

Abstract of Workplace Dispute Resolution in China

Bagshaw, D. (2011). *Resolving disputes in Asia: What has culture got to do with it?*. In *The Administrative Tribunal of ADB: 20 Years of Operation* (pp. 10-33). Retrieved from <http://www.scribd.com/doc/101803661/The-Administrative-Tribunal-of-ADB-20-Years-of-Operation>

Abstract:

As excerpted from the author, “this paper examines the influence of culture and discourse on the way people view and handle conflict. For example, cultures differ along four dimensions: power distance, individualism-collectivism, masculinity-femininity, and uncertainty avoidance. The article also provides examples of diverse religious and customary practice dispute resolution practices in Asia and a critique of their limitations, and suggests some implications for dispute resolution practitioners working in the region. The author contends that, for dispute resolution practices to be culturally appropriate, third parties should understand and value the way Asian peoples have historically conceived and responded to conflict and work towards co-constructing approaches that privilege local ways of thinking.

Traditionally, mediation in the People’s Republic of China occupied the central place in courts, workplaces, schools and communities. The People’s Conciliation Committees, established by the government, offer mediation at the community level. The mediators are often retired village leaders with high prestige. The Chinese Ministry for Justice speaks of China having roughly 10 million mediators (one for every 10 families) and 800 lawyers. The mediators in China, however demonstrated their practices as being far more coercive than those of most Western mediators, in part because their concept of ‘neutrality’ was based on collectivist rather than individualistic notions and therefore the interests of the State were higher than those of the individual.”

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