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CONFLICT COACHING AND MEDIATION IN PUBLIC ADMINISTRATION

The urgency and necessity of creating prestigious mediation bureaus has been proved, as they will help systematize the development of mediation culture at the regional level, make the mediation service more accessible to the population of the region and reduce the «degree» of conflicts in society.

Conflicts have been identified as complex and multifaceted phenomena, to reduce the negative consequences of which it is necessary to be able to correctly identify their causes, manage the flow and resolution, apply forms, methods and technologies of regulation, reduce the level of conflict.

Key words: *conflict; mediation; mediation bureau; mediation culture; mediation services.*

Постановка
проблеми

In the current realities of reform, the problem of effective conflict resolution is becoming increasingly important not only in terms of improving the emotional climate of interpersonal interaction, but also – is a necessary component of successful business interaction between people. Conflicts are complex and multifaceted phenomena, to reduce the negative consequences of which it is necessary to be able to correctly identify their causes, manage the flow and resolution, apply forms, methods and technologies of regulation, reduce the level of conflict. Mediation is one of the most popular forms of conflict resolution worldwide recognized.

Аналіз
останніх
досліджень
і публікацій

Many works of scientists of different directions are devoted to the study of conflicts: philosophers, sociologists, psychologists, teachers, managers.

Various aspects of conflicts are considered in the works of the following scientists: O. Badurko, E. Bern, F. Borodin, B. Boldin, G. Lozhkin, M. Piren, N. Poviakel, V. Sheinov). The specifics of pedagogical conflicts are studied – N. Anikeeva, I. Bekh, N. Zhutikova, A. Makarenko, M. Rybakova, V. Semichenko, etc. Management and resolution of conflict situations and mediation – N. Grishina, M. Deitch, Y. Emelyanov, L. Karaushka, N. Kolominsky, O. Redlich, K. Rogers, T. Yatsenko) and others.

Given the importance and global nature of the phenomenon of «conflict», many developments should be noted, while the research of domestic scholars does not fully cover mediation as one of the most popular forms of conflict resolution.

Мета

To generalize and systematize the views of scientists on the definition

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of «conflict», «mediation», to justify the need to create a mediation bureau; to determine the current state of readiness of the population to use mediation services.

Вклад
основного
матеріалу

A definitive analysis of the concept of «conflict» allows us to draw a conclusion about a fairly wide range of its interpretation in the scientific literature. In particular, the conflict is considered in several aspects, namely: first, as a collision of opposite, incompatible tendencies, a single episode in the mind, in interpersonal interactions or in interpersonal relationships of individuals or groups of people associated with negative emotional excitement; secondly, as a form of interaction of contradictory impulses of the conscious and the unconscious; third, a constructive and destructive form of behavior; fourth, the clash of oppositely directed organizational positions of individuals or groups regardless of each other's goals; fifth, the phenomenon of interpersonal and group relations; sixth, the contradiction that arises between people in connection with the solution of certain issues of social and personal life, and so on.

So, summarizing the views of scholars, we note that the conflict is a clash of opposing goals, interests, positions, opinions or views of opponents or actors, i.e. the conflict is based on a situation involving conflicting positions of the parties on any occasion, or opposing goals whether the means of achieving them under the circumstances, or different interests, desires, etc.

Traditionally, mediation (from the Latin mediation – mediation) is seen as a private and confidential use of mediators to overcome the conflict situation, which avoids the loss of time in court proceedings and additional and unforeseen material costs. According to the well-known conflictologist O. Vyshnevskya, the statistics of developed countries show that 83-85% of all conflicts with the use of mediators are successful. Even if the desired result is not achieved, the involvement of mediators promotes understanding between the parties and has a positive effect on the perception of the actions of the opposite party in the trial.

Thus, mediation is the process of resolving a conflict between two conflicting parties with the participation of a neutral third party.

N. Volkovytska argues that, unlike a formal trial, during mediation the parties reach an agreement on their own. Mediation in law is interpreted as a method of resolving disputes involving a mediator (mediator), which helps to analyze the conflict situation so that stakeholders can choose the solution that would meet the interests and needs of all parties to the conflict [1].

To date, mediation has not become widespread in Ukraine. At the same time, paragraph 5.4 of the Strategy for Reforming the Judiciary, Judiciary and Related Legal Institutions for 2015-2020, approved by the Decree of the President of Ukraine of 20.05.2015 №276, provides for the expansion of alternative (out-of-court) dispute resolution, in particular through practical implementation of the institute mediation and mediation. Given that on November 3, 2016, the Verkhovna Rada of Ukraine adopted the draft Law of Ukraine on Mediation (Reg. №3665) as a basis, the establishment of a Mediation Bureau in each region and city is definitely relevant. We will describe the project of the Mediation Bureau, its

mission, purpose, goals, services and tasks, conditions of cooperation and further steps of implementation.

Mission (general idea of the meaning of the Bureau) – influence on policy formation and development of mediation culture in Ukrainian society.

The main purpose of the Mediation Bureau is to resolve conflict situations in society on the basis of the principles of dialogic communication and mediation, mechanisms for the development of mediation culture in the Odessa region.

