

Disability, Conflicts and Mediation

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Abstract

The purpose of the article is to present a facet of intervention in Social Work in the sphere of persons with disabilities through support for resolving conflicts which affect them, through mediation. Some of the problems connected with the workplace, formal organization and the family are presented. Emphasis is placed on the fact that the role of the mediator is incorporated into Social Work in this new space in which some of its actions and principles are adapted to mediating intervention: support in decision making, autonomy and communication.

Keywords: Social Work, disability, conflicts, mediation.



I. Introduction

The Convention on the Rights of Persons with Disabilities approved by the United Nations in New York on December 13, 2006, may be considered an instrument of change in the social viewpoint and the role played by persons with disabilities nowadays. Countries must assure that persons with disabilities enjoy the inherent right to life on an equal basis with other people (Article 10), ensure the full development, advancement of women and girls with disabilities (Article 6) and protect children with disabilities (Article 7), protect the physical and mental integrity of persons with disabilities (Article 17), ensure that said persons are not submitted to torture or other cruel, inhumane or degrading treatment or punishment, and forbid medical or scientific experiments without the consent of the interested party (Article 15).

Countries acknowledge the right to an adequate level of life and social protection, including, housing, services and public assistance with respect to needs related to their disabilities and assistance in paying for related expenses in cases of poverty (Article 28). This viewpoint is important for Social Work since it directs Social Services and actions taking place within them with this group. We are going to base our work on the model proposed by Palacios (2008), for analyzing disabilities, called the Social Model. This point of view is based on two basic suppositions, which are principles also found in Social Work. In the first place, we part from the premise that all human life, regardless of the nature and complexity of its functional diversity (disabilities)

which may affect a person, enjoys the same degree of dignity. For Social Work it is clear that the situation of disability cannot create a situation of exclusion nor inequality in the access to the goods and services of a society. However, this consideration may be limited by the predominant opinion of the Western world where esthetic, competitive values are upheld, where the powerful rule over the weak and in which the figure of a super qualified human being is prevalent.

Social Work, and the society which it serves, must reformulate this model so that the dignity of the human being is promoted in relation to their very nature, empowering those individuals who present difficulties in confronting their own existence. On the other hand, Social Work must assure the possibility for individuals to make decisions which will affect their development as autonomous persons, on an equal footing with the rest of the individuals in a society. With these premises in mind, we shall develop the performance of Social Work in the process of analyzing and intervening in its application for people with disabilities. In the first place we will point out some of the conflicts faced by individuals with disabilities and later we will indicate some of the actions of Social Work, supported by the methodology of mediation, which favor the resolution of these situations and in consequence help in the development of individuals enjoying total autonomy.

II. Conflicts in the sphere of disabilities

First we will ask ourselves what kind of problems we can summarize in order to understand the large areas of conflict

within the sphere of persons with disabilities. We shall name a few.¹

1. Conflicts related to job discrimination due to disabilities

According to IMSERSO² (2002), the employment rate for persons with disabilities is 32.3%, practically half of the rate for people without disabilities (64.5%) and in turn, among people with disabilities, 40.6% of males work compared to 23.7% of the females. In fact, in this same source we find that, the group of women with disabilities and the group of men and women with mental deficiencies, are the least favored in the job market. Most of these workers work at centers for protected employment,³ and have gained access to a job through contracts based on measures to promote employment.

These workers with disabilities are, therefore, outside the area of work in private businesses. Along with Mercado and Garcia (2010) we can say that a fundamental element of social integration is labor integration. We see however that the majority of people with disabilities are not in the normal job market and not in normal jobs. Nowadays, part of an individual's feeling of personal fulfillment is projected through his/her job. It is important therefore for the social worker to accompany those people who need it on the road to insertion into

the job market. To the extent that the social worker carries out social accompaniment in the labor market, he/she is helping the personal auto-realization and integration, the active participation of the person with a disability, in the first place, to realize his/her reality, problems and the causes it may produce and the path to follow in order to solve the problem. Secondly, for all this to take place the person's wish for change in his/her situation is fundamental. Thirdly, the person must take an active part in solving the problem, working alongside the professional in that direction.

