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Manage a diverse work force to add value

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Interpret and manage conflicts within the workplace

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Conduct negotiations to deal with conflict situations

LEARNER GUIDE

TABLE OF CONTENTS



LEARNING UNIT ONE 6

Specific Outcome 1 - 4 6

Diversity	7
Introduction	7
Diversity in the Workplace	7
Potential Source of Discrimination	10
Implications of Diversity	11
Cultural Bias, Stereotypes and Perceptions.....	12
Reality of Diversity	13
Benefits of Diversity	13
Utilising Diversity.....	15
Needs of Diverse Clients and Communities.....	17
Manage diverse team members	18
Managing Diversity.....	18
Communicate the Mission	18
Leading by Example.....	19
Benchmarking	19
Setting Objectives	19
Recruiting.....	20
Factors to Consider.....	21
Diverse Beliefs, Values, Interests and Attitudes.....	25
Expression of viewpoints.....	27
Sensitivity Towards Diversity.....	27
Diversity Disagreements and Conflicts.....	28
Incidents of Conflict.....	28
Discrimination	31
Learning through disagreement	32
Target Agreement in Disagreeable Settings.....	32

LEARNING UNIT TWO 34

Specific Outcome 1 - 4 34

Main sources of conflict	35
Characteristics of Conflict	36
Organisational Conflict Modes.....	38
Conflict and Personality types	38

Transactional Analysis	42
Conflict Management Techniques	46
Business Conflict Modes.....	46
Managing Conflict	47
Managing Conflict between Individuals	51
Managing Conflict between Groups	54
Working with Difficult People	57
Route to Conflict Resolution	58
Plans and Strategies to Management Conflict	60
Strategies.....	60
Conflict Resolution Actions Plans	61
Role of Policies and Procedures	62
Attributes of an Effective Conflict Manager	63
Personal Attributes and Skills	63
Conflict Management Skills.....	65
Skills Audit	66
Iceberg of Conflict	66
Negative Attributes.....	67
Specific Outcome 1 - 4	70

LEARNING UNIT THREE..... 70

Conduct Conflict Negotiations	71
Conflict Negotiation Phases.....	71
Types of Negotiation.....	71
Day-to-day / Managerial Negotiations	72
Commercial Negotiations	72
Legal Negotiations.....	72
Prepare for Negotiation.....	73
Defining the Purpose	73
Determine the Strategy	76
Negotiation Strategies	76
Positional Negotiation Strategy	76
Integrative / Interest-Based Negotiation Strategy	77
Distributive Negotiation Strategy	79
Principled Negotiation Strategy	81
Target-specific bargaining Negotiation Strategy.....	83
Problem-solving Negotiation Strategy	84
Negotiation Ranges	85
Situation Requirements	85
Attitudinal Requirements	85
Perceptual Requirements	85

Behavioural Requirements	85
Effective approach	86
Compromise.....	86
Consensus	87
Mediation.....	87
Selecting an Approach.....	88
Positional Bargaining.....	88
Interest-Based Bargaining.....	92
Identify and Inform Stakeholders	97
Collate and Share Information	98
Anticipate Negotiation Process	99
Negotiation Tactics.....	99
Negotiation Arrangements	100
Engage in Negotiations.....	104
Behaviour and Conduct.....	105
Facilitate the Process	106
Interpersonal Skills.....	106
Communication Processes.....	110
Verbal Communication in Negotiation	110
Nonverbal Communication in Negotiation.....	112
Step 1: Open discussion of problems.....	116
Step 2: Identify differences.....	117
Step 3: Build understanding of point of view	117
Enhance Relationships.....	118
Step 4: Reduce defensiveness.....	121
Step 5: Begin mutual problem solving.....	121
Exploring Options.....	123
The use of experts	124
Brainstorming.....	124
Trade-offs or concessions	125
Linkages	125
Obtain Mandates	126
A succinct description of the task	126
Reporting responsibility	127
Timeline of when the task and the interim steps are to be completed.	127
Criteria for membership and term of service	127
Outcomes	128
Negotiation Outcome.....	128
Record Proceedings and Interim Outcomes.....	129
Finalise Negotiations and Communicate Agreements	129
Propose.....	129
Agree.....	129

Exchange	129
Finalise Agreements Verbally.....	130
Record Final Agreements.....	131
Disseminate and Make Final Agreements Accessible.....	132
Evaluate Negotiation Processes	132
Participants Feedback.....	133
References and Further Reading	133

LEARNING UNIT ONE

1

ASSESSMENT CRITERIA



Manage a diverse work force to add value 252043

SPECIFIC OUTCOME 1 - 4

- Demonstrate knowledge and understanding of diversity in the workplace.
- Demonstrate understanding of the reality of diversity and its value in a unit.
- Manage team members taking into account similarities and differences.
- Deal with disagreements and conflicts arising from diversity in a unit.

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DIVERSITY

INTRODUCTION

Diversity can mean many things; meanings range from a state or fact of being different to a variety of opinions. Diversity as defined in Dictionary.com “the state or fact of being diverse, difference, unlikeness” or the Cambridge Dictionary “the fact of many different types of things or people being included in something”, if we examine these two definitions. We can conclude that “diverse” is the state of difference and “diversity” the state being different within a group of things or people”.

Diversity contains many quite different elements that are inclusive in the various categories of diversity – like personalities, physical differences, socio-economic environments, history, etc. The differences pertain to cultures, races, sexual orientation, age, genders, etc. With a person that is of culture, age, sexual orientation, etc. for instance: the personality, physical difference, socio-economic environment and the history of where the person comes from will also have an impact on working with that person.

DIVERSITY IN THE WORKPLACE

As defined in the Merriam-Webster dictionary – is more concise and refers to the inclusion of different types of people (such as people of different races or cultures) in a group or organisation. Diversity in the workplace is considered with inclusion to treat everyone fairly to nurture talent, instilling the corporate culture with true inclusiveness and equality while bringing new services to an increasingly discerning audience. Inclusion is how equality factors are ensured for everyone in the workplace.

Diversity is a state in the workplace of cultivating cultures in company practices and be a valued corporate philosophy. These company practices should allow for and teach a attitude of open mindedness, non-judgmental bias to truly understanding the impact that diversity can have on the workplace to make it better.

Because of the pure nature of working with people from different backgrounds, cultures, age, sexual orientation, when interacting it is important to ensure that the layers or elements as mentioned above are also taken into consideration.

Workforce diversity is the mixed makeup of employees of an organisation in terms of age, gender, language, ethnic origin, education, marital status, etc. It is concerned with the similarities and differences in these characteristics.

Each can further be defined individually, we will discuss – culture, beliefs, values, race, age, sex, language and education – although there are many other discussions that can be brought into each, the focus will encompass the areas as a whole.

Understanding the layers that make up our being is important because they influence how we behave and how we view the world. They reflect our "cultural programming", which teaches us how to interact, solve problems, and give meaning to behaviour.

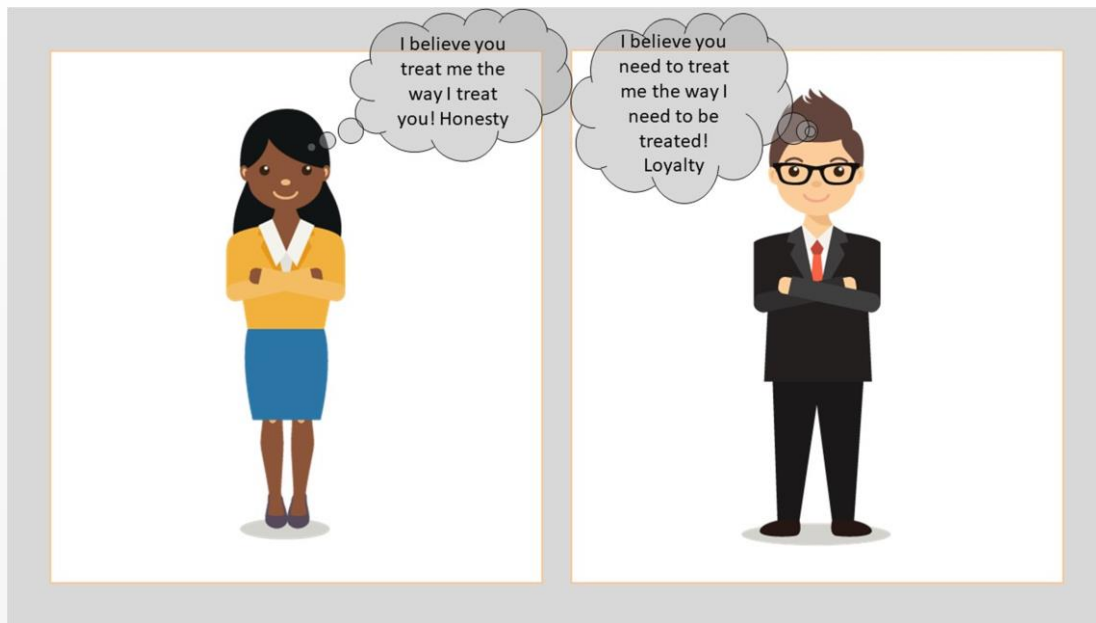
Our cultural background and beliefs influence the way we live our everyday lives, for example: How we act, make food, speak, apologies, relate to other people, express emotions, etc.

Every culture has its own way of doing things, its own set of rules. Most of us experience some feeling of discomfort or confusion when we are faced with behaviour we don't understand, especially if the behaviour doesn't follow the rules of our own culture. We tend to believe that our way is the right way automatically – and this is when misunderstandings and conflict can occur. This is especially true when someone else's behaviour offends our values.

Diverse beliefs are these differences in belief about certain things, the fundamental attitudes, and values that one holds as a result of their culture, background, upbringing and even life experiences as a whole.

Our family, friends, communities and as mentioned our experiences all contribute to our sense of who we are as people and how we view the world.

As we learnt in Emotional Intelligence in the previous Cluster, these beliefs and values that we have inherently adopted will affect the way in which we see and deal with other people with differing beliefs and values. Our values are formed by a worth of an idea as something we hold dear and close – the qualities we consider to be of worth.



Racial diversity is a divergent product of progression or natural result of reproductive isolation of different races by geographic separation.

Being isolated, means that exposure to various elements and experiences is limited. This is still happening today as Race has a connection to cultures, belief's, that are governed around certain principles which may or may not allow contact with certain things of the world.

It is assumed that people from different backgrounds would just adjust in the organisation, however coming with different lifestyles, values and preferences, this becomes a task to unite an organisational standard that is inclusive of all.

The specialists in diversity seem to divide Diversity into two Categories in the Workplace:

The Primary Dimensions and The Secondary, where the primary dimension have to do with things about a person or individual that can't be changed – like age, race, gender, physical, mental abilities and sexual orientation. These things are interdependent and exert an important influence on the individual's behaviour. From this it is evident that the bigger the primary differences between people the more difficult to establish trust and mutual respect.

Gender diversity is increasingly apparent in the workplace. Woman are working more and even side-by-side with men. The industrial markets are experiencing decline in population growth, which

then makes organisations hire both young and old individuals. Organisations are also employing higher educated younger individuals, to substitute work experience. Younger individuals are often found in Higher Level positions, which is often due to the age of experienced skilled individuals, who are either too old to work or close to retirement.

The Secondary Dimension has to do with things that can be changed or at the least modified. An individual's health habits, religion, education, training, general appearance, ethnic customs, communication styles, etc. These areas have to do with the way we see ourselves and others. A Manager with 15 years' experience, may adjust much easier to a new position than a Manager with only 2 years' experience. A male bread winner may be severely affected by losing his job, because he has to cater for the needs of his family, however an unmarried woman with no children may not be as affected by a similar loss.

And so, the same with all areas and elements involved in diversity, there are numbers of factors that are taken into consideration. Another example for instance a Muslim may have trouble working on a Friday during the prayer hours, where a Christian may not have any problem with that at all. An individual that is young and doesn't speak a common business language, in a Management position may find it intimidating to speak to employee's, who are of a different language or may not have self-confidence, but an individual fluent in a common business language of a older age in Management position, with self-confidence may be just fine.

POTENTIAL SOURCE OF DISCRIMINATION

Potential sources of discrimination can vary between both the primary dimension of things and the secondary. It is thus important to understand the difference between fair and unfair discrimination.

As one would say that not to employ someone based their ethnic background may be discrimination, a number of factors need to be considered – a typical simple example, A driver with all the right experience and qualifications – expresses that he can't sleep out, but the nature of the job requires that he sleep out – would it be discrimination not to employ the person based on his preference not to sleep out. The answer we may be looking for is "Yes", but it will be "Fair discrimination" in that case.

If the discrimination impairs one's dignity, is systemic, has no legitimate purpose, does not reasonably and justifiably differentiate between persons according to objectively determined criteria, it is likely "unfair" discrimination. For example, if a restaurant owner will not serve people because they are

black, it is not fair discrimination. The only reason for the restaurant owner's refusal is racism and prejudice.

But what then is “fair” discrimination? Fair discrimination does exist if there is a good reason for the discrimination and different treatment of a person or individuals. For example, while it is discriminatory for a bus company to refuse to hire blind bus drivers as they are discriminating against blind people by disability, it is a bona fide occupational requirement that a bus driver is able to see.

In determining whether the discrimination is fair or unfair, the most important step is to consider the context of the discrimination and what reasons may exist in that individual situation.

To discriminate socially is to make a distinction between people by class or category without regard to individual merit. Examples include racial, religious, sexual, disability, ethnic, height-related, and age-related discrimination. Similarly distinctions between people which are based just on individual merit (such as personal achievement, skill or ability) are not discriminatory.

To conclude, discrimination is the act of making unjustified distinctions between human beings based on the characteristics of an individual like, age, culture, language, sexual orientation, race, etc.

Diversity is such a wide and complex subject, so discriminations can take place over a range of elements, therefore when exploring the potential source of discrimination, one needs to be informed about both dimensions to fully examine and investigate the cause and or source of the discrimination.

IMPLICATIONS OF DIVERSITY

The increasing social, religious, and cultural diversity pose many philosophical, political and policy issues. Internal and external factors have many large and small impacts on four of Managements functions. The factors are dependent on kind of impact and the goals of the organisation. Verbal and nonverbal communication can be an issue in workplace relationships, due to the variety of cultures and languages been spoken. This would result in communication being lost in translation and conflicts may occur. English words being used due to regional accents, dialects, slang, or speech impediments.

Non-verbal communication, the way a person sits, eye contact, in general body language can be misinterpreted between employees of differing cultures.

The implications on relationships can be both positive and negative, one of the most important positive impacts is perspective. Different people bring different points of view to discussions and ideas to innovative interventions. The variety of attitudes and ideas provide valuable input to innovative sessions and challenges that require creative solutions. Diversity reveals our differences, and this means conflict. Conflict is a nature occurrence; it can pull us apart or bring us together. As we learnt in the previous Clusters relationships need to be enhanced which can be achieved through finding common grounds.

For external relationships this may be a bit different in that we may not be familiar with the Customer or Client external to the organisation. In a Client / Organisation relationship the client wants to meet a need and organisation wants to make money. Two quite different objectives put together with diversity, the age, culture, language, sexual orientation, gender, etc. of the client and individual representing the organisation, a lot can happen. So, it changes the way in which we build, manage, and sustain the relationship. Relationships are built on understanding one and one rather than knowing one another.

CULTURAL BIAS, STEREOTYPES AND PERCEPTIONS

Cultural bias occurs when people of a culture interpret and judge phenomena regarding their own culture and make assumptions which they can then mistake for laws of logic or nature.

Numerous such biases exist concerning cultural norms for colour, mate selection, concepts of justice and taboos. In fact, any normative belief of a human being seems to be caused by culture, and thus can be isolated as a cultural bias.

Stereotyping is something conforming to a fixed general image or set of characteristics that a lot of people believe represents a particular type of person, group of people or thing or group of things.

The use of one's own culture as a yardstick to measure, assess or judge others. The dangerous part of this is that we tend to do it subconsciously. People, quite naturally, have a liking for their language, for the customs and traditions they inherited from their ancestors and for their religion. Add to these a particular way of life and instilled appealing standards, and you find a firm pattern that is one of many determinants of our societal behaviour.

While bias and stereotyping border on the door of judgement's that we as people making toward a particular person, group of people, thing or group of things – Perception remains a constant of

a image that has been created from life's experiences, information from others and belief's that have been instilled.

The Merriam-Webster dictionary defines perception as a judgement resulting from awareness or understanding. It is our recognition and interpretation of sensory information, to produce our conscious experience of the perceived and perceived relationship.

Each of the factors discussed above influence each other and so influence diversity, which can be either positive or negative. The sources once again will be deciding factors in the influence these have on a workforce. For instance: If one is of the opinion or perception that work is not being done correctly and other individual is - this may be because of a culture bias (maybe both individuals come from different races), or they might be bias toward the race or they may have different perceptions of how things are done.

If the people working together are of open mind, understand diversity and the elements, this could only have a positive influence on any work situation.

REALITY OF DIVERSITY

The diversity of talents, skills, approaches to problem-solving and other varied qualities that a diverse workforce brings to their jobs benefit colleagues, the employer, and the customer alike.

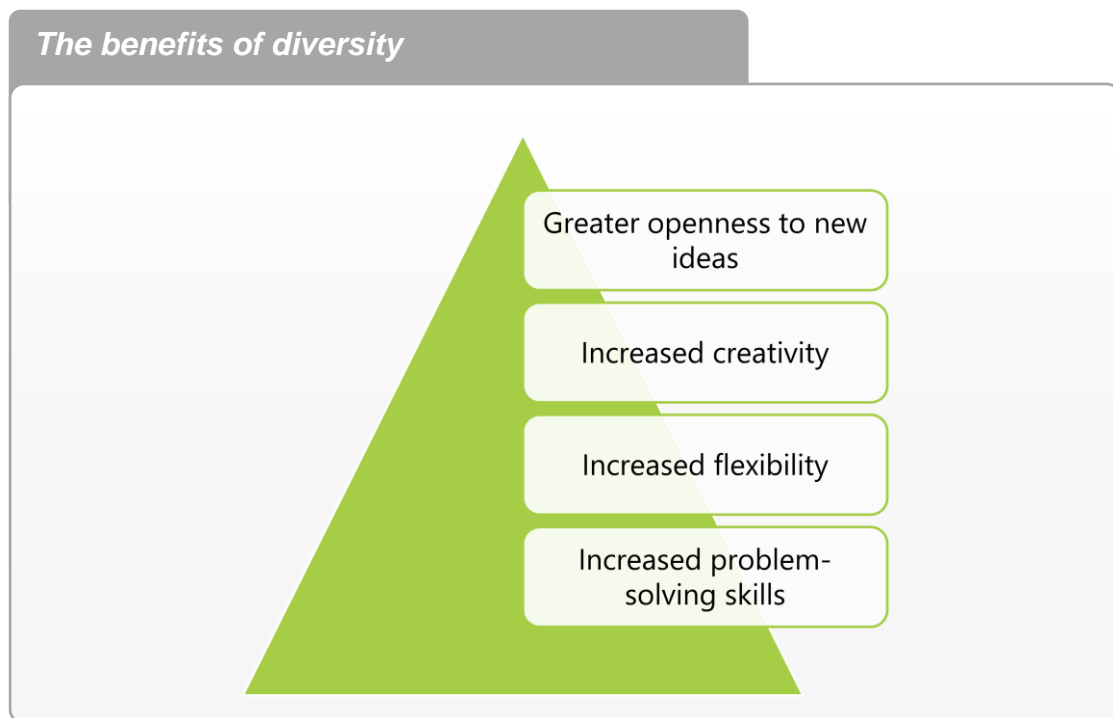
BENEFITS OF DIVERSITY

Diversity is beneficial to both employees and employers. Although employees are interdependent in the workplace, respecting individual differences can increase productivity.

