

Alternative Negotiation Methods Emphasis on Interest Based Bargaining

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**Final Research Report
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Alternative Negotiation Methods: Emphasis on Interest Based Bargaining

Abstract:

This project explores methods of negotiation. It begins with a description of the pros and cons of traditional bargaining, stressing that the drive to win in such a process tends to lead to aggression. The author goes on to describe several alternative methods of negotiation, focusing on Interest-Based Bargaining, a method of negotiation that encourages open discussion and mutual co-operation based on the development of trust between the negotiation partners. Three factors present at the bargaining table - predisposition, personalities, and chemistry - are discussed. The process of consensus decision making is explained in its four stages, including a discussion of De Bono's six hats. Finally, the author presents her conclusion, that both forms of bargaining, interest-based and traditional, have strengths and weaknesses, suggests the possibility of using a combination of the two in negotiations, and offers a brief description of the form this might take.

Keywords: United Way, Peterborough District Labour Council, CUPE, Canadian Union of Public Employees, Ministry of Labour, interest-based bargaining, traditional bargaining, collective bargaining, collective agreement, proposals, consensus, labour management

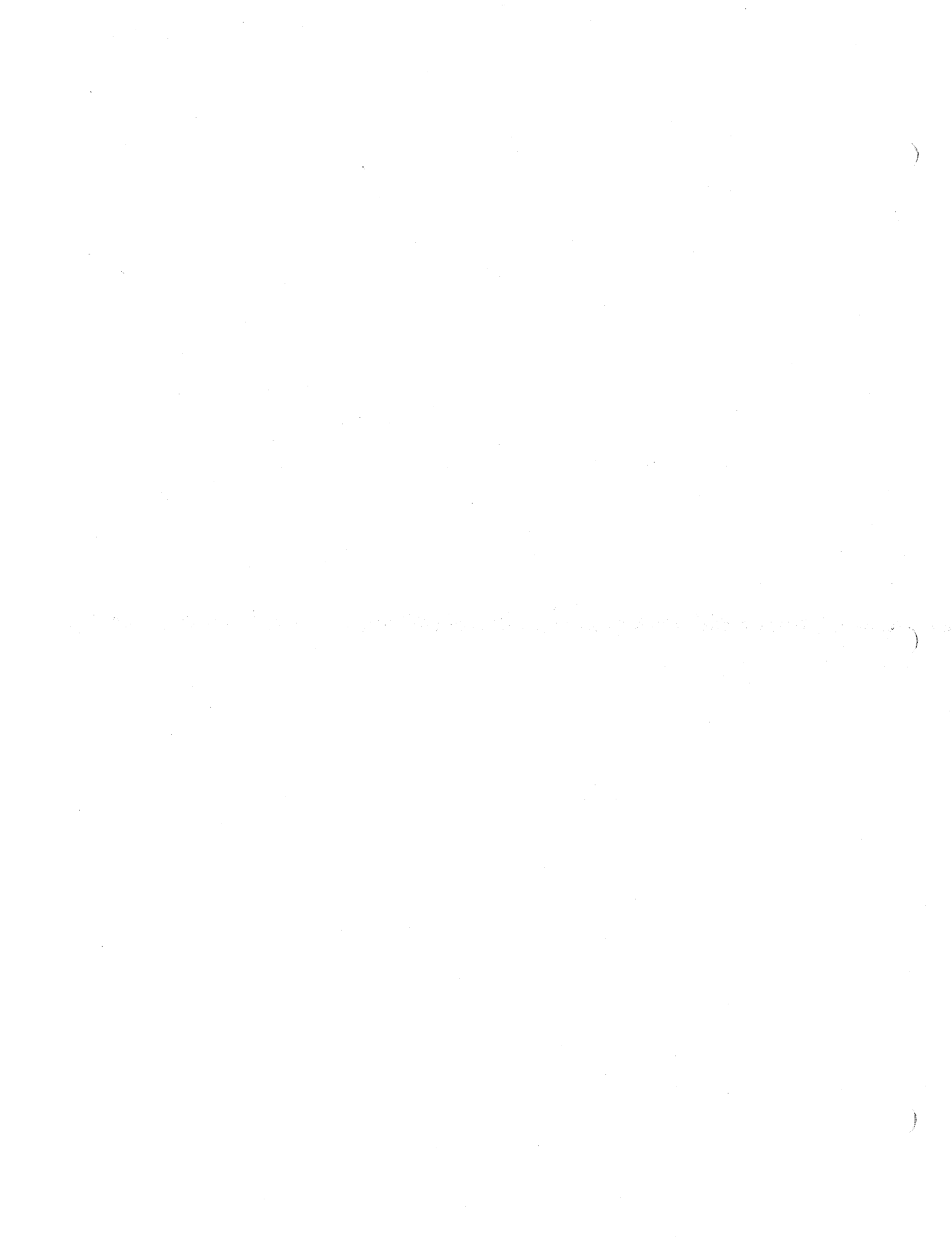


Table of Contents

Traditional Bargaining	4
Alternative Based Negotiations	7
Positions and Interests	8
How all the units in a collective agreement come together	10
Interest Based Negotiation	12
Trust is key	13
Four areas of development in IBB	14
The first step: "Issues"	15
The second step: "Interests"	18
Debono's Six Hats	19
The third step: "Brainstorming"	20
The fourth stage: "Solution"	22
The disadvantages of IBB	23
Impressions	24
My own opinion regarding IBB and Traditional Bargaining	27
Bibliography	31



Presupposition: The readers of this paper fully understand the Traditional Bargaining processes and are aware of the laws governing labour relations.

During my research for this paper I conducted several interviews and went through two full-scale traditional collective bargaining processes, one with CUPE local 218, and the other with Halton Healthcare Services. With CUPE local 218 I attended from the beginning of the negotiations to the breakdown and strike position; I am currently sitting in on the Halton negotiations.

When I began research for this paper I was pro-management. Through all the experience gained I would have to say that I am equally pro-union and pro-management. The experience between union and management officials is very unique from one group to the next.

Media sways the perceptions of individuals in society as equally as one's own work experience. Part of the problem I encountered was the inability of the two groups (union in one case and management in the other) to see beyond their respective sides and understand the position of the opposing group. I have also determined that the relationship shown within the negotiation period is different from the one demonstrated every day in the workplace. Both sides have to put forth their toughest fronts in order to "win" the collective agreement when dealing with Traditional Bargaining. That is why this paper will explore one alternative to Traditional Bargaining, called Interest Based Negotiations, which is a less aggressive negotiation method.

As a note to the reader, throughout the paper there is reference to Interest Based Bargaining (IBB) this has the same meaning as Interest Based Negotiations (IBN).

Traditional Bargaining