One of the matters taken up in this epigraph is the lack of functional adaptation for carrying out a job, that is, equal opportunities at the job site. De la Red Vega (et al.2008) states that in order to develop the potential of each person at different levels, normative development is needed for adapting workspaces and their functioning to the special needs of workers with disabilities so that they can be fully integrated into society. The authors point out that the situation nowadays and convictions of obtaining equality mean that it is no longer enough to include people with disabilities in the ordinary labor market, or special centers of employment or occupational workshops, depending on the circumstances. It has also become necessary to admit that a person with disabilities is "able" to begin new business initiatives in the ordinary labor market or in new sources of employment and support them in these endeavors. It can be said that a fundamental element for social integration of people is insertion into the job market, however, we can still see that the majority of people with disabilities do not participate in the job market, and above all, in

¹ The range of conflictive situations which persons with disabilities must confront is enormous. We will deal with only some of these problems in order to illustrate the possibilities of intervention with Social Work.

² IMSERSO is the state organism in Spain in charge of the administration of all matters related to disabilities, the elderly and immigration.

³ Centers and businesses designed and destined specifically to employing people with disabilities.



ordinary jobs. In spite of the acknowledgment of their rights and the measures which have been taken for the group, individuals with disabilities still find it hard to find and keep jobs (Pallisera et al. 2013).

The authors insist that even with the existing regulations for actions and services for the collective, as well as access to the job market, people with disabilities find themselves on an obstacle course due to various circumstances such as: non-compliance with laws and norms, unawareness of available help, lack of credibility in their capabilities, lack of professional and family support, etc. That is why international organisms and administrations are worried about the dearth of real opportunities for persons with disabilities. The social worker endeavors to intervene to try to adapt these conditions, and the access to information on the norms and resources which

are available, but also plays a mediation role between society and the individual; training and supporting a process which favors changes; carrying out information and awareness campaigns in order to integrate those people who are at the margin of the system. In short, the social worker analyzes and intervenes in the situation of conflict between people with disabilities and the labor sphere.

2. Conflicts with public administration due to lack of adaptation and the necessary resources

In the opinion of Manuera (2013), the history of persons with disabilities indicates the difficulties they have of being considered citizens with the same rights as the rest of the population. Difficulties understanding legal and administrative terminology make it clear to see the need for

considering their role as citizens, as well as peacefully solving the conflicts in their daily life, thus easing their social inclusion. It is necessary to have profound respect for the capabilities of persons with disabilities in making their own decisions and making mistakes just like other members of a society which respects citizens' rights, and favors equality and equity in access to education, jobs and justice. The UN Convention of 2006 on the rights of persons with disabilities and Law 39/2006 of December 14 for the Promotion of Personal Autonomy and Attention for Persons in situations of Dependence, were a novel opportunity to diminish situations of exclusion for the sector of persons who have special needs for support. The introduction of Law 39/2006 should bring about transformation with great impact on the traditional model of social services based on welfare and discretionary decisions and should help recognize benefits and services, aimed at personal autonomy as subjective rights (Pérez Bueno, 2010). The transforming capacity of this novel viewpoint of Social Services is strongly influenced by two concrete aspects on which it depends: the design of public policies related to Social Services and the implementation of these policies (Muyor Rodríguez, 2011).

Manuera (2013) sets forth the need for a more accessible reality, where their rights are respected, beginning with lifting the barriers which society has imposed. "It is crucial that a theory of disability as oppression comes to grips with this 'real' inferiority, since it forms the bedrock upon which justificatory oppressive theories are based and, psychologically, an immense impediment to the development of political con-

sciousness amongst disabled people." (Abberley, 2008) The application of mediation with persons with disabilities awakens special interest as an alternative in resolving existing conflicts, at a historical moment when institutions are under more and more conflictive situations due to the lack of funds, as well as the lack of strategies for solving their conflicts in a non-legal space.

