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“MÁS ALLÁ DEL CONFLICTO: INNOVACIÓN EN LA GESTIÓN DE RRHH A TRAVÉS DE LA MEDIACIÓN”

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TÍTULO PONENCIA: La mediación dentro del ciclo del Conflicto

AUTOR: Dr. Francisco J. Medina. Catedrático de Psicología de las Organizaciones.



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27 DE FEBRERO DE 2025

TÍTULO PONENCIA:

CONTENIDO A PRESENTAR

Los costes del conflicto

La crisis del sistema judicial

El conflicto dentro de las organizaciones

Diseño de un ADR

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Parte 1. los costes del conflicto



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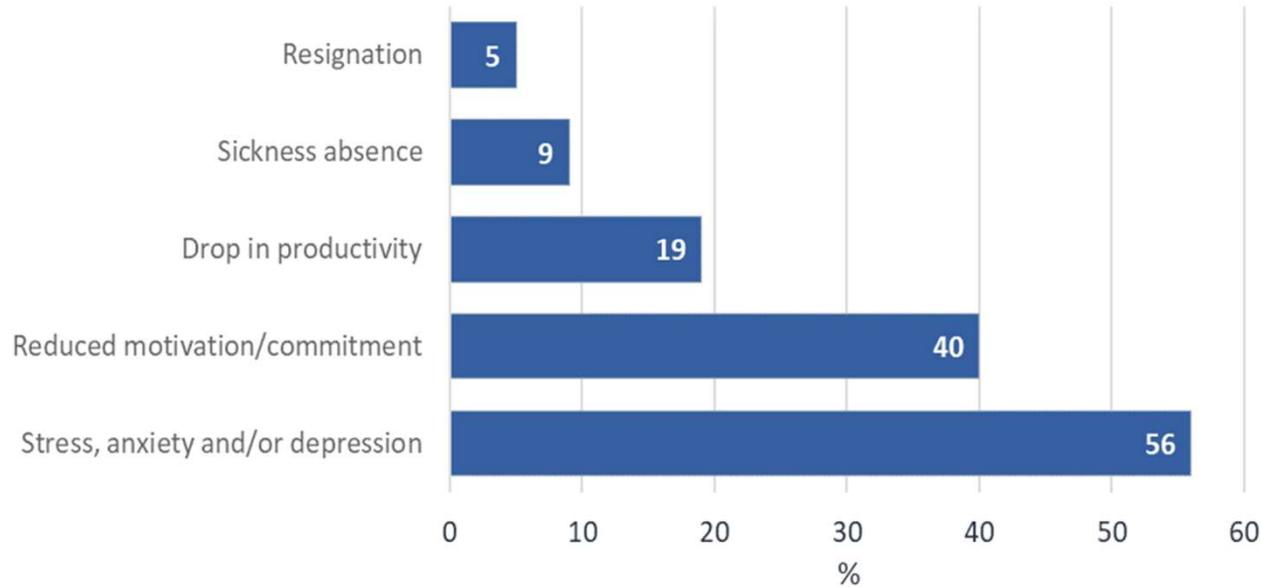
Costes económicos del conflicto



acas working
for everyone

Estimating the costs of workplace conflict

11 May 2021



- This analysis estimates the overall total annual cost of conflict to employers (including management and resolution) at £28.5 billion. This represents an average of just over £1,000 for every employee in the UK each year, and just under £3,000 annually for each individual involved in conflict (see endnote 1). It points to a clear link between the wellbeing of employees and organisational effectiveness.



Conflictos y Riesgos Psicosociales

The Emerald Research Register for this journal is available at www.emeraldinsight.com/researchregister The current issue and full text archive of this journal is available at www.emeraldinsight.com/0268-3946.htm

Types of intragroup conflict and affective reactions

Francisco J. Medina, Lourdes Munduate and Miguel A. Dorado
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Types of
intragroup
conflict

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Abstract

Purpose – Seeks to evaluate the link between task and relationship conflict, and their influence on some employees' affective reactions such as satisfaction, wellbeing, and propensity to leave a job; and to analyse the mediated and moderated role of relationship conflict.