Traditional Bargaining is the first used strategy to settle collective agreements. Traditional Bargaining is a more tactical process, where a series of games or strategies are played by both sides. There is seen to be a winner and a loser in some cases. Traditional Bargaining expects that the “winner” outplay their opponent at the bargaining table. Generally at the end the negotiation one group is more satisfied with the agreement. A proper negotiation should leave both sides feeling mostly satisfied with the agreement and there should not be a “winner” and a “loser”. The problem is that some groups feel the collective bargaining process is a win/lose situation, which often leads needlessly to more difficult negotiation in order to achieve an agreed collective agreement. Fortunately, this win/lose mentality often does not surface, and both groups work in a friendly fashion towards a collective agreement.

Where an impasse is reached in bargaining, either side may apply to the Ministry of Labour for the appointment of a conciliation officer, who will assist the parties in reaching an agreement. If the officer is not successful, the Minister of Labour issues a “No-Board” report (indicating that a conciliation board will not be appointed). Following a specific time period (and presuming the previous collective agreement has expired) a strike or lockout is possible. The strike or lockout is only possible in the cases where the employees do not have a right to strike, for instance in Health Care, Fire and Police Officers. To get to the stage where an arbitrator or a board is appointed this is not a rarity, this is a fairly common practice, especially in the cases where the employees do not have a right to strike. In the case of negotiations for a first collective agreement, there is a process stated in law where either party may apply for “first

contract arbitration". Although this process is rarely used, it is possible that an arbitrator will be appointed to award a collective agreement based on each party's view on what is needed in the work place.

In traditional bargaining, the parties tend to take "stances" For example one side may use tactics such as bullying, name-calling, etc. One group can act as a hard bargainer, while the other as a soft, or both act in the same manner. The soft bargainer is known to give in to the hard bargainer's demands, which does happen but is not practised very commonly. The main strategy taken by both groups is convince the other side of the need of specific proposals and to have the other side grant those proposals and to have the other side grant these proposals. This is very time consuming and stamina is often an asset.

When bargaining there are two ways it can go; either the bargaining can get "dirty" or it can be very professional, depending on the group's representative and how everyone's chemistry works together. Chemistry at the bargaining table is very important and can be that crucial element that leads to a successful or unsuccessful negotiation. Chemistry will be discussed further on in the paper.

In the case where the negotiations get "dirty", all the stops are pulled out, and leverage is used to help win. There are often personal strikes at the group's members and often at the mediator who is facilitating the bargaining. Fortunately, this is not the common case. Neither side wants to go through months of this sort of torment in order reach a collective agreement.

In normal negotiations more subtle strategies are used without resorting to inappropriate behaviour; for example, not showing emotion at the table in front of the opposing party, otherwise leading them to know what your counter proposal will be strictly by observation. This is a fairly common strategy when bargaining. There are also many other techniques used to keep your edge on the other party.

