

# THE GPT CHAT IS CAPABLE OF MEDIATING TO PREVENT STRIKES? INTERVIEW WITH ARTIFICIAL INTELLIGENCE

**Leszek Cichobłaziński**

Częstochowa University of Technology (CUT) <sup>1</sup>

**Sidney Soares Filho**

Universidade de Fortaleza (UNIFOR)

**Luis Távora Furtado Ribeiro**

Universidade Federal do Ceará (UFC)

**Abstract** The purpose of this study is to investigate if Chat GPT is able to help mediator to avoid strikes. Mediation is a method of Alternative Dispute Resolution (ADR). It can be applied to solve different types of conflicts, such as disputes about Civil, Family, Labour, Contractual and sometimes Criminal Law. To investigate the main subject of this research, the methodology utilized was a interview direct with Chat GPT, which is an Artificial Intelligence able to answer the questions. The Chat GPT strive to be a helpful resource to use in Mediation procedure, but it's essential to consider the limitations of AI and seek guidance from qualified professionals for specific and critical matters.

**Key words:** Alternative dispute resolution, Artificial Intelligence, Chat GPT, Collective disputes, Mediation, Mediation in collective disputes, Labor law.

## Introduction

Mediation is an extrajudicial method of conflict resolution in which a third-party act as a facilitator of interaction and dialogue between the parties. Thus, it is a method of alternative dispute resolution (ADR) available to parties. In this context, mediation in collective disputes appears also as a method of industrial conflict management. In Poland, it is obliged to apply the mediation in collective labor conflicts before workers strikes. There is an increasing number of labor conflicts, particularly in times of economic and social crisis, when the existing unequal distribution of wealth and power in the capitalist system is aggravated.

This article investigates whether the GPT chat is capable of mediating to prevent strikes. In order to achieve this goal, at the beginning the definition, features and procedure of Mediation and the procedure to solve industrial conflict in Polish labor law which this ADR is applied were presented. Following these issues, data concerning mediation as effective tool to avoid strikes were showed and discussed. Afterwards, an interview was conducted with the GPT Chat to find out if this artificial intelligence considers itself capable of mediating to prevent strikes.

## Methodology

The methodology used on this paper is based on critical analysis of legislation of Poland about mediation of conflict about labor law to understand this phenomenon in a comprehensive and holistic way. It was applied too documentary analysis to make possible categorize the improvement of legislation of Poland as well. Outra metodologia utilizada foi uma entrevista com o Chat GPT. It was asked to the Artificial Intelligence, accessed through the website <https://chat.openai.com/>, what

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✉ [leszek.cichoblazinski@wz.pcz.pl](mailto:leszek.cichoblazinski@wz.pcz.pl)  
✉ [sidney@unifor.br](mailto:sidney@unifor.br);  
✉ [luistavora@uol.com.br](mailto:luistavora@uol.com.br)



questions it would ask to investigate if someone was qualified to conduct a Mediation procedure to prevent a strike. Afterwards, it was requested for the machine itself to answer the questions, taking into consideration that it is an Artificial Intelligence.

### **Mediation: definition, features and procedure**

Mediation is a method of alternative dispute resolution (ADR). It is a process of direct negotiation between parties and should be a promising instrument to prevent and resolve conflicts in a more constructive way. Williams, Robert and Burden (1997) state that “mediation is to find ways of helping the other to learn. Particularly, this involves helping learners to move through the next layer of knowledge or understanding” (Cichobłaziński 2013). The occurrence of social conflicts is inevitable, because the people, naturally, is grouped in society. The people are endowed with individual characteristics and interests different. This is enough to make the conflicts appears. Thus, at mediation is used to solve the conflicts. There is a involvement of a third-party at mediation which is considered necessary to help the parties to deal with the conflicts when they are not able to find solution to their disputes by themselves (Dhiaulhaq & others, 2014, p. 23). The mediation is recommendable in a context of wicked problems (Rittel & Weber, 1973) and when parties disagree about goals. With the help of the mediator, the parties who are involved in conflict work out agreements on the issues aforementioned. It is combined with many technical solutions to solve the conflicts (Elkouri & Elkouri, 2017).

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### **The procedure to solve industrial conflict in Polish labor law: the application of mediation**

In Poland, since 1991, the treatment and conduct of disputes between unions and employers in industrial conflict for instance has been regulated by the Collective Disputes Act (Journal of Laws RP, 1991). At the beginning it should be emphasized that the institution of a collective dispute has a very strong legitimacy in Polish legislation as it is mentioned in the constitution. The Constitution of the Republic of Poland of April 2, 1997, directly refers to negotiations with the participation of a labor union organization. Based on the language interpretation of the art. 59 par. 3 of the Constitution of the Republic of Poland, labor unions and employers along with their organizations have the right to participate in the resolution of a collective dispute during negotiations. (...) Article 59, paragraph 2 of the Constitution of the Republic of Poland refers to the concept of a collective dispute. The procedure to solve industrial conflict in Poland labor law, according to the Collective Disputes Act (Journal of Laws RP, 1991), has the following stages Submission of a demands list by the labor unions to the employer. These requests may only concern issues listed by law, such as: working and pay conditions, social benefits and labor union rights and freedoms. The dynamics of the conflict are adjusted by the regulation allowing only the employee side to initiate a dispute, while the employer does not have such a power. Therefore, an initiative in a collective dispute always belongs to employees, and the role and position of an employer is always defensive.

