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WHO SHOULD BE A LABOR MEDIATOR?

By IRVING R. WESCHLER



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WHO SHOULD BE A LABOR MEDIATOR?

By IRVING R. WESCHLER
Institute of Industrial Relations
University of California
Los Angeles

The role of peacemaker in modern industrial society calls for special skills and personality attributes, but it is difficult to define the basic traits that distinguish a successful mediator from a mediocre one. In the investigation reported on here by Mr. Weschler, during which mediators themselves were asked to rate the ingredients of success in their jobs, no over-all agreement was expressed on the qualities of the "model" mediator. However, the ideal mediator was rated highly on such intangibles as impartiality, persuasiveness, and personal integrity; it was felt that he requires a high degree of verbal facility, and an ability to master the complexities of collective bargaining. Interestingly enough, a formal education was not considered a prerequisite to success in this function.

AS part of a broad research project on the role of the personal factor in labor mediation, the Institute of Industrial Relations of the University of California at Los Angeles has recently conducted a survey among active mediators to determine the personality variables which they believe important for the selection of new personnel for mediation activities.

The mediation process should be distinguished from conciliation and arbitration, even though the terms are at times used interchangeably by laymen as well as experts. An adequate definition of mediation refers to the "attempts by a person or group of persons to bring together, or exchange information between, the parties in a labor dispute so that an agreement can be reached."¹ Conciliation, which is frequently carried on by labor mediators, is a milder form of third-party intervention which limits itself to the "calling of conferences, keeping the discussion on a friendly basis, controlling the order of business, and carrying the proposals from one side to the other. Conciliation does not involve making positive recommendations, and the conciliator has no power to impose terms on the disputants."² Arbitration, finally, involves the "settlement of a labor dispute by the decision of an impartial third party or board."³

At the present time, most mediation activities are carried on by the personnel of the Federal Conciliation and Mediation Service and by members of related state labor agencies. Frequently, however, the parties have called on private individuals to serve in the capacity of mediator, and the roll of such persons includes college professors, religious functionaries, lawyers, and retired government officials.

The qualifications for the successful mediator have never been clearly established, but it seems reasonable that many of the procedures of third-party intervention in industrial disputes require special types of personnel. The

¹ Yoder, D., et al., *Industrial Relations Glossary*, Industrial Relations Center, University of Minnesota Press, 1948, p. 9.

² Warren, E. L., and Bernstein, I., "The Mediation Process," *The Southern Economic Journal*, 1949, p. 441.

³ Yoder, D., op. cit., p. 1.

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Table 1

JOB AND PERSONALITY TRAIT PREFERENCES OF MEDIATORS

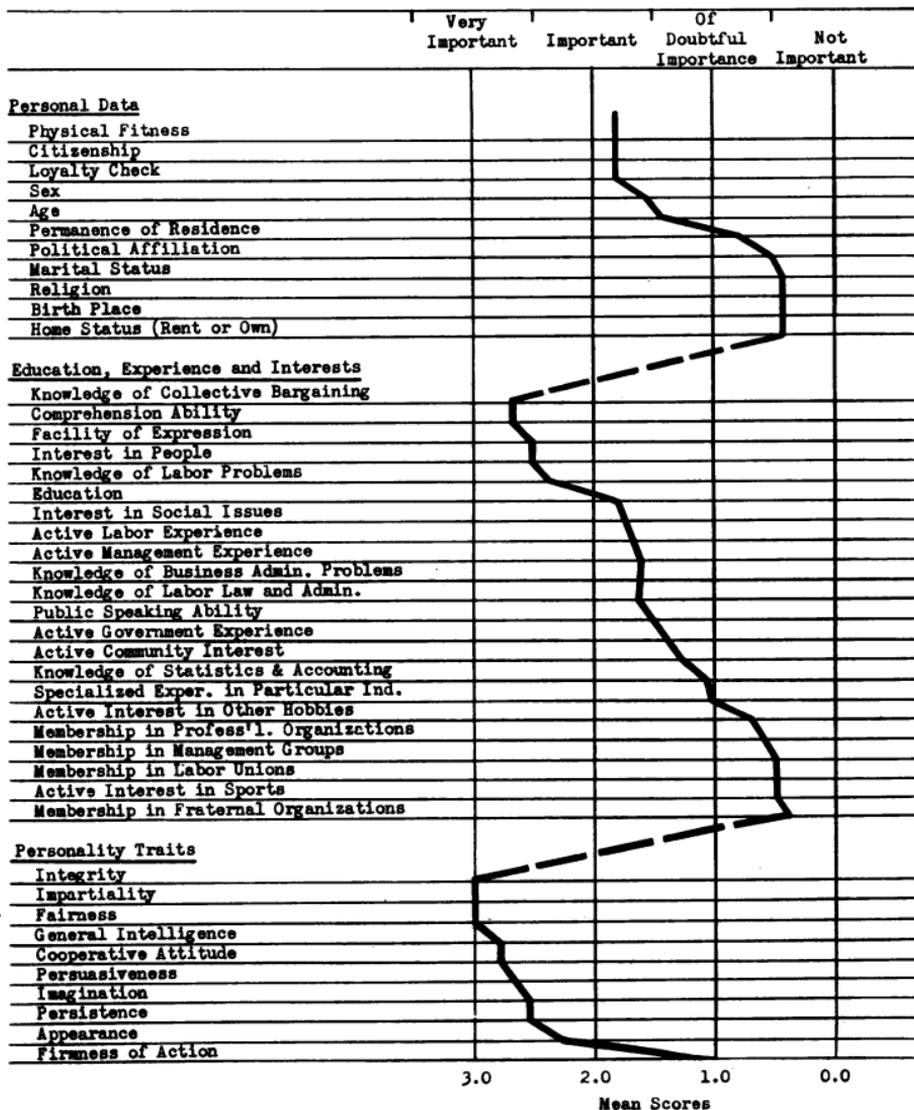
A frequency distribution, expressed in percentages, of the responses of 82 active labor mediators concerning the traits of the "Ideal mediator." Factors are listed in order of their appearance on the "Labor Mediator Rating Blank."