In the workplace it can reduce lawsuits and increase marketing opportunities, recruitment, creativity, and business image.

In an era when flexibility and creativity are keys to competitiveness, diversity is critical to an organisation's success.

The benefits of diversity include:



Other benefits of workplace diversity include: an ability to move into emerging markets; improved employee morale; and improved communication between employees and working units.

Diversity thus provides for a variety of different perspectives because employees have different characteristics and backgrounds, making them more likely to have different skills and experiences.

Increased Creativity because the employees come from different backgrounds, thus having different perspectives, and the perspectives lead to high creativity.

Being that creativity increases leads to higher innovation within a team, with these views and perspectives combined, they come together in novel ways, that leads to higher innovation. Faster or increased problem solving, follows due to the diverse solutions that are often brought to the table when people/employee's with these different characteristics get together.

And so we can continue were the increased problem solving leads to increased profits, because if problems are solved quickly and innovatively, ultimately profits will increase. Employees are better engaged, moral is higher – when people feel accomplished moral automatically increases.

Externally this benefits the organisation, when people have a increased perspective, feel a part of their team, they tend to value the reasons for achieving the goal. Meaning that they will learn how to treat clients/customers, find ways of solving their problems, look for ways of dealing with

their diverse client base, leading to better service, and relationships with clients. A diverse workforce can also benefit client relationships in that employees can be placed to work with clients with the same characteristics and or employee's skills can be rearranged to better fit differing departments and or work with specific types of client bases.

UTILISING DIVERSITY

As briefly touched on in the benefits of diversity, diversity can be utilised in a few ways to improve team performance, enhance relationships and improve personal performance.

Using what specialists call the "Inclusive Workplace Model" is one of making use of the diversities that are present in the workplace. This model focuses on using primary and secondary dimensions when tasking employee's and or placing them in positions. Inclusivity as we discussed earlier means to include the characteristic of diversity.

For instance: consider an employee whose native language is Zulu and doesn't entirely feel comfortable speaking any other language other than English in common areas, or even the new mother returning from maternity who has no space to pump her breast milk or even a Muslim who feels insecure about maintaining daily prayer routine on company grounds. Some of the example's we have discussed earlier in this unit. Even the individual who didn't attend a private school or upmarket university.

Acknowledge multiple religious and cultural practices, this will help build moral and enhance relationships with employee's, because they will feel acknowledged and assist in improving performance. Utilise employee's that may not celebrate certain holidays to work while others that do get time off and vice versa. When people feel satisfied with and supported the organisation benefits with higher employee retention.

Identify the make-up of the team, who is the minority – gender, race, age, etc. – communities. What skills do they have, experience, etc. This will help focusing on and around a plan to build the workforce. Evaluate tasks and activities against diverse characteristics and place the right team members against applicable tasks and activities.

"The most important thing to remember about teams is that they are comprised of people. The joy, as well as the frustration, of dealing with people is that each one has different values, beliefs, and motivations—and these are not always transparent. However, the effects of offending an individual's values and beliefs, or of preventing them from satisfying their motivations, can range from creating apathy to causing actual damage. As our values and beliefs are an intrinsic part of "who we are,"

when we are asked to compromise them, we feel as if we are compromising ourselves. This often results in unexpected or undesirable responses which can destabilise the team. Thus, it is critical to be sensitive to individual team members' belief systems."¹

Some of the differences that might impact the workplace are the following:

- Which staff/volunteers are rostered on particular days: this might be to allow for people's religious obligations or to ensure a good balance of staff with particular abilities?
- The timing of people's holidays to coincide with important religious or other celebrations.
- The timing of co-workers' breaks to allow for prayer times.
- The need for understanding when co-workers are away from work because of their need to meet cultural or family obligations.
- The type of food served in the staff canteen.
- The inability of some workers to perform certain tasks because of cultural considerations. For example, not handling food derived from ingredients which are culturally forbidden.
- The way you react to your supervisor and the way your supervisor reacts to you.

In a team of diverse individuals, members' needs, and goals are very likely to be different. A good leader will work to determine what works for each person. However, some fundamental tactics can reveal individuals' motivations and help generate ideas for satisfying those motivations:

- Observe the team interacting and reflect on their needs and goals. To affect a motivated, well-aligned team, you need to create an inspirational context in which it can work and find success. This means ensuring that each member of the team knows why the team exist, and its purpose. Create a team mission statement (also called a vision or purpose) that represents the broader perspective. It must explicitly state the ultimate reason that team members have been brought together. Communicate the mission statement broadly and refer to it frequently in order to motivate and focus the team on commonalities rather than differences.
- Assign very specific team roles- a team can quickly become unbalanced and dysfunctional if members are competing for the same role or responsibilities- and make sure that you lead by

¹Retrieved from: http://www.bnet.com/2410-13059_23-68798.html

example, by emphasising the value and contribution of each role to the team's overall performance.

- Effective team leaders empathise with team members in all stages of the team's existence. The process of bringing a team from inception to smooth operation—sometimes called forming, storming, norming and performing—can be unsettling. This is especially true as a team progresses from a cordial beginning to a more settled stage during which personal agendas and animosities may begin to emerge. It is important to help team members sort out issues during this turbulent and sometimes chaotic time, in order to move on to the more creative phase. Help facilitate this process by showing empathy and keeping team members focused on the big picture.
- If you have a sufficiently trusting relationship with your team members, call a meeting and have a frank discussion about what motivates them and drives them to achieve. A high-performing team must be able to communicate honestly, constructively, and openly. Thoughts and feelings should be shared freely without fear of retribution or injury to personal feelings. Reviews and evaluations should be part of this communication so that intermediary goals can be determined or adjusted. Ongoing feedback on individual contributions and performance is another critical element of this communication flow.

NEEDS OF DIVERSE CLIENTS AND COMMUNITIES

As markets continue to grow domestically and internationally, few organisations can expect to gain access to the kaleidoscope of clients without recruiting and retaining a staff that reflects the diversity of the marketplace.

Organisations have learnt to value the perspectives and varied experiences offered by a diverse workforce and to welcome the broader, richer environment and more creative thinking and solutions this diverse workplace provides.

Organisations are finding that employers who mirror the clients they serve—who can literally and figuratively speak their language - will benefit the employing organisation's bottom line. Diverse employees will understand future clients, identify their needs and suggest potential new markets.

Today clients wish to do business with companies which can bring diverse resources to bear on their diverse needs. In fact, clients are increasingly insistent about having their specific needs met.

When preparing to address client diversity issues, organisations should consider the following:

Diverse Needs of Clients and Communities

What are the demographics of the client base (e.g. age, income, gender, education, ethnicity)?

How many languages do the clients speak?

In how many countries does your organisation operate so as to provide appropriate service to the client?

If a company is serious about attracting and then retaining clients, it must show them in a very forthright way that it is serious about the issue of meeting their needs:

- The need to communicate with clients in a way which does not offend their cultural sensitivities.
- Different special requests from clients; for example, in the hospitality industry this could entail the choice of food, style of the room, etc.
- The way you talk to clients and the need for patience in communicating with co-workers and clients who speak different languages.

MANAGE DIVERSE TEAM MEMBERS

Managing Diversity

Communicate the Mission

Though there are often obvious gaps between the stated and enacted values of corporate mission and values statements, such statements are valuable in providing the kind of public commitment that can be used to assess subsequent performance, and they should include:

- A clear definition of the diversity initiative's mission statement or statement of commitment
- Explanation of the business case showing why the effort is worthy of resources
- Explanation of the process itself and its components
- Explanation of what individual employees stand to gain through the initiative
- Illustration of how the initiative builds on company values and visions

Leading by Example

Leadership goes beyond words. When Earl Orser personally led the Women in Management Program at London Life, he made a clear statement as to its importance. He followed up with a program to set divisional objectives for recruiting and promoting women.

When Courtney Pratt of Noranda assigned the responsibility for conference and events coordination to a woman who was visually impaired, people understood that senior executives in that organisation were serious about pursuing employment diversity.

When President Thabo Mbeki appointed a woman as Deputy President of South Africa, he was setting the agenda for the whole of society.

Benchmarking

One of the best ways to create a successful diversity program is to learn from others what works and what doesn't and to take an honest look at where you are today.

The following goals have been identified as requiring the greatest investment of commitment: balanced workforce representation, leadership accountability, addressing diversity as ongoing culture change and instituting standards around workplace culture assessments, diversity training and skill-building.

Setting Objectives

While quotas and other numeric measures of diversity do not constitute a diversity initiative, these measures have some value when they are established and used in the context of a comprehensive program.



Furthermore, it is a cardinal principle of management that people do what is objectified, measured, and rewarded, so an initiative's chances for success are better if diversity management is seen as a mainline business practice.

Self-assessment and comparison with benchmarking results can be helpful in determining clear and realistic objectives. Common measures of success include progress along a specified timeline toward parity in the technical workforce relative to the general workforce population, at different workplace levels and in management, along with equity in retention, pay, and promotion rates for all employees.

Recruiting

Companies wishing to recruit a more diverse workforce can actively:

- Advertise in ethnoculturally focused media
- Establish relationships with community-based ethnocultural organisations
- Recruit at colleges, universities, and schools with high enrolments of previously disadvantaged individuals, and ensure that recruiting materials reflect diversity
- Use specialised recruitment agencies, databases, and services
- Provide scholarships and fellowships for undergraduate and graduate women and PDI's
- Offer internship and learnership programs, especially to members of communities from which they wish to recruit
- Participate in outreach to high schools and community colleges
- Provide student grants for professional development
- Establish relationships with student organisations
- Serving on boards of professional organisations
- Fund university grant programs

- Train Human Resources personnel in cross-cultural interviewing skills so that they don't screen out potential recruits because of biased selection methodologies, and review recruitment and selection processes for such biases
- Where appropriate, ensure that recruitment material is available in different languages and is written in ways that will appeal to different ethnic groups
- Mobilise current employees from different backgrounds in a program to increase recruitment and selection

Factors to Consider

To manage team members considering similarities and differences, you need to focus on:

- Identifying diversity in beliefs, values, interests, and attitudes through interaction within a unit/team
- Recognise common beliefs, values, interests, and attitudes that will serve a basis for leading the team through interaction within a unit/team
- Encourage the expression of diverse viewpoints and ways of being in a unit/team through management activities
- Demonstrate sensitivity towards and understanding of diversity through management activities in a unit/team

In recent years there has been increasing attention paid to the issue of retaining employees who were aggressively recruited to increase diversity in organisations.

Companies are finding they need to make the working environment more hospitable to the diverse workers they have recruited. In some cases, this has meant making accommodations for families by offering job sharing and flexible work hours, and by allowing extended leaves for people to travel back to their places of origin for family or religious reasons, for example.

It is not unusual to see organisations in which most employees are women, but there are often few or no women in management. In these cases, management needs to examine the reasons for this and work to correct them. For example, in cases where degrees and diplomas are used as proxy variables for required knowledge and skills, an organisation can examine the need for those

credentials to determine if the person has the skills rather than the degree. This could also apply to immigrants who hold degrees that are not recognised locally.

There are many avenues open to companies that are serious about maintaining a diverse workforce.

- **Career Development** - Companies have begun to provide incentives such as career development programs to encourage and facilitate the entrance of PDI's and women into the management career ladder. A survey of women engineers indicated these programs are beneficial to women. Including supervisors in a recognition and reward process increases the programs' effectiveness.
- **Mentoring Programs** - Women and PDI's who establish successful careers often have had important mentors who have encouraged them, provided them with advice, and steered them through early phases of their careers.
- Several companies have set up mentoring programs that match individuals by career track and discipline. IBM provides a formalised mentoring program for employees which it sees as a key factor in assisting employees to develop within the corporation and assisting IBM in attracting and retaining members of previously disadvantaged groups so that the company can achieve its diversity goals.
- A mentoring program is more likely to be successful if participants are matched, psychologically as well as by discipline, and the mentor is not in a position of authority over the mentee.
- Participant preparation is important. A good orientation for participants includes an overview of the mentoring program; expectations and restrictions of the mentoring relationship; the level of commitment required (time, energy, and flexibility); guidelines on relationship management and communication skills; and the benefits and rewards they can expect.
- A useful approach is to use real-life case studies and discuss how the potential situations could be handled. Involve the employees' managers - explain the role of the mentor and the objectives of the program.
- **Networks** - Formal and informal networks offer the opportunity for employees to share experiences, mentor each other, and learn about the unwritten rules of success.

- Many companies have assisted in the establishment of these groups and have even come to rely on them for information and guidance in management.
- Companies can also support employee participation in professional organisations, by subsidising the organisation's subs and providing paid time off for professional activities, including networking.
- Many organisations provide resources to support groups of individuals who may have difficulty finding appropriate role models, handling some of the reaction to diversity programs, being assertive in the pursuit of personal growth opportunities, or coping with ignorance, bigotry, and harassment. Such groups foster an open and positive environment where employees feel they are being valued for the unique perspective they can bring to the company.
- **Compensation** - Some companies have initiated studies to identify salary disparities. Research has traced 31 to 34 percent of gender differences in current salaries to differences in starting salary. Compensation has a strong influence on the retention of women and other disadvantaged groups, especially at the early stages of their careers.
- While most students are not taught about negotiating compensation packages, employees are often even more naive about the potential impact of what an initial salary has upon subsequent career opportunities.
- **Family Policies** - To make companies family-friendly for both male and female employees, some companies have implemented creative strategies, such as flexible work schedules and maternity leave. Other strategies include: staggered work schedules; excused absence for emergencies or unpredictable situations; unpaid personal leave for family-related matters; part-time employment; job sharing; vacation carryover; on-site child care; career-family balancing training; child-care referral; sabbaticals and developing specific accommodations, such as child-care or literacy programs, for employees with special needs.
- **Attrition Accountability** - Recognising that the turnover rate for women and other disadvantaged groups is higher than for white males, companies have begun to examine the trends and identify the problems, using tools such as job satisfaction surveys and exit interviews.

- Surveys have the additional benefit of making employees feel that management wants to address disadvantaged groups' perceptions of the company, but it is critical that the company follow up with any concerns identified to avoid loss of employee morale.
- **Human Resources Management** - When a company pursues diversity, then it should look at the other ways in which it manages people through human resource policies, practices, and processes.
- When a company hires people of different religions, for example, it should examine its vacation and time-off policies.
- When it hires women, it should address questions of flexible hours for family care reasons, and in the process of doing so, may well find that more flexible hours benefit male as well as female employees.
- **Diversity Training** - Diversity training takes many different forms. In some cases, it involves teaching behavioural norms from various cultures, as well as details of the cultures, such as the nuances of their languages and mannerisms.
- It can also provide information on how to benefit from diverse perspectives, to see things from others' points of view and to make appropriate external attributions rather than blaming others for situations.
- In some cases, training should also address how to overcome opposition to diversity programs and initiatives. Diversity seminars or retreats offer employees the opportunity to reflect on their diversity journeys, to benchmark their institution's progress and to brainstorm with others about diversity issues and effective strategies to address them.
- **Addressing Concerns** - Addressing the concerns of those who may have negative reactions to diversity initiatives and learning how to manage these situations effectively can help make a diversity initiative successful.
- Acknowledge that it exists; get it out into the open. Emphasise, through training, communication, and actions, that diversity is an inclusive concept and does not see one group benefiting at the expense of another. Make sure that there are no "token" appointments made, that the search for qualified candidates is inclusive, and that the best person for the job is chosen.

- **Evaluation of Success** - Research indicates that the most common measures of diversity program effectiveness are in the following key areas:
 - Productivity, growth, and profitability (metrics - employee morale, retention, absenteeism, and market expansion)
 - Accountability (metrics - checklists, employee attitude surveys, and evaluations)
 - Demographics (metrics - equal employment opportunity and affirmative action metrics)

To evaluate the success of a diversity initiative, you must first establish a statement of purpose and plan for the program that includes goals, objectives, and timelines for all aspects of the program, and provide funding and resources for its development and maintenance. An evaluation plan is then based on the program objectives and statement of purpose, and carried out with a system incorporating regular monitoring, written records (baseline and throughout the program), and a process for collecting data, such as interviews and surveys.

Diverse Beliefs, Values, Interests and Attitudes

Beliefs are the assumptions we make about ourselves, about others in the world and about how we expect things to be. Beliefs are about how we think things are, what we think is true and what therefore expect as likely consequences that will follow from our behaviour.
Values are about how we have learnt to think things ought to be or people ought to behave, especially regarding qualities such as honesty, integrity, and openness
Interests: A state of curiosity or concern about or attention to something
Attitudes: A state of mind or a feeling

It is important when working with other people, to recognise that different people have different cultural programming, and therefore might do things differently. This might mean something as concrete as dressing differently, or something as intangible as having a different sense of time.

The following are some qualities that can vary among cultures:

- **The sense of Self and Space** - In some cultures, people have much smaller "personal space" than others.
- **Communication and Language** - About half of interpersonal communication is non-verbal, and this can vary significantly from culture to culture, and even person to person.

- **Dress and Appearance** - Across the globe, proper business attire can mean anything from suits to Madiba shirts and chinos.
- **Food and Eating Habits** - People from many cultures follow strict dietary rules. Some are vegetarians; some eat no pork, others eat no beef, some don't touch food with the left hand, others don't mix certain foods, such as meats and dairy products. Insensitivity to customs or restrictions can offend and potentially ruin a relationship
- **Time** - While some people view time as linear and finite, people in other parts of the world have other concepts of time. As a result, many do not share the values of "getting down to business," or being punctual.

Other differences exist in areas such as relationships; beliefs and attitudes; social order and authority; mental processes and learning; and work habits and practices.

Without examining and understanding the layers that form the way we look at others, we are apt to be victims of our differences, making unconscious assumptions and encountering inexplicable and frustrating barriers.

On the other hand, when we understand the many influences that have formed our unique outlook on life, we have choices about our behaviour and our reaction to others.

Take time now to explore your common beliefs and values. Ask team members to identify values individually and then rank their values in order of personal importance and to share their top five values.

Next, it's a good idea to share your values with other team members. Identify those values that you, as a team, hold in common and to become aware of the different values held by each team member.

Interestingly enough, when this exercise is usually done most people share the top 5 core values. From these core values, you will be able to develop a values statement for inclusion in your team charter.

Ideally, by gaining an understanding of what motivates each member of your team, you will be able to develop goals that everyone can commit to and support. This will make conflict resolution easier down the road.

It is also an interesting exercise to determine what interests and attitudes team members share with one another: you can start with non-work-related activities, like which sports team they support, and how they feel about the end-of-year staff get-together. The idea is to discuss similarities and differences in a non-threatening, fun environment and to get to know one another outside of the work roles.

Of course, you will also focus on the organisational values and code of conduct that all must adhere to and ascribe to.

Expression of viewpoints

Team members base their success on trust and commitment. Although many techniques exist to encourage expression of various elements. It is important that we as Leaders can ensure that Team members feel comfortable in expressing their perspectives and viewpoints without feeling out of sorts.

The success of any team depends the contributions of every member of the team. When team members have a sense of ownership, believe in their contributions, and see the Leader contributes equally it results in motivation to contribute their best work.