Design/methodology/approach – The study involved 169 employees from six service organizations (hotels) in Andalusia (Spain). A questionnaire was used containing different measures: task and relationship conflict, wellbeing, job satisfaction, and propensity to leave the job.

Findings – The two types of conflict have different consequences. Data show that relationship conflict is negatively associated with affective reactions, while task conflict does not relate directly to affective reactions in a predictable way; relationship conflict has a positive influence on the desire to leave the current job, while task conflict does not affect it negatively; the interactive effect of relationships and task conflict shows that this interaction contributes substantially to predict the propensity to leave the current job; and relationship conflict mediates in the link between task conflict and affective reactions.

Research limitations/implications – A high level of task conflict may backfire by boosting relationship conflict as well, thus having a negative effect on affective reactions. Thus some conclusions can be drawn with a view to improving conflict management in teams. First an attempt must be made to understand the type of conflict that is taking place. Second, managers should encourage open discussion of task-related issues. Third, special attention should be paid to the level of each conflict because of its interactive effects on some affective outcomes. Thus, in spite of the generally beneficial effects associated with task conflict, the intensification of task-related conflict may backfire when interacting with dysfunctional affective-dissent.

Originality/value – Serves to analyze the mediated and moderated role of relationship conflict and to test the role of types of conflict on affective reactions such as wellbeing and propensity to leave the job.

Keywords Conflict, Organizational conflict, Job satisfaction, Spain

Paper type Research paper

One of the most outstanding aspects of conflict is that it is practically intrinsic to the life and dynamics of teams. Conflict is present in interpersonal relations (Pruitt and Carnevale, 1993), in intragroup and intergroup relations (Jehn, 1995), in strategic decision-making (Amason, 1996), and other organizational episodes. As many authors

The authors would like to thank Miguel A Mañas for facilitating access to the sample. The authors are especially grateful for the valuable feedback provided by Carsten De Dreu. This research was sponsored by the Ministerio de Educación y Ciencia (DGES), grant number: SEC2000-0531.

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International Journal of Conflict Management
Vol. 15, No. 1, pp. 6-26

Invited Essay

CONFLICT AT WORK AND INDIVIDUAL WELL-BEING

Carsten K. W. De Dreu
Dirk van Dierendonck
Maria T. M. Dijkstra
University of Amsterdam

Conflict theory and research largely ignored the possible relationships between conflict at work, and individual health, well-being, and job satisfaction. We present a model that argues that poor health and well-being can trigger conflict in the workplace, and reduce the extent to which conflict is managed in a constructive, problem solving way. The model further proposes that conflict, especially when managed poorly, can have negative long-term consequences for individual health and well-being, producing psychosomatic complaints and feelings of burnout. We review research evidence and conclude, among other things, that the model is more likely to hold up when conflict involves relationships and socio-emotional, rather than task-related issues. Avenues for future research and implications for policy and organizational design are discussed.

Keywords: Conflict, conflict management, burnout, organizations, health, well-being, personality

Conflict often plays a pivotal role in work organizations, and past research and theory has greatly advanced our understanding of the roots of conflict at work,

Note: Dirk van Dierendonck is currently at the Erasmus University Rotterdam. Preparation of this article was supported by a grant provided by the *Nederlandse Stichting voor Psychotechniek* (NSVP: Dutch Society for Applied Psychology) to the first and second authors. We thank Judi McLean Parks for her comments on a previous version of this article. Correspondence concerning this article should be addressed to Carsten K. W. de Dreu, University of Amsterdam, Department of Psychology, Roetersstraat 15, 1018 WB Amsterdam, The Netherlands. (c.k.w.dedreu@uva.nl)

EUROPEAN JOURNAL OF WORK AND
ORGANIZATIONAL PSYCHOLOGY
2009, 18 (4), 405-423

Psychology Press
Taylor & Francis Group

Passive responses to interpersonal conflict at work amplify employee strain

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Interpersonal conflict at work correlates with stress related outcomes such as psychological strain and exhaustion. Consistent with conflict theory, we argued that this relationship is moderated by the way conflict is managed.