	<i>In Percentages</i>			
	VERY IMPORTANT	IMPORTANT	DOUBTFUL OF IMPORTANCE	NOT IMPORTANT
PERSONAL DATA				
Age	4.8	53.7	26.9	14.6
Sex	12.2	51.2	22.0	14.6
Marital Status	0.0	9.8	24.4	65.8
Physical Fitness	15.8	56.1	18.3	9.8
Religion	1.2	7.3	24.4	67.1
Birth Place	0.0	13.4	15.8	70.7
Citizenship	32.9	30.5	17.1	19.5
Home Status (rent or own).....	1.2	9.8	19.5	69.5
Permanence of Residence.....	0.0	20.7	37.8	41.5
Political Affiliation	2.4	7.3	13.4	76.9
Loyalty Check	22.0	51.1	17.1	9.8
EDUCATION, EXPERIENCE AND INTERESTS				
Education	26.9	37.8	24.4	10.9
Comprehension Ability	76.8	18.3	4.9	0.0
Public Speaking Ability.....	8.5	46.4	36.6	8.5
Facility of Expression.....	54.9	39.0	6.1	0.0
Knowledge of Collective Bargaining	79.3	14.6	3.7	2.4
Knowledge of Labor Law and Admin.	23.2	56.1	13.4	7.3
Knowledge of Labor Problems.....	54.8	37.8	3.7	3.7
Knowledge of Business Admin. Problems	8.5	58.5	19.6	13.4
Knowledge of Statistics & Accounting	1.2	34.1	42.7	22.0
Active Management Experience.....	17.1	53.6	9.8	19.5
Active Labor Experience.....	20.7	50.0	9.8	19.5
Active Government Experience.....	11.0	26.8	25.6	36.6
Specialized Exper. in Particular Ind.	0.0	28.0	47.6	24.4
Membership in Profess'l Organ.....	0.0	11.0	36.6	52.4
Membership in Management Groups	1.2	9.8	31.7	57.3
Membership in Labor Unions.....	1.2	9.8	31.7	57.3
Membership in Fraternal Organ.....	0.0	7.3	29.3	63.4
Interest in People	61.0	29.2	9.8	0.0
Interest in Social Issues.....	14.6	62.1	14.5	8.8
Active Community Interest.....	4.9	39.0	36.6	14.5
Active Interest in Sports.....	0.0	9.8	32.9	57.3
Active Interest in Other Hobbies.....	0.0	15.8	34.2	50.0
PERSONALITY TRAITS				
General Intelligence	79.3	18.3	2.4	0.0
Impartiality	96.3	3.7	0.0	0.0
Fairness	96.3	3.7	0.0	0.0
Firmness of Action.....	32.9	52.5	8.5	6.1
Persistence	70.7	23.2	6.1	0.0
Integrity	95.1	4.9	0.0	0.0
Cooperative Attitude	84.2	13.4	1.2	1.2
Imagination	72.0	18.3	8.5	1.2
Persuasiveness	78.1	18.3	2.4	1.2
Appearance	36.6	56.1	7.3	0.0

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Table 2

A QUALIFICATION PSYCHOGRAPH OF THE "IDEAL MEDIATOR"
 (Based on the weighted rating preferences of 82 active labor mediators. Factors are listed in order of their relative importance.)