As we learnt in the previous Clusters, on enhancing team performance, will all contribute to encouraging expression of viewpoints.

Sensitivity Towards Diversity

Diverse sensitivity is an acquired skill set that affirms diversity and embraces values of employees with their differences. Understanding the differences, embracing their importance and being empathetic toward the elements, offers an approach that acknowledges employee's and their differences. Sharing the same space of people with differences whether cultural, sexual orientation, age, etc. is more than just tolerating each other's differences, it is valuing and affirming the ways employee's (people) with differences enrich each other's lives.

When we build a collaborative culture of an organisation through the principles of diversity, inclusion and affirmation, employees and clients value the organisation. Being sensitive to diversity means that we embrace the challenges that come with supporting the differences that exist. Becoming more educated on the types of differences and their elements within both dimensions.

DIVERSITY DISAGREEMENTS AND CONFLICTS

"A conflict is a situation in which two or more human beings desire goals which they perceive as being attainable by one or the other but not by both"²

Conflict, in fact very real and heart-wrenching conflict, can occur when one party perceives the goal of the other party as incompatible with his/her own.

INCIDENTS OF CONFLICT

Causes of Conflict:

- Putting self-first
- Unfulfilled needs/wants
- Conflicting values
- Ignorance
- Wrong perceptions
- Race, gender, and cultural differences
- Prior Hostility: We sometimes get mad in one situation but express it in another.
- Assumptions or Expectations: We often get frustrated when situations or people are not what we expect. This type of frustration can easily lead to angry feelings and conflict.
- Violating another person's needs: Each of us has a variety of needs, to feel competent, in control, accepted, independent. When these needs are violated you may see aggressiveness, defensiveness, rejection, withdrawal, and lack of communication.
- Value Differences: We may come to real value differences. There is a difference in how you want to live and how I want to live.

Pheuman and Bruehl's definition seems to present the conclusion that conflict is inevitable. They state that it is:

"That condition which always exists when two or more interdependent parties interact."

² Ross Stagner

We normally have three choices then:

- One or both of us could change
- We could stop having a relationship and stop communicating
- We could tolerate each other and learn to appreciate what we do have in common; we could co-exist the way we are, knowing that we will always have that basic difference.

Of course, when we are in the workplace, we only have one choice, and that is to learn to tolerate and appreciate differences and learn from them.

Informational diversity refers to differences in knowledge bases and perspectives that members bring to the group. Such differences are likely to arise as a function of differences among group members in education, experience, and expertise. These differences in educational background, training, and work experience increase the likelihood that diverse perspectives and opinions exist in a workgroup.

Recent research has demonstrated that differences in the educational background led to an increase in **task-related debates** in work teams. Task-related debates can be about either the **content** or the **process** of the task. Task content is about what to do (e.g., a new marketing campaign), in contrast to task process, which is about how to do it (e.g., a delegation of responsibilities). Informational diversity can, therefore, increase the potential for task conflict.

Disagreements in workgroups could be disagreements about task content (task conflict), but they could also be disagreements about how to do the task or how to delegate resources, reflecting process conflict; for example, a group member with an engineering background will probably want to proceed differently (in terms of how to identify potential courses of action and choose among them) than a group member with a marketing or accounting background. Therefore, process conflict-disagreements about delegation of duties and resources -are often distinct from task content conflicts- potentially productive disagreements about the task or problem at hand, such as the interpretation of the market analysis.

You will deal with disagreements and conflict related to diversity issues in exactly the same way as you deal with any other conflict.

Some signs of conflict will be obvious. For example, you might:

- witness a heated exchange between colleagues

- attend a meeting between management and employee representatives that turns into a stand-off

However, not all forms of conflict are so obvious. Some individuals might hide their feelings as a way of coping with a problem; while a team might react to pressure by cutting itself off from the rest of the organisation.

The quicker that you recognise there is a problem, the better. The conflict that is ignored can often escalate. Spotting conflict at an early stage gives you a better chance of:

- identifying the underlying causes
- reaching a sustainable agreement
- resolving the conflict

Before conflict develops, people may simply feel unhappy about colleagues or issues that are troubling them. You might notice the following symptoms that you suggest the conflict modes are in existence:

- **motivation** drops fewer people volunteer to take on new tasks, and there is little employee input at team meetings or briefings.
- **behaviour** changes: people start to make derogatory remarks towards each other, and there are fewer social events organised.
- **productivity** falls: there are likely to be more queries and complaints if people are not cooperating with each other.
- **sickness absence** increases unhappiness may lead to depression or stress.
- **responses to staff attitude surveys or questionnaires** indicate underlying dissatisfaction.

Some of the symptoms – such as absence levels – can be measured and monitored. Recognising other symptoms often relies on how sensitive you are to the atmosphere within an office or workstation. For example, instead of talking through differences of opinion are employees sending angry emails to each other.

Some managers will find it easier than others to pick up signs of conflict. There is often an element of doubt. For example, is a row between a manager and an employee a symptom of some deeper problem or are they just having an off day with each other?

As a manager, you are more likely to be able to interpret the behaviour of your employees if you have regular channels for open communication and consultation. By listening to the views of your employees at an early stage – before issues become potential problems – you can gauge future reaction to proposed changes.

Employee feedback forms or questionnaires may also help you to put in place preventative measures to stop future conflict arising.

DISCRIMINATION

The following table shows the manifestation of discrimination and diversity management solutions:

Type of Discrimination	Examples of Workplace Manifestation	Diversity Management Solutions
"Ablest"	The building does not cater for people with disabilities, a person in a wheelchair cannot move around everywhere.	The building and facilities are redesigned so that people with disabilities can access the whole building and its facilities.
"Ageism"	An 18-year-old employee who joined the company recently is excluded from decision-making structures because the more experienced managers believe that she does not have the necessary insight and experience to provide input.	All employees are continually encouraged to say what they think and contribute to decision-making structures irrespective of age. In fact, a lack of experience is seen as valuable for challenging and improving existing systems and methods in a creative way.
Classism	Managers and engineers may only use the tearoom. Administrative staff, technologists and labour are not allowed in the tearoom.	All facilities are open and available to all staff irrespective of organisational level or class.

Ethnocentrism	A Zulu employee avoids contact with a Venda employee because he believes that Vendas are inferior.	The company has an environment conducive to diversity, and no group is seen as superior or inferior.
Heterosexism	Heterosexual employees make jokes about a lesbian colleague.	The company policy states that disciplinary action will be taken against people who commit heterosexism.
Racism	A black employee does not get the same training opportunities as white employees.	Equal access to training opportunities is provided to all employees.
"Religionism"	An important meeting is scheduled for a Friday afternoon when Muslim members will not be able to attend due to religious commitments.	Decision-making regarding meetings, functions and catering requirements accommodates religious differences.
Sexism	A female employee's application for a senior position is rejected by an all-male selection panel because they believe that she cannot handle managerial stress because she is female.	The selection panel should preferably be representative of both genders and selection decisions should be based on the criteria for the job, and not the applicant's gender.

From: www.hsrn.org.za

LEARNING THROUGH DISAGREEMENT

Target Agreement in Disagreeable Settings³

If you've ever benefited from unique insights, you've likely also seen opposing viewpoints from high-performance minds, which *beg to differ*. So why then, do disagreements also break up relations, terminate projects, shut down brilliant people, promote racism, and even ignite wars?

To disagree well is also to learn well. Rather than take pot shots at people, consider disagreements as tools to build goodwill across differences:

³ Retrieved from: <http://www.brainleadersandlearners.com/merger-mita-question/a-brain-on-disagreement/>

1. ***Learn from facts in the opposite viewpoint:*** Look for and engage people on opposite sides of controversial issues, and watch facts fly from new angles to extend winning results. The other side of the *war* is *peace*, for instance, and its tactics are taught by brilliant minds sometimes silenced, for a *one-side-only* approach to conflict.
2. ***Solve complex problems with diverse thinkers.*** You'll be surprised how many hidden and unused parts of the brain spring alive, when people dig for solutions across genders, cultures, beliefs, and background experiences.
3. ***Draw on multiple intelligences for fresh ideas.*** Disagreements can kick-start progressive pathways past ruts or routines, which otherwise barricade progress.
4. ***Surprise others by improving your own approaches.*** Change, grow, improve some area of your work, and watch others progress in response.
5. ***Anticipate angry responses that differences often bring.*** Those who prepare ahead, tend to come with strategies that engage people meaningfully before faceoffs from different views hit the fans.
6. ***Affirm each person's genuine contributions.*** Praise what already works well, before you hammer out the differences, and watch solutions fly.
7. ***Risk the ambiguity that favours unity over uniformity.*** Uniformity with its rigid, *one-size-fits-all* approach differs from unity, which mixes in differences to create a new soup altogether.
8. ***Leverage curiosity and expect brilliance from mistakes reworked.*** Watch any genius work, and you'll also see hope and courage that fired Emerson to say: *In every work of genius, we recognise our own rejected thoughts.* Mistakes bring differences together for another go at transformed minds. Choose to be curious, and the very act rewires your brain for collaborative works of genius.

LEARNING UNIT TWO

2

ASSESSMENT CRITERIA



Interpret and Manage Conflicts within the workplace 114226

SPECIFIC OUTCOME 1 - 4

- Describe the main sources of conflict.
- Explain appropriate techniques in conflict management.
- Describe the appropriate action plan and strategies to manage conflict.

2

Interpret and manage conflicts within the workplace 114226



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MAIN SOURCES OF CONFLICT

In continuation from what was learnt in Cluster 2 about conflict and the handling thereof. In this Unit we discuss additional types of sources of conflict in relation to diversity and types of conflict that exist in the workplace. Additionally, the attributes that an effective conflict manager should have in successfully resolving the conflict that may exist.

One of the most distinctive aspects of human beings is that we are social. We are each affected by the presence of other people, we form relationships with other people, we join groups with other people, and we behave in certain ways towards members of our own and other groups. An interpersonal relationship is a connection between two people.

Two is always better than one.



Interpersonal conflict is one of the most apparent forms of conflict in the workplace. In workplaces there are many strong ethno-cultural and racial sources of conflict even gender based, sexual orientation, etc. Just by observing the results of office politics, gossips, and the grape vine (rumours), it is easy enough to establish a number of underlying sources and the impact of diversity on workforce.

The source of interpersonal conflict is the underlying reason for the conflict. By understanding Human Behaviour of individuals and or your team can reveal a lot about the motivations of the individual members. The process of identifying the sources of conflict is often illuminated by the relationship among the conflict parties.

The main sources however can be highlighted as follows but is not limited to:



- ✓ Resources
- ✓ Datatype – facts or laws
- ✓ Perceptions
- ✓ Communication
- ✓ Conflict Orientation
- ✓ Identity
- ✓ Values
- ✓ Assumptions
- ✓ Cultural Belief's

Although we can name each source, there is often multiple sources to the conflict, understanding and thinking the conflict through will help in improving conflict resolution.

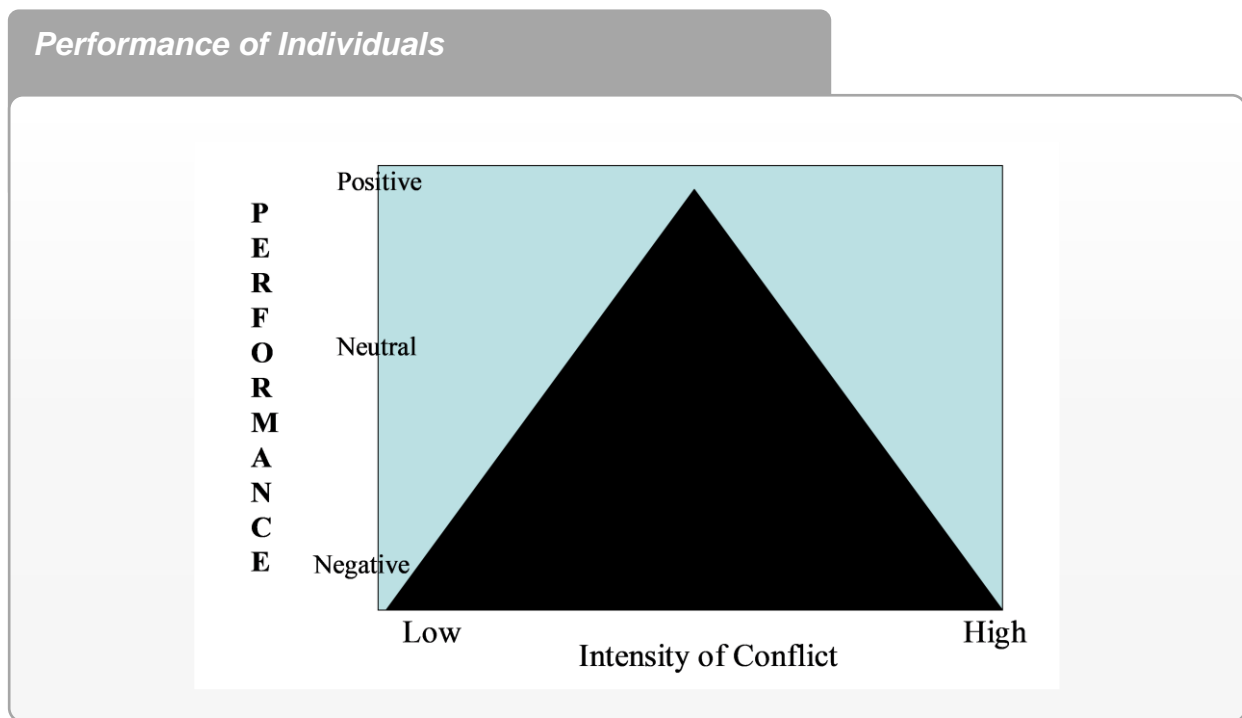
CHARACTERISTICS OF CONFLICT

Conflict can have either positive or negative characteristic in the workplace. Conflict is often divided into:

- **Functional Conflict** – a situation that occurs when the interests of the organisation are served because of the conflict:
 - Can be constructive
 - Improves group performance
 - Supports the goals of the group
 - Can offer controlled opposition
 - Allows for creative or un-programmed tasks
- **Dysfunctional Conflict** – a situation that occurs when a dispute or disagreement harms the organisation.
 - Can be destructive
 - Hinders group performance
 - Can lead to extreme levels of conflict (i.e., violence)
 - Usually Occurs when tasks are highly programmed



Conflict in the workplace would often influence the performance of individuals. The following diagram shows the influence of conflict on the performance of individuals:



The outcomes of conflict in the workplace could be positive:

- Better ideas produced.
- People forced to search for new approaches.
- Long-standing problems brought to the surface and resolved.
- Clarification of individual views.
- Stimulation of interest and creativity.

The outcomes of conflict in the workplace could also be negative:

- Some people feel defeated and demeaned.
- The distance between people increases.
- A climate of mistrust and suspicion develops.
- Individuals and groups concentrate on their interests.
- Resistance develops rather than teamwork.

ORGANISATIONAL CONFLICT MODES

For any organisation to be effective and efficient in achieving its goals, the people in the organisation need to have a shared vision of what they are striving to achieve, as well as clear objectives for each team/department and individual. You also need ways of recognising and resolving conflict amongst people, so that conflict does not become so serious that co-operation is impossible. All members of any organisation need to have ways of keeping conflict to a minimum - and of solving problems caused by conflict before conflict becomes a major obstacle to your work. This could happen to any organisation, whether it is an NGO, a CBO, a political party, a business, or a government.

The differences that could cause conflict between people in the workplace could arise from the following modes:

- Organisational politics (the games)
- Perceived adverse changes
- Personality – personal attributes, interests, preferences, values perception, and style
- Competing work and family demands
- Limited resources
- Departmentalisation and specialisation
- The nature of work activities
- Inequitable treatment
- Violation of territory
- Role conflict

“Organisational conflict arises because of rapid and unpredictable change, new technological advances, competition for scarce resources, differences in cultures and belief systems, and the variety of human personalities.” A. M. Barker

CONFLICT AND PERSONALITY TYPES

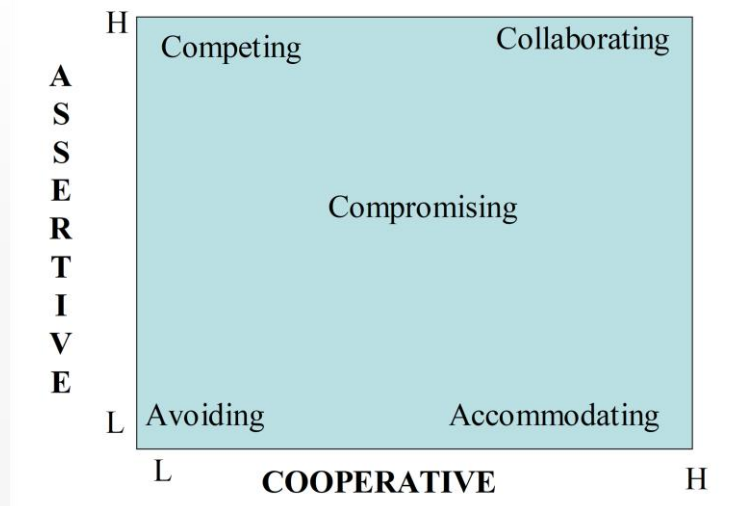
People use two basic dimensions of behaviour in Conflict Situations

- **Assertiveness:** extent to which the individual attempts to satisfy his/her own goals.



- **Cooperativeness:** extent to which the individual attempts to satisfy the other person's concerns.

Conflict Handling



In addition, everyone has differing ways of handling conflict, the cooperative behaviour results in low avoidance of conflict and high accommodation of the conflict situation. The diagram above shows the various areas and below the interpretation:

- **Competing:** assertive and uncooperative – a person pursues their concerns at the other person's expense.
- **Accommodating:** unassertive and cooperative – the opposite of competing.
- **Avoiding:** unassertive and uncooperative – the individual does not immediately pursue their concerns and those of the other person
- **Collaborating:** assertive and cooperative or win-win.
- **Compromising:** intermediate in both assertiveness and cooperativeness (expediency).

Remember that no one conflict style is right. Recognise your natural tendencies when initially faced with conflict, and learn to adjust them according to the situation:

Competing	<p>Use:</p> <ul style="list-style-type: none"> • Use when quick, decisive action is vital (emergencies). • Use where unpopular courses of action need implementing. • Use of issues vital to company welfare when you know you are right. • To protect self against people who take advantage of non-competitive behaviour
Avoiding	<p>Use:</p> <ul style="list-style-type: none"> • On trivial issues. • When you have no chance of satisfying your concerns. • When potential damage of confronting conflict outweighs the benefits of resolution. • To let people, cool down. • When gathering more information outweighs the advantage of an immediate decision. • When others can resolve the conflict more effectively. • When the issue seems tangential or symptomatic of another more basic issue.
Accommodating	<p>Use:</p> <ul style="list-style-type: none"> • When you realise you are wrong – learn from others, hear a better position, show reasonableness. • When the issue is more important to the other person. • Build social credits • When continued competition would damage your cause. • When preserving harmony and is especially important. • To aid in managerial development allowing subordinates to experiment.
Compromising	<p>Use:</p> <ul style="list-style-type: none"> • When goals are moderately important. • When two opponents with equal power confront. • To achieve a temporary settlement. • To arrive at expedient solutions under time pressure. • As a backup when collaboration or competition fails.
Collaborating	<p>Use:</p> <ul style="list-style-type: none"> • When both sets of concerns are too important to be compromised. • When your objective is to learn. • To merge insights from people with different perspectives on a problem. • To gain commitment to incorporating other's concern. • To work through hard feelings





We all have a unique personal 'Map of the World' which drives our behaviour, thoughts, and feelings; it is impossible to 'label' people into this category or that. It is, however, a feature of humans that although we are each unique, we also share common traits with other groups.

