

Workplace Conflict Is Inevitable. Here’s How to Architect a Better Response

Law Department Management

Career Development



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Even as organizations begin rebalancing toward more in-person collaboration, remote work has become a normalized mode of operation — spanning geographic boundaries and diverse cultural contexts.

Virtual workspaces enable unprecedented efficiency, yet also create communication voids where differing styles and sparse in-person interaction can lead to clashes and misunderstandings.

Whether irritations over insensitive comments or harmful acts that require legal action, conflicts in the workplace are complicated, real and expected. So, why isn't conflict planned for — or rather, *designed* for?

Workplace conflict is common

Because of different communication styles, opinions and approaches, employee conflict in the workplace is expected. Two team members might disagree on the best way to execute a leader's goals. A colleague's curt communication style could be perceived as abrasive. A coworker vying for a promotion might inadvertently take credit for the team's work — to the irritation of the team leader. A pattern of discriminatory statements could create a toxic environment where workers dread coming into the office.

No matter its origin, conflict soaks up valuable time. Workers in the US spend 2.5 hours per week attempting to resolve disagreements, while management devotes 20 percent of its time addressing conflict. (That's 50 days each year!) The spectrum of conflicts is vast, and the impact of workplace conflict is predictable: increased stress and anxiety, decreased morale and job satisfaction, reduced productivity and performance, burnout and emotional exhaustion, and turnover. That's costly for workplace culture, business relationships, and the bottom line.

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Remote work can lead to misunderstandings and more conflict

The pandemic forever changed the viability of remote work across all industries. Businesses have found that hiring across different geographic zones can be cost-efficient, allow them to scale globally, and help them meet specific regional needs. And, while there has been a recent slew of return-to-office mandates, remote work in some shape or form persists. According to 2025 Gallup poll, 27 percent of employees are exclusively remote, 52 percent are hybrid and 21 percent are on-site full time. In other words, the majority of remote-capable employees are currently working in a hybrid or exclusively remote arrangement, and the ability to work in a hybrid arrangement is what a majority of remote-capable employees want.

While remote work offers flexibility and broader access to talent, it also introduces new challenges — chief among them the potential for miscommunication and misunderstanding. With limited in-person interaction, remote employees often rely heavily on tools like Zoom and Slack, where messages can easily be misinterpreted in the absence of tone, context, or body language. The lack of nonverbal cues, asynchronous communications and delayed responses invite assumptions and projections of negative intent. An employee may wonder: "Was that a passive-aggressive email, or did my colleague accidentally hit the caps lock key?" Or "Is my colleague intentionally ignoring me, or are they just bogged down by a flurry of Slack messages?"

Second, remote work has blurred the work-life boundary and added new sources of stress and potential conflict. Even attorneys aren't immune. Many in-house attorneys book-end the day with work emails. In multitasking mode with divided attention, a short reply might miss the mark on tone, launching an unintended crisis.

Lastly, remote work offers fewer opportunities for subtle and informal in-person interactions, such as a chat over the candy jar, an offer for a coffee run, or a high-five after a sale. These fleeting moments build trust and provide greater relational context. Oftentimes, seeing a reassuring smile from a colleague, witnessing the fatigue on a manager's face or noticing a coworker's distraction invites empathy and may reframe interpretations of uncomfortable interactions.

If workplace conflict is expected and remote work adds new challenges, how can we stem the tide?

Dispute systems design addresses conflict early

Enter dispute systems design, or process architecture. Dispute systems design refers to the process of creating a robust conflict resolution system that decreases costs (in terms of both time and money), increases satisfaction and offers appropriately informal or formal interventions for all levels of conflicts. Systems can include everything from implementing anonymous complaint boxes to hiring a third-party facilitator to handle an intraorganizational issue. As experts in risk assessment and legal compliance, in-house attorneys are best suited to drive this strategic approach to assess conflict, design and thoughtfully develop dispute systems to utilize, and balance workplace interests with business needs. Rather than being reactive, in-house attorneys have the opportunity to be proactive in managing and resolving conflicts within organizations.

Considerations for developing your own dispute system

The key elements of dispute systems design are customizable to the needs and culture of each organization. Here are some considerations to keep in mind when designing your organization's dispute system:

1. **Prevention:** Set clear policies and procedures, and offer effective conflict resolution skills training. Decide how best to communicate the process to employees.
2. **Multiple options:** Implement mechanisms to address potential conflicts. Create a range of dispute resolution options, from mentoring and informal facilitations to internal investigations.
3. **Prioritize scalable solutions:** Begin with low-cost, informal approaches like peer dialogues or manager-facilitated conversations. These build trust, resolve issues early, and preserve resources for more complex cases.
4. **Stakeholder involvement:** While the legal department is a driver, prioritize cross-functional leader engagement to ensure buy-in throughout the organization at all stages of design.
5. **Access and fairness:** Determine how you will create and maintain an impartial process. What is necessary for all parties to trust the process?
6. **Feedback and continuous improvement:** People who contribute to a process are more invested in the results. Empower employees with mechanisms for feedback. Collect data. Revise to improve.

Conflict in the workplace is inevitable. Remote work adds to the challenges. While organizations cannot avoid conflict, they can control how it is managed. In-house legal departments, as business advisors and legal risk assessors, have the power to — and indeed are best positioned to — proactively engage in dispute systems design. Organizations with a stakeholder-centered, systems-oriented approach to engaging conflict will give employees the gifts of options and clarity. Those gifts will be quickly repaid via greater organizational effectiveness and alignment, higher employee engagement, less manager time spent addressing conflicts and reduced legal risks and costs.

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