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current research of the Institute of Industrial Relations aims to obtain a greater understanding of the identifiable factors which distinguish the successful labor mediator from the poor mediator. This study has been planned to make possible an objective examination of those personality variables which can be related to some criteria of success. The first step of this project involves the survey which this article is reporting.

SCOPE OF SURVEY

A questionnaire was sent to 146 active labor mediators who have indicated their intention to participate with the Institute in this research. The respondents were asked to check a series of variables which they considered important in the selection of *new* mediator personnel, and to determine the relative position of their choices. The job dimensions which were included on this specially prepared "Labor Mediator Rating Blank" were suggested by an examination of the requirements by the Civil Service Commission for the job of Mediator on the National Mediation Board,⁴ by a review of Father Breen's subjective analysis of desirable qualifications,⁵ and by a careful job analysis by certain members of the Federal Mediation and Conciliation Service. Additional space was provided on the blank so that the respondents could state their own specific opinions with regard to any item and add other job dimensions which they deemed important. The response to this phase of the investigation was gratifying; over 100 replies were received; and of these, 82 were complete and served as the basis for the evaluations presented below. None of the answer sheets could be identified by name, and the responses were treated in confidence.

The results of the study are summarized in Tables 1 and 2. Table 1 presents a compilation of the weighted ratings of these 82 participants with regard to the job traits of the "ideal mediator," while Table 2 offers the same data in the form of an occupational psychograph. A number of traits, which were not included on the rating sheet but were nevertheless considered important by numerous respondents and added at the bottom of their rating blanks, are listed in the Appendix (page 7). The ratings were based on four possible choices: "very important", "important", "of doubtful importance," and "not important"; and the averages in the psychograph reflect the relative weights of "0" for "not important" to "3" for "very important."

The data which have been collected do not lend themselves to an interpretation of the individual responses. In this part of the investigation we are concerned mainly with the composite job profile of a so-called "ideal mediator," which is derived from the subjective ratings of persons active in the field and which, at present, is still based upon personal observation and experience rather than upon an objective examination or analysis. Among the participants of the survey, there is no universal agreement as to the traits or qualifications which characterize the "ideal mediator"; concerning the rela-

⁴ Mediator Examination Announcement No. 141, U. S. Civil Service Commission, Washington, D. C., issued December 8, 1948.

⁵ Breen, Rev. Vincent I., *The United States Conciliation Service*, Catholic University Press, Washington, D. C., 1943, pp. 139-150.

tive importance of some of the variables, such as sex or age, the diversity of opinion is especially wide, while most of the subjects are agreed as to the importance of such traits as impartiality or integrity.

THE "IDEAL MEDIATOR"

Provided the limitations in the method and the subjective nature of the data are kept in mind, the "ideal mediator" appears as a married man, between the ages of 35 and 65, who is in sufficiently good health to be able to "outwit the parties" and is strong enough to "survive in this rough game." His religion is irrelevant, even though somebody thought that "belief provides personal integrity." On the other hand, citizenship might be important, "especially in the South, where foreigners are sometimes objected to." He does not have to be "American born," but should be able to function according to the customs of this country. His political beliefs are at his own discretion but "avowed Communists have no business in this field."

A review of the "ideal mediator's" education, experience, and interests points to the rather interesting fact that a formal education is not considered a prerequisite for successful mediation. Most of the replies stress the importance of a good command of the language, and the ability to comprehend the intricacies of collective bargaining. A definite knowledge of labor law is not required, but an appreciation of labor problems and the mechanics of collective bargaining is essential. The ideal mediator should be socially-minded, and his interest in sports and other activities may give a hint as to the "broadness of his personality."

Among the traits of the "model" mediator which consistently received the highest ratings were some of the intangible variables, such as persuasiveness, a cooperative attitude, and impartiality. His intelligence "must be at least equal to that of the other two parties" or "preferably greater." His appearance should be "neat and business-like," and his sense of fairness and impartiality are of paramount importance. A vivid imagination, high personal integrity, patience and persistence "in the face of frustration" are some of the other essentials.

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APPENDIX

Factors which were not included in the rating sheets but were considered important by certain respondents (by number of responses):

A. Personality Traits

- Patience (12)
- Emotional Control (4)
- Common Sense (4)
- Resourcefulness (4)
- Flexibility (3)
- Ability to Inspire Confidence (3)
- Tact (3)
- Modesty (2)
- Morality (2)
- Sincerity (2)
- Affability (2)
- Social Prestige (2)
- Dignity (2)
- Sense of Humor (2)

B. Educational Experience, and Interest Factors

- Interest in Mediation (3)
 - Sense of Timing (3)
 - Collective Bargaining Experience (3)
 - Loyalty to Profession (2)
 - Broad Industrial Relations Experience (2)
 - Ability to Appraise Situation (1)
 - Knowledge of Psychology (1)
 - Knowledge of Current Events (1)
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