Cross-sectional data collected in The Netherlands, from students with part-time jobs (Sample 1, $n = 104$), healthcare workers (Sample 2, $n = 191$), and mid-level administrative personnel (Sample 3, $n = 161$) indeed revealed that conflict was related to psychological strain and exhaustion especially when interpersonal conflict was managed passively (through avoiding and yielding). Active conflict management strategies (forcing and problem solving) did not moderate the relationship between interpersonal conflict and employee strain. Implications for conflict theory, for future research, and for practice are discussed.

Keywords: Conflict; Conflict management; Stressor-strain relationship; Coping.

According to the European Agency for Safety and Health at Work (2007), stress was the second most reported work-related health problem in 2005, affecting over 20% of workers from the EU-15, and costing an estimated €20,000 million. Common stressors include workload conditions, job

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<http://www.psypress.com/ejowp> DOI: 10.1080/13594320802510880

What are the main causes of conflict?

Personality clashes/warring egos

49%

Stress

34%

Heavy workloads/inadequate resources

33%

Poor leadership from the top of the organization

29%

Lack of honesty and openness

26%

Poor line management

23%

Lack of role clarity

22%

Lack of clarity about accountability

21%

Clash of values

18%

Poor selection/pairing of teams

16%

Taboo topics eg office affairs

15%

Poor performance management

14%

Bullying/harassment

13%

Perceived discrimination

10%



El conflicto como el principio de una espiral

Check for updates

Article

Identifying Victims of Workplace Bullying by Integrating Traditional Estimation Approaches Into a Latent Class Cluster Model

Journal of Interpersonal Violence
2014, Vol. 29(7) 1155–1177
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DOI: 10.1177/0886260513506280
jiv.sagepub.com
SAGE

Jose M. Leon-Perez,¹ Guy Notelaers,^{2,3} Alicia Arenas,⁴ Lourdes Munduate,⁴ and Francisco J. Medina⁴

Abstract

Research findings underline the negative effects of exposure to bullying behaviors and document the detrimental health effects of being a victim of workplace bullying. While no one disputes its negative consequences, debate continues about the magnitude of this phenomenon since very different prevalence rates of workplace bullying have been reported. Methodological aspects may explain these findings. Our contribution to this debate integrates behavioral and self-labeling estimation methods of workplace bullying into a measurement model that constitutes a bullying typology. Results in the present sample ($n = 1,619$) revealed that six different groups can be distinguished according to the nature and intensity of reported bullying behaviors. These clusters portray different paths for the workplace bullying process, where negative work-related and person-degrading behaviors are strongly intertwined. The analysis of the external validity showed that integrating previous estimation methods into a single

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Leon-Perez et al.

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Table 4. Pairwise Comparison of Latent Class Clusters for Standardized Criterion Variables (z Values).

Clusters variables	F (df between, df within)	Not exposed	Rarely exposed	Negative working conditions	Work-related bullying	Severe bullying	Bullying and aggression
Task conflict	94.22 (5, 1324)	-0.26	-0.14	-0.49	0.83 ^a	1.41	0.82 ^a
Relationship conflict	185.52 (5, 1325)	-0.41	-0.14	-0.52	1.06 ^a	1.63	1.25 ^a
GHQ	68.96 (5, 1327)	-0.18	0.11 ^a	-0.55	0.11 ^a	1.56	0.91

Note. GHQ = General Health Questionnaire. All differences are significant at the .05 level except the pairs indicated by superscript “a.”



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Parte 2. Crisis en el sistema judicial



La crisis del sistema judicial

- **ASUNTOS 2022**
- INGRESADOS: 439.583 – RESUELTOS: 431.068 – EN TRÁMITE AL FINAL DEL AÑO: 367.136.
- **MODO DE RESOLUCIÓN:**
- SENTENCIA: 47,2% (219.136) - DESISTIMIENTO: 31,7% (136.648) - CONCILIACIÓN: 23,1% (99.576).