The existence of a Sistema Arbitral de Quejas y Reclamaciones en Materia de Igualdad de Oportunidades, no Discriminación y Accesibilidad por Razón de Discapacidad (Arbitrative System for Complaints and Claims on Matters of Equal Opportunities, non-Discrimination and Accessibility due to Disabilities), and the Defensor del Discapacitado o mediador de las personas con diversidad funcional (Defender of the Disabled or Mediator for Persons with Functional Diversity) in certain autonomous communities and cities, may be the driving forces behind the use of mediation in this sphere with measures to help solve difficulties and conflicts of accessibility to work, healthcare, education, etc., by implementing their use.

For example, we show minors who, due to their disabilities, are excluded from their center, necessitating a quick solution, since the time taken by a legal process is usually several semesters, which can cause the student to fall behind in his classes. In processes of incapacitation, searching for equal power between the parties and allowing for the participation of the person with disabilities in a proper way is important. This would apply as an alternative to legal processes, for people with disabilities who are locked away in prison without

understanding why or due to lack of adequate social resources.

Here we also refer to solving conflicts related to eliminating architectural barriers and easing accessibility to buildings for persons with disabilities, actions which allow people with disabilities full social participation. Disabilities, is therefore, a matter of rights which society must work to guarantee. This implies recognizing the voices of persons with disabilities in all social, political and academic spheres. Their participation should be direct and binding in person and not through representatives and consultants of people with disabilities in all institutional policies (Palacios and Romañach, 2006). It is true that in the Western World the presence of people with disabilities has been promoted in social democratic politics. However, the role of people with disabilities has been reduced to the welfare sector where resources and services are provided to the collective. The idea of dependency has directed social policies aimed at the collective, and thus they have enjoyed second class citizenship-passive, receptive, dependent (Díaz, Jiménez and Huete, 2009).

Conflicts in the family sphere

Within the family a situation of disability may have repercussions on all of the members of the family throughout the life cycle, at various levels. Over time feelings of acceptance, negation, rejection and blame may be present. According to Ajuriaguerra (1980) families adopt various forms of behavior: when family ties are strong, the family is brought closer together and when ties are weak, the family is separated even more. The existence of a child with a dis-

ability affects the family in their daily life: taking trips or visiting friends. It has special impact when the child reaches adolescence, especially with matters related to his/her sexuality, an independent life and work.

We find some discussion about the evaluation and treatment of persons with disabilities. These conflicts arise with respect to diagnosis and treatment, conflicts in decision making on the treatment or the choice of assistance to be sought. It might be a good idea to strengthen the decision making ability of the person with a disability if he/she is involved in deciding, for example, where to be enrolled, what benefits and social resources to access, etc. Conflicts arise in the relations/communication between the person with a disability and his/her relatives: whether to leave the nuclear family, live in a group home under guardianship, etc. For young people with disabilities, deciding how to live, schedules and curfews, means of transportation, vacations, etc. may cause conflict with the family. Older people may find difficulties in deciding on a caregiver, his/her days off, welfare type alternatives to a principal caregiver, etc., adapting the information to their circumstances. We may also find conflicts in communication between people with disabilities and the professional who cares for them, or mistakes or negligence by the professional who cares for a person with disabilities, referred to as professional malpractice. In line with Cunningham and Davis (1988) families should approach difficult situations in the sphere of everyday instrumental needs, since the person with disabilities requires more attention and help from the family in performing everyday tasks. The family needs

information and orientation in relation to educational, leisure and benefit activities or social services which may help their child. According to Martínez (1993) the factors which come into conflict are marital communication and balance; social relationships with the environs: a feeling of guilt or shame or a conflict in confidence and security in themselves when confronted with adverse situations. In short, in families with an individual with a disability, stress is greater than in other families (Dayson, 1997; Beckman, 1983; El Hadidi et al., 1994). Families are thus in need of help in order to express and share these emotions in a way in which they can find preventive support for the problems they face.