The end result is that both parties should be relatively happy and willing to live with the collective agreement. The negotiation should be done in such a manner that it does not damage the relationship between the groups as the relationship is ongoing. The two groups have to work together after the collective agreement has been created, and damaging the relationship between parties will result in future difficulties. Trust is the most crucial part of the relationship; it is established within the daily setting and is tested during the negotiations. When the “dirty” tactics referred to above are used, the parties often have an already poor or damaged relationship, making the collective agreement even harder to reach.

The problem with Traditional Bargaining is that it often leads to more aggressive forms of negotiating, which intimidate those in the negotiations, to break the other side down for the next round of collective bargaining. Traditional Bargaining is seen as a bargaining technique that places an unneeded strain on the union/management relationship. The purpose of this paper is to explore other ways of negotiating collective agreements that are more current; techniques that help foster relationships between the two parties.

Alternative Based Negotiations

Current alternatives to Traditional Bargaining, called Alternative Negotiation Strategies, include Single Text Bargaining, Final Offer Selection, and Interest Based Bargaining (IBB). The first two will be briefly explained, and then Interest Based Bargaining, will be discussed later in some detail.

Single Text Bargaining is a process where both sides write up their proposals; one side goes first in this process, and that is usually the union. The proposals are exchanged multiple times and are revised multiple times over. Due to the back and forth nature of this strategy it tends to be a lengthy process, which tends to be more positional and less issue based. Information is simply exchanged between the two groups, with no discussion. Single Text Bargaining is more a method of relieving deadlock than it is of bargaining.

The second strategy is Final Offer Selection, which takes place in the arbitration stage. When the parties fail to come to an agreement by a set date, then all the outstanding issues are brought to the table. They are discussed and each side tries to convince an arbitrator of the validity of its position. This is not a relationship building activity and has no need for a trusting relationship. Then the arbitrator decides the final issues, by choosing the complete package from one side or the complete package from the other side, with no compromise. The arbitrator's decision is then written into the collective agreement. This technique is not very commonly used due to the severity of the issues placed within the collective agreement. The side whose list was not chosen will have a more difficult time abiding by the new collective agreement. Often it just builds hostility up until the next encounter causing additional difficulties in later negotiations.

The industry now employs other methods to reach an agreement, while fostering the relationship between the parties. The most popular of the Alternative Tools is Interest Based Bargaining.

Positions and Interests

There is a main and very key difference between Traditional Bargaining and IBB, which lies in the language used at the bargaining table; that language is the difference between the words “positions” and “interests”. Positions are statements and strong statements demonstrate a harder type bargaining that often does not encourage those in the other party to work to a common solution. Statements are hard if not impossible to take back and often leave little room for compromise. They often stand as a blockage for further negotiations. The more extreme or “hard” the opening statement, the more effort and time it will take to back track or to change the position. Such language is a good way to slow the progression of a negotiation before it even starts! This is a very hard negotiation style, and no longer a recommended negotiating tactic to be used.

Interests are the expression of how a solution can be accomplished; it leaves room for open dialogue and facilitates discussion because it is non-offensive and open to co-operation. Interests leave room for change and suggestion; they support a friendlier bargaining atmosphere.

A common suggestion in most current readings is the separating of people from the problem. It helps with the flow of conversation and ideas in the group. Instead of putting the two

parties face to face, like snarling animals waiting to attack, sit them beside each other and let them talk in a non-hostile manner. By staggering the two sides amongst each other it reduces the feeling of strength in numbers and allows for a more open atmosphere. If the physical environment is what is producing hostile tendencies, then remove the members from the environment and place them in one that provides a more relaxed atmosphere. It is helpful to work in an area that is neutral to both groups; that is why hotels are commonly used in negotiations.

Past history can also perpetuate hostility from one negotiation to the next. By providing group members with the common goal, which is the survival of the company, it often provides the impetus to overcome personal obstacles during difficult negotiations. This philosophy is summarized in the statement “Be hard on the problem and soft on the people”¹