LA CRISIS DEL SISTEMA JUDICIAL

A. Demanda Despido Colectivo 21-10-21: Sentencia TSJ L. Palmas 13-7-22, r. 12/21 y STS 22-6-23, r. 223/22. **Total 18 meses;**

B. Demanda Despido Colectivo 28-04-22: STSJ P. Vasco: 11-07-22 y STS 12-07-23, r. 19/23. **Total: 15 meses;**

C. Demanda impugnación de convenio: STSJ C. Valenciana 9-12-20, r. 20/20 y STS 12-9-23, r. 127/21. **Total 33 meses;**

D. Demanda de C. Colectivo 12-1-21: SIMA 29-09-2020, s.a.; SAN 21-7-21 y STS 12-9-23, r. 330/21. **Total 33 meses;**

E. Demanda Derechos Fundamentales 28-10-20: SAN 2-2-21, p. 471/20 y STS 12-9-23, r. 100/21. **Total 35 meses;**

F. Demanda de D. Fundamentales 23-10-2020: STSJ Galicia 26-04-2021, rec. 45/2020 y STS 27-09-2023, rec. 174/2019. **Total 35 meses;**

G. Demanda de conflicto colectivo 24-05-2018: SIMA 21-05-2019; SAN 5-05-2021, proced. 138/18 y acumulados. STS 3-10-2023, rec. 239/2021. **Total 65 meses;**

H. Demanda de conflicto colectivo 28-04-2021: conciliación ante la DGT 21-11-2019; SAN 28-09-2021, proced. 146/2021. STS 4-10-2023, rec. 3/2021. **Total 30 meses.**

I. Demanda de conflicto colectivo 18-05-2021. SIMA 15-04-2021. SAN 20-09-2021, proced. 165/2021. TS 5-10-2023, rec. 5/2022. **Total 30 meses.**

J. Demanda de conflicto colectivo 24-03-2021. No consta SIMA. SAN 22-06-2021, proced. 92/2021. TS 11-10-2023, rec. 311/2021. **Total 31 meses.**



La crisis del sistema judicial

- **NÚMERO TOTAL DE MAGISTRADOS DE LO SOCIAL: 578**
- **NÚMERO DE MAGISTRADOS TS: 10 (HASTA OCTUBRE 2022); 8 (EN NOVIEMBRE Y DICIEMBRE).**
- **NÚMERO DE MAGISTRADOS TSJ: 181.**
- **NÚMERO DE MAGISTRADOS AUDIENCIA NACIONAL: 3**



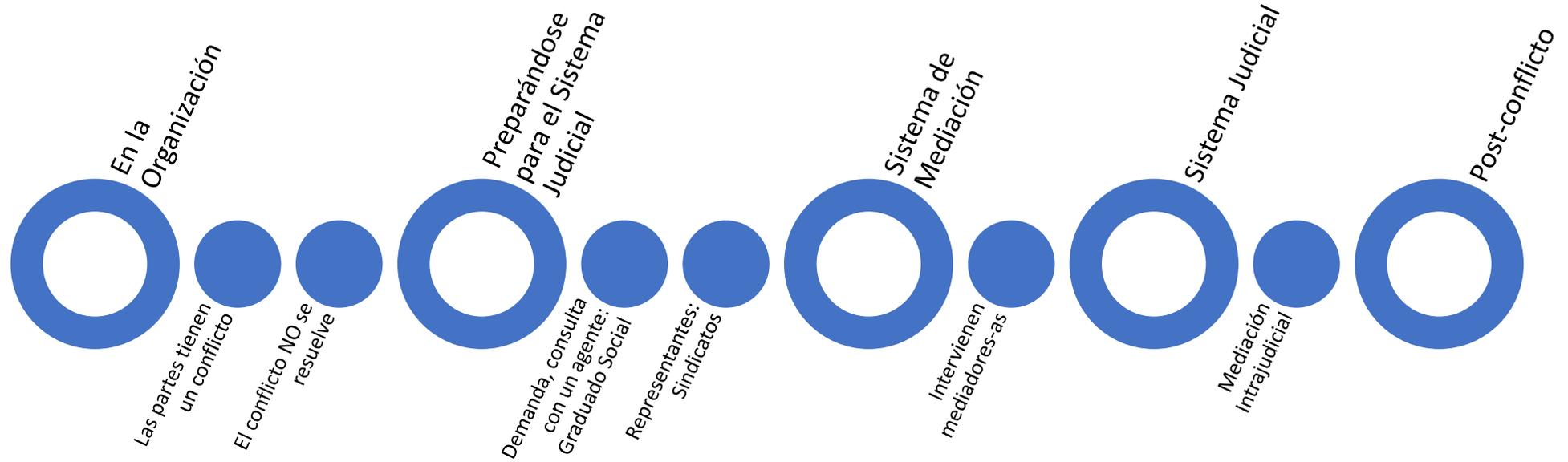
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Parte 3. El proceso del conflicto