Personality theory identifies and labels groups of personality traits to make up personality types. By doing this, we can simplify our understanding of how some groups of people 'tick' and relate to them more appropriately.

Conflict often arises when different personality types need to work together.

A- and B-Type Personalities

The following explores the A- and B-type personalities:

Personality Types	
A-Type Personality	B-Type Personality
	
Highly competitive	Works methodically
Strong personality	Rarely competitive
Restless when inactive	Enjoys leisure time
Seeks promotion	Does not anger easily
Punctual	Does job well but doesn't need recognition
Thrives on deadlines	Easy-going
May do many jobs at once	

Aggressive, Submissive and Assertive Personalities

We would often classify a person's personality, based on their behaviour:

Aggressive People	Body language:
	<ul style="list-style-type: none">• Stiff and straight• Points, bangs tables to emphasise points

	<ul style="list-style-type: none"> Folds arms across body <p>Verbal language:</p> <ul style="list-style-type: none"> "I want you to..." "You must..." "Do what I tell you!" "You're stupid!"
Submissive People	<p>Body language:</p> <ul style="list-style-type: none"> Avoids eye contact Stooped posture Speaks quietly Fidgets <p>Verbal language:</p> <ul style="list-style-type: none"> "I'm sorry". "It's all my fault." "Oh dear"
Assertive People	<p>Body language:</p> <ul style="list-style-type: none"> Stands straight Appears composed Smiles Maintains eye contact <p>Verbal language:</p> <ul style="list-style-type: none"> "Let's." "How shall we do this?" "I think... What do you think?" "I would like..."

TRANSACTIONAL ANALYSIS

Conflict, which may arise in personality types, can be described, using transactional analysis.

Transactional Analysis was developed by Eric Berne, MD (d.1970). Berne devised the concept of ego states to help explain how we are made up, and how we relate to others. These are drawn as three stacked circles, and they are one of the building blocks of Transactional Analysis. They categorise the ways we think, feel, and behave and are called Parent, Adult, and Child. Each ego state is given a capital letter to denote the difference between actual parents, adults, and children.



Parent Ego State	<p>This is a set of feelings, thinking and behaviour that we have copied from our parents and significant others.</p> <p>As we grow up, we take in ideas, beliefs, feelings and behaviours from our parents and caretakers. If we live in an extended family, then there are more people to learn and take in from. When we do this, it is called introjecting, and it is just as if we take on the role of the caregiver. For example, we may notice that we are saying things just as our father, mother, the grandmother may have done, even though, consciously, we don't want to. We do this as we have lived with this person so long that we automatically reproduce certain things that were said to us or treat others as we might have been treated.</p>
Adult Ego State	<p>The Adult ego state is about direct responses to the here and now. We deal with things that are going on today in ways that are not unhealthily influenced by our past.</p> <p>The Adult ego state is about being spontaneous and aware of the capacity for intimacy. When in our Adult we are able to see people as they are, rather than what we project onto them. We ask for information rather than stay scared and rather than make assumptions. Taking the best from the past and using it appropriately in the present is an integration of the positive aspects of both our Parent and Child ego states. So, this can be called the Integrating Adult. Integrating means that we are constantly updating ourselves through our everyday experiences and using this to inform us.</p> <p>In this structural model, the Integrating Adult ego state circle is placed in the middle to show how it needs to orchestrate between the Parent and the Child ego states. For example, the internal Parent ego state may beat up on the internal Child, saying, "You are no good, look at what you did wrong again, you are useless". The Child may then respond with "I am no good, look how useless I am, I never get anything right". Many people hardly hear this kind of internal dialogue as it goes on so much, they might just believe life is this way.</p> <p>An effective Integrating Adult ego state can intervene between the Parent and Child ego states. This might be done by stating that this kind of parenting is not helpful and asking if it is prepared to learn another way. Alternatively, the Integrating Adult ego state can just stop any negative dialogue and decide to develop another positive Parent ego state taken in from other people they have met over the years.</p>
Child Ego State	<p>The Child ego state is a set of behaviours, thoughts and feelings, which are replayed from our childhood.</p>



Perhaps when the boss calls us into his or her office, we may immediately get a churning in our stomach and wonder what we have done wrong. If this were explored, we might remember the time the head teacher called us in to tell us off. Of course, not everything in the Child ego state is negative. We might go into someone's house and smell a lovely scent and remember our grandmother's house when we were little, and all the same warm feelings we had at six years of age may come flooding back.

Both the Parent and Child ego states are constantly being updated. For example, we may meet someone who gives us the permission we needed as a child, and did not get, to be fun and joyous. We may well use that person in our imagination when we are stressed to counteract our old ways of thinking that we must work longer and longer hours to keep up with everything. We might ask ourselves "I wonder what so-and-so would say now". Then on hearing the new permissions to relax and take some time out, do just that and then return to work renewed and ready for the challenge. Subsequently, rather than beating up on ourselves for what we did or did not do, what tends to happen is we automatically start to give ourselves new permissions and take care of ourselves.

Alternatively, we might have had a traumatic experience yesterday, which goes into the Child ego state as an old memory that hampers our growth. Positive experiences will also go into the Child ego state as old memories. The positive experiences can then be drawn on to remind us that positive things do happen.

The use of three sets or systems of behavioural characteristics determines the effectiveness of interpersonal transactions between people who work together:

- PARENT - Judgmental, critical, controlling, paternalistic ...
- ADULT - Logical, unemotional, fact-orientated, unless ...
- CHILD - Spontaneous, fun-loving, creative, dependent, sulking, reactionary ...

In interpersonal 'Transactions', an understanding of TA helps one recognise the 'other' party's style in P-A-C terms and to select a response which is likely to be constructive, avoiding tension or conflict:

Different kinds of transactions used between the above ego states would include:

- **Crossed transactions** - A transaction in which the ego state addressed does not correspond to the one which response, e.g. I criticise you from my Critical Parent ego state. For there not to be a conflict you need to respond from your Adapted Child Ego-

state. If you respond to your Rebellious Child or Your Critical Parent, there will be conflict.

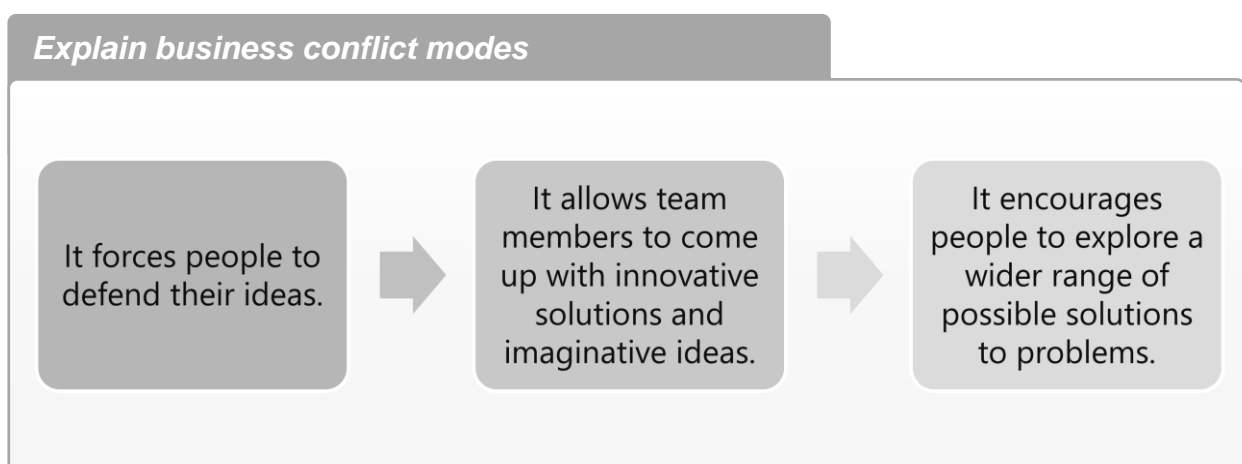
- **Complementary transactions** - A transaction in which the transactional vectors are parallel, and the ego-state addressed is the one which response. In the example above the transaction would be complementary if you responded to my Critical Parent from Adapted Child
- **Ulterior transactions** - A transaction which is also carrying a covert message, e.g. 'When is my dinner going to be ready' (open message) 'so we can fight if it is not ready yet' (covert message and an invitation into a psychological game called 'Uproar'). All the Life Positions involve ulterior transactions - unspoken messages.

Effective business dialogue occurs more readily in the Adult ego state. Successful managers are those people who are better able to identify ego states then match and lead their business colleagues toward their Adult ego state before discussing important business issues.

There is no general rule as to the effectiveness of any ego state in any given situation (some people get results by being dictatorial (Parent to Child), or by having temper tantrums, (Child to Parent), but for a balanced approach to life, Adult to Adult is recommended.

Conflict management is the process of planning to avoid conflict where possible and organising to resolve conflict where it does happen, as rapidly and smoothly as possible.

When conflict is managed correctly, it can be an important asset. Conflict can be beneficial in the following ways:



Conflict becomes unhealthy when it focuses on personalities rather than issues. When team members become defensive and attack one another instead of emphasising the strengths and weaknesses of ideas, conflict becomes a negative force.

CONFLICT MANAGEMENT TECHNIQUES

BUSINESS CONFLICT MODES

By evaluating a conflict according to the five categories below - *relationship, data, interest, structural and value* --, we can begin to determine the causes of conflict and design resolution strategies that will have a higher probability of success⁴:

- **Relationship Conflicts** - Relationship conflicts occur because of the presence of strong negative emotions, misperceptions or stereotypes, poor communication, or miscommunication, or repetitive negative behaviours. Relationship problems often fuel disputes and lead to an unnecessary escalating spiral of destructive conflict. Supporting the safe and balanced expression of perspectives and emotions for acknowledgement (not agreement) is one effective approach to managing relational conflict.
- **Data Conflicts** - Data conflicts occur when people lack the information necessary to make wise decisions, are misinformed, disagree on which data is relevant, interpret information differently, or have competing assessment procedures. Some data conflicts may be unnecessary since they are caused by poor communication between the people in conflict. Other data conflicts may be genuine incompatibilities associated with data collection, interpretation, or communication. Most data conflicts will have "data solutions."

Interest Conflicts - Interest conflicts are caused by competition over perceived incompatible needs. Conflicts of interest result when one or more of the parties believe that in order to satisfy his or her needs, the needs and interests of an opponent must be sacrificed. Interest-based conflict will commonly be expressed in positional terms. A variety of interests and intentions underlie and motivate positions in

⁴ Source: <http://www.mediate.com/divorce/pg17.cfm>

negotiation and must be addressed for maximised resolution. Interest-based conflicts may occur over *substantive issues* (such as money, physical resources, time, etc.); *procedural issues* (the way the dispute is to be resolved); and *psychological issues* (perceptions of trust, fairness, desire for participation, respect, etc.). For an interest-based dispute to be resolved, parties must be assisted to define and express their interests so that all these interests may be jointly addressed. Interest-based conflict is best resolved through the maximising integration of the parties' respective interests, positive intentions, and desired experiential outcomes.

- **Structural Conflicts** - Structural conflicts are caused by forces external to the people in dispute. Limited physical resources or authority, geographic constraints (distance or proximity), time (too little or too much), organisational changes, and so forth can make structural conflict seem like a crisis. It can be helpful to assist parties in conflict in appreciating the external forces and constraints bearing upon them. Structural conflicts will often have structural solutions. Parties' appreciation that conflict has an external source can have the effect of them coming to address the imposed difficulties jointly.
- **Value Conflicts** - Value conflicts are caused by perceived or actual incompatible belief systems. Values are beliefs that people use to give meaning to their lives. Values explain what is "good" or "bad," "right" or "wrong," "just" or "unjust." Differing values need not cause conflict.

People can live together in harmony with different value systems. Value disputes arise only when people attempt to force one set of values on others or lay claim to exclusive value systems that do not allow for divergent beliefs. It is of no use to try to change value and belief systems during short and strategic mediation interventions. It can, however, be helpful to support each participant's expression of their values and beliefs for acknowledgement by the other party.

MANAGING CONFLICT

How you approach resolving conflict will help determine whether the conflict is beneficial to you and the other person. There are specific steps you can take to resolve the conflict.

The following eight-step process provides a proven method by which to resolve conflict:

1. Acknowledge the conflict

The first step is to acknowledge that a conflict exists. We need to learn to notice the early signs of conflict or disagreement. These can take several forms, including:

- Withdrawal
- Arguments
- Reluctance to communicate
- Non-verbal signals (raised eyebrows or frowns)

Doing so as soon as the conflict arises prevents frustration from accumulating and keeps emotional reactions to a minimum. Acknowledgement of conflict usually brings a sense of relief for all involved. You and the other person should commit to the immediate acknowledgement of conflict and open communication.

2. Clarify the conflict source

It can be difficult, but it is important to clarify the cause of conflict. In the workplace, there are at least four issues that you would commonly identify:

- A certain amount of aggression may be seen in the way the message came across.
- There is concern about promotion.
- There is some dissatisfaction with the work.
- There is an indication of tensions with other departments

If you do not identify the correct source, it will waste time-solving the wrong problem. Often, the cause is deeper than the obvious or is not the initial reason suggested. There is always the possibility that underlying issues are present and need to be resolved. It is always helpful to look at each issue:

- What is my problem?
- What is their problem?
- What is my goal?

- What is their goal?
- What am I asking for?
- What are they asking for?
- How will this benefit me?
- How will this benefit them?

When conflict stems from underlying interpersonal or emotional issues, the conflict can be intense. Feelings of jealousy or poor self-esteem are examples of underlying issues that could cause animosity in the interaction. Often, these underlying sources of conflict are caused by differences in background, perception, and expectations.

3. Focus on the goals

The next step is to return the focus to the goal of the interaction. By evaluating how the conflict will affect your goals, you can decide if the conflict is worth addressing as an issue. If the conflict can damage relationships or impair decision-making, it should be important enough to address.

Commitment to your goals motivates you to discover a solution to the conflict. Focusing on the goals also helps remind you and the other person that you are working towards the same goal, which builds a sense of unity.

4. Focus on the issues

While working through conflict, you should keep your focus on the issues, not the personality of the other person. Focusing on personalities creates defensiveness and hinders the conflict resolution process. Focusing on the issues can keep the discussion from becoming personal and is more productive.

You should try to find a resolution that progresses towards the goal of the interaction, but that does not disregard any person's values. Keeping the focus on the issue requires that you subscribe to the fundamental belief that the other person is a valuable partner in the interaction.

5. Listen to all views



Every person in the interaction should listen and encourage each other to share views openly and honestly. Remember that the opinions shared cannot be considered right or wrong and that conflict resolution is not about winning or losing.

Both parties should discuss views regarding facts and observations, not feelings and personalities. There should be no blame. Each person needs to try and understand the views of another person. However, it's important to differentiate between understanding and agreeing. Understanding another person's view does not mean that you must agree with the other person's view.

6. Look for agreement

After all the views have been heard, it is helpful to identify any issues on which you and the other person do agree. Finding common ground provides a starting point for resolving the conflict. The agreement might be found by looking at the differences from a new perspective or by reusing a conflict resolution plan that has worked for you in similar situations in the past. Choose your strategy wisely because the source of conflict can be:

- Competing for the same thing.
- Disagreeing about how to do the same job.
- Having a poor relationship

7. Discuss alternatives

At this point, you should discuss all alternatives for resolving the conflict. When you and the other person have expressed the ideas and suggestions, you should both give them full consideration.

If the conflict you are handling belongs to “competing for the same things” you could prepare yourself in the following:

- Note your maximum demand (i.e., your best position) and your minimum demand (the point beyond which you will not retreat or “back off)
- Note the strengths and weakness of your case.

- Decide how you will optimise and best use the strengths of your case and defend its weaknesses.

If the conflict is “disagreement about how to do a job”, you might use the following suggestions:

- Define the common problem which is to be tackled by yourself and the other person.
- Note the causes of this problem.
- Note the possible options for an agreed solution to the problem.
- Weigh up the pros and cons of each option

Sharing conflict resolution options provided allows you to make an informed decision. This open communication also fosters trust between you and the other person.

Conflicts based only on the content of interaction or discussion can sometimes be resolved at this step. If you reach a conclusion about which resolution is best, the resolution can be agreed upon, and you can proceed with accomplishing the goals. All other conflict will need to be resolved by creating a plan.

8. Create a plan

After the best solution has been chosen, you need to create a plan. If you have a plan that has worked in the past, then you can use it as a starting point for the new plan.

If there is no plan in place, everyone needs to be involved in creating the plan, and everyone should be comfortable with it. The responsibilities of each person need to be assigned, and you should hold each other accountable for your assigned duties.

Creating a plan is especially effective for resolving conflicts that have arisen from interpersonal issues. The plan can then be used to prevent or manage any future conflicts that emerge from the same issues.

Managing Conflict between Individuals

The following will show the general route which conflict normally follows toward resolution in the workplace when you need to manage conflict between individuals:



1. Have a quiet word

In many disputes between individuals, there is a clear transition from an informal to a formal stage in the conflict. The informal stage often involves simply talking, and listening, to employees. Giving people the time and space to express their feelings and concerns can often help to clear the air.

Employees also need to know:

- who they can go to if they have a problem at work?
- that their concerns will be taken seriously

It helps if there is a culture that encourages employees to express their opinions. For this culture to work, you need to:

- train managers to handle difficult conversations with employees
- have clear discipline, grievance, and dispute procedures for dealing with conflict
- consider outside help where necessary
- encourage open expression of opinions
- recognise the importance of feelings
- listen to what people have to say
- focus on interests, not positions and personalities.

2. Investigate informally

Don't make quick decisions based on a 'gut feeling' about what is going on. Take the time to talk to colleagues and gather any relevant information about those involved. For example, you may need to talk to personnel about an employee's absence record. Or a colleague or supervisor may be aware of any personal problems affecting an employee's performance. Also, be clear about your role in resolving the conflict and what you hope to achieve. Most people involved in the conflict will have their ideas about what they would like to happen, but what would be a reasonable outcome for everyone?



3. Use your internal procedures

If an employee makes an official grievance to a manager, then the conflict has moved towards a more formal stage. If this happens, you need to be able to fall back on company procedures for dealing with grievances – as well as issues like bullying, absence, and misconduct.

If you currently have procedures in place, then review them to make sure they are up to date. They should be regularly communicated to staff, discussed at team meetings and individual appraisals, where appropriate, and included in induction and training programmes.

Why not include mediation as a stage in your internal procedures? Mediation can be used at any stage during the conflict – by managers within your organisation or from outside.

Note:

Employees must follow step one of the statutory grievance procedure if they wish to take their complaint to an internal hearing:

- the employee putting the grievance in writing
- you arrange a meeting to discuss the grievance within 28 days and
- you hold an appeal, where necessary

4. Upgrade your skills

Having one-to-one conversations with employees and managers requires a great deal of sensitivity and empathy. You need to:

- **listen** to what employees say, try, and notice any underlying causes of unhappiness or stress
- **question** employees in a measured and calm way, putting them at ease and giving them the chance to speak freely
- **reframe** what's been said so that problems can be seen in a different light

- **build teams** by making connections between the interests of the individual and that of the team or company
- **lead** by example and set the right tone for the way people communicate with each other
- **Respect diversity** and put in place an equality policy. Training can help you to review your skills. You should also keep up to date with the latest changes in employment law.