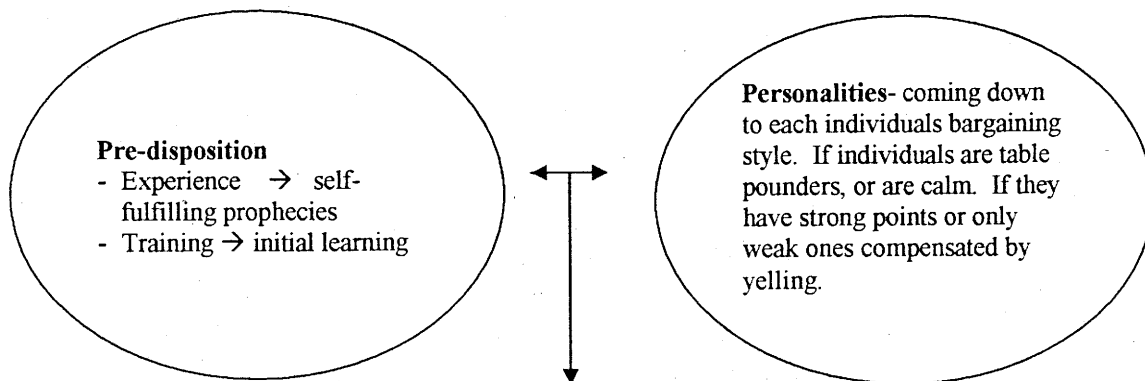
The following table presents some of the differences between Interest Based Bargaining (IBB) and Traditional Bargaining.

Traditional	Interest Based
Positions	Interest
Presumed mistrust	Based solely on trust
Win/Lose	Win/Win or Win/Not lose
List of demands are presented	List of options are presented
Proposals are generated separately	Proposals are generated together-jointly
With hold information for leverage	Share all relevant information

Outcome based on power	Outcome based on merits
Tests/strains the union/management relationship	Solidifies/strengthens the union/management relationship

How all the units in a collective agreement come together

Within Canada there are various unions representing the majority of the workers in the industrial sector and there are very common dominant unions such as CAW and CUPE. And within these unions each has sub groups, labelled most commonly by a division number identifying the area of union representation. Within each of these numbered subgroups there are individual presidents (group leaders) representing a number of these divisions, all of whom have very distinct personalities and bargaining styles. According to Murray Lapp Director of Employee/Labour Relations at McMaster's University's Human Resources Department, there are three individual factors present in all parties present at the bargaining table, and all three come together to create the chemistry that will dictate how the negotiations are handled. These are, (1) predisposition, (2) personality and (3) chemistry, these are expressed either consciously or unconsciously.



Chemistry
This is when it all comes together. There are the pre-dispositions and the personalities working to develop how the chemistry in the group. This will from the start have a result on the end product.

When it comes to a negotiation it is often helpful for all involved to be aware of these traits and to consider how they would as an individual and as a team respond in different circumstances. It is best to think about this ahead of time in order to discuss the team's approach, be it the union or the management team, in order to ensure that the response to a given situation is not just reactionary or emotional.

The factors of predisposition, personality and chemistry are true in all types of negotiations be they Traditional or IBB. While it is not possible to change the way an individual will act, it is possible to consider and prepare the best way to handle negotiations given the diverse personalities within a group.

Interest Based Negotiation

IBB is considered in literature as the negotiation technique that produces a “win-win” outcome. Being a fairly recent area in industrial relations, there are many debates regarding how well it actually works. The theory behind the strategy of win-win is full and entire representation of both sides, to the best of the participants’ ability. However this strategy can be difficult to put forth when complex issues arise, such as monetary issues. In this case, both parties may perceive the issue as an absolute leading both sides to try to “win”. This issue will be discussed a little later.

The term mediator is not used with the same definition as in a Traditional Bargaining session. The mediator in this context is more of a facilitator and will be referred to as such from this point. The facilitator is in charge of teaching both parties what is involved in the IBB process to allow them as a group to determine if the process would work for their situation, or if they should switch back to Traditional Bargaining. IBB is not for everyone, nor the majority; if there is no trust present or if even one group member is not fully supportive of the strategy, then IBB will be a difficult strategy to implement.

Once the group agrees that they can proceed with IBB then there is initial training. This is in order for the facilitator to see if both groups can demonstrate successful bargaining using this style. Once the training has been completed and the facilitator gives both groups assistance in organizing their individual team members, the facilitator is no longer part of the process. Depending on the group’s past experience with IBB the facilitator can remain through the

proceeding or can return when and if problems arise. If the facilitator stays then their part is minimal, due to the importance of the groups functioning together, as a team. The process involves all the group members and their trust in each other to be able to accomplish a collective agreement. The training process can take months before the parties can start working with IBB.

Trust is key

When the two parties first sit down at the table, before anything can continue there must be a mutual level of trust. If this level of trust is not present then the full beneficial results of IBB will not surface within the process, if the process can continue at all. In all cases where a facilitator comes in to train a group of individuals in IBB, there is always a discussion around the issue of trust to ensure both parties have the ability to fully achieve the level of trust required. Having trust does not mean parties have to disclose information that has the potential to hurt the organization, or that the union must disclose information that may damage the relationship they have with their members. However there must be mutual consent and understanding between the two parties to disclose information that will be beneficial to the negotiation process. Often as the facilitator teaches, the issue of trust repeatedly comes up, consciously or not, throughout the negotiation. While watching others' reactions there can be a lot more seen than what is actually said verbally. This may confirm or discount that group's position on trust. IBB is a building process, which takes many instances of demonstrated trust to function, and one instance of mistrust to lose all the ground that had previously been covered. It is much easier to lose trust than it is to regain trust.