Diálogo social





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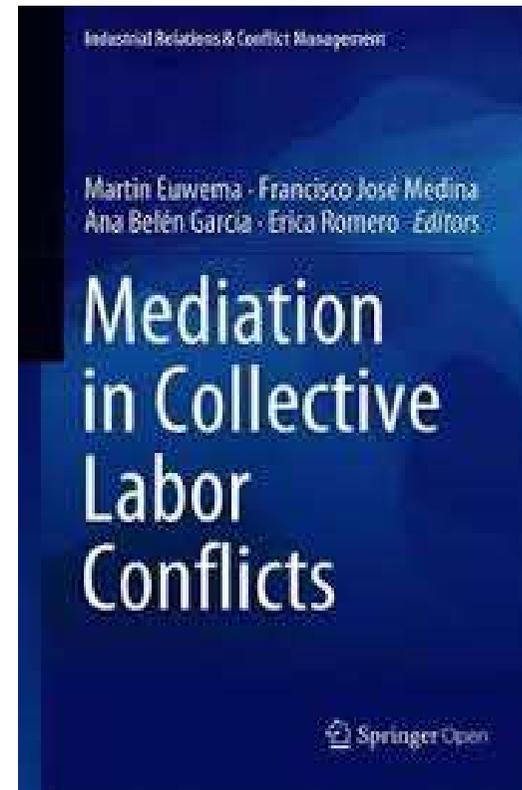