5. Consider getting help

Managing conflict between employees is often about understanding the **perceptions** one person has of the other. Perception is the process of interpreting the information that we gather about other people – through listening, talking, observing and general interaction.

Dealing with these perceptions can sometimes assess a manager's people management skills to the limit. You may need special training – or the skills of an outside party – to successfully manage conflict. A skilled mediator could help you deal with some of the complex inter-personal problems often associated with managing conflict. Because they are not emotionally involved in the problem, they can often take an objective, unbiased approach to what's happening in your organisation.

Managing Conflict between Groups

The following will show the general route which conflict normally follows toward resolution in the workplace when you need to manage conflict between groups:

1. Improve the way you communicate and consult with employees

To successfully manage any group conflict, you will have to make some difficult decisions – about issues like pay, working practices and organisational rules and procedures. You need to:

- ensure that communication between managers and team leaders, employee representatives or unions is timely, relevant, and concise
- check your systems for consulting with employees complies with the law

- use dispute resolution procedures for dealing with conflict where necessary
- promote joint decision-making
- use a problem-solving cycle to help identify your options

To help you make these decisions, you should get the views of your employees. Start by reviewing the way that:

- information is communicated to employees
- employees are consulted before decisions are made

You are legally obliged to consult with employees or employee representatives on the following subjects:

- health and safety
- redundancies
- business transfers
- works councils
- occupational pensions

2. Form representative structures

You may not have the opportunity to talk to every employee individually. Therefore employee representatives can play such a vital role. They can function as useful sounding boards – keeping you in touch with the feelings and opinions of your employees. Many organisations have established representative systems for dealing with the kind of issues – such as pay or redundancies – that often cause potential conflict. These include:

- working groups set up to consider particular issues such as absence levels, working patterns or the introduction of new technology
- permanent consultative groups, often called staff councils or consultative committees to continually look at issues such as company prospects, new products, staffing levels and training
- collective bargaining where employers negotiate terms and conditions of employment with trade union representatives

3. Use problem-solving cycles

Problem-solving models are practical tools to help you to collaborate with colleagues systematically. They give you:

- time to gather your thoughts and collect data
- a plan of action
- the chance to consider all the options open to you

Sit down and describe the conflict in your workplace. This will help you to analyse the problem and to identify any gaps in your knowledge or understanding of the problem. You will also learn to separate people's positions ('what' they want) from their interests ('why' they want something). Ongoing evaluation of your solutions is also part of every effective action plan.

4. Use dispute resolution procedures

Sometimes disputes cannot be resolved by consultation through joint working groups. Many employers have written agreements with their recognised trade unions which cover how they will resolve disputes that begin to escalate. A general negotiating / collective agreement will usually cover:

- **scope:** who is covered by the agreement and who has bargaining rights
- **general principles:** for example, the desire of management and unions to work towards shared interests, such as the prosperity of the business and to work together to manage change
- **subjects for discussion:** these might include changes in wages or other terms and conditions
- **stages for resolving a dispute:** for example, at the initial stage a line manager might meet with a local union representative, but if the dispute escalates senior management may meet with full-time union officials

- **third-party involvement:** if the dispute cannot be resolved through negotiation, unions and management might agree to approach a third party / qualified person to resolve the dispute using conciliation.

The advantage of having a dispute procedure is that it helps to manage what can be very confrontational situations – getting everyone involved to focus on negotiating an agreement.

5. Consider outside help

It is not always easy to ask for help. You might prefer to keep your problems in-house and not share them with someone outside. You may also have concerns about the impact a third party will have in your workplace. For example, will you still be the one making the decisions? Or will ask for help be a sign of weak management?

If you already work closely with employees in representative groups, then you will be used to making joint decisions to resolve problems. However, if your management style is based more on briefing employees about the decisions you have already made you might need help with how best to involve employees.

Working with Difficult People

Here are some key points to remember:

- **Don't take anything too personally** - Try to see where the other person is coming from or why they might be reacting the way that they are. Stress can cause a person to lash out, even if it really doesn't have anything to do with you.
- **Let the person vent** - Sometimes people just need to get things "off of their chest." Detaching yourself from their frustrations and staying calm will usually defuse a person in a short period of time. They may need to express their emotions or stress and treating them with patience and understanding will go a long way toward calming them down and getting to the real friction.
- **Try to see it from their point of view** - This doesn't mean abandoning your own, but rather, stepping into another person's "shoes" for a moment and trying to see it from their angle. This goes a long way toward "seeking first to understand" before forcing another point of view on someone.



- **If you feel that it might be getting physical or are in any danger** - Step away from the person and the situation. Alert someone about what had occurred and why you felt this way. Don't get involved in a physical confrontation.

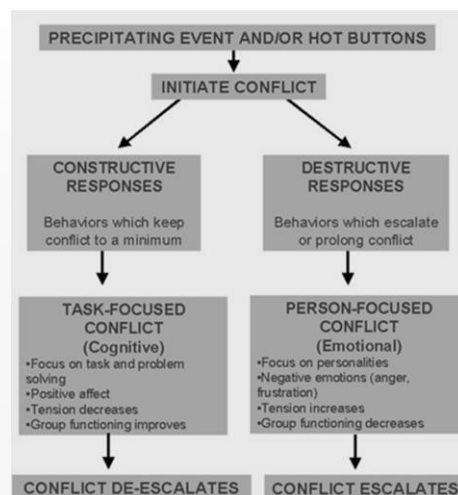
How to handle yourself?

- **Relax your body, let go of the tension** - Tighten and release your muscles in different areas a few times. This will help you release any pent-up frustrations, feelings of anger, and upset feelings you may be harboring.
- **Calm yourself and clear your mind** - Use deep breathing techniques to reel in your emotions. Breathe in slowly through your nose and let it out slowly from your mouth. Repeat.
- **Take some time away from the situation** - Step away from the conflict. Take a short walk down the hallway, or just leave the room in general. It may even help to go to the restroom and wash your face. Taking this step often avoids getting into situations that you may regret later or step up a confrontation.

ROUTE TO CONFLICT RESOLUTION

Although routes taken to resolve conflict may not always be the same, once again it is dependent on the diversity that exists between the parties and the suitable route applicable to the diversity will need to be considered. There is however a Dynamic Conflict Model that is most often used to resolve conflict and can be slightly adapted to suit the conflict situation.

Conflict Resolution



The starting point for the model is a precipitating event -- something that sets the stage for a conflict to develop. This event could be anything: a single behaviour by another person which is upsetting or frustrating, a long-standing set of issues between people, a difference of opinion about strategy or tactics in the accomplishment of some business goal, and so on. The precipitating event can be anything that places the interests of individuals in opposition to one another.

The presence of a precipitating event sets into motion the dynamics of conflict, but the result of that process is still to be determined. One of the biggest influences on how things unfold will be the behavioural responses of the people in the conflict. That is, how an individual responds to the conflict can determine whether a conflict becomes focused on problem-solving or focused on personalities. Constructive responses have the effect of not escalating the conflict further. They tend to reduce the tension and keep the conflict focused on ideas rather than personalities. Destructive responses, on the other hand, tend to make things worse; they do little to reduce the conflict and allow it to focus on personalities.

Responses to conflict also differ in terms of how active or passive they are. Active responses are those in which the individual takes some overt action in response to the conflict or provocation. Such responses can be either constructive or destructive; what makes them active is that they require some overt effort on the part of the individual. Passive responses, in contrast, do not require much in the way of an effort from the person. In fact, they typically involve the person deciding to refrain from some action.

Again, passive responses can be either constructive or destructive; that is, they can make things better, or they can make things worse. Given, then, that responses can be either constructive or destructive, and either active or passive, we view responses to conflict as falling into one of four categories: Active-Constructive, Passive-Constructive, Active-Destructive, and Passive-Destructive.

Behavioural responses to provocation, which can determine whether the potential conflict evolves in either the task-focused or person-focused direction, can also play a role later in the conflict sequence. For example, a situation can begin as a task-focused conflict centered on some non-personal issue with controllable levels of arousal, but destructive responses during this phase could change the direction of this sequence and lead to a person-focused conflict instead. Alternatively, it is possible that a dispute that started out focused on personalities

could be "reined in" by careful behavioural work and transformed into a less destructive task-focused conflict.

Another important feature of the Dynamic Conflict Model is the concept of Hot Buttons -- those situations and individuals that are annoying, frustrating, or upsetting. An individual's Hot Buttons can be thought of like the kinds of people or behaviours that are especially likely to serve as precipitating events for that person. When pushed, Hot Buttons can provoke one into starting or escalating a conflict.

The "hottest" Hot Buttons (that is, those that are most upsetting) will be the ones most likely to evoke a quick and automatic set of destructive responses, while the "cooler" Buttons are more likely to evoke a mixture of responses that include some constructive behaviours. By understanding and examining the links between provocation and response, it becomes easier to control one's behaviour.

PLANS AND STRATEGIES TO MANAGEMENT CONFLICT

In Cluster 2, we discussed the Legal conflict resolution methods with regards to the Labour Relations Act, this forms part of the strategies to manage conflict. Legal methods are part of Governments way of providing fair legal proceedings for all. Although this may not always be the best strategy dependent on the type, nature, and degree of the conflict.

Furthermore, strategies that can be adopted to resolve conflict – just refresh here is the table of Strategies again.

STRATEGIES

Work Performance Issue	Misconduct Issue	Grievance Issue	Relationship Issue
<ul style="list-style-type: none">• Counselling• Maintaining improved performance• Taking follow-up action• Work performance hearing	<ul style="list-style-type: none">• Handling unacceptable work habits• Maintaining improved work habits• Disciplinary hearing	<ul style="list-style-type: none">• Handling employee complaints• Grievance hearing	<ul style="list-style-type: none">• One-on-one interaction

CONFLICT RESOLUTION ACTIONS PLANS

To effectively resolve conflict, you need to adopt actions plans. These action plans would indicate the specific steps/actions that the individuals/parties to the conflict need to take to resolve the conflict. When these action plans are implemented, you might find that you need to adapt them to the conflict, the people involved and the time constraints of the situation.

The following is an example of a basic action plan that can be adapted to the specific or conflict situation.

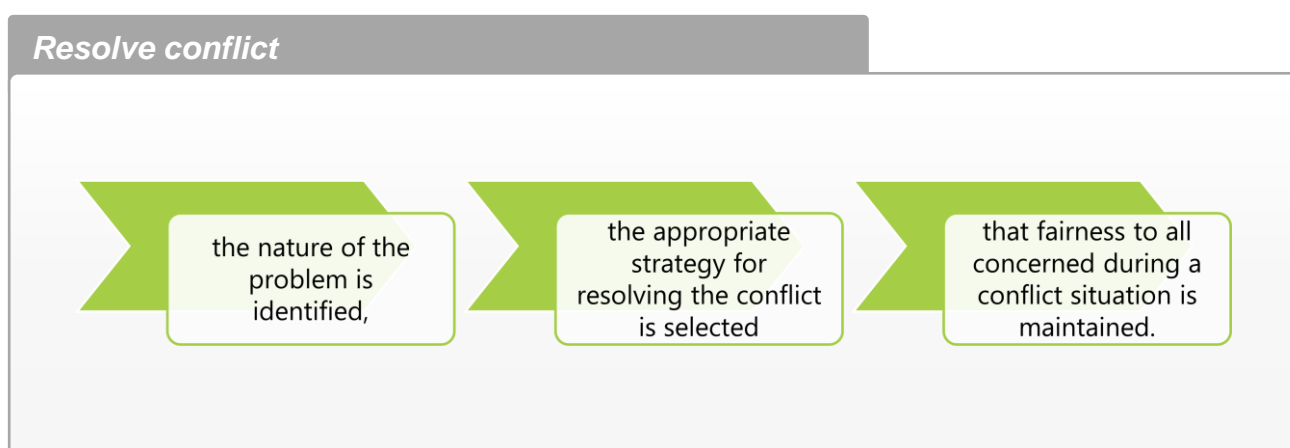
Critical Steps in the Fair Decision Guide for Managing Relationships	
Objectivity	<ul style="list-style-type: none"> Consider any personal feelings and past experiences which may have an impact on your objectivity
Need/purpose	<ul style="list-style-type: none"> Identify the need or purpose to address a conflict that exists between individuals, groups of individuals or departments
1. Describe what you want to talk about and why	<ul style="list-style-type: none"> Describe what it is that concerns you - be specific about what you have observed Describe the effect it is having on the work, the people, and the unit Give internal information Focus on the conflict and not on the individual(s) concerned
2. Gather and review details	<ul style="list-style-type: none"> Ensure that everyone involved understands what you are trying to achieve Ask what is causing the conflict Listen and respond with empathy Ask questions and summarise to clarify your understanding Encourage those involved to ask questions and check their understanding If appropriate, add your views Ensure you understand their conceptualisation of the conflict
3. Explore alternatives	<ul style="list-style-type: none"> Allow each party to the conflict to state his/her case Do not evaluate the various alternatives at this stage Take notes Summarise to clarify understanding & check that all possible solutions have been put forward

	<ul style="list-style-type: none"> • Add your own suggestions
4. Agree on actions to be taken	<ul style="list-style-type: none"> • Consider whether you have enough information and suggestions to reach an agreement on actions to be taken • Evaluate each proposed solution by asking for the views of the parties • Consider the impact of the alternatives on the organisation/workgroup/ individuals • Come to clear agreement on a solution that is satisfactory to all concerned
5. Agree on follow-up	<ul style="list-style-type: none"> • Set a specific follow-up date • Indicate your confidence that the conflict has been resolved • Thank those concerned for their assistance and co-operation • Offer your support

ROLE OF POLICIES AND PROCEDURES

In conjunction with policies and procedures discussed in the previous Unit the following is also applicable.

Regarding their role in preventing and resolving conflict, the company policies and procedures are aligned to the relevant Labour Legislation of the country. The policies and procedures are there to ensure that:



In South Africa, we need to ensure that our organisational policies and procedures are aligned to labour legislation such as:

- Labour Relations Act



- Basic Conditions of Employment Act
- And many other Acts

Your company policies and procedures would provide you with information about:

- the procedures you need to follow when conflict arises;
- who the appropriate person would be to whom you can escalate the conflict to have it resolved; and
- what to do when the conflict is not resolved.

Policies and procedures would ensure fairness in the conflict resolution process. Having considered the various structures and procedures that are in place to regulate the management-employee relationship, we come back to the point that taking corrective action when a conflict exists is about relationships. Below you will find a set of fairness principles which apply to handling conflict in an employment relationship where the cause of the problem falls outside work performance, misconduct, and grievances.

- Be objective
- Let the employee state his case
- Procedural fairness
- Substantive fairness
- Determine a fair and reasonable resolution

ATTRIBUTES OF AN EFFECTIVE CONFLICT MANAGER

PERSONAL ATTRIBUTES AND SKILLS

A good manager is one who plans, organises, leads and controls other effectively – i.e., adds real value to the organisation in the execution of these processes. He/she works with his/her work group (team) to motivate them to conduct the activities of the function so that the

manager meets (or exceeds) the goals and objectives determined in the organisational planning cycle. In the process, he/she maximises results at an effective cost.

The attributes/characteristics shown by effective conflict managers include:

- Sensitivity to individual needs
- Patience and persistence
- Respect for the privacy of individuals
- Initiative and assertiveness
- Optimism
- Commitment
- Flexibility.
- Creativity
- Honesty and trust
- A sense of humour

They are often able to (skills):

- identify their feelings correctly and understand the impact that their emotions have on their behaviour
- know their “trigger” points and have an appropriate response plan
- make good at decisions, considering their intuition
- manage their emotions and are not immobilised by worry, disappointment, doubt, fear, or embarrassment and are not hijacked by anger
- stay composed, unruffled and maintain a positive attitude even in trying moments
- show tenacity in the pursuit of their goals and will not give in to obstacles
- understand others’ feelings and motivation and show that they care for others

- comfortably talk about feelings
- manage their relationships with others
- read the organisation's ethos or to take the pulse of a group (evaluations)
- identify and know their strengths and areas for development
- believe in their capabilities - they are not rigid and can adapt to changing circumstances
- show empathy
- effectively handle difficult people and stressful situations - they build trust in their relationships with others
- not shy away from challenging goals - they take calculated risks - they are ethical, and their behaviour is beyond reproach.

CONFLICT MANAGEMENT SKILLS

These are the skills that enable us to bypass personal differences and to open to possibilities. The skills of conflict resolution draw us closer to other people, as we jointly search for good solutions and balanced needs. It involves a powerful shift from adversaries to co-operative partners. In this shift each person benefits.

These skills are also the tools for building friendship and intimacy. A whole new level of trust develops as people learn "we can work it out". Relationships become more fulfilling and supporting.

How to ensure that conflicts benefit the members of an organisation:

- Respect other members of the group
- Acknowledge differences in people
- Be sensitive to the specific roles played
- Put the group objectives ahead of your own
- Encourage group participation



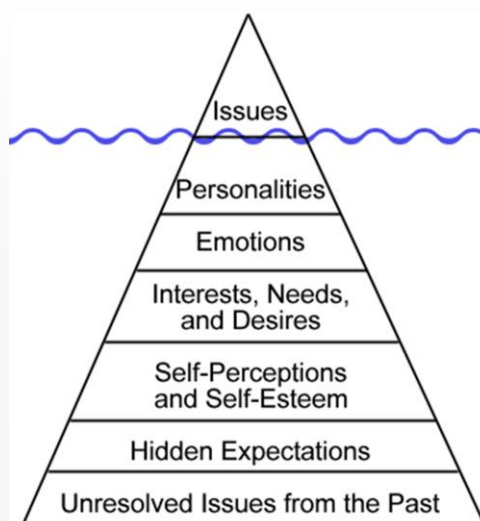
- Communicate your feelings
- Listen as well as talk
- Be aware of the role of conflict
- Identify common ground
- Have patience

SKILLS AUDIT

Iceberg of Conflict⁵

One way of picturing the hidden layers and complexities of conflict is through the metaphor of the iceberg, as depicted in the following chart. You may want to identify additional layers besides the ones cited, to reveal what is below the surface for you. Each level of the iceberg represents something that does not appear on the surface yet adds weight and immobility to our arguments when we are in conflict.

Iceberg of conflict



To explore the topic of conflict in depth, you must come to terms with your feelings about it. Most of us feel that professional conflict is negative; we see it as draining our energy, reducing

⁵ Retrieved from: <http://positivechangesnow.ca/Business/ConflictIceberg/tabid/551/Default.aspx>

our focus, causing discomfort and hostility, and costing us time and money. This can be true, but only when conflict can persist.

Instead, if the conflict is well-managed, it can also be an incredibly positive, transforming influence on your team. Conflict typically highlights problems and promotes change. It often encourages shared solutions and can enhance the morale and team spirit of your organisation when it is dealt with openly and promptly. Conflict can stimulate creativity and innovation in your organisation.

Do a skills audit to identify the skills you need to develop to be an effective conflict manager.

NEGATIVE ATTRIBUTES

Here are some of our unconscious internal processes when relating to others. These drive our behaviour and thinking without our being aware of their impact on the way we are. It would always lead to conflict.

