

## 3.1 Negotiations

### Description:

This tool provides a template for a negotiating 'game' plan, the steps to follow for a successful negotiation, and tips on negotiation.

### How it can be used:

A successful negotiation is not about you getting your own way or surrendering to another. A successful negotiation is about obtaining a positive conclusion where both parties feel satisfied with the negotiation.

The most important outcome of a successful negotiation is that it becomes a 'win more/win more' situation for everyone involved. With knowledge, skills and practice, negotiating can become less stressful and all parties can leave the process feeling satisfied and compensated fairly. Use this tool to ensure you are prepared to engage in successful negotiations.

### Prepare a Game Plan

Depending on the scale of the disagreement, some preparation may be appropriate for conducting a successful negotiation. If you need to resolve a major disagreement, make sure you prepare thoroughly. To create a game plan, think through and respond to the following points before you start negotiating:

ASPECT OF THE NEGOTIATION	My perspective	Their perspective
<b>Goals:</b> What do you and the other person want to get out of the negotiation?		
<b>Trades:</b> What do you and the other person have that you can trade? What do you each have that the other wants? What are you each comfortable giving away?		
<b>Alternatives:</b> Without an agreement, what alternatives do you have? Are these good or bad? How much does it matter if you do not reach agreement? Does failure to reach an agreement reduce your future opportunities? What alternatives might the other person have?		
<b>Relationship:</b> What is the history of the relationship? Could or should this history impact the negotiation? Will there be any hidden issues that may influence the negotiation? How will you handle these?		
<b>Expected Outcome:</b> What outcome will people be expecting from this negotiation? What has been the outcome in the past?		
<b>Consequences of Winning or Losing:</b> What are the consequences for you of winning or losing this negotiation? What are the consequences for the other person?		
<b>Power:</b> Who has what power in the relationship? Who controls resources? Who stands to lose the most if an agreement is not reached? What power does the other person have to deliver what you hope for?		
<b>Possible Solutions:</b> What possible compromises might there be?		

## Conduct the negotiations

1. Set the stage.
  - a. Neutral and quiet locations are preferable.
  - b. Consider the physical arrangement of the room – aim for non-confrontational seating (i.e., avoid seats facing each other across a table)
  - c. Mornings are generally better than afternoons and Fridays are not recommended.
  - d. Do not get caught off guard by a telephone call ... call back.
2. Levels of authority.
  - a. Know the authority of the person you are dealing with.
  - b. Ensure that they have the appropriate authority to make decisions.
3. Focus on the issue, not the people.
  - a. Understand that people have emotions, deeply held values and different backgrounds and viewpoints.
  - b. Do not engage in personal attacks, stay focused on the issues.
  - c. Negotiation is not a debate or a trial; it's important to be understanding.
4. Know the deadlines.
  - a. Know if the other person has a deadline as it may give you additional leverage.
  - b. If they have no deadline, create one if it helps find a resolution.
  - c. Allow enough time to go through the process.
5. Use your game plan.
  - a. Analyze the other side's interest and anticipated strategy.
  - b. Know your interest and establish realistic goals.
  - c. Have a bottom line position and alternatives identified in lieu of negotiated agreement.
  - d. Know your organization's guidelines, criteria, and variables.
6. Let them speak.
  - a. Have the other side make proposals.
  - b. Based on their proposal, offer counter proposals or request modifications, deletions, justification, comparisons, documentation, etc.
7. Listen actively.
  - a. Look and be alert.
  - b. Observe non-verbal signals that may support or contradict their spoken statements.
  - c. Check for understanding by paraphrasing ... "Did I understand you correctly that you are saying ..."
8. Test the waters.
  - a. If you must propose an agreement, do not offer your bottom line first.
  - b. Leave room for compromise. Suggest 100% if you want 80%. If you will accept 50%, then consider beginning at 80%.
  - c. Leave room to maneuver.
9. Speak with a purpose.
  - a. Measure your comments; too much communication can be as disastrous as too little.
  - b. Do not speak when angry.
  - c. Before making significant statements, ask yourself what purpose it will serve. If uncertain, do not speak, listen. Silence is a useful tool.
10. Do not be intimidated.
  - a. Do not be intimidated by complex issues. You have a right to understand.
  - b. Seek clarification and ask for explanation.

- c. Do not be afraid of looking stupid just because everyone else appears to know what's going on but you don't.
11. Take a recess.
- a. Do not accept a proposal only to meet an arbitrary deadline as a rushed decision may not be the best decision.
  - b. If you need time to think, research, seek counsel, etc. ... take it.
  - c. If you feel overmatched, overwhelmed or unprepared, do not hesitate to request a recess.
  - d. A recess can be for 15 minutes, a week or indefinitely. This creates the impression of withdrawal which may motivate the other side to action.
  - e. Reminders of deadlines and a sense of urgency can counter-stall other tactics.
  - f. Set up another time to continue the negotiations.
12. Focus on interests, not positions.
- a. Interest is what defines the problem. Make sure that is clear.
  - b. The basic problem in negotiation lies not in conflicting positions, but in the conflict between each side's needs, desires, concerns, and fears.
  - c. Your position is something you have decided upon. Your interest is what caused you to decide upon your preferred options.
  - d. Ask, "Why?" ... draw out their interests, list them and rank them in order of importance.

### **Tips for Negotiating**

Whether you are presently engaged in the process of negotiating or attempting to create a new set of tools to enhance your negotiation skills, the following tips will assist you to start moving in a new direction.

- Avoid the temptation to generalize or label with 'absolutes' such as good, bad, right, wrong, shrewd, co-operative, etc.
- Eliminate reactive thinking.
- Do not focus only on what worked in the past; the former perspectives may not be valid or applicable and often lock in our perceptions.
- Negotiation is a future-oriented skill; consider negotiations as the art of the possible, not the impossible.
- Instead of defining or describing the situation, try thinking in terms of what can be achieved, i.e., "*how can we develop a situation where people will be happy to participate in our activities*" as opposed to, "*what is causing people to dismiss our program?*"
- If one party becomes stressed and tense during a negotiation, slow down your speech, lower the tone of your voice, breathe deeply and more slowly and present a relaxed image. This will have a calming effect on all parties.
- For a negotiation to be 'win-win', both parties should feel positive about the negotiation when it is over. This helps people maintain good working relationships.
- Be as detached as possible when discussing your own emotions – perhaps discuss them as if they belong to someone else.
- People's positions are rarely as fundamentally opposed as they may initially appear – the other person may have very different goals from the ones you expect.