The idea to achieve the main goal is to create a budget service in the Odessa region to deal with conflicts in the social sphere for the target group of individuals and organizations (refugees, participants in the anti-terrorist operation, families of servicemen, small businesses, schools, social services, kindergartens, police sites, etc.) that face conflicts, but for financial or (sub) cultural reasons, will not on their own initiative to accept mediation services, through the transfer of our expertise multipliers (field experts with no experience in resolving conflicts, but who are in constant contact above described target groups).

Objectives (desired state of certain areas of the Bureau's activities, leading to the implementation of the overall strategy (finances, personnel, internal processes, etc.):

- mediation at the request of individuals and legal entities;
- training and certification of mediators in the framework of educational programs for bachelors and masters in the specialty «Public Administration»;
- conducting research on such phenomena and phenomena as: «mediation in public administration», «mediative culture of the leader», «mediation in cross-cultural management», «mediative nature of information culture», etc.;
- conducting communicative events to inform and discuss the problems of development of mediative culture in Ukrainian society (speeches on radio and television, publications in the press, preparation of open lectures, presentations, etc.),

Specific services and tasks:

- trainings and consultations for conflict multipliers;
- development and methodological support of mediation skills development programs (professional development of mediators by specializations);
- provision of mediation services.

The main conditions are the cooperation, interaction of the Bureau with the institutions of social infrastructure of the Odessa region, which will lead to:

- first, systematization the work on the development of mediation culture at the regional level;
- secondly, making the mediation service more accessible to the population of the region;
- third, reducing the «degree» of conflict in society.

The next steps of implementation are:

- creation of the Odessa Regional Consortium for Mediation in the Social Sphere (public administration bodies, educational institutions, medicine, police, public organizations, etc.);
- raising funds to coordinate the work and office expenses of the Bureau, namely: planning the work of the Bureau; support of performance of

separate tasks (monitoring); coordination and maintenance of contacts with relevant persons and institutions (feedback); control over database creation; maintaining and documenting internal communication; coordination of further funding receipts; organization / coordination of trainings and other forms of mediation dissemination; initiating and maintaining long-term evaluation.

To determine the current state of readiness of the population to use mediation services, a pilot study was conducted, in which public servants, heads of educational institutions, and university teachers took part.

To the first question «Where is the possible demand for mediation?» Respondents provided the following answers: 84% – in all social spheres, 56% – in enterprises, business organizations during disputes between employees and officials, 45% – in any organization where there is a large number of staff, 29% – in disputes related to management, between officials, between employees, between participants in the educational process, 54% – in civil, labor, family and intra-corporate conflict situations, etc. It was also determined that mediation would be in demand in organizations working with partners, clients and ordinary people; in many areas of activity (both at the household level and in working disputes in organizations).

To the question «What can prevent you from contacting a mediation office if you yourself have a conflict?» Respondents were given the opportunity to give preference to the proposed options, namely: 74% – unwillingness to disclose information, bring to the notice of third parties a conflict situation, confidentiality of information and data that can be disclosed when solving the problem, 76% – lack of finances, 57% – nothing, I always advise to turn to competent professionals, 58% – lobbying the interests of one of the parties, resolving the issue with unilateral benefit, 87% – uncertainty in the professionalism of mediators, distrust of the mediator, 32% – publicity, position, financial ability, 51% – uncertainty about the quality of services provided by the mediation bureau, 9% – bad experience in working with the mediation bureau in the past, 73% – lack of willingness of the other party to seek help from the mediation bureau, 72% – lack of qualified mediators, 26% – own ignorance of the benefits of mediation, 28% – imperfection of the legal framework, 32% – lack of information about mediation, 39% – insufficient and information on the possibilities and advantages of the mediator's functions in resolving corporate / labor disputes.

In addition to the above answer options, respondents noted that the lack of a guarantee of non-disclosure of commercial and personal information, guarantees of professionalism, lack of experience in resolving similar situations, insufficiently developed institution of mediation to provide qualified assistance, desire to resolve independently and uncertainty that it can help.

Regarding the question, «What should you pay attention to in order to overcome obstacles on the way to demand?» Respondents said that it is necessary to conduct informational propaganda and advertising, pay attention to marketing and promotion of the mediation process, emphasize confidentiality in resolving the conflict, and consider the possibility of providing services free of charge. Urgent respondents also identified the problem of competent staff who are able to establish a

constructive relationship between all participants in the mediation process, as the image of the mediation bureau is based on the feedback of their clients, and the main in such a bureau is a mediator. It is clear that in Ukraine such organizations are not yet popular, so you need to constantly advertise and offer their services, open training centers and certification of mediators, as their absence calls into question the competence of mediators. To pay attention to the handouts for the planned outreach work on changes in legislation, it would be worth having an item of mediation costs.

Sources of funding for the bureau can be, according to respondents, charitable and sponsorship contributions, contributions of bureau members, the state budget, individuals and legal entities, grants, NGOs, international associations, government.

Висновки

In conclusion, mediation is the process of resolving a conflict between two conflicting parties with the participation of a neutral third party.

The results of the survey indicate a low level of mediation culture, the lack of willingness of the population to use the services of mediation bureaus. The urgency and need to create prestigious mediation offices is a matter of time, as it will help systematize the development of mediation culture at the regional level, make the mediation service more accessible to the population and reduce the «degree» of conflict in society.

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