The existence of a person with disabilities in a family also affects the relations among siblings. In Freixa's (1999) opinion older siblings adopt a more understanding attitude. Problems of jealousy due to temporary dedication of the parents to the child with disabilities may also make for added conflict.

Mercado (et al., 2010) emphasize that while it is true that the family plays a key role in the development of all people, acting as the first socializing agent of an individual, providing protection and sustenance to its members, transmitting values and social norms and establishing itself as a privileged space in the construction of personal identity (De Jong, Basso and Paira, 2001), this institution acquires greater relevance when the phenomenon of disability is analyzed, instituting a neurological structure and fundamental support network which stands in for institutional shortcomings which prevail today in society (Garrido, 2009; Sánchez, 2006). There-

fore, it is of upmost importance to know the needs and challenges faced by families in the various spheres because intervention should be based on rigorous knowledge of these needs, thus satisfying preexisting demands and assuring compliance with people's rights.

Results arising from the study outline three main conclusions. First, a result of the inherent complexity of the phenomenon (Jones, 2011; Mercado and García, 2010; World Health Organization, 2011), refers to the multiplicity of variables which determine the social perceptions and necessities of families with sons or daughters with disabilities, which advise against forming universal and uniform arguments and interventions, since people with disabilities are as diverse and heterogeneous as people who do not have disabilities. Thus, individualization of professional action and consideration of the specific circumstances emerge as fundamental elements in professional duties.

In the second place, we must stress the existence of generalized perceptions of unawareness or possession of insufficient information with respect to resources and services connected with disabilities, which is intensified in students belonging to centers for integration. Along these lines, without obviating the various factors which shape and moderate such findings, inter-professional coordination and teamwork are instituted as the main principles in professional intervention.

Finally, on the family level, the results obtained reveal two summarizing premises. The first, related to the scope and resonance which the birth of a son or daughter with disabilities has on the family structure and

dynamics, resulting in the accentuated assumption of rigid and differentiated gender roles between the couple, as well as on the neurological impact on whether or not to have more children, controlling further births. The second, a consequence of the first, is related to the momentous role played by the family in the development of children with disabilities, on the one hand becoming fundamental figures in the various spheres in which they participate, and complementing and taking the place of institutional deficiencies, on the other. Therefore the structure of programs of conciliation and co-responsibility, together with the promotion of resources for supporting the family and providing them with some respite constitute essential initiatives for assuring the full development of these children and their families. Nevertheless, these measures will have limited impact if they are not accompanied by programs of awareness aimed at the general public which work to eradicate stereotypes and prejudices which give rise to situations of discrimination and social exclusion. Therefore, we think that strategies to increase people's awareness of the phenomenon of disabilities over an extended period of time are of paramount importance. We also point out the importance of inclusive, normalized leisure time within the essential framework of the community.

III. Contributions for the intervention of Social Work: mediation

We have pointed out some of the conflicts faced by persons with disabilities. Many of these conflicts have to do with difficulties between two or more systems in which at least one of the persons or groups of persons

with disabilities lives. When the needs and problems are affecting the environs of the person with disabilities, the strategy of mediation may be used to intervene. The problem of the medium may be owed to (Schwartz and Zalba, 1971; Shulman, 1984) the complexity of the systems. Institutions and the bureaucratic system are often incomprehensible. There may also be a problem of conflict of interests or problems in communication between the two systems. Mediation is an action carried out by a "third" party, between people or groups who willingly consent to and participate in mediation. The persons or groups will have the final say in making new relations between them flower, preventing or fixing problematic relations.