1. Guided by an incomplete and distorted personal 'Map of the World'	We each have a unique 'Map of the World', a unique set of beliefs about our self, others, and the world. We judge others [and ourselves!] on the basis of this personal map. This map contains all of our beliefs about what is right, wrong, good, bad, fair, unfair. When your map and mine are not in harmony in an aspect which is important to us conflict occurs.
2. Intolerant of difference and diversity	It is not the differences between us that is the problem. It is our intolerance of the differences. Our unique personal perspective is the basis for prejudice and a source of friction and conflict.
3. Instinctively judgmental	We are all instinctively judgmental. Yes, you too! It's part of the way each of us is. Being judgmental is a safety mechanism to enable us to assess danger. We are programmed to try judge on truly little information, judge people only on that small part of the way they are which we can observe.
4. Collectors of anger stamps	Instead of being open when people upset us, we tend to store up the incidents. Our resentment grows, and communication breaks down. When the opportunity to get even presents itself, we may try to get

	even in an 'over the top' way with a big relationship shattering bust-up.
5. Prone to displace our anger	Instead of expressing our anger openly we tend to take it out on others. It is called 'kicking the cat'.
6. Prone to irrational fears	For example, we hold back from open communication because of fear of the consequences. Often the fear is misplaced, and the possible consequence exaggerated out of all proportion.
7. Programmed to fight, run, or freeze in the face of fear	Assertive communication and conflict resolution tactics do our primaeval instincts of aggression, avoidance, passivity.
8. Unable to stop our body revealing how we feel	<p>It is accepted that as much as 90% of communication of emotions is non-verbal – our body language, including the intonation of our voice and facial expression. Our body language tells people when we don't like them. We don't want someone. It is because we think they don't like us.</p> <p>Our non-verbal communication leaves them in no doubt that we don't like them. They respond accordingly. We respond. They respond. A vicious cycle is underway. The question that may never be answered is 'Who started it, sent the first signal?' Whoever did, the fact is that there is now a self-perpetuating cycle of interpersonal conflict-prone behaviour.</p>
9. Vulnerable to transference	<p>We often relate to people as though they were someone else. Outside our awareness, something about them, the way they look, talk, behave, hold themselves, etc. reminds us of a figure from our childhood. This causes us to stick 'horns' or halos on people regardless of whether they deserve it. This is called 'Transference'.</p>
10. Paranoid	<p>We are all a bit paranoid! It is another part of our defense system. Its purpose is to help us identify danger. Therefore we may find ourselves assuming people don't like us or are talking about us when laughter is suppressed, or people stop talking, or start whispering when we walk into the room.</p> <p>Paranoia springs us into taking things personally when there are alternative possibilities, e.g. when someone ignores us – which may be due to many things [including their preoccupation with a personal problem,] we may think they are 'getting at us'. If someone disagrees</p>

	with us, we may think they are putting us down when they are simply exercising their assertive right to have a different opinion
11. Mind readers	We jump to conclusions about what people mean. We cut people off believing we know what they are going to say. We believe others can mind read too 'they should know what I want' 'They should know what I meant without my having to explain'.
12. Seeing only what we expect to see	Once we have made our mind up to someone, we tend to notice only those things they do which support our initial conclusion about them. For example, when we don't like someone, we may interpret their anxiety as aggression, their shyness as standoffishness, they are not acknowledging us as deliberately ignoring us. In other words, we interpret everything they do in a negative way. We can become blind to their good points. We are also prone to accept misinformation and rumours if it fits what we have decided.
13. Generators of self-fulfilling prophecies	We tend to get what we expect by making it come true. 'There will be trouble between us, I can see it coming!' Surprise, surprise, there is!
14. Prone to stereotyping	Part of our being judgmental is a tendency to stereotype. We may tend to assume that someone who is for example, powerful, scruffy, gay, drug taking, long-term unemployed, etc. does not have decent 'proper' values. We judge people by the friends they keep, by the clothes they wear, and the cars they drive, sometimes even by the dogs they own! We tend to attack those different from us and fit them into compartments, thinking everyone in the compartment is the same. We pride ourselves on our first impressions which are often wrong.
15. Different personalities	The personality differences between us can be a source of creativity but are also often a source of conflict.
16. Less socially skilled when stressed	<p>When we are stressed, we tend to revert to more natural behaviours and abandon our learned social skills. This makes us rude, inconsiderate, bad-tempered, and self-focused when stressed.</p> <p>The list above is human traits from which none of us is exempt. They are part of our genetic programming. Of course, the impact and intensity vary from person to person and situation to situation. Self-awareness enables us to attempt to manage the impact on others and ourselves.</p>

LEARNING UNIT THREE

3

ASSESSMENT CRITERIA



Conduct negotiations to deal with conflict situations 117853

SPECIFIC OUTCOME 1 - 4

- Prepare for negotiations.
- Engage in negotiations.
- Finalise negotiations and communicate agreements.
- Evaluate negotiation processes.

3

Conduct negotiations to deal with conflict situations 117853



TRAINING FORCE
Linking Training to Industry

Investing in your talent!

CONDUCT CONFLICT NEGOTIATIONS

“Negotiation is a problem-solving process in which two or more people voluntarily discuss their differences and attempt to reach a joint decision on their common concerns. Negotiation requires participants to identify issues about which they differ, educate each other about their needs and interests, generate settlement options and bargain over the terms of the final agreement. Successful negotiations result in exchange or promise being made by the negotiators to each other. The exchange may be tangible (such as money, a commitment of time or a particular behaviour) or intangible (such as an agreement to change an attitude or expectation or make an apology).”⁶

Negotiation means developing an ability to resolve disputes and conflicts.

Effective negotiation requires a willingness to work with other people to reach solutions that everyone can live with.

Negotiation is usually considered as a compromise to settle an argument or issue to benefit ourselves as much as possible.

Conflict or negotiation situations is one in which there is conflict based on interests or wants are not necessarily the same and both sides prepare to search for solutions to build relations.

In this context we will be dealing workplace conflict negotiation, rather than for example Negotiation discussions that take place between employers and unions on salary increases. Although the concepts of negotiation remain the same the approach is a little different and based more on the human elements between the parties in conflict.

CONFLICT NEGOTIATION PHASES

TYPES OF NEGOTIATION

Depending on the situation and time, the way the negotiations are to be conducted differs. The skills required during the negotiations depends and differs widely from one situation to the other.

Types	Parties Involved	Examples
Day-to-day/ Managerial Negotiations	Different levels of Management	Negotiation for pay, terms and working conditions. Description of the job and fixation of responsibility.

⁶ Retrieved from: <http://www.au.af.mil/au/awc/awcgate/army/usace/negotiation.htm>

	In between colleagues Trade unions Legal advisers	Increasing productivity.
Commercial Negotiations	Management Suppliers Government Customers Trade unions Legal advisers Public	Striking a contract with the customer. Negotiations for the price and quality of goods to be purchased. Negotiations with financial institutions as regarding the availability of capital.
Legal Negotiations	Government Management Customers	Adhering to the laws of the local and national government.

Day-to-day / Managerial Negotiations

Such types of negotiations are done within the organisation and are related to the internal problems in the organisation. It is in regard to the working relationship between the groups of employees. Usually, the manager needs to interact with the members at different levels in the organisation structure. For conducting the day-to-day business, internally, the superior needs to allow job responsibilities, maintain a flow of information, direct the record keeping and many more activities for smooth functioning. All this requires entering negotiations with the parties internal to the organisation.

Commercial Negotiations

Such types of negotiations are conducted with external parties. The driving forces behind such negotiations are usually financial gains. They are based on a give-and-take relationship. Commercial negotiations successfully end up in contracts. It relates to preceding of one resource to get the other.

Legal Negotiations

These negotiations are usually formal and legally binding. Disputes over precedents can become as significant as the main issue. They are also contractual and relate to gaining legal ground.

PREPARE FOR NEGOTIATION

Before we can comprehensively prepare for a negotiation, we first need to determine a few to determine the extent and nature of the negotiation to take place. Preparation involves understanding the type of negotiation that will need to take place.

DEFINING THE PURPOSE

For negotiations to result in positive benefits for all sides, the negotiator must define what the problem is and what each party wants. In defining the goals of negotiation, it is important to distinguish between issues, positions, interests, and settlement options:

- An **issue** is a matter or question parties disagree about. Issues can usually be stated as problems. For example, "How can wetlands be preserved while allowing some industrial or residential development near a stream or marsh?" Issues may be substantive (related to money, time, or compensation), procedural (concerning the way a dispute is handled), or psychological (related to the effect of proposed action).
- **Positions** are statements by a party about how an issue can or should be handled or resolved; or a proposal for a particular solution. A disputant selects a position because it satisfies a particular interest or meets a set of needs.
- **Interests** are specific needs, conditions, or gains that a party must have met in an agreement for it to be considered satisfactory. Interests may refer to content, to specific procedural considerations or psychological needs.
- **Settlement Options**-solutions which address one or more party's interests. The presence of options implies that there is more than one way to satisfy interests.

Three characteristics define negotiation situations:

1. There is a conflict of interest between two or more parties, i.e., what the one wants is not necessarily what the other one wants.

2. Either there is no established set of rules for resolving the conflict, or the parties prefer to work outside of an established set of rules to develop their own solution.
3. The parties prefer to search for an agreement rather than to fight openly, to have one side capitulate, to break off contact permanently or to take their dispute to a higher authority.

The goal of negotiation: "everyone wins"⁷

People resolve disagreements in many ways. Some tend to deal with potential conflict by denying it or trying to avoid it altogether.

Instead of confronting and resolving problems, people may let their anger and resentment build while they remain silent. This approach can result in constant personal stress, which can lead to illness or poor general health. If disagreements are not resolved, the possibility for more intense conflicts at some later date is increased. Problems seldom improve on their own.

Conflict can involve issues of power and authority. Adults may resort to threats and punishments to solve problems with children. Labour unions may strike, and management may respond by laying off workers. These are examples of using power to control, intimidate and force solutions on other people. These forced outcomes only add to the grounds for future conflict.

Ego can also motivate conflict. Solutions are selfishly sought with little regard for the other person. The conflict becomes a "win/lose" situation in which one person "wins" at someone else's expense. The one-sidedness of this "solution" increases the odds of more conflict. "Losers" will defy, test, resist and retaliate against the "winners."

⁷ Source: <http://extension.missouri.edu/p/GH6830>

If your reason for negotiation is seen as 'beating' the opposition, it is known as 'Distributive negotiation'. This way, you must be prepared to use persuasive tactics, and you may not end up with maximum benefit. This is because your agreement is not being directed to a certain compromise and both parties are looking for a different outcome.

Should you feel your negotiation is much more 'friendly' with both parties aiming to reach an agreement, it is known as 'Integrative negotiation'. This way usually brings an outcome where you will both benefit highly.

Effective negotiation is a two-way process that encourages both sides to participate in making decisions actively. It also provides a way for people to learn to understand each other better and to grow in their relationships. Negotiation helps to create a healthy balance between "giving" and "getting." Everyone becomes a "winner" through negotiation.

At different levels of the organisation there will be different levels of negotiation:

- At senior/executive, management level negotiation would take place at an external level with industry bodies, labour unions, partners, and some suppliers.
- At middle management level negotiation would be at the level of negotiating the details of what has been decided at a senior level or in negotiations with suppliers, e.g., recruitment agencies, training providers and building maintenance.
- At junior management/supervisory level, the negotiation will be very basic, e.g., negotiating overtime with employees.

Negotiation is an essential management skill; that process of arriving at mutual satisfaction through discussion and bargaining with another party. You as a manager negotiate to settle differences, to

determine the value of services or products or to vary terms or agreements, and it is the smart manager who goes into the negotiations with a clear strategy in mind.

Whether it's an employer, family member or business, we negotiate daily for higher salaries, better service or solving a dispute with a co-worker or family member. In most organisations, there will be defined parameters of what you will be able to negotiate in your position.

As an example, at the increased time you may be given a mandate that your department should have an average of 8% increase. This means that you would be able to give higher performing employees more and lower performing employees less increase. Or you may be in an industry where there is a collective bargaining unit which would mean that the increase would be an across-the-board figure of 8% with no distinction between employees.

DETERMINE THE STRATEGY

Knowing your strategy is the 1st step in the preparation process.

Negotiation Strategies

Negotiation theorists make several overlapping distinctions about approaches to negotiation and distinguish between:

- Positional bargaining, which is competitive, and
- Interest-based bargaining or principled negotiation, which is primarily cooperative.

Positional Negotiation Strategy

Positional bargaining is a negotiation strategy that involves holding on to a fixed idea, or position, of what you want and arguing for it and it alone, regardless of any underlying interests.

The classic example of positional bargaining is the bargaining that takes place between proprietor and customer over the price of an item. The customer has a maximum amount she will pay, and the proprietor will only sell something over a certain minimum amount. Each side starts with an

extreme position, which in this case is a monetary value, and proceed from there to negotiate and make concessions. Eventually, a compromise may be reached.

Positional bargaining tends to be the first strategy people adopt when entering a negotiation. This is often problematic, because as the negotiation advances, the negotiators become increasingly committed to their positions, continually restating and defending them. A strong commitment to defending a position usually leads to a lack of attention to both parties' underlying interests. Therefore, any agreement that is reached will *"probably reflect a mechanical splitting of the difference between final positions rather than a solution carefully crafted to meet the legitimate interests of the parties."*

Therefore:

- Positional bargaining is often considered a less constructive and less efficient strategy for negotiation than integrative negotiation.
- Positional bargaining is less likely to result in a win-win outcome and may also result in bad feelings between the parties, possibly arising out of the adversarial, "you vs me" approach or just a result of one side not being truly satisfied with their end of the outcome.
- Positional bargaining is inefficient in terms of the number of decisions that must be made. The example above demonstrates the back-and-forth nature of positional bargaining. The more extreme the opening positions are, the longer it will take to reach a compromise.

Integrative / Interest-Based Negotiation Strategy

Integrative negotiation (also called "interest-based bargaining," "win-win bargaining") is a negotiation strategy in which parties collaborate to find a "win-win" solution to their dispute. This strategy focuses on developing mutually beneficial agreements based on the interests of the disputants. Interests include the needs, desires, concerns, and fears important to each side. They are the underlying reasons why people become involved in a conflict.

Integrative refers to the potential for the parties' interests to be combined in ways that create joint value or enlarge the pie.

The potential for integration only exists when there are multiple issues involved in the negotiation. This is because the parties must be able to make trade-offs across issues for both sides to be satisfied with the outcome

Integrative bargaining is important because it usually produces more satisfactory outcomes for the parties involved than does positional bargaining. Positional bargaining is based on fixed, opposing viewpoints (positions) and tends to result in a compromise or no agreement at all. Often, compromises do not efficiently satisfy the true interests of the disputants. Instead, compromises just split the difference between the two positions, giving each side half of what they want. Creative, integrative solutions, on the other hand, can potentially give everyone all of what they want.

There are often many interests behind any one position. If parties focus on identifying those interests, they will increase their ability to develop win-win solutions.

Integrative solutions are more gratifying for all involved in the negotiation, as the true needs and concerns of both sides will be met to some degree. It is a collaborative process, and therefore the parties end up helping each other. This prevents on-going ill will after the negotiation concludes. Instead, interest-based bargaining facilitates constructive, positive relationships between previous adversaries.

Identifying Interests: The first step in integrative bargaining is identifying each side's interests. This will take some work by the negotiating parties, as interests are often less tangible than positions and are often not publicly revealed. A key approach to determining interests is asking "Why?" Why do you want that? Why do you need that? What are your concerns? Fears? Hopes? If you cannot ask these questions directly, get an intermediary to ask them.

The bottom line is you need to figure out why people feel the way they do, why they are demanding what they are demanding. Be sure to make it clear that you are asking these questions so you can understand their interests (needs, hopes, fears, or desires) better, not because you are challenging them or trying to figure out how to beat them.

Next, you might ask yourself how the other side perceives your demands. What is standing in the way of them agreeing with you? Do they know your underlying interests? Do you know what your underlying interests are? If you can figure out their interests as well as your own, you will be much more likely to find a solution that benefits both sides.

You must also analyse the potential consequences of an agreement you are advocating, as the other side would see them. This is the process of weighing pros and cons, but you attempt to do it from the perspective of the other side. Carrying out an empathetic analysis will help you understand your adversary's interests. Then you will be better equipped to negotiate an agreement that will be acceptable to both of you.

There are a few other points to remember about identifying interests. First, you must realise that each side will have multiple interests it is trying to satisfy. Not only will a single person have multiple interests, but if you are negotiating with a group, you must remember that each individual in the group may have differing interests. Also important is the fact that the most powerful interests are basic human needs - security, economic well-being, a sense of belonging, recognition, and control over one's life. If you can take care of the basic needs of both sides, then the agreement will be easier. You should make a list of each side's interests as they become apparent. This way you will be able to remember them and to evaluate their relative importance.

Creating options: After interests are identified, the parties need to work together cooperatively to try to figure out the best ways to meet those interests. Often by "brainstorming" - listing all the options, anyone can think of without criticising or dismissing anything initially, parties can produce creative new ideas for meeting interests and needs that had not occurred to anyone before. The goal is a win-win outcome, giving each side as much of their interests as possible, and enough, at a minimum that they see the outcome as a win, rather than a loss.

Distributive Negotiation Strategy

Distributive bargaining, also called "claiming value," "zero-sum," or "win-lose" bargaining, is a competitive negotiation strategy that is used to decide how to distribute a fixed resource, such as money. The parties assume that there is not enough to go around, and they cannot "expand the pie," so the more one side gets, the less the other side gets.

Distributive bargaining is important because some disputes cannot be solved in any other way - they are inherently zero-sum. If the stakes are high, such conflicts can be very resistant to resolution.

For example, if budgets in a government agency must be cut 30 percent, and people's jobs are at stake, a decision about what to cut is likely to be exceedingly difficult. If the cuts are small enough

that the impact on employees will be minor, however, such distributive decisions can be made more easily.

Even in cooperative negotiations, distributive bargaining will come into play. Distributive bargaining and integrative bargaining are not mutually exclusive negotiation strategies:

- Integrative bargaining is a good way to make the pie (joint value) as large as it can be, but the parties must distribute the value that was created.
- If they are able to expand the pie enough, distribution is easy. If there is still not enough to give each side what it wants, however, distributive negotiation will be more difficult.

Some conflict resolution theorists believe that distributive bargaining is unnecessary. Any conflict, they argue, may be solved cooperatively through integrative bargaining.

Distributive bargaining has also been criticised because it tends to lead to destructive actions and sometimes forces the involved parties to focus too much on their differences. If people want to maintain a good relationship with one another, it is argued, they should take an integrative approach to distribution as well as the expansion of the pie.

However, in cases where the "negotiator wants to maximise the value obtained in a single deal and when the relationship with the other party is not important," distributive bargaining tactics may be very useful.

The process of distributive negotiation involves the interplay of one's walk away value - the minimum or maximum one can accept before "walking away" from the deal - and the adversary's walk away value. The trick is to get an idea of your opponent's walk away value and then try to negotiate an outcome that is closer to your own goals than theirs. Whether or not parties achieve their goals in distributive bargaining depends on the strategies and tactics they use.

Information is the key to gaining a strategic advantage in a distributive negotiation. You should do your best to guard your information carefully and try to get information out of your opponent. To a large extent, your bargaining power depends on how clear you are about your goals, alternatives, and walk away values and how much you know about your opponents'. Once you know these values, you will be in a much stronger position to figure out when to concede and when to hold firm in order to best influence the response of the other side.