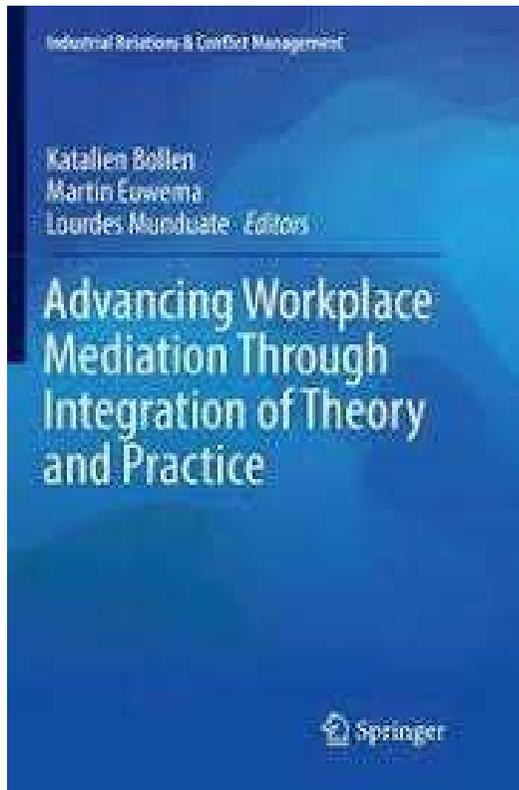
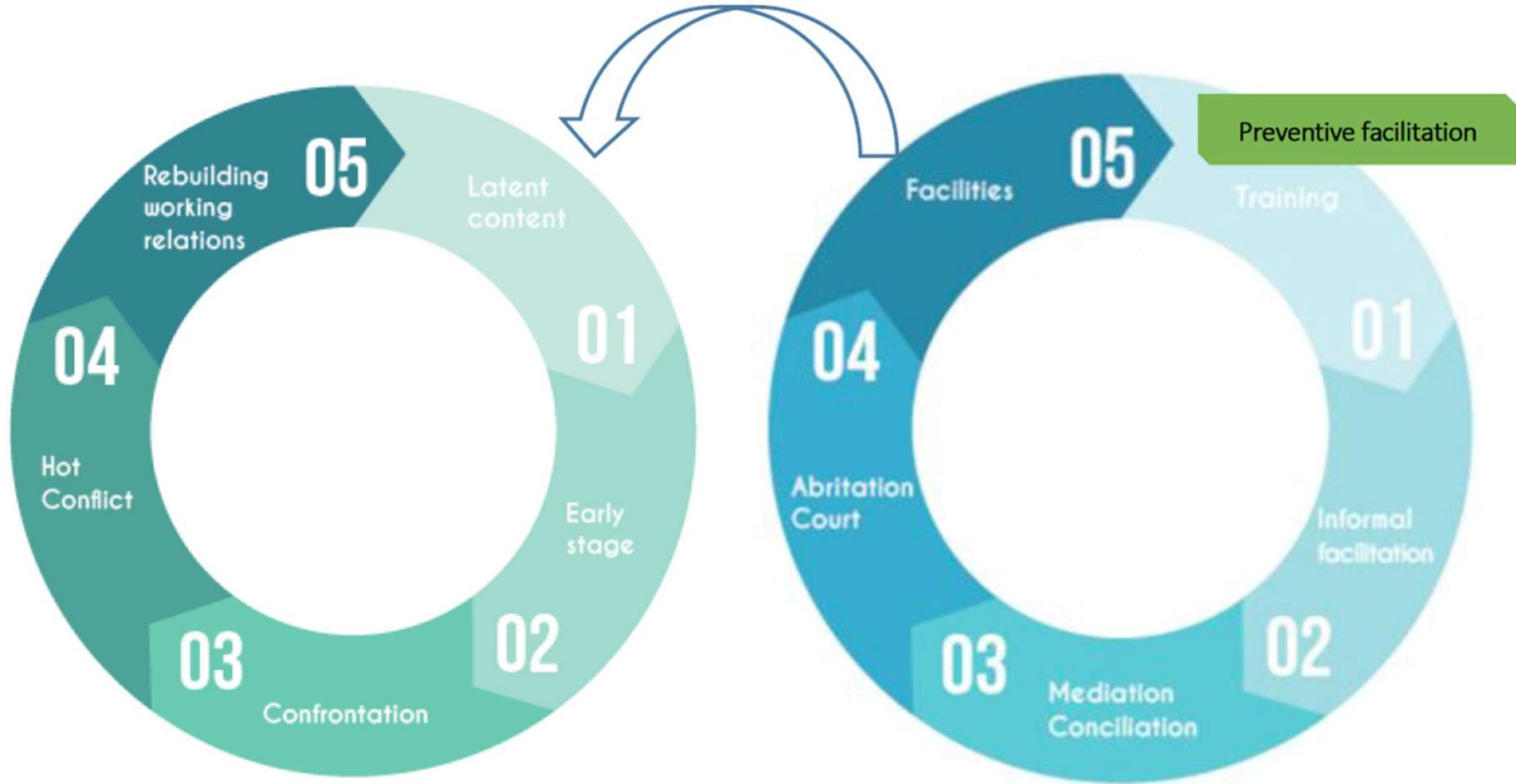