The objective of mediation, for Social Work, is to obtain results at any price, without trying to reach a consensus on the aspects which are involved in the problem. Mediation is supposed to reduce hostility and establish effective communication; help the parts understand the necessities and interests of the other part, cover the needs of the implicated parties, present and clear up matters which have been overlooked or to which not enough attention has been paid, help people conceive and communicate new ideas; reestablish communication between the parties in conflict and help them reformulate proposals in more acceptable terms in order to obtain solutions which are accepted by both parties taking into account their situations and interests, which will lead them to formulate agreements which resolve the problems and safeguard relations, and prevent any future need for intervention.

In mediation, the presence of a mediator who controls the process, is determinant to the parties reaching a solution if an agree-



ment is reached. Mediation also promotes meeting and communication, objectives which are not presented in the other techniques mentioned.

When the social worker adopts a strategy of mediation, it includes tasks such as: helping a client to understand his/her environs, the other system, easing the external system's meeting the client, realizing that reaching a common objective is necessary. When he/she helps the client understand his/her environs, the social worker first points out the interests and goals the client has in common with the environs. He/she also tries to identify the barriers which prevent the client from reaching his/her goals. The social worker may eliminate these barriers by pointing out the ways in which they may be surmounted and the advantages for the client in doing so. He/she should show what could happen if the client and the environs work together. Social Work should also present a realistic vision and define the limits within which the person may expect things from his environs. When he/she helps the environs respond to the client, the social worker will also help the environs see the points it has in common with the client. Social Work aims to show his interest in the client's situation and the resources offered by the environs. When necessary, it may offer the environs information which helps them understand the situation. Therefore, inter-mediation may be the speedy and efficient alternative for resolving conflicts which persons with disabilities and their families clamor for, in order to help them in their process of understanding. It may also give support in the rights of the person with disabilities to make his own decisions in the

face of the situations he/she must face. Likewise it may help in promoting the autonomy of the person with disabilities, by resolving conflicts in matters of social discrimination in a space for dialogue, promoting a culture of peace which eliminates acting in contentious systems in which conflict may arise with a negative effect on relations between persons or groups who end up meeting each other in the courts.

As we have pointed out in other work (García-Longoria and Sánchez Urios, 2004), we may consider two meanings of the concept of mediation in the context in which we are speaking: mediation as a technique integrated into social intervention and mediation as a specific professional action.

In the first case, mediation as part of social intervention involves a form of intervention tied to another series of actions for problem solving. Intervention is a concept related to certain actions carried out in order to help systems-client to achieve his/her objective. The methodology of intervention includes mediating action among the various activities put into practice for problem solving. As Mayer (1995) points out, Social Work has intervened many times as intermediaries in family conflicts or with society. In order to develop its functions as Social Work, it carries out a series of roles which Teare and McPheters (1970), Germain and Gitterman (1996) have described as support/guidance, agent, defense or evaluation. Among these is the role of mediation as intervention which aims to identify the source of conflict between the client and his/her environs and connect the client's system with the social system in a more realistic way through intersection, persuasion and negotiation. This kind of mediation is within the framework of the

context of global intervention in the problems of a certain system, acting from various perspectives and with intervention in the problems which may arise within this framework.

In the second case we are referring to mediation as a specific form of intervention by a professional, the mediator, who does not deal with any of the other problems of the system with which a person interacts, only the conflict presented by the parties and whose intervention is the sole objective of the professional. This is the concept that is developed in literature on mediation. It deals exclusively with the concrete conflict at hand between the parties, and professional intervention has no further goal. If the situation leads to other acts which are not the exclusive solution of the conflict, the professional will not take any more action and will channel the parties to other services. Therefore, in the first place, the professional needs to make sure that the parties wish to deal with the conflict at hand and not with other issues. For example, in the case of separation and divorce, the mediator in this case will have to make sure that both parties want the separation and not present a scenario of emotional confrontation between them or even the possibility of reconciliation. Any matter which does not have to do directly with the possibility of reaching an agreement has no place in this perspective and the mediator will avoid entering into this kind of matter.

