazzaro, K., El Zokm, N., & Kressel, K. (2014). Putting the peaces together: Introducing a situated model of mediation. *International Journal of Conflict Management*, 26(2), 145-171. <https://doi.org/10.1108/IJCMA-02-2014-0012>
- Coleman, P., Kügler, K., & Mazzaro, K. (2016). Getting Beyond Win-Lose and Win-Win: A situated Model of Adaptative Mediation. En Bollen, K., Munduate, L., y Euwema, M. (Editores). *Advancing workplace mediation: Integrating theory and practice*. Springer International.
- Corbin, J., & Strauss, A. (2015). *Basics of qualitative research: Techniques and procedures for developing grounded theory (4th ed.)*. Sage.
- Creamer, E. G. (2022). *Advancing Grounded Theory with Mixed Methods*. New York: Routledge.
- Currie, D., Gormley, T., Roche, B., & Teague, P. (2017), The Management of Workplace Conflict: Contrasting Pathways in the HRM Literature. *International Journal of Management Reviews*, 19, 492-509. <https://doi.org/10.1111/ijmr.12107>
- Cutcher-Gershenfeld, J. & Kochan, T. (2004). Taking stock: collective bargaining at the turn of the century. *Industrial and Labour Relations Review*, 58, 3–26. <https://doi.org/10.2307/4126634>
- Devinatz, V. & Budd, J. (1997). Third parties dispute resolution. Interest disputes. In D. Lewin, D.J.B. Mitchell, & M.A. Zaidi (Eds.), *The Human Resource Management Handbook*, 95-135. JAI Press.
- Labour Direction (2002). *Orden de servicio N°1 que crea y ordena un Sistema de Solución Alternativo de Conflictos Colectivos*. Santiago: Ministerio del Trabajo y Previsión Social.
- Labour Direction (2010). *Estadísticas de Mediación*. Santiago: Ministerio del Trabajo y Previsión Social.
- Labour Direction (2014). *Anuario Estadístico 2014*. Santiago: Ministerio del Trabajo y Previsión Social.

- Labour Direction (2015). *Estadísticas de Registros Administrativos de la Dirección del Trabajo. Resolución de Conflictos en las Relaciones Laborales: Resultados de Mediaciones y Conciliaciones de los años 2007 a 2015*. Santiago: Ministerio del Trabajo y Previsión Social.
- Labour Direction (2016). *Anuario Estadístico 2016*. Santiago: Ministerio del Trabajo y Previsión Social.
- Labour Direction (2017a). *Circular N°41 sobre la regulación de la Mediación Laboral de acuerdo a la Ley 20.940 que moderniza el Sistema de Relaciones Laborales*. Santiago: Ministerio del Trabajo y Previsión Social.
- Labour Direction (2017b). *Dictamen N°1414/033*. Santiago: Ministerio del Trabajo y Previsión Social.
- Labour Direction (2019a). *Anuario Estadístico 2019*. Santiago: Ministerio del Trabajo y Previsión Social.
- Labour Direction (2019b). *Encuesta ENCLA. Informe de Resultados Novena Encuesta Laboral*. Santiago: Ministerio del Trabajo y Previsión Social.
- Euwema, M., Medina, F., García, A., & Pender, E. (2019). *Mediation in Collective Labor Conflicts*. Springer Nature.
- Frei, R., Moya, C., Castillo, A., Gerber, M., & Puga, I. (2022). ¿Qué hacer? Repertorios de acción frente a las injusticias percibidas en los lugares de trabajo en Santiago de Chile. *Latin American Research Review*, 57(4), 813-830. <https://doi.org/10.1017/lar.2022.51>
- Friese, S. (2014). *Qualitative data analysis with ATLAS.ti*. SAGE Publications Ltd.
- Fritz, J. M. (2021). Clinical sociological contributions to the field of mediation. *International clinical sociology*, 201-213. https://doi.org/10.1007/978-3-030-54584-0_11
- Gale, J., Mowery, R., Herman, M., & Hollet, N. (2002). Considering effective divorce mediation: Three potential factors. *Conflict Resolution Quarterly*, 19(4), 389-420. <https://doi.org/10.1002/crq.3890190403>
- Gallagher, D. & Gramm, C. (1997). Collective bargaining and strike activity. In D. Lewin, D.J.B. Mitchell, y M.A. Zaidi (Eds.), *The Human Resource Management Handbook*, 65-93. JAI Press.
- Georgakopoulos, A. (2017). *The Mediation Handbook: Research, theory, and practice*. Routledge.
- Goldberg, S. & Shaw, M. (2007). The secrets of successful (and unsuccessful) mediators. *Negotiation Journal*, 23 (4), 390-417. <https://doi.org/10.1111/j.1571-9979.2007.00152.x>
- Goldberg, S. (2005). The secrets of successful mediators. *Negotiation Journal*, 21 (3), 365-376. <https://doi.org/10.1111/j.1571-9979.2005.00069.x>
- Hanaway, M. (2021). *Psychologically Informed Mediation: Studies in Conflict and Resolution*. Routledge.
- Harnack, K. (2016). A psychological toolbox for mediators: From theory and research to best practices. En Bollen, K., Munduate, L., y Euwema, M. (Editores). *Advancing workplace mediation: Integrating theory and practice*. Springer International.
- Hernández Carrera, R. (2014). La investigación cualitativa a través de entrevistas: su análisis mediante la teoría fundamentada. *Cuestiones Pedagógicas. Revista De Ciencias De La Educación*, (23), 187-210.