Throughout IBB as well as Traditional Bargaining there is the promise by all participants of full disclosure. As in all negotiations, information relevant to the company or union must be presented to all involved, valid information will be disclosed or used as leverage, and all participants must be willing to negotiate in good faith. Without full disclosure and good faith a mediator can refuse to continue the process. The main difference between IBB and Traditional Bargaining is that all members in both groups have an obligation to participate in the negotiation, where as in Traditional Bargaining the only member who has to speak is the leader of the section; no other member's input is required.

Four areas of development in IBB

Pathe Gardner & Associates, when teaching seminars on IBB, have determined four areas of development; they follow in order and no one step can be eliminated.

The first area that tests the parties' commitment to the process is right when the parties sit down at the table, the first day after the training has been completed. At this early stage each side must see if they can mutually tell the truth and if they can trust each other. Often before this stage both parties can tell where they stand with their trust of one another, and the facilitator can usually see from their previous contact through the training exercises if there is trust within the group. If problems exist within the group, then it is possible that a little more work and some additional trust building exercises will take the groups to a point where negotiation can proceed. Now there are various trust building exercises used by the facilitator in order to help build basic trust, but this is only on a surface level. If any of the parties withhold their information or thoughts, suggestions, then IBB will not progress as it should.

Throughout this entire process the union and management groups are present together working for a common goal. With IBB there is one rule that is agreed upon by all embarking on the process, and that is what is referred to as Consensus Decision-Making.

Consensus Decision-Making is when everyone is entered into the decision making process and takes full responsibility upon themselves for the equal responsibility of the groups overall decision.

“Everyone is equally responsible for:

- Getting one’s own ideas understood
- Contributing ideas or information
- Airing doubts and disagreements
- Guarding against intimidation of minority
- Soliciting others for idea’s and information
- Listening to others and understanding them
- Making the process work”ⁱⁱ

Consensus Decision-Making consists of four stages:

The first step: “Issues”

Issues or interests must be brought to the table, not positions. Everyone at the table must fully understand the issues in order to have the chance to resolve them.

The difference between Interests and Positions:

Positions	Interests
• Solution to the problems	• Not a solution to the problems
• Limits options	• Expands/opens options
• Ends discussion	• Opens discussions
• Basis for argument	• Basis for conversation
• Specific and Limited	• Flexible
• Hard to listen when holding a defence	• Easy to listen and ask questions
• Requires justification	• Requires open discussion

Through this sharing exercise one of the group's members will write down on a flip chart all the interests that have arisen throughout the discussion. The recording will be shared amongst all the groups' members so that everything is shared equally. When the list is complete, it will be read out loud for all to hear, and any one of the interests/option/ideas written down on the list can be questioned for clarity. When there is a question the individual who contributed the idea will then explain to the group exactly what was meant for all to understand and consider fairly. Questions will be asked and all issues will be discussed to the point that there is no miscommunication. At the first level it is crucial to understand everything that is being put on the list. If someone is lost at the beginning then they will not be useful in later negotiating stages.

Discussion about the issues is recommended in smaller groups of approximately fifteen people. Therefore it is important to keep the groups on both sides as lean as possible;

unnecessary people only add to confusion for all involved. If groups are too large then there will be irrelevant issues brought to the table and matters will progress at a slower pace. As with all negotiations it is important to bring people who represent the most knowledge for the members and the ones with the proper authority. Throughout this process there will be a good number of issues brought up by various members in the groups and it is important to record all issues on the flip chart, even those considered irrelevant or unimportant, and all are discussed for clarification. Everyone's ideas are to be given equal respect.

The key ingredient at this first stage is communication. Unless the participants properly explain their issues, very little progress will be made and the ideas presented will not necessarily represent the goals of the participants.

A suggestion when asking for clarity is to always keep an open mind. When an idea is questioned the group members should not perceive it as a personal attack. Ideas are questioned for clarity so that everyone is on the same track, giving each idea a proper chance at group selection. All group members should be encouraged to ask for clarification if needed. At this stage a breakdown in communication could negatively affect, if not destroy, the trust that has been built. Questioning people's ideas is a very hard thing to do and can be taken as potentially aggressive, so doing so in the most positive manner will help all to understand everything that is going on at this point.