In either of its two variations, mediation can be considered a technique of intervention for trying to reach agreements and which may be used in both contexts, under the conditions of the context and desired aim presented above.

We will briefly analyze some of the components of intervention that the social worker may use in his/her roles as mediator.⁴

1. Support in decision making

Social Work is governed by the principle of autonomy formulated in the rights of persons to make decisions, to not be considered merely as patients who must only accept decisions made by the professional, but rather to be subjects, agents of rights, to be kept informed and have their points of view taken into account in decision making which affects them personally. When this principle is respected, a good professional relationship may be established, selecting strategies together with the people involved in the process. It must be kept in mind that there are certain conditions which must exist in order for autonomous decision making to take place: desire, knowledge and ability. In order to reinforce the capability of decision making in persons with disabilities, a critical sociological analysis on how social inclusion of the collective should take place, proposing and designing social policies which would make said inclusion feasible through family mediation. The cooperative system of managing and solving conflicts among members of a family, taking this term in its extended sense, which through a non-judicial, voluntary, confidential, pro-

⁴ It is impossible in this article to deal with the possibilities and procedures of mediation which may be used as a form of methodological intervention for supporting confrontation in conflicts in the field of disabilities. We only present some of the dimensions which the social worker may use in his/her roles as mediator.

cess, aided by the mediator, who is an impartial, neutral third party trained for this activity and with no power of decision, enables communication among the parties so that they may try to present the common interests in relation to viable, stable agreements which prove satisfactory to both parties, and also attends to the needs of the family group, especially minors and persons with disabilities (García Villaluen-ga, and Bolaños, 2006). A "movement of independent life" may be called the immediate predecessor of the social model. This is in opposition to the bureaucratic provision of social services, derived from the rehabilitator model, and it calls for self-generated services based on one's own objective, accented by the ability of the person with a disability to choose and control. From the social model it may be defended that all persons, whatever the nature or complexity of their functional diversity, should have the possibility of decision making in matters which affect his/her development as a person, and therefore, he/she should be allowed to make his/her own decisions

2. Promoting the autonomy of persons with disabilities

Another contribution of mediation for confronting conflicts in the field of disabilities centers on promoting autonomy, that is, the acknowledgement of the capacity for directing their lives and participation as citizens with full rights. The situation of dependency is not produced by the features of a group but rather by the situation of dissatisfaction of the rights of those in said group (De Asís and Palacios, 2007). Professionals tend to define independence in

terms of activities of self-care, such as bathing, dressing, cleaning oneself, cooking for oneself and eating by oneself. However, people with disabilities define independence differently, considering it to be the ability of self-control and making decision on his/her own life, more than carrying out activities without help. They demand policies which consider disabilities as a matter of dignity and human rights and therefore society should work to guarantee these rights. This implies listening to the voice of those persons with disabilities in all social, political and academic spheres. This participation should be direct and binding through those involved and not through a representative, consultative manner, for persons with disabilities. To this end there is a demand for the elimination of all negative language used for referring to the collective, the suppression of discriminatory practices in bioethical matters, the promotion of a positive image of disability and, in general, the incorporation of fundamental pillars of this model in all policies developed by the representatives of persons with functional diversity and in all institutional policies (Palacios and Romañach, 2006).

From the point of view of the social model, disability arises from the negation of civic responsibility, a negation of social creation, which makes research (and daily practices) carried out in the social and political sphere, more than at the individual level necessary (Drake, 1998). The reality of persons with disabilities has evolved in the recognition of their social rights. However this progress is not accompanied by the reality of persons with disabilities. There is a need for a paradigm which presents the



social participation of persons with disabilities in obtaining their empowerment and recognition. These two factors are basic to mediating activity.