- Isaacson, K., Ricci, H., & Littlejohn, S. (2020). *Mediation: Empowerment in Conflict Management*. Illinois: Waveland Press.
- Jequier Lehedé, E. (2018). La ejecución del acuerdo de mediación en asuntos civiles y comerciales. Una revisión impostergable. *Revista de Derecho*, 31(2), 71-93. <https://dx.doi.org/10.4067/S0718-09502018000200071>
- Joo, B. Yoon, S., & Galbraith, D. (2023). The effects of organizational trust and empowering leadership on group conflict: psychological safety as a mediator. *Organization Management Journal*, 20(1), 4-16. <https://doi.org/10.1108/OMJ-07-2021-1308>
- Kals, E., Thiel, K., & Freund, S. (2016). Workplace Mediation: Searching for Underlying Motives and Interests. In Bollen, K., Euwema, M., & Munduate, L. *Advancing Workplace Mediation through Integration of Theory and practice*. Springer International Publishing.
- Kelly, E. & Kaminskienė, N. (2016). Importance of emotional intelligence in negotiation and mediation. *International Comparative Jurisprudence*, 2(1), 55-60. <https://doi.org/10.1016/j.icj.2016.07.001>
- Kong, D. & Yao, J. (2019). Advancing the scientific understanding of trust and culture in negotiations. *Negotiation and Conflict Management Research*, 12(2), 117-130. <https://doi.org/10.1111/ncmr.12147>
- Kreiner G., Hollensbe, E., & Sheep M. (2006). Where is the “me” among the “we”? Identity work and the search for optimal balance. *Academy of Management Journal*, 49, 1031–1057. <https://doi.org/10.5465/AMJ.2006.22798186>
- Kressel, K. & Pruitt, D. (1985). Themes in the mediation of social conflict. *Journal of Social Issues*, 41(2), 179-198. <https://doi.org/10.1111/j.1540-4560.1985.tb00862.x>
- Kurtzberg, T., Naquin, C., & Belkin, L. (2009). Humor as a relationship-building tool in online negotiations. *International Journal of Conflict Management*, 20(4), 377–397. <https://doi.org/10.1108/10444060910991075>
- Kydd, A. (2003). Which side are you on? Bias, credibility, and mediation. *American Journal of Political Science*, 47(4), 597-611. <https://doi.org/10.1111/1540-5907.00042>
- Latreille, P., Buscha, F., & Conte, A. (2012). Are you experienced? SME use of and attitudes towards workplace mediation. *The International Journal of Human Resource Management*, 23(3), 590-606. <https://doi.org/10.1080/09585192.2012.641082>
- Latreille, P. & Saundry, R. (2014). Mediation. In W. Roche, P. Teague & A. Colvin (Eds.), *The Oxford handbook on conflict management*, 190–209. Oxford University Press.
- Lee, J., & Lim, M. (Eds.). (2019). *Contemporary issues in mediation* (Vol. 3). World Scientific Publishing Company Pte. Limited.
- Lefio, Á., Fuentes, A., Madariaga, C., & Gaete, J. (2020). *Virus y Sociedad: hacer de la tragedia social una oportunidad de cambios*. Santiago de Chile: Revista Chilena de Salud Pública, ed. Escuela de Salud Pública.
- Leiva, F. (2012). Flexible Workers, Gender, and Contending Strategies for Confronting the Crisis of Labour in Chile. *Latin American Perspectives*, 39 (4), july, 102-128. <https://doi.org/10.1177/0094582X12441517>