The second step: "Interests"

Interests are the reasons for asking certain criteria; in this case the interests are the reasons why the group has asked for a particular issue. The group asking for the interest must have a valid reason to back up their suggestion. It could be along the lines that the issue raised would increase employee productivity, or moral. It could also be monetary in nature. Once the issues have been clarified, the parties whose issues are on the board will then address their issues in terms of their party's stance on the matter, and why they raised the issue. They will also discuss the advantages of the issue and why they would need such a recommendation. This process is the same as discussing your concerns. If the matter is a union issue then one representative will discuss the issue to the other side's complete understanding and satisfaction. Then a representative from the management side will ask more questions and discuss their issues which the interest addresses.

At the end of this process issues that will be discussed further will be retained on the list and the issues that have been clarified or determined not to be issues will then be eliminated.

The key to this stage is plenty of discussion; this facilitates good relations and good communication skills between the union side and the management side. Both sides have to actively listen to understand each other's concerns. Listening is also an important tool in this process. Often when there are bad relations, be it in bargaining or everyday situations, the listening side stops listening in order to plan their rebuttal. Which means that they have stopped listening and are possibly missing the key information to the issue. It is hard to listen, however it is the key to this stage; all individuals involved must sit back and make a conscious effort to

listen to what the other group's members have to say. Listening is a skill that can be learned but must be consciously exercised.

The other key to the success of this stage is also to speak to be understood. With IBB everything done has two sides, nothing is ever the fault of one person. When there is miscommunication, then it is the fault of all in the group, not just the one who spoke. It is a group responsibility to understand how everyone feels along the way. This process builds an understanding of each other's concerns, while building on trust amongst the group, which in turn creates a stronger relationship.

Listening is a tool that most individuals have not acquired. There are a variety of ways to listen to the same information and every individual does this in a slightly different manner. The best way to optimize what you are hearing is to recognise the patterns of your listening strengths. Murray Lapp uses this exercise when developing an IBB environment.

Debono's Six Hats

Debono's Six Hats presents six approaches to listening to help each individual learn their own style. Then for individuals to make the effort to consciously try other ways of listening.

The first hat, is the white hat, which means information. In terms of what information is needed, what you have, what will be needed. It's laying out all the information you have with out dispute.

Second is the red hat. Feelings, the emotions, intuition, and hunches individuals have about topics, which can be expressed directly with no need to justify.

Third is the black hat. Judgement. In this hat you can play the devils advocate or ask why something may not work.

Fourth hat, yellow. Logically positive. Look at the values and benefits and why something may work.

Fifth hat, green. Creative Effort. Look at creative alternatives and new ideas.

Finally the sixth hat, blue. Thinking Process. To wear this hat is to manage the thinking process.ⁱⁱⁱ

This hat system was developed by Edward de Bono. In his book *The Six Thinking Hats*, he explains each hat in more detail. The hats are used when helping individuals stand back or remove themselves from the overall picture to look at themselves as part of the solution, in order to get each person to realise that there are multiple ways of thinking. This technique could be a very successful technique when taught with IBB.

The third step: "Brainstorming"

This is the longest and most difficult step in the process. On all the issues discussed, there must be fixed criteria that works within the interests of both sides, and these criteria must be worked out as a group. But even in IBB, both parties must obtain the most they can for their

representatives, considering that is still their job. The union has a duty to fully represent their employees, and the management must look out for the best interests of the shareholders.

With this in mind, some of the criteria to be considered are basics that everyone already knows such as, fairness to both parties, cost efficiency, must be lawful, etc. However, through building these criteria, there is the potential to fight on the criteria. It is expected that both sides are going to have different views, however the end result desired is always the same, "The goal for all invested is the survival of the company. Alternative Dispute Resolution is "How to reach an agreement without disagreement, how do we reach common ground."iv

Through this criteria building there emerges the most important by-product, ideas. As the ideas build, they build based on what people say and tie into the options on the board. The ideas can then become a part of the solution. This is where all the pieces of the other stages all tie in together. Through this process questions are asked. When a particularly difficult question arises it is best to leave a moment of silence for those around to allow them the respect to properly consider the question. It is most important to remember that questions generate answers. Even if the pause is uncomfortable, do not give into the temptation to speak again, leave the silence. This often produces the best results.v

The key part of this process is that everyone now gets involved, even those who were silent or played a smaller role in the beginning must now participate; everyone's ideas are shared and expanded upon. This is the lengthiest process, but the most valuable.

In order to make everyone comfortable enough to share their ideas there must be no evaluation and judgement passed on any members. Facial expressions or body language can be interpreted as negative and will stop a quieter person from expressing himself or herself any further. Therefore, always be conscious of what you are doing and what others are doing around you.

Going through these stages could take multiple days to weeks depending on how many issues are being discussed and the flow of information going around. A major factor is how each individual acts at the bargaining table, if they are as co-operative as possible or if they are holding back. It is most important to let the steps take their time and to thoroughly complete each stage before trying to accomplish the next. This whole process flows and, with the help of the mediator, the process works for both parties and everyone is in agreement at the end.