The specific way in which mediation promotes the autonomy of persons with disabilities is implicit in the formulation of their own methodology. Empowerment means that the social worker, in his/her role as mediator, empowers persons who are immersed in a problematic situation to participate in solving the problem. The responsibility of following a proactive process aimed at obtaining a favorable result falls on the parties involved in the problems, in the search for a solution which is favorable for both parties as well as in reconstructing relations between them. Through the process of mediation the parties become aware of their own capabilities as well as the capabilities of the other party for providing solutions to the conflict. In the first place, the person with a disability discovers that he/she has the possibility to solve his/her own conflict in virtue of the development of his social abilities, of listening with empathy. In the second case, it is an effort

to reestablish confidence in the other party, of understanding the possibility that the other has for providing solutions, be these members of a family, a group of friends, colleagues from work or institutions and organizations with whom they relate. From the perspective of Folger and Jones (1997) it is a process of recognizing the other in a biunivocal way which permits finding their own solutions.

Confidence refers to the capacity of a person to grant veracity or accuracy to the statements or behavior of the other. Perceptions of confidence are based on people's experiences. Mediator social workers should respond to these variables in the process of creating minimum confidence between the parties. Distrust is very common when a conflict is on a destructive road. To figure out what processes may produce confidence is one of the fundamental jobs in resolving conflicts. Confidence is defined as the individual belief in, desire to act based on, the word, actions and decisions of the other. Creating confidence in a relationship is initially building positive expectations: acting consistently,

finding guidelines and commitments and doing this over and over again. Social workers may begin the process of creating confidence by formulating questions which evaluate whether there is a positive or negative position of trust. If it is found that there is a relation of positive trust, that is to say, if the parties have been able to limit themselves to remembering the positive and productive parts of the story, or whether we can ask them to tell the transactions in which mutual trust has proven successful. However, if it is discovered that the parties have maintained a negative relationship without any reciprocity of confidence, there are two options: the first is to help the parties decide whether the basis of distrust is due to an error in interpretation, or an unintentional misunderstanding. If this is the case, precise communication may break down the perceptual barriers which oppose the creation of a new relation of confidence. In the second place, if the confidence of one of the parties was an unjustified attitude that resulted in intentional advantage taking, another strategy should be used based on null or scarce confidence, in order to build a positive relationship between the parties. Legitimizing refers to recognizing that the other party has a right to his own thoughts, ideas, emotions and feeling, although they differ from his. For this to take place it is first necessary for the parties to mutually admit they are both legitimate interlocutors and able to establish a process of understanding. It is a matter of introducing respect which consists of acknowledging the interests and feelings of the other in a relationship. This implies true, non-selfish interest in the other, above and beyond any explicit

obligations which may exist. It is an attitude born from acknowledging the value of a person, be it inherent or related to an ability or behavior. In this sense, Sara Cobb (1994) states that legitimizing makes the two parties see their differences from a perspective which separates the people from the problems. It is understood then that a factor of positive acceptance towards the other party is included in the process, even when one party does not agree with the position of the other and even if they do not share a life vision, but rather accept their diversity.

In the sphere of disabilities, keeping an open space between the parties who participate in a conflict may contribute to people with disabilities achieving legitimization and acknowledgement, understanding their right to express their feelings, their rejection of unfair situations but at the same time their willingness to recognize the legitimacy of the other to equally value his/her needs, thus contributing to mutual acceptance and as a consequence, finding a solution to the common problems.