- Lim, R. & Carnevale, P. (1990). Contingencies in the mediation of disputes. *Journal of Personality and Social Psychology*, 58(2), 259-272. <https://doi.org/10.1037/0022-3514.58.2.259>
- Linneberg, M. & Korsgaard, S. (2019). Coding qualitative data: A synthesis guiding the novice. *Qualitative research journal*, 19(3), 259-270. <https://doi.org/10.1108/QRJ-12-2018-0012>
- Lopez-Fresno, P., Savolainen, T., & Miranda, S. (2018). Role of Trust in integrative negotiations. *Electronic Journal of Knowledge Management*, 16(1), 13-22. <https://www.proquest.com/docview/2041570767>
- Maoz, Z. & Terris, L. (2006). Credibility and strategy in international mediation. *International Interactions*, 32(4), 409-440. <https://doi.org/10.1080/03050620601011073>
- Martín-Crespo, M. & Salamanca, A. (2007). El muestreo en la investigación cualitativa. *Nure Investigación*, 4, 1-4. <https://www.nureinvestigacion.es/OJS/index.php/nure/article/view/340>
- Martínez, R., Munduate, L., Medina, F., & Euwema, C. (2008). Effectiveness of mediation strategies in collective bargaining. *Industrial Relations*, 47(3), 480-495. <https://doi.org/10.1111/j.1468-232X.2008.00530.x>
- Martínez-Salgado, C. (2012). El muestreo en investigación cualitativa. Principios básicos y algunas controversias. *Ciencia e Saude Coletiva*, 17(3), 613-619. <https://doi.org/10.1590/S1413-81232012000300006>
- Masood, M. & Javed, S. (2016). Impact of conflict management styles on affective and cognitive trust: moderating role of transformational leadership. *Pakistan Business Review*, 17(4). <https://core.ac.uk/download/pdf/268591301.pdf>
- McDermott, E. (2012). Discovering the importance of mediator style - an interdisciplinary challenge. *Negotiation and Conflict Management Research*, 5 (4), 340-353. <https://doi.org/10.1111/j.1750-4716.2012.00111.x>
- Medina, F., Cea J., & Ramírez-Marín, J. (2017). Cultura y mediación en el lugar de trabajo. *Revista de Cultura de paz*, 1, 49-66. <https://revistadeculturadepaz.com/index.php/culturapaz/article/view/4>
- Munduate, L. & Barón, M. (2007). *Curso básico de mediación*. Sevilla: Consejo Andaluz de Relaciones Laborales. Consultada el 10 de Octubre de 2008 del sitio. http://www.juntadeandalucia.es/empleo/anexos/ccarl/7_2_0.pdf
- Munduate, L., Medina, F., & Euwema, M. (2022). Mediation: Understanding a constructive conflict management tool in the workplace. *Journal of Work and Organizational Psychology*, 38(3), 165-173. <https://doi.org/10.5093/jwop2022a20>
- Observatorio de Huelgas Laborales [OHL]-Centro para el Estudio del Conflicto y la Cohesión Social [COES]. (2019). *Informe de Huelgas Laborales en Chile 2019*. Santiago: Universidad Alberto Hurtado, Centro de Estudios del Conflicto y la Cohesión Social.
- Organisation for Economic Co-operation and Development [OECD]. (2009). *Reviews of Labour Market and Social Policies*. Organización para la Cooperación y el Desarrollo Económico, Santiago: OECD Publishing.
- Pérez, P., & Ocampo, G. (2022). Conflicto laboral en contextos de fragmentación y pluralismo sindical: un análisis empírico del caso de Chile. *Revista Internacional del Trabajo*, 1-29. <https://doi.org/10.1111/ilrs.12256>