The fourth stage: "Solution"

This is the part where all ideas have been shared, a collective decision has been reached in all areas discussed and everyone has a clear idea of where the collective agreement is going. The language is then written and a collective agreement has been created. All the hard work has paid off. On top of a successful collective agreement that everyone is satisfied with and understands, the groups are left with a relationship of trust. This trust will reflect in the work place and will make negotiations that much easier for the next round.

The disadvantages of IBB

There are many positives when negotiating with IBB, however as with anything in the labour field there are flaws. Neither Traditional Bargaining nor IBB are perfect, both have similar techniques used and both in the end are trying to achieve the same result, a collective agreement all both parties are satisfied with. Both negotiating approaches have the same premise; trust is key. Even though trust is obviously important in IBB, it can also make a Traditional Bargaining session a success or failure. Bargaining can be done without trust, but it will be not as successful and is much more likely to result in an impasse and perhaps a strike or lockout.

IBB strategies can also be applied to Traditional Bargaining in similar circumstances. The major difference is within the wording. The term "positions" in Traditional Bargaining could be substituted for "issues" or "concerns". Positions are a very hard stance to use when first sitting down with the other side to start the discussions. It is a hard word that really makes the one side sound very firm and unwilling to change their side's statements. The wording in itself is enough to set the bargaining off to a more negative start. The problem is that once a negative tone is established it is unable or extremely difficult to re-establish a positive negotiating environment.

Another very important disadvantage is that if one individual is mistrusted, the process will not work. All members at the table must be trustworthy and must fully support the process; otherwise the chain of communication will break down. Whereas in other forms of bargaining, if one individual on the opposite team (other than the spokesperson) is mistrusted, then the

negotiating can still continue. It may lead to a little more of an aggressive situation, or a little more care will be taken by the parties to carefully go through all material, but the process will not likely break down.

Another problem seen with the terminology for IBB is that all the information describing it tells about how it is a team effort, but all the language used to describe the actual bargaining still refers to the management and union side. The language describing the whole process is contradictory of what the actual process stands for, i.e. unity, one team, and one goal. The reason the language has to be described this way is because that is the mind set for the individuals involved. It is very difficult to change this mind set; IBB's biggest flaw is the inability to change the way people see organizations looking at them from the inside and out.

Impressions

Throughout the course of my paper I have learned a great deal from my readings and taken a great deal more from the various interviews I have conducted. Over the last couple of months I have developed strong opinions with regards to unions and management groups. In the beginning I had leaned toward one group more than the other. However, while researching this paper it has brought me to realise that both groups are fair and reasonable to deal with. I have learned that neither side is better than the other, and that both take their turns playing the hard bargainer. My previous bias for the one side came only from what I had read and heard throughout conversations and in the media. None of it was actually due to an encounter with either side.

I have also realised that no matter how hard and how much anyone wants to keep the negotiations separate from the work place, it is impossible; the relationship will continue within the negotiations and then will follow back into the workplace. The main problems that I saw when sitting in with both groups are the personalities that come forth from each person. Some people are more prone to aggressive and confrontational behaviour, whereas others shy away from any form of conflict. No-one is of the optimal personality style to be in a negotiation but all people regularly involved in negotiations should learn how to deal with different and sometimes difficult personality types.

The other common problem I saw was the need for one side or, more specifically, one individual to feel the need to prove themselves at the bargaining table. This resulted in hard bargaining and aggressive behaviour. This can be a problem as the two end up butting heads throughout the process. The only suggestion I have is to try not to take the aggression personally. Everyone is only doing their job, the same as the others at the table; aggression only hinders the process.

In both instances one side came into the meetings with a hard stance, that was demonstrated verbally within minutes of the first discussion. There was one particular instance, where this occurred during my research. They tried catching the other side with everything they said, trying to turn issues around on the other group, and then, to drive the point home that they were in charge, they made a bluff at the table. The bluff was caught, which then escalated into a lie. This is clearly counterproductive. In order to minimize the conflict the proper research should be done and all individuals should be fully aware of everything that has been going on

between the two groups that could be brought up in the negotiation. A successful negotiation should have as much time spent on the research and preparation as the actual time spent at the bargaining table.