Principled Negotiation Strategy

Principled negotiation is the name given to the interest-based approach to negotiation set out in the best-known conflict resolution book, *Getting to Yes*, first published in 1981 by Roger Fisher and William Ury. The book advocates four fundamental principles of negotiation:

1. Separate the people from the problem;
2. Focus on interests, not positions;
3. Invent options for mutual gain; and
4. Insist on objective criteria.

Separating the people from the problem means separating relationship issues (or "people problems") from substantive issues and dealing with them independently.

- People problems tend to involve problems of perception, emotion, and communication.

Perceptions are important because they define the problem and the solution. While there is an "objective reality," that reality is interpreted differently by different people in different situations. When different parties have different understandings of their dispute effective negotiation may be exceedingly difficult to achieve.

There are seven basic strategies for handling problems of perception⁸:

1. Try to see the situation from your opponent's perspective. You do not have to agree with their perceptions of the situation. But it is important to understand what they think and feel, and why they think and feel as they do.
2. Don't deduce your opponent's intentions from your fears. It is common to assume that your opponent plans to do just what you fear they will do. This sort of suspicious attitude makes it difficult to accurately perceive your opponent's real intentions; whatever they do you will assume the worst.

⁸ Adapted from: <http://www.colorado.edu/conflict/peace/example/fish7421.htm>

3. Avoid blaming your opponent for the problem. Blame, even if it is deserved, will only make your opponent defensive. Even worse, your opponent may attack you in response. Blame is counterproductive.
4. Discuss each other's perceptions. Explicit discussion of each side's perceptions will help both sides to better understand each other (see the first point). And the discussion will help each side to avoid projecting their fears onto one another (see the third point). Also, such discussion may reveal shared perceptions. Acknowledging shared perceptions can strengthen the parties' relationship and facilitate productive negotiations.
5. Seek opportunities to act inconsistently with your opponent's misperceptions. That is, try to disappoint your opponent's worst beliefs and expectations about you. Just as it is important for you to have an accurate perception of your opponent, it is also important for them to have an accurate perception of you. Disappointing your opponent's negative or inaccurate beliefs will help to change those beliefs.
6. Give your opponent a stake in the outcome by making sure they participate in the negotiation process. If your opponent does not feel involved in the negotiation process, then they are unlikely to feel involved in its outcome. Conversely, if they feel that the process is in part their process, then they are more likely to accept its conclusion as their conclusion.
7. Make your proposals consistent with the principles and self-image of your opponent. All the parties to a negotiation need to be able to reconcile the agreement with their principles and self-image. That is, they need to feel the final agreement does not compromise their integrity. Proposals which are consistent with your opponent's principles and which do not undermine their self-image are more likely to be accepted.

People problems also often involve difficult emotions — fear, anger, distrust, and anxiety for example. These emotions get intertwined with the substantive issues in the dispute and make both harder to deal with.

Negotiating about interests means negotiating about things that people want and need, not what they say that want or need. Often, these are not the same. People tend to take extreme positions that are designed to counter their opponents' positions. If asked why they are taking that position,

it often turns out that the underlying reasons- their true interests and needs- are compatible, not mutually exclusive.

By focusing on interests, disputing parties can more easily fulfil the third principle- invent options for mutual gain. This means negotiators should look for new solutions to the problem that will allow both sides to win, not just fight over the original positions which assume that for one side to win, the other side must lose.

Insist on objective criteria for decisions:

While not always available, if some outside, objective criteria for fairness can be found, this can simplify the negotiation process. If union and management are struggling over a contract, they can look to see what other similar companies have agreed to use as an outside objective criterion. If people are negotiating over the price of a car or a house, they can look at what similar houses or cars have sold for. This gives both sides more guidance as to what is "fair," and makes it hard to oppose offers in this range.

Know what their alternatives are:

If you don't know what your alternatives to a negotiated agreement are, you might accept an agreement that is far worse than the one you might have gotten or reject one that is far better than you might otherwise achieve. It is important to know and improve your BATNA before you conclude negotiations.

Target-specific bargaining Negotiation Strategy

Target based = Aspiration-based - This is a realistic view of setting the highest achievable standard/target in terms of goals or objectives in concluding a negotiated agreement

Aspirations are the specific goals in a negotiation that a negotiator wishes to achieve as part of an agreement. Aspirations can be monetary, as in, "*He doesn't want to pay more than R50 000 to settle this case,*" or "*She'd like to receive R300 000 for this house.*" Aspirations can also be non-monetary as in "*He'd like to feel fairly treated*" or "*She wants the painting over the fireplace.*"

Aspirations are based on the underlying needs and interests of the negotiator.

Aspirations should be specific. A general goal of "*doing well*" or "*let's see what they say*" is insufficient to trigger the positive behavioural benefits of setting aspirations.

Specific goals for the negotiation can keep the negotiator more focused on his or her interests than on the game of negotiation. If a negotiator enters the negotiation with an ambiguous "let's see what happens" agenda, it is far easier to become entangled in debilitating negotiation mistakes such as getting anchored on the counterpart's numbers, etc.

While negotiators should set aggressive aspirations/targets, those aspirations should be reasonable enough to be justifiable.

The availability of objective criteria makes it easier for the negotiator to justify a refusal to make concessions. Demands that are not objectively grounded are harder to hold onto during the bargaining process.

An additional reason that aspirations should be modest enough to be justifiable is that overly aggressive aspirations can lead to negotiation impasse when mutually beneficial agreements are possible.

The role of aspirations and their importance to successful negotiations should, therefore, become part of the universal concepts of negotiation.

Adapted from: Aspirations in Negotiation by Andrea Kupfer Schneider

Problem-solving Negotiation Strategy

Problem-solving seeks to reconcile the parties' aspirations. Problem-solving tactics include increasing available resources, compensation, exchanging concessions on low priority issues, minimising the costs of concessions, and creating new mutually beneficial options.

The advantage of problem-solving strategies is that they yield the best outcomes. Mutually beneficial outcomes are more likely to last, to improve the parties' relationship, and to benefit the wider society. Problem-solving outcomes are likely to benefit both parties when the situation has high integrative potential, and both parties have high aspirations. Also, parties must be firm about their aspirations or goals but must be flexible regarding the means used to reach those goals.

The risk of problem-solving strategies is that they may backfire if the other side pursues a contentious strategy.

NEGOTIATION RANGES

When preparing for negotiations, you need to identify negotiation ranges and then motivate all the identified issues.

Every negotiation involves one or more issues. Successful negotiators plan a Settlement Range of acceptable outcomes for each issue.

The following conditions can be considered to determine the range of the negotiation:

Situation Requirements

What is the informality and flexibility of the interactions and the absence of time pressures of the parties?

Attitudinal Requirements

What is the level of trust and confidence between the parties, belief in conflict resolution rather than the conflict avoidance?

Perceptual Requirements

What do the individuals perceive as threats or need to win or dominate the other?

Behavioural Requirements

Definition of issues, discussions of alternatives and exhaustive search for solutions.

The extent of the requirements before the negotiation should be considered, during and can be used as measurable criteria to measure the effectiveness of the negotiation and resolution.

To motivate the issues that you have identified, you need to be able to motivate your assumptions about the following areas:

- The behaviour of other parties- is the other party an adversary or a partner in the negotiation process? These two very different ways of negotiating will require different approaches, as in the distributive approach each negotiator is battling for the largest possible piece of the pie, and it may be quite appropriate - within certain limits - to regard the other side more as an adversary than a partner and to take a somewhat harder line. This would, however, be less appropriate if the idea were to hammer out an arrangement that is in the best interest of both sides. If both win, it's only of secondary importance which one has the greater advantage. A good agreement is not one with maximum gain, but optimum gain. This does not by any means suggest that we should give up our own advantage for nothing, but a cooperative attitude will regularly pay dividends: what is gained is then not at the expense of the other, but with him/her.
- The progress of negotiations- how do you expect the negotiations to progress? Is the other party keen to reach an agreement, or would they prefer to delay and play power games? Assume the worst and prepare for the possibility that the negotiation will take the adversarial route.
- External environment- As we have seen, factors external to negotiations can inhibit or encourage settlement. Views of associates or friends, the political climate of public opinion or economic conditions may foster agreement or continued turmoil. Decide which external conditions you will be able to manage and which not. Try and manage external conditions for settlement as far as possible, but also develop strategies to deal with possible unfavourable conditions that could arise.

EFFECTIVE APPROACH

Compromise

Mrs Vilakazi has retreated to her room to calm down. It is time to discuss the issue of curfew with Gideon directly. She is careful to listen to Gideon and to give him time, attention, and respect. He can express feelings without fear that his mother will ignore or reject them. Gideon admits that he had grown frustrated by his mother's seeming lack of respect for him, causing his anger. Mrs. Vilakazi and Gideon agree to an 11:30 p.m. curfew. Gideon had asked for a midnight curfew but settles for

the additional half hour. Mother and son have found a middle-ground solution that both can live with.

Example 2: Workplace conflict

Ashwin has been late for work several times in recent weeks. He has failed to turn in several important project outlines on time without explanation or apology, annoying his employer. Until recently, Ashwin's attendance and performance at work had been consistent, motivated, and highly productive. Ashwin's recent behaviour has been so uncharacteristic that his employer decides to confront him, demanding a meeting the next day.

Consensus

At the meeting, Ashwin explains that he has been caring for his elderly father, who has Alzheimer's disease. Attempting to maintain a schedule at home and work has proven difficult. Ashwin is concerned that he will lose his job. Ashwin's employer reassures him that his job is not in jeopardy. However, alternative, and more flexible scheduling must be considered to resolve family-work conflicts. A consensus is sought. The employer values Ashwin's training and experience, and Ashwin value his job and his employer's understanding. Both are willing to discuss options and to try out alternatives that best serve mutual needs.

Example 3: Marital conflict

Diana and James have the "perfect" marriage, two children and a lovely home. Both work in professions that provide personal satisfaction, as well as a comfortably secure income. They have "made it." And they are miserable. Work and family roles have left them with little time to spend together and have increased their areas of disagreement. Diana and James have become focused on meeting their own needs with little regard for the needs of the other. Resentment, dissatisfaction, and conflict are all they seem to share any longer.

Mediation

Intimate relationships can become battlegrounds of unresolved issues, complaints, and unrealistic expectations. Diana and James' marriage is one that is stuck and in serious trouble. They are unable to step back and view their problems rationally. Both have acknowledged their inability to resolve any of the multiple problems facing them. Diana and James decide to seek the assistance of a

family mediator, who can provide impartial help in defining the problems and to assist in the problem-solving process.

Negotiation is most successful when both sides:

- Recognise the value of a relationship and have a mutual desire to continue it.
- Participate actively in the process.
- Show consideration and acceptance of each other's perspectives, values, beliefs, and goals.
- Separate personality from the issue involved.
- Work together to develop a solution everyone can accept.

SELECTING AN APPROACH

The negotiator will need to select a general negotiation approach. As we have seen, there are many techniques, but the two most common approaches to negotiation are **positional bargaining** and **interest-based bargaining**:

Positional Bargaining

Positional bargaining is a negotiation strategy in which a series of positions, alternative solutions that meet interests or needs, are selected by a negotiator, ordered sequentially according to preferred outcomes and presented to another party in an effort to reach an agreement.

The first or opening position represents that maximum gain hoped for or expected in the negotiations. Each subsequent position demands less of an opponent and results in fewer benefits for the person advocating it. The agreement is reached when the negotiators' positions converge, and they reach an acceptable settlement range.

When is positional bargaining usually used?

- When the resource being negotiated is limited (time, money, psychological benefits, etc.).
- When a party wants to maximise his/her share in a fixed sum pay off.
- When the interests of the parties are not interdependent, are contradictory or are mutually exclusive.

- When current or future relationships have a lower priority than immediate substantive gains.

Attitudes of positional bargainers

- The resource is limited.
- Another negotiator is an opponent; be hard on him/her.
- A win for one means a loss for the other.
- The goal is to win as much as possible.
- Concessions are a sign of weakness.
- There is a right solution- mine.
- Be always on the offensive.

How is positional bargaining conducted?

- Set your target point-- a solution that would meet all your interests and result in complete success for you. To set the target point, consider:
 - Your highest estimate of what is needed. (What are your interests?)
 - Your most optimistic assumption of what is possible.
 - Your most favourable assessment of your bargaining skill.
- Make your target point your opening position.
- Set your bottom line or resistance point-the solution that is the least you are willing to accept and still reach an agreement. To identify your bottom line, consider:
 - Your lowest estimate of what is needed and would still be acceptable to you.
 - Your least optimistic assumption of what is possible.
 - Your least favourable assessment of your bargaining skill relative to other negotiators.
- Your **Best Alternative To a Negotiated Agreement (BATNA)**.
- Consider targets and bottom lines of other negotiators.

- Why do they set their targets and bottom lines at these points? What interests or needs do these positions satisfy?
- Are your needs or interests and those of the other party mutually exclusive?
- Will gains and losses must be shared to reach an agreement or can you settle for both significant receiving gains?
- Consider a range of positions between your target point and bottom line.
 - Each subsequent position after the target point offers more concessions to the other negotiator(s) but is still satisfactory to you.
 - Consider having the following positions for each issue in dispute:
 - i. Opening position
 - ii. Secondary position
 - iii. Subsequent position
 - iv. Fallback position- (yellow light that indicates you are close to bottom line; parties who want to mediate should stop here so that the intermediary has something to work with)
 - v. Bottom line.
- Decide if any of your positions meet the interests or needs of the other negotiators. How should your position be modified to do so?
- Decide when you will move from one position to another.
- Order the issues to be negotiated into a logical (and beneficial) sequence.
- Open with an easy issue.
- Open with a position close to your target point.
 - Educate the other negotiator(s) why you need your solution and why your expectations are high.
 - Educate them as to why they must raise or lower their expectations.
- Allow other side to explain their opening position.
- If appropriate, move to other positions that offer other negotiator(s) more benefits.

- Look for a settlement or bargaining range -- a spectrum of settlement alternatives any one of which is preferable to impasse or no settlement.
- Compromise on benefits and losses where appropriate.

a = Party A's resistance point	x = Party B's target
b = Party A's target	y = Party B's resistance point
c = Acceptable options for Party A	z = Acceptable options for Party B

- Look for how positions can be modified to meet all negotiators' interests.
- Formalise agreements in writing.

Characteristic behaviours of positional bargainers

- **Initial large demand**-high or large opening position used to educate other parties about what is desired or to identify how far they will have to move to reach an acceptable settlement range.
- **Low level of disclosure**-secretive and non-trusting behaviour to hide what the settlement range and bottom line are. The goal is to increase benefits at the expense of the other.
- **Bluffing**-strategy used to make negotiator grant concessions based on misinformation about the desires, strengths, or costs of another.
- **Threats**-strategy used to increase costs to another if an agreement is not reached.
- **Incremental concessions**-small benefits awarded to cause convergence between negotiators' positions gradually.
- **Hard on people and problem**- often the other negotiator is degraded in the process of hard bargaining over substance. This is a common behaviour that is not necessarily a quality of or desirable behaviour in positional bargaining.

Costs and benefits of positional bargaining

Costs

- Often damages relationships; inherently polarising (my way, your way)
- Cuts off option exploration. Often prevents tailor-made solutions
- Promotes rigid adherence to positions
- Obscures a focus on interests by premature commitment to specific solutions
- Produces compromise when better solutions may be available

Benefits

- May prevent premature concessions
- Is useful in dividing or compromising on the distribution of fixed-sum resources
- Does not require trust to work
- Does not require full disclosure of privileged information

Interest-Based Bargaining

Interest-based bargaining involves parties in a collaborative effort to meet each other's needs and satisfy mutual interests jointly. Rather than moving from positions to counter positions to a compromise settlement, negotiators pursuing an interest-based bargaining approach attempt to identify their interests or needs and those of other parties *prior* to developing specific solutions. After the interests are identified, the negotiators jointly search for a variety of settlement options that might satisfy all interests, rather than argue for any single position. The parties select a solution from these jointly generated options. This approach to negotiation is frequently called integrated bargaining because of its emphasis on cooperation, meeting mutual needs, and the efforts by the parties to expand the bargaining options so that a wiser decision, with more benefits to all, can be achieved.

When is interest-based bargaining used?

- When the interests of the negotiators are interdependent.
- When it is not clear whether the issue being negotiated is fixed-sum (even if the outcome is fixed-sum, the process can be used).

- When future relationships are a high priority.
- When negotiators want to establish cooperative problem-solving rather than competitive procedures to resolve their differences.
- When negotiators want to tailor a solution to specific needs or interests.
- When a compromise of principles is unacceptable.

Attitudes of interest-based bargainers

- The resource is seen as not limited.
- All negotiators' interests must be addressed for an agreement to be reached.
- Focus on interests, not positions.
- Parties look for objective or fair standards that all can agree to.
- The belief that there are multiple satisfactory solutions.
- Negotiators are cooperative problem-solvers rather than opponents.
- People and issues are separate. Respect people, bargain hard on interests.
- Search for win/win solutions.

How to conduct interest-based bargaining

Interests are needs that a negotiator wants satisfied or met. There are three types of interests:

- **Substantive interests**--content needs (money, time, goods, or resources, etc.)
- **Procedural interests**--needs for specific types of behaviour or the "way that something is done."
- **Relationship or psychological interests**--needs that refer to how one feels, how one is treated or conditions for ongoing relationship.

1. Identify the substantive, procedural and relationship interest/needs that you expect to be satisfied because of negotiations. Be clear on:
 - Why the needs are important to you
 - How important the needs are to you?
2. Speculate on the substantive, procedural and relationship interests that might be important to the other negotiators.
 - Assess why the needs are important to them.
 - Assess how important the needs are to them.
3. Begin negotiations by educating each other about your respective interests.
 - Be specific as to why interests are important.
 - If other negotiators present positions, translate them into terms of interest. Do not allow other negotiators to commit to a particular solution or position.
 - Make sure all interests are understood.
4. Frame the problem in a way that it is solvable by a win/win solution.
 - Remove egocentricity by framing problem in a manner that all can accept.
 - Include basic interests of all parties.
 - Make the framing congruent with the size of the problem to be addressed.
5. Identify general criteria that must be present in an acceptable settlement.
 - Look for general agreements in principle.
 - Identify acceptable objective criteria that will be used to reach more specific agreements.
6. Generate multiple options for settlement.
 - Present multiple proposals.
 - Make frequent proposals.

- Vary the content.
- Make package proposals that link solutions to satisfy interests.
- Make sure that more than two options are on the table at any given time.

7. Utilise integrative option generating techniques:

- Expand-the-pie- ways that more resources or options can be brought to bear on the problem.
- Alternating satisfaction- each negotiator gets 100 percent of what s/he wants, but at different times.
- Trade-offs- exchanges of concessions on issues of differing importance to the negotiators.
- Consider two or more agenda items simultaneously.
- Negotiators trade concessions on issues of higher or lower importance to each. Each negotiator gets his/her way on one issue.
- Integrative solutions- look for solutions that involve maximum gains and few or no losses for both parties.
- Set your sights high on finding a win/win solution.