Figure 21.2: Stages of collective conflict and third party interventions



Five phase of conflict development

Phase specific third-party intervention



Diálogo social





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Fase 1. En la organización, prevención, alerta temprana

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Diseño de un ADR

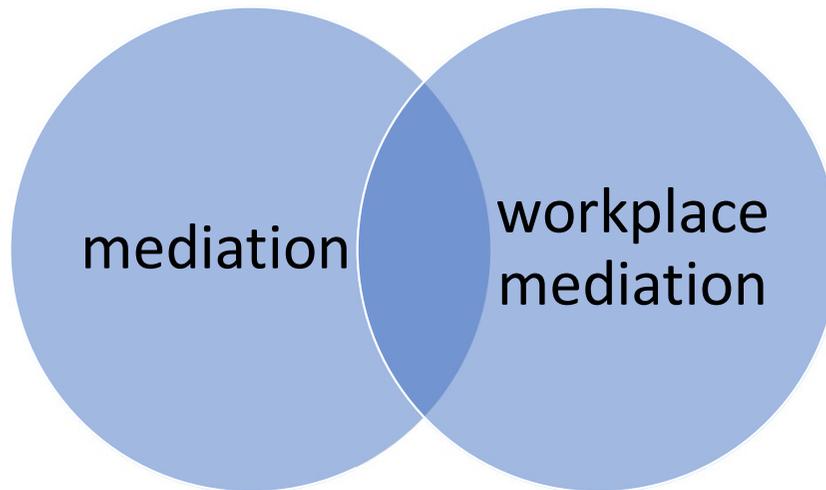


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Puesta en marcha de un ADR



- **Análisis inicial**
 - Desde dónde llegan los conflictos
 - Qué tipo de conflictos
- **Diseñar el sistema y regularlo**
- **Entrenar**
- **Evaluar**



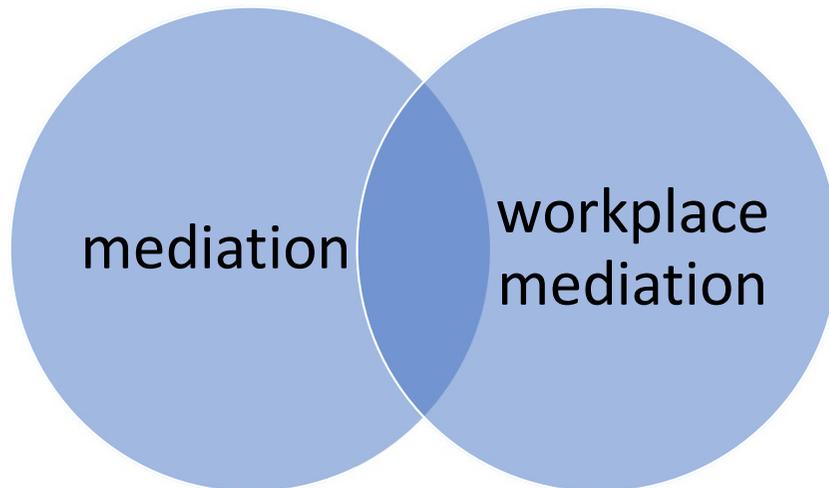
Qué decidir con la organización

RETOS

- Tipos de conflictos que irán al sistema.
- Quién mediará
- Selección, formación, evaluación...
- Sistema contingente de mediación
- Regulación



Quién puede mediar



- Condiciones
 - Voluntariedad
 - Neutralidad-Imparcialidad
 - Confidencialidad
 - Buena fe negociadora

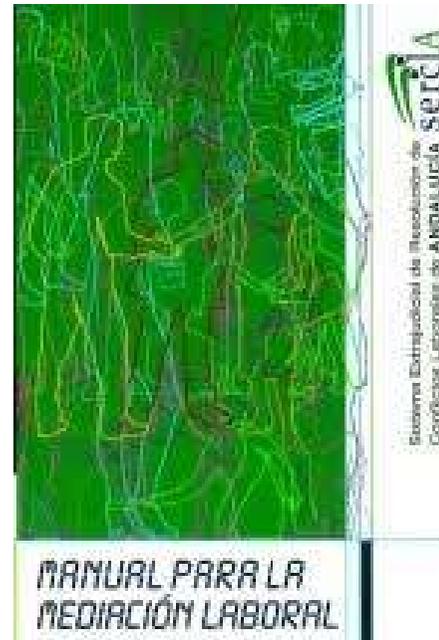
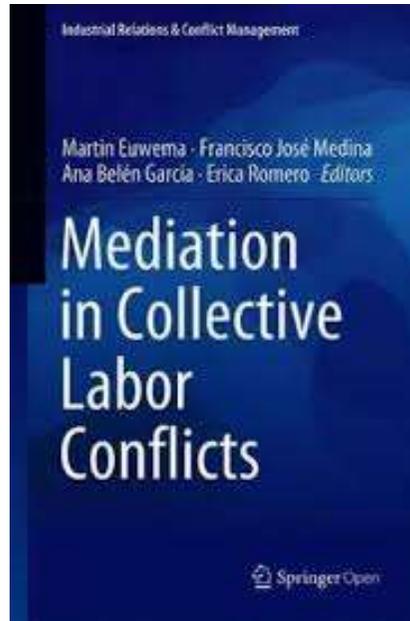
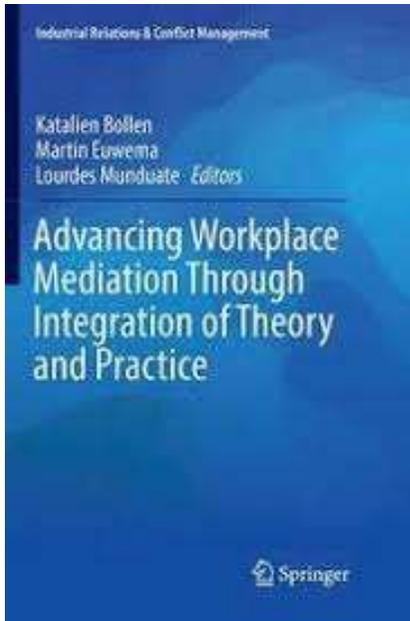