- Poitras, J. (2009). What Makes Parties Trust Mediators?. *Negotiation Journal*, 25, 307-325. <https://doi.org/10.1111/j.1571-9979.2009.00228.x>
- Poitras, J. (2013). The strategic use of caucus to facilitate parties' trust in mediators. *International Journal of Conflict Management*, 24(1), 23-39. <https://doi.org/10.1108/10444061311296116>
- Poitras, J. & Le Tareau, A. (2009). Quantifying the Quality of Mediation Agreements. *Negotiation and Conflict Management Research*, 2(4), 363-380. <https://doi.org/10.1111/j.1750-4716.2009.00045.x>
- Poitras, J., Bowen, R., & Byrne, S. (2003). Bringing horses to water? Overcoming bad relationships in the pre-negotiating stage of consensus-building. *Negotiation Journal*, 19(3), 223-235. <https://doi.org/10.1111/j.1571-9979.2003.tb00782.x>
- Pruitt, D. & Carnevale, P. (1993). *Negotiation in Social Conflict*, Pacific Grove, CA: Brooks/Cole.
- Pujol, L., Armadans, I., Medina, F., Munduate, L., & Anguera, M. (2023). The Mediating Alliance. *Negotiation Journal*. <https://doi.org/10.1111/nejo.12428>
- Rahim, M. (1992). *Managing conflict in organizations*. (2^a Ed.). Praeger.
- Rahim, M. (2023). *Managing conflict in organizations*. Taylor & Francis
- Rebolledo, O. (2020). El fenómeno del Precariado en Chile y la Gestión de los Recursos Humanos (MRH). *Gestión de las Personas y Tecnología*, 13(38), 35-47. <https://www.revistas.usach.cl/ojs/index.php/revistagpt/article/view/4573>
- Redorta, J. (2020). *Manual de gestión y resolución de conflictos. Principios, consejos y herramientas para mediadores y negociadores*. Barcelona: Editorial Almuzara
- Riera Adrover, J., Cuartero Castañer, M., & Campos Vidal, J. (2020^a). Triangulation of Salient Studies to Date on Trust-Building in Mediation. *Negotiation Journal*, 36(3), 353-364. <https://doi.org/10.1111/nejo.12329>
- Riera-Adrover, J., Cuartero-Castañer, M., & Campos-Vidal, J. (2020b). Una revisión sistemática exploratoria sobre la actitud y la aptitud empática de la persona mediadora. *Mediaciones Sociales*, (19), 1-9. <https://doi.org/10.5209/meso.64951>
- Rivera Adrover, J. & Casado de Starizky, T. (2019). La relación de confianza como factor explicativo del éxito de la mediación. *Cuadernos de Trabajo Social*, 32(1), 153-163. <https://doi.org/10.5209/CUTS.56056>
- Rogers, M. (2023). Coding Qualitative Data. In *Varieties of Qualitative Research Methods: Selected Contextual Perspectives*, pp. 73-78. Cham: Springer International Publishing.
- Romero Seguel, A. (2020). Los acuerdos extrajudiciales en materia de libre competencia como tutela cautelar autónoma. *Revista de Derecho*, 27, 0-0. <http://dx.doi.org/10.22199/issn.0718-9753-2020-0010>
- Rosenthal, B. (2017). Entrevista cualitativa. *RAE-Revista de Administração de Empresas*, 57(5), 524. <https://bibliotecadigital.fgv.br/ojs/index.php/rae/article/view/71824>
- Sahoo, R. & Sahoo, C. (2019). Organizational justice, conflict management and employee relations: The mediating role of climate of trust. *International Journal of Manpower*, 40(4), 783-799. <https://doi.org/10.1108/IJM-12-2017-0342>