After, Employer's response, which determines the further course of the dispute. It can be: positive - all requests have been met, negative - at least one request has not been met. If the employer's response is negative, a collective dispute begins in the sense defined by the Act and the employer is obliged to report it to a District Labor Inspectorate. Negotiations - employer and labor unions talks aimed

at resolving disputes. It should be emphasized that 'the employer is obliged to immediately make negotiations to conclude an agreement. [...] The negotiations time has no legal regulation. However, it can be assumed that collective negotiations should be carried out for as long as there is a chance of reaching an agreement.' Following, Mediation - if the negotiations bring a solution to the conflict, the collective dispute ends. If not - mediations take place. They are a separate institution and consist of several phases. Their type and number depend on a path chosen by the parties to the dispute, because the Act leaves them a great liberty in this area. If mediation does not bring a solution, the parties may request for a settlement in the Board of Social Arbitration. It is, however, a weak institution, because its decisions are binding only if the parties agree to it and for this reason, they seldom use this institution. Strike is another solution. But in this case, an additional criterion must be met, namely a referendum. It is valid only if at least half of employees take part and the majority votes in favour of strike. (Cichobłaziński 2010, 2017 and Lankašová 2017) As it is possible to notice, mediation in Polish legal system has an important place in the collective dispute resolution procedure, because it allows the use of all methods of resolving conflicts, before labor unions go to strike - the most severe form of pursuing their interests.

### **The GPT Chat is capable of mediating to prevent strikes? Interview with artificial intelligence.**

The Chat GPT, or Generative Pre-trained Transformer, is an advanced language model developed by OpenAI. It is part of the GPT series, which stands for "Generative Pre-trained Transformer." GPT models are designed to generate human-like text based on the provided input and context (LUND, 2023). Its model has been trained on a vast amount of diverse text data from the internet, allowing it to understand and generate coherent responses to a wide range of prompts and questions. It utilizes a transformer architecture, which enables it to capture long-range dependencies in the text and generate contextually relevant and coherent responses (MCGEE, 2023). As an AI language model, the Chat GPT is not a human but a sophisticated algorithm developed by OpenAI. It has been trained on a diverse range of text sources and has the ability to provide information, answer questions, and engage in conversational exchanges. However, it's important to note that while the Chat GPT strives to generate accurate and helpful responses, it may not always provide perfectly accurate or up-to-date information (SURAMEERY, 2023).

An AI language model, my responses are generated based on a mixture of licensed data, data created by human trainers, and publicly available data. I should note that while I strive to provide accurate and up-to-date information, my responses may not always reflect the most current news or developments. News is constantly evolving, and new information can emerge that may change the context or understanding of a given topic. The authors of this study accessed the website <https://chat.openai.com/> and asked the Chat GPT what it would ask a person to know if they are capable of conducting a mediation session to prevent a strike. The responses from the Artificial Intelligence were as follows (OpenAI, 2023). Next, the Chat GPT was asked to respond to each of the questions. Emphasis was given that it should respond considering that it is an Artificial Intelligence. The responses are described in the following paragraphs.

For the first question "What experience do you have in conducting mediation sessions? Could you provide specific examples related to conflict resolution and preventing strikes?" the answer was that as an AI, I don't possess personal experiences or examples of conducting mediation sessions. However, I can provide theoretical knowledge and best practices in conflict resolution and strike prevention (OpenAI, 2023).

At the second question "What strategies do you employ to establish trust and build rapport with the parties involved in a potential strike situation?", the IA answered that building trust and rapport in a potential strike situation often involves active listening, demonstrating impartiality, acknowledging

concerns, and fostering open communication. It may also involve emphasizing confidentiality, ensuring inclusivity, and focusing on shared interests (OpenAI, 2023).

About the question “How do you ensure a neutral and impartial stance as a mediator during the negotiation process?”, the Chat GPT answered that maintaining neutrality and impartiality is crucial for effective mediation. Techniques such as treating all parties equally, avoiding personal biases, and providing equal opportunities for expression can help maintain a neutral stance (OpenAI, 2023).

“Can you describe your approach to facilitating open communication and active listening between conflicting parties to address their concerns effectively?”. For this question, the IA answered that Facilitating open communication involves creating a safe and respectful environment, encouraging active listening, asking clarifying questions, and summarizing key points. It is important to foster dialogue and ensure that all parties have an opportunity to express their perspectives and concerns (OpenAI, 2023).