3. Facilitating communication between systems in conflict

Communication is certainly a vital element in intervention. The lack of communication among brotherly, father/mother-offspring systems or between people with disabilities and their employing or administrative institution may increase the difficulties in problem solving. Through the establishment or reestablishment of communication, the social worker intervenes in support of the person with a disability in order to establish a realistic vision for the parties in conflict

which is understandable to both. The flow, the form and quality of communication as well as the way in which the identity of those who participate in the exchange usually have a great influence on the results. The social worker may reinforce what is said, may meet the parties in individual sessions before beginning joint sessions or during meetings may help determine the information which should and should not be shared with the others. He/she should be aware of how the parties are listening (Calcaterra, 2006). A first question centers on lack of attention, where the exchange of messages is practically null, or one may even appear to be listening, but not really following the conversation. In the same way he/she should pay attention, in the author's opinion, to selective listeners, that is to say, those who hear only what they wish to hear. He/she should pay attention to the ways in which each person communicates: aggressive, in which one or the two parties or both try to impose their criteria and options at any price; inhibited, in which one person is unable to express his/her point of view; or assertive in which the person is able to make opinions and present in a balanced way what he/she thinks is fair or interesting in the situation. Promoting assertiveness once again places the social worker in the role of the driving force. The use of techniques such as reformulation, active listening or empathy support the formulas the social worker has available to try to establish communication. As Hepworth (et al., 2010) point out, it is a matter of the ability developed to precisely perceive with sensitivity the feelings of persons as well as the ability to communicate this understanding. The first dimension is empa-

thetic recognition which is a prerequisite for the second: demonstrating a reflection of feelings. Emotions play an important part in behavior. Listening means concentrating on the other patiently, transmitting confidence. Empathy means emotionally reading the other people, putting ourselves in their shoes, recognizing, understanding and valuing the feelings of others, seeing beyond our own perspective and what is apparently obvious. Communication may be blocked if one tries to order and direct, advise, judge and say what is right and wrong. It may also be an obstacle when one tries to teach a lesson or give a sermon based on our own experiences, or console or play down the matter which is creating tension. In short, it is best for the parties in conflict to produce the desired information with the support of the social worker.

Communication is an instrument traditionally used by the social worker for learning the needs and concerns of their clients as well as for transmitting information, orientation and advice to them. It is, therefore, a common element in both situations. However, used as a technique for mediation, communication works to channel emotions, prejudices and false interpretations through procedures of active listening, in which the parties may freely express and, thanks to the intervention of the professional in mediation, project their communication towards mutual understanding which allows for progress in common spaces and perception of mutual interests. The difference with the role of social work centers on the action of communication of the mediator as a facilitator of communication who neither directs nor advises, nor influences with his/her opinions and always keeps a neutral, impartial position.

Conclusions

In this article we have pointed out how intervention by a profession in Social Work may provide support in resolving problems which may arise for persons with disabilities. From the perspective of a social model in the conceptualization of disability, we have understood that one of the roles we should develop as a collective is the impetus towards the total acknowledgement of the right of persons with disabilities to solve problematic situations under the same conditions as the rest of the population, to their participation as citizens in designing social policies, and eliminating cultural, work-related barriers and access to other recourses which affect them. We have proven that, despite the U.N. Convention on the rights of Persons with Disabilities of 2006, conflicts for access to the job market, incompliance with laws and regulations, or rejection of adaptations in the work place, still persist. Added to these difficulties, we find the following still persist: discrimination by public administrators in providing resources, loans, institutions and support for persons with disabilities. We have dedicated another part of the article to the difficulties in the family sphere and in daily life due to the numerous problems and conflicts which persons with disabilities must face.

Social work participates in the activity of mediation in a role which is different from the one traditionally carried out by them. The contribution of mediation in intervention with persons with disabilities should reintroduce classic principles such as self-determination or support for the dignity of persons. The social worker mediator dispenses with some of the traditional roles such as the role of manager or defender. When he/she acts as a mediator, he is placed in the role of the facilitator of communication, of support for decision making by the parties as well as mediator for mutual acknowledgement and legitimacy. All of the actions as mediator are developed by the social worker while at the same time maintaining neutrality and impartiality, without committing himself/herself to any preconceived decision and with the understanding that agreement between the parties involved is the best way to solve conflicts. This approach calls for a change in the way Social Work is to be useful in conflicts derived from job-related relations, family-related and relations with the community in which persons with disabilities live.



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