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Nuestra investigación

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Proyecto piloto Sanciones. SERCLA

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- Asuntos que contemplan la ruptura de la confianza
 - Competencia/Integridad/
 - Gravedad/Reincidencia
 - Tiempo
- Conflicto
 - De Tarea/Relacionales/Status
- Acoso
 - Criterios de Leymann



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Mediación en conflictos con pérdida de confianza

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Nueva competencia del SERCLA en conflictos laborales individuales.

publicado por Daniel Jaén Arenas el septiembre 20, 2018



La Comisión de Seguimiento del SERCLA (Sistema extrajudicial de resolución de conflictos laborales en Andalucía), integrada por las organizaciones sindicales y empresarial más representativas de la Comunidad Autónoma Andalucía, CC.OO-A, UGT-A y CEA, así como por la Junta de Andalucía, ha aprobado un nuevo Reglamento de Funcionamiento y Procedimiento del SERCLA, (BOJA nº 150, de 3 de Agosto de 2018) que, entre otras medidas, contempla una nueva ampliación del ámbito funcional del Sistema, extendiendo sus competencia a los conflictos laborales individuales relativos al régimen disciplinario laboral de las personas trabajadoras, con excepción de las infracciones que lleven aparejada la sanción de despido. Dicha ampliación tendrá efecto a partir del próximo **1 de octubre de 2018.**



Procedimientos de régimen disciplinario

Conciliaciones individuales según tipo de resolución, por motivación

Periodicidad: **Mensual**

Fuente: **Consejería de Empleo, Formación y Trabajo Autónomo**

Otras fuentes: **Centros de Mediación, Arbitraje y Conciliación (CMAC)**



		Motivación									
		TOTAL		Despidos		Reclamaciones de cantidad		Sanciones		Otros	
		Mensual		Mensual		Mensual		Mensual		Mensual	
Territorio	Tipo de resolución	2019	2019-Diciembre	2019	2019-Diciembre	2019	2019-Diciembre	2019	2019-Diciembre	2019	2019-Diciembre
Andalucía	TOTAL	54.811	3.642 28.030	2.113	23.335	1.338	78	7	3.368	184	
	Con avenencia	12.124	945 10.428	822	1.469	114	3	-	224	9	
	Sin avenencia	20.979	1.347 9.390	732	10.046	552	45	4	1.498	59	
	Intentado sin efecto	18.958	1.168 7.331	484	10.134	581	17	3	1.476	100	
	Desistimiento	842	44 186	23	627	19	1	-	28	2	
	No presentado	1.907	138 694	52	1.059	72	12	-	142	14	
	Otros	1	- 1	-	-	-	-	-	-	-	-

PROVINCIAS	CON avenencia	%	SIN avenencia	%	TOTAL
Almería	1	14,29	6	85,71	7
Cádiz	3	75,00	1	25,00	4
Córdoba	0	0,00	1	100,00	1
Granada	4	44,44	5	55,56	9
Huelva	0	0,00	5	100,00	5
Jaén	1	11,11	8	88,89	9
Málaga	6	50,00	6	50,00	12
Sevilla	8	50,00	8	50,00	16
Total	23	36,51	40	63,49	63



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Un consejo final: Práctica basada en la Evidencia

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