Following the procedure, regarding the question “How do you handle power imbalances that may exist between the different stakeholders involved in a potential strike?”, the answer was that Addressing power imbalances requires a careful and proactive approach. Strategies may include ensuring equal participation, providing support for less empowered parties, and encouraging collaborative problem-solving to level the playing field (OpenAI, 2023). The question number 6 was that “What techniques do you use to identify and understand the underlying interests and needs of each party involved in a conflict?” and Chat GPT told us that effective mediation involves uncovering underlying interests and needs. Techniques like asking open-ended questions, employing active listening skills, and conducting private sessions can help reveal individual motivations, interests, and desired outcomes (OpenAI, 2023).

Answering the question “How do you encourage collaboration and foster a problem-solving mindset among the parties to reach a mutually satisfactory resolution?”, the IA said that promoting collaboration and a problem-solving mindset often involves emphasizing common goals, exploring mutually beneficial solutions, encouraging brainstorming, and facilitating negotiations based on shared interests rather than positional demands (OpenAI, 2023). Managing emotions and tension requires empathy, understanding, and the establishment of ground rules for respectful communication and techniques like acknowledging emotions, reframing statements to reduce defensiveness, and suggesting breaks can help deescalate conflicts and foster productive discussions was what Chat GPT told us about the question “how do you address the emotions and potential tension that can arise during mediation, particularly in high-stakes situations like strikes?” (OpenAI, 2023).

The ninth question was can you provide an example of a successful mediation session you have conducted in the past that helped prevent a strike? What strategies did you employ in that specific case? Chat GPT answered that as an AI language model, I don't have personal experiences or the ability to conduct mediation sessions. Therefore, I cannot provide specific examples of successful mediation sessions related to strike prevention (OpenAI, 2023). Finally, the tenth question that the Artificial Intelligence formulated was as follows: “are you familiar with relevant labor laws and regulations that govern the collective bargaining process and can impact strike prevention efforts?”. The answer was that as an AI language model, I have been trained on a wide range of data, including legal information. I can provide general knowledge about labor laws and regulations, but it's important to consult legal professionals or references for specific and up-to-date information on labor laws and their implications for strike prevention (OpenAI, 2023).

Analyzing the questions and answers generated by the machine, it is possible to make some inferences. Initially, as an AI language model, Chat GPT strive to provide helpful and informative responses based on the training data and patterns it have learned from. However, it's important to note that its responses should be interpreted with caution and critical thinking. Some points should be considered in analyzing the responses (OpenAI, 2023). First of all, lack of personal experience: As an AI, Chat GPT don't possess personal experiences or real-world interactions. Its responses are generated based on patterns observed in the training data, which include a wide range of information

sources. While it can provide general insights and suggestions, practical application and judgment should come from qualified human professionals with are extremally relevant. However, Mediation involves human beings whose relationships can be quite complex, which is why experience is necessary to be a Mediator (LUND, 2023). It is necessary to considerate also the general nature of responses: AI responses are designed to be applicable in a broad context and may not account for specific nuances or complexities of individual cases. It's important to consult specialized experts or refer to relevant legal and professional resources for comprehensive guidance. Based on the analysis of the machine's responses, it is also necessary to consider the limitations in legal advice. While Chat GPT can provide general information about labor laws and regulations, it's important to consult with legal professionals or reliable sources for specific and up-to-date legal advice. Laws can vary by jurisdiction, and complex legal matters require careful analysis by qualified experts. And also, the machine is not as up-to-date as legal matters, running the risk of using legislation that is no longer in effect (HILL-YARDIN, 2023).

Reliance on training data is another factor that should be taken into consideration. IA responses are generated based on patterns observed in the training data. While efforts have been made to provide accurate and reliable information, biases or inaccuracies in the training data may inadvertently influence the responses. It's crucial to corroborate the information with multiple sources and exercise critical thinking. At the Mediation procedure it is inevitable (LUND, 2023). Mediation evolves knowledge and context which Chat GPT is enabled to have properly. Its training data goes up until September 2021, and it do not have access to real-time information. Consequently, the IA responses may not reflect the most current events, developments, or legal changes. It's always advisable to consult recent sources and stay updated on the subject matter.

## Conclusions

After the analysis of legislation about mediation in Poland it was possible concluded that the mediation is a method to solve disputes. It involves an impartial and neutral person, the mediator, facilitating the dialogue between the involved parties in conflict. It is a process to help parties find a mutually satisfactory agreement. The mediator is chosen or accepted by the parties and helps them to prevent or resolve conflicts in a consensual way. The mediation has been used in many different disputes in the world, including labor conflicts. In Poland, that institute has been applied it in collective disputes about employment rights, among other cases. Mediation is confidentiality and generally much less expensive than a trial dispute. The mediation helps the parties in conflict to solve the dispute in a more constructive way. Regarding the question “the GPT Chat is capable of mediating to prevent strikes?”, by analyzing the interview conducted by the authors with the artificial intelligence, it was possible to conclude that Chat GPT strive to be a helpful resource to use in Mediation procedure, but it's essential to consider the limitations of AI and seek guidance from qualified professionals for specific and critical matters. The artificial intelligence possesses characteristics that, although useful in a mediation session, cannot be solely relied upon to prevent strikes, such as Lack of personal experience, General nature of responses, Limitations in legal advice, Reliance on training data and it hasn't to have knowledge and context.

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