It is obvious that neither the union nor the management side is perfect. I started this paper with a mission to change how people within the labour field looked at IBB, and realised it was not the perfect picture that had been painted for me. However, I have acknowledged that the main difference of IBB from Traditional Bargaining is that right from the onset there are not games played and people do not enter the negotiation with a pre-made chip on their shoulder. It is a much less aggressive environment, where trust is fostered between the two groups. I see the importance for the fostering of trust but, within the Traditional Bargaining, I also see the importance of coming in with an overall objective. It is just how the two styles of negotiating differ. In some instances the individuals have been dealing with Traditional Bargaining so long that it is very difficult to change. The only way I see IBB being a real asset to an organization would be if the union and management sides both come into the relationship fresh, both as new parties, and both with positive opinions of one another. It would also work best if the organization started small and continued from there, instead of jumping in with a large organization that has been using the same style since they first began. IBB is a difficult bargaining technique to master but it can be done and used to the benefit of both parties.

My other main concern for IBB is that individuals who want to try something new look to this approach for all the answers to their past problems with Traditional Bargaining. This is not the solution; it is the people who will solve the past problems, not the style of bargaining. The

people have to be open to new things and to give it a fair chance, perhaps that fair chance being two or three collective agreements under IBB to fully exploit it to achieve positive outcomes. The misconception regarding IBB is that it would be easier to implement than Traditional Bargaining. This is not necessarily so. In IBB, it is recommended that a professional working as a facilitator for IBB should be present in the beginning to teach all the concepts and the proper way to negotiate. Because its methods vary greatly from Traditional Bargaining, a professional facilitator or mediator needs to be there to help facilitate the beginning conversations in order to guide the participants. Since the process relies on trust, honesty and disclosure you need the proper guidance to benefit from it. Once a pattern for negotiating has been established then the participants can take turn facilitating the meetings.

The most important lesson or tool I have taken from all of this work is the trust factor. It is crucial to any negotiation regardless of the style. When negotiating with groups who trust each other, any style works, the only obstacle being what each side is prepared to do.

My own opinion regarding IBB and Traditional Bargaining

If I were to choose which bargaining method to use, I could not say with absolute certainty that one method is superior. They both have some very important characteristics and very useful tools within their process, but I would take a mix of the two of them.

The first part to be completed before actual negotiations took place would be trust-building exercises. The group would have to be accomplished and complete extensive training for all in the two groups to understand the different personality types that will be present

throughout the negotiations. Once the training was complete then bargaining could begin. In IBB, I like how the individuals are scattered around the table, there is not one group facing the other group, as two opposing forces waiting to kill each other, as if the negotiation were a war. The individuals would be scattered around the table in order for both groups to work together. The individuals will also not be seated on the big padded chairs, which make it virtually impossible to stay alert during the long hours of negotiation. Each member should be seated on a hard surface chair possibly without a backrest to help individuals remain alert. A big part of the training is that there will be no explicit identification of who is on what side, and there will be no reference to the union or the management side; they will all be thought of as one group working towards a common goal.

The final thing that will be changed is the language used around the table. The words taken from Traditional Bargaining are "my position", where as in IBB it is "my interests" which does not portray the importance of the issues presented. The words to be used would be "ideas, possible solutions"; the words used will be used in positive contexts only, and there will be absolutely no sarcasm during the negotiations. If individuals become frustrated then they will be asked to take a break and return only when they see themselves fit to return with a positive attitude. Each morning before the bargaining starts both groups should meet and have breakfast together. Instead of only meeting in their groups, and at the end of each session all members would be expected to assemble for drinks to briefly discuss the proceedings from the day, and to determine what each individual should be aware of in themselves that needs improvement. Throughout this I would expect to see trust build up among each other and a productive relationship would most likely develop.

I am aware that this concept is slightly naive, but I think that it is a definite possibility; it would work best in very small groups, six to eight people. The people who start the process must stay throughout the entire process. No-one new will be admitted throughout the proceedings. The two groups will have to consult with their members; the union will have to consult with its members during the proceedings to make sure that all their concerns are being addressed, as will management have to consult with their principals. However that will be the only time throughout, when the parties will recognise themselves as union and management. I think with the right facilitator to guide the group then this process would be attainable. The initial skill, team-building exercises would be crucial and negotiations could not start until the facilitator felt that both groups were ready. There would also not be the option to strike or lockout, as these options prevent the process from working properly, because negotiators know they have a simple way out. The facilitator would be the only one who had the authority to stop the negotiations.

This idea works on the principle of teamwork, and with teamwork comes trust. You can put the toughest people together, and if they work together towards a common goal, they can become a lot more agreeable and willing to participate in civilized conversation. With everyone being exposed to such a different style of negotiations with elements that they are familiar with then this type of alternative negotiation style can be successful.

ⁱ William Ury. Getting to Yes Negotiations Agreement Without Giving In

ⁱⁱ Pathe Gardner & Associates Inc-Interview

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- ⁱⁱⁱ Edward De Bono, Six Thinking Hats: Your Success in Business Depends on how Well You Think.
 - ^{iv} Ted Crabtree, Crabtree & Associates Ltd.
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