- Saliya, C. (2023). Grounded Theory. In *Doing Social Research and Publishing Results: A Guide to Non-native English Speakers*, 291-298. Springer Nature. Singapore
- Saundry, R., Bennett, T., & Wibberley, G. (2018). Inside the mediation room—efficiency, voice and equity in workplace mediation. *The International Journal of Human Resource Management*, 29(6), 1157-1177. <https://doi.org/10.1080/09585192.2016.1180314>
- Sawyer, K., Thoroughgood, C., & Ladge, J. (2017). Invisible families, invisible conflicts: Examining the added layer of work-family conflict for employees with LGB families. *Journal of Vocational Behavior*, 103, 23-39. <https://doi.org/10.1016/j.jvb.2017.08.004>
- Seaman, R. (2020). Conceptualising the mediator as ‘follower’ instead of ‘leader’: An explorative approach. *Mediation Theory and Practice*, 4(1), 27-48. <https://doi.org/10.1558/mtp.41256>
- Sebeelo, T. (2022). The utility of constructivist grounded theory in critical policy analysis. *International Journal of Qualitative Methods*, 21, <https://doi.org/10.1177/16094069221090057>
- Stamenkov, G. (2022). Recommendations for improving research quality: relationships among constructs, verbs in hypotheses, theoretical perspectives, and triangulation. *Quality & Quantity*, 57(3), 2923-2946.1-24. <https://doi.org/10.1007/s11135-022-01461-2>
- Stimec, A. & Poitras, J. (2009). Building trust with parties: Are mediators overdoing it? *Conflict Resolution Quarterly*, 26(3), 317-331. <https://doi.org/10.1002/crq.235>
- Strauss, A. & Corbin, J. (1994). Grounded theory methodology. An overview. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research*, 273-285. Sage Publications.
- Tallodi, T. (2019). *How Parties Experience Mediation*. Colchester: Springer International Publishing. <https://doi.org/10.1007/978-3-030-28239-4>
- Tan, J. (2010). Grounded theory in practice: issues and discussion for new qualitative researchers. *Journal of Documentation*, 66(1), 93-112. <https://doi.org/10.1108/00220411011016380>
- Timonen, V., Foley, G., & Conlon, C. (2018). Challenges when using grounded theory: A pragmatic introduction to doing GT research. *International Journal of Qualitative Methods*, 17(1). <https://doi.org/10.1177/1609406918758086>
- Trefalt, S. (2013). Between you and me: Setting work-nonwork boundaries in the context of workplace relationships. *Academy of Management Journal*, 56, 1802–1829. <https://doi.org/10.5465/amj.2011.0298>
- Velásquez Orellana, D., Pérez, D., & Link, S. (2021). What tactical repertoire to use in strikes and when to use it? Strategies of workers and their mobilization power in Chile (2010–2018). *British Journal of Industrial Relations*. 60(1), 78-98. <https://doi.org/10.1111/bjir.12620>
- Vieytes, V. (2004). *Metodología de investigación en organizaciones, mercado y sociedad: epistemología y técnicas*. Editorial de las Ciencias.
- Vivar, C., Arantzamendi, M., López-Dicastillo, O., & Gordo Luis, C. (2010). Grounded theory as a qualitative research methodology in nursing. *Index de Enfermería*, 19(4), 283-288. https://scielo.isciii.es/scielo.php?pid=S1132-12962010000300011&script=sci_abstract&tlng=en
- Wall, J. & Dunne, T. (2012). Mediation research: A current review. *Negotiation Journal*. 217–244. <https://doi.org/10.1111/j.1571-9979.2012.00336.x>

- Wall, J., Chan-Serafin, S., & Dunne T. (2012). Mediator pressing techniques: A theoretical model of their determinants. *Group Decision and Negotiation*, 21(5), 601-619. <https://doi.org/10.1007/s10726-011-9229-7>
- Xi, M., Zhou, L., Zhang, X., & Zhao, S. (2022). Labor relations conflict in China: An analysis of conflict measure, conflict solution and conflict outcomes. *The International Journal of Human Resource Management*, 33(17), 3414-3450. <https://doi.org/10.1080/09585192.2021.1903966>
- Zawadsky, J. (2021). Comparando pobreza laboral: Los casos de Chile y España. *Cuestiones de sociología*, (24), 110. <https://doi.org/10.24215/23468904e110>

CONFLICTS OF INTEREST

The authors have no conflicts of interest to declare.

AUTHORS' CONTRIBUTION

Jorge Cea Rodríguez: Conceptualization, formal analysis, Investigation; Methodology; Software; Visualization; Writing – original draft; Writing – proofreading and editing.