8. Separate the option generation process from the evaluation process.

9. Work toward an agreement.

- Use the Agreement-in-Principal Process (general level of agreements moving toward more specific agreements).
- Fractionate (break into small pieces) the problem and use a Building-Block Process (agreements on smaller issues that, when combined, form a general agreement). Reduce the threat level.
- Educate and be educated about interests of all parties.
- Assure that all interests will be respected and viewed as legitimate.

- Show an interest in their needs.
- Do not exploit another negotiator's weakness. Demonstrate trust
- Put yourself in a "one down position" to other on issues where you risk a small, but symbolic loss.
- Start with a problem solving rather than competitive approach.
- Provide benefits beyond the call of duty.
- Listen and convey to other negotiators that they have been heard and understood.
- Listen and restate content to demonstrate understanding.
- Listen and restate feelings to demonstrate acceptance (not necessarily agreement) and understanding of intensity.

10. Identify areas of agreement, restate them, and write them down.

Costs and benefits of interest-based bargaining

Costs

- Requires some trust
- Requires negotiators to disclose information and interests
- May uncover extremely divergent values or interests

Benefits

- Produces solutions that meet specific interests
- Builds relationships
- Promotes trust
- Models cooperative behaviour that may be valuable in future.

Naturally, all negotiations involve some positional bargaining and some interest-based bargaining, but each session may be characterised by a predominance of one approach or the other. Negotiators who take a positional bargaining approach will use interest-based bargaining only during the final stages of negotiations. When interest-based bargaining is used throughout negotiations, it often produces wiser decisions in a shorter amount of time with less incidence of adversarial behaviour.

IDENTIFY AND INFORM STAKEHOLDERS

As part of the preparation phase for the negotiations, you need to identify the stakeholders for your specific negotiation issue and then inform them about the issues to be negotiated, according to the agreed upon time framework.

Not every stakeholder can participate in the negotiation process. It is best to limit participation to representatives from each stakeholder group. Each representative serves the needs of her group and makes decisions on their behalf. For this reason, representatives should be the most influential members of each group.

Stakeholder analysis is a technique you can use to identify and assess the importance of key people, groups of people, or institutions that may significantly influence the outcome of the negotiations. You can use this technique alone or with your negotiating team members.

Use a stakeholder analysis to:

- Identify people, groups, and institutions that will influence your negotiations (either positively or negatively)
- Anticipate the kind of influence, positive or negative, these groups will have on your negotiations
- Develop strategies to get the most effective support possible for your initiative and reduce any obstacles to the successful conclusion of your negotiations.

Develop a ***Stakeholder Analysis Matrix*** like the one below:

<i>Stakeholder</i>	Stakeholder Interest(s) in the Negotiation Outcome	Assessment of Impact	Potential Strategies for Obtaining Support or Reducing Obstacles

There are a number of communication methods that you could use to inform stakeholders, such as:

- Pre-meetings of the stakeholders involved; this will be useful for receiving comments from stakeholders about their views (expectations or concerns) regarding negotiations. It will also be useful for managing expectations. Remember to put everything in writing.

And

- Exchanges of demands and counter-demands: once again, this must be done in writing, so as to facilitate recordkeeping and as evidence that due process was followed.

COLLATE AND SHARE INFORMATION

In this preparation phase of the negotiation, it is important to constantly be communicating with all the parties/stakeholders about identified issues and provide them with the relevant information, such as:

- Information about the identified issues
- Positions
- Needs
- Interests
- Stakeholders and

- The environment

The negotiator must distinguish between influences from different elements within the firm and those from outside the firm. These factors have been classified into four environments—external, organisational, departmental, and personal.

The external environment has variables over which the organisation and negotiators have little or no control, including the characteristics of competition, the state of the economy, technology, legislation, political decisions, and cultural factors.

Each negotiator must also carefully consider the elements of the organisations that can affect the negotiation outcome.

Finally, each negotiation occurs between the individuals that represent the organisations. They can be front-line people, such as purchasing agents or sales representatives, or senior executives that become involved in negotiations because of the strategic nature of the issues being addressed in the negotiation.

This relevant information could be shared in a collated format (report or presentation).

ANTICIPATE NEGOTIATION PROCESS

As the last part of preparing for the negotiation, you need to ensure that you have anticipated the negotiation process and that you are aware of the appropriate tactics to use during the negotiation process. The tactics identified and selected should also be motivated to the parties.

Negotiation Tactics⁹

Some tactics are simply tools to expedite the negotiation process; others are used to take advantage of the other person.

Negotiating in a conflict situation is not about competing well it is about communicating well.

Listen more than you talk

⁹ Source: <http://negotiatelikehetherepros.com/overcome-the-top-ten-neg-tactics/>

Go into the negotiation focused only what you have prepared to say, remember the goal isn't just to get what you want but also to help the parties. Listen for common grounds between the parties and what's best for the organisation.

Finding the right way

Understanding the parties involved in the conflict and their cultures, personalities and needs, will help in finding the right way to approach the parties and get consensus between them. In addition, the right way of communicating with each is also imperative in getting their buy in.

Taking action to control the situation

Escalation avoidance remove the conflict by separating the parties and or tasks.

Commit to working it out

Take charge of the process by committing to the parties to assist in reaching a solution. A great tactic as making statement with this power can calm the parties immediately.

De-escalating the conflict

By having a statement of facts at hand, always eliminating exaggerations, or personalities, which may involuntarily apply judgements and re-create the cycle of escalation.

Questioning

During the engagement phase ask questions in an around the statements being made, this can assist parties in evoking a different perspective.

NEGOTIATION ARRANGEMENTS

Negotiation meetings are typically where most deals are negotiated, with most negotiation meetings being face to face. So, the proper planning and effective running of negotiating meetings can make or break a deal.

The more complexity involved, the more important getting the negotiation meeting planned correctly becomes.

Negotiation meeting factors to plan include:

- Dates
- Do you need an interpreter?
- Roles and responsibilities
- Taking of Minutes
- Agenda: Who writes the agenda, what issues appear on the agenda and their order? The agenda is a formal agreed upon list of goals to be achieved or items to be discussed in a particular order during a meeting or negotiation. Agendas can be formal and obvious, or informal and subtle in negotiations. A negotiation agenda can be used to control the negotiation meeting
- Other documentation required as evidence
- Any security requirements
- Transport arrangements and costs
- Length of meeting
- Framing of the meeting and the main issues
- Style of negotiation - e.g., collaborative, or competitive
- Staging of meetings - e.g., relationship building may be the priority for the first meeting, and detailed products and services may follow in a later meeting Concession Strategy to make effective trades and not lose value
- Venue: Formal or informal, your office or theirs - a neutral venue may be preferable, and you may want to involve the participants in decisions regarding where and when to meet. The environment chosen for negotiations may significantly affect the way in which parties feel and communicate. It should be a neutral place where no party has strong emotional ties or control, and where everybody feels comfortable.

- Deciding where to conduct the negotiation might be a negotiation. You and the other party might have strategic reasons for wanting the negotiation to occur in a particular place. For the sake of maintaining good relations with the other party, it might be necessary for you to concede to his or her wishes. However, if both you and the other party strongly oppose conducting the negotiation on each other's territory, a neutral location might be the only alternative.
- Conducting a negotiation on home territory - The main benefit of conducting the negotiation on your own territory is that you have easier access to supporting elements such as information and other resources. Also, being in a familiar environment contributes to your overall sense of security.
- Conducting a negotiation on the other party's territory - The most important benefit of conducting the negotiation on the other party's territory is that it helps you maintain a positive relationship with him or her. Another benefit is that the other party can't hold up the negotiation by claiming that they need to take time to consult with remote resources.
- Conducting a negotiation at a neutral location - If neither party wishes to concede to conduct the negotiation on the other side's territory, a neutral location might be the only solution. This avoids any issues with a home territory advantage.
- Who should and who shouldn't attend?
- How long each person needs to attend?
- Team or individual attendance - Your negotiation team should consist of people who are experienced, well-informed, organised, and work well under pressure. Although it is good to choose people who present themselves well, your priority should be to choose people who are competent at supporting you in a negotiation. If you need to limit the number of people attending or run into scheduling conflicts, try to make sure that those who can't attend are readily accessible via phone or email so that you can access their expertise quickly if you need to do so.
- The most important aspect to consider about the other party is whether he or she has the authority to make decisions. Do not hesitate to request that such a person be present at the

negotiation. You don't want unnecessary delays because you have to wait for the other party to get permission to agree to certain terms.

Consider the following aspects and make clear decisions as part of your preparation for the negotiation:

- **What** - Inner-environment considerations include seating arrangements, the quality and presence of the necessary equipment, food, and drink, and even the lighting and décor. Although these considerations might seem insignificant, each one can play a significant role in the success or failure of negotiation.
- **Seating arrangements** - Seating arrangements- you might want to find out beforehand what would be the best seating arrangements to promote consensual negotiations among the parties involved. Seating should normally emphasise the equality of all participants; for example, seats should be the same size and design, no-one should be in stronger light or heat (or further from the door or window) than others, and disputants should not be seated opposite each other. Seating arrangements are the most important inner-environment consideration. How you are seated in relation to members of the other party demonstrates your attitude toward him or her. If you are seated at one end of a long table and reserve the other end for the other party, you project distrust and opposition to the other party. However, if you arrange the seating so that you are on one of the long sides of such a table and you have the other party sit on the other side, you project a desire to form a good relationship with the other party.

You should also keep in mind where you place supplementary team members. You want the person with whom you need to consult the most next to you. If both parties have large negotiation teams, give some thought to extra seating.

- **Equipment required during negotiations** - The quality and availability of the necessary equipment are other considerations that play a key role in the success of a negotiation. Equipment failure or poor-quality equipment can ruin the negotiation process. Check to make sure that any image-projecting equipment is functioning and capable of handling the needs of anyone who needs to use it. Also, you should check the telephones and any computers that might be used, as well as the availability and location of outlets.

- **Food and drink** - The type of food and drink to have at the negotiation might be determined by where you conduct the negotiation.

If you have the option, conducting a negotiation in a conference room is best. You should have water, coffee, and tea available. If the negotiation is a long one, suggest a lunch break. Suggesting a lunch break offers the negotiators a chance to rejuvenate, and it can be an opportunity to improve relations through casual conversation.

ENGAGE IN NEGOTIATIONS

To constructively engage in negotiation means that both parties are willing to explore issues and come to a mutual agreement that is acceptable to both. Both parties need to understand the options and consequences of the choices available.

Negotiations must be conducted in a manner that maintains or enhances relationships and promotes outcomes that are satisfactory or advantageous in terms of the purpose of the negotiation.

It is important that you approach the other party directly to make an appointment to negotiate, should it be in person, writing or by phone (not through a phone operator, receptionist, assistant etc.) as this will allow you to set the agenda in advance, and improve the prospects of the other party preparing sufficiently enough to make a decision on the day.

Try to be open about your reason for contact or they may lose interest instantly and not follow up on the appointment.

Principled negotiation is based on four elements or criteria:

People: Separate the people from the problem

Interests: Focus on interests, not positions

Options: Generate a variety of possibilities before deciding what to do

Criteria: Insist that the result be based on some objective or standard.

Now all of the above is what you would've prepared for during the preparation for the Negotiations. While engaging in the negotiation it is important to concentrate on all the investigation and preparation.

Behaviour and Conduct

Parties' behaviour and conduct during negotiations are vital to the success of the negotiations. You need to align your behaviour and conduct with your selected negotiation strategy and tactics.

By focusing on the communication process (verbal and non-verbal), you are able to ensure that you communicate in a clear, effective manner through any behaviours or conduct during negotiations.

Facilitate the negotiation process using effective communication and interpersonal skills. This means that you need to make the negotiation process "easy" for everyone involved.

Below are some negative behaviours that would harm negotiations and parties involved:

- **Threatening the other party**

During a challenging negotiation, you might become frustrated with the other party and be tempted to threaten to walk out on the negotiation. Unless you are prepared to leave, don't threaten to do so or you might find that the other party calls your bluff. You'll only lose respect for the other party by making idle threats.

- **Becoming emotional**

Negotiations can be emotionally intense for those involved. Each party is aware that important issues depend on the outcome of the negotiation. Allowing your emotions to overpower your judgment hinders your ability to communicate with the other party. Becoming angry or resentful creates hostility and distracts your focus from the objectives you wish to accomplish in the negotiation and can lead to bad feelings and misunderstanding. Also, the other party can lose respect for you if you instigate an emotional discussion.

- **Sarcasm**

Sarcasm is insulting and demonstrates a lack of respect for the other party. In turn, the other party might lose respect for you. Losing respect can damage the relationship and the success of the negotiation.

Facilitate the Process

As negotiator you are required to facilitate the process between the parties, using strategies and planning as mentioned in the previous section. It is important to have communication and people skills, some which we have dealt with in previous Clusters and Learning Units.

Interpersonal Skills

The key to effective negotiation is clear communication. Communication involves three important skills: understanding, speaking, and listening.

- ***Understanding:*** Before two sides can look for solutions, a common understanding must be reached. If two people do not understand each other's problems and concerns, then the process of negotiation will either be broken off or will end with solutions that do not work.

You can't have good understanding without good listening and speaking. Negotiation is most effective when people are able to identify and discuss their sources of disagreement and misunderstanding.

- ***Speaking:*** Typically, a successful negotiator is a strong communicator. It's someone who's willing to do whatever it takes to build a positive business relationship. It's someone who's prepared to make compromises to achieve a larger, more creative, and mutually agreeable goal.

Negotiation is not always between two people: it can involve several members from two parties. Communication is always the link that will be used to negotiate the issue/argument whether it is face-to-face, on the telephone or in writing.

Negotiation begins with a **clear, concise explanation of the problem** as each person sees it. **Facts and feelings are presented in a rational manner from the individual's perspective, using "I" statements.**

- Communication between people will go more smoothly when statements such as "I become very upset when you..." are used rather than more aggressive statements such as "You make me mad when you," which blames the other person and puts him or her in a

defensive position. **Shared concerns** rather than individual issues remain the focus of discussion throughout the negotiation.

The negotiation process will be most effective when people take time to **think** through what they will say.

As mentioned before, meet at a time and place convenient to everyone. A **quiet, neutral spot where there are few distractions** or interruptions is perfect for open discussion.

- **Listening:** Listening is an **active process** of concentrating all of one's attention on the other person. **Encouraging** the other person to share thoughts and feelings, giving **feedback** on what has been heard, and maintaining **eye contact** are skills that show you are interested in understanding what he or she has to say.

Observations are shaped as much by the observer as by the person being observed. It is good practice never to assume to understand the other person without first asking, "Did I hear you correctly?" or "I have noticed that you appear ..." or "I sense you are under strain. Do you want to talk about this?" and "I'd like to hear from you about how you are feeling" are all good examples of statements that encourage communication and better understanding between people. It is always helpful to simply ask, "I understood you to say... Am I correct in this?" or "I hear you saying that you are... Is that how you feel?"

Active listening assures the other person that he or she is heard, accepted, and respected. The ability to listen actively supports open, ongoing negotiation.

Active listening encourages understanding. It is important to pay close attention to what someone says as well as to how he or she behaves. Body language, including facial expressions, hand gestures and degree of eye contact, can provide clues about the other person's thoughts and feelings.

- **Thinking ahead or anticipating the course of the discussion are distractions** that interfere with listening. Poor attention and listening can lead to misunderstandings, inappropriate solutions, and continuing conflict.

Effective questioning

Asking appropriate questions during a negotiation can have several benefits. First, it demonstrates to the other party that you are concerned about his or her objectives. Next, it reveals any barriers to agreement. Questions are also a polite way to disagree with the other party or call his or her bluff. In addition, questions can be used to clarify the other party's terms. There are three types of questions that can have a positive effect on the success of a negotiation: bridge questions, strategy questions, and clarifying questions.

Negotiations are usually viewed as a war of demands. This viewpoint often puts negotiators on the defensive. By asking the other party questions, you can reduce his or her defensiveness. Asking questions demonstrates your willingness to hear the other party's point of view while allowing you to control the direction of the negotiation.

Methods to deal with a deadlock

Deadlock, at times, is an inevitable part of any negotiation. Deadlocks can be times for periods of respite from intense emotions that might get in the way of honest negotiations. Often, a tactic is to step back and stop negotiating about highly personal issues and focus on bigger issues. If emotions creep into the process too much, then "deadlock" is inevitable.

Methods to break deadlocks would include:

- Look for ways to reshape each side's way of thinking.
- Remove the more difficult items from the meeting and work on reshaping the ways of thinking for the easier items. Keep communication open for further negotiations on the difficult items later.
- If the deadlock involves future enforcement of your agreement, consider putting it to a third party for mediation or arbitration.
- You may want an independent third "expert" to get all parties into a co-operative problem-solving mode.
- You may wish to lighten the mood by making a joke.

No matter what, if you want to resolve deadlocks, you must re-involve your opponent in discussions. There can be no future negotiations unless the lines of communication remain open. Even suggesting new alternatives can have the effect of making the old proposals look better.

Who should make the first move in deadlocks? Many deadlocks are the product of poor communication, the risk of losing face or just personality differences - so consider these human variables when deciding whether to take the initiative.

Questions that overcome barriers to agreement

The following examples are questions that can help you overcome barriers that prevent you and the other party from reaching an agreement:

- What questions do you have about this specific term of the agreement?
- What is your hesitation with making this concession?
- What is another way we can agree on this term?

What it takes to be a first-rate negotiator:

- Great negotiators are great listeners. If you notice, they don't do a lot of talking and spend much of the time asking smart questions and concentrating on the answers. They also take their time responding to what they've heard as opposed to reacting in an unnecessarily adversarial fashion¹⁰.
- Remember, even if you don't like the other person or his communication style, you're negotiating because you must. If you could simply get your way, you wouldn't be in this situation. Therefore, no matter how you feel about the other party, stay focused on the issues that need to be resolved. The key is to remember that communicating your distaste decreases the odds you will accomplish your objectives. Simply put, focus more on the problem and less on the person.
- Communicate from the other person's point of view. Great negotiators work hard to see the process as an opportunity to help someone else accomplish his or her objective. When

¹⁰ http://www.stand-deliver.com/star_ledger/031202.asp

participants are too focused on their own (often narrow) objective, they aren't successful. If the other person sees you as someone who is considerate of them and their agenda, they are more likely to give you what you want without seeing it as giving in.

- Be clear on what you want, but don't dig your heels in too deep. It's important to communicate your goals in the negotiation process while being flexible enough to respond to opportunities that present themselves in the process. (Again, it is important to be a good listener.)
- If you go into a negotiation with a hard and fast definition of "winning" you are likely to be disappointed. And unless you are willing to walk away, this is a risky position to take indeed.
- When someone says something in a negotiation that seems unreasonable to you, don't take the bait. Very often the person is doing this to see what your reaction will be. Seen many negotiations go awry at this critical point. Instead, remain calm. Imagine you are a manager who has an employee who is requesting a 30% pay increase. Consider this disarming response; "I just want to be clear; you are saying you want a 30% pay increase while we've just laid off a third of our workforce and everyone else's salary is frozen?" Your goal is to put a mirror up in front of the other person and help them see how unreasonable their demand is. If they don't, I would suggest this isn't someone you want to deal with. But that's a whole other column.
- Finally, avoid characterising someone's position as worthless. ("That's a really stupid point, Jim.") When you communicate in this fashion, Jim feels worthless as a person and has few options other than to fight back and dig in. Is that what you really want?

Communication Processes

Communication is a two-way street that requires everyone involved to exchange messages. To negotiate more effectively, you must relate to the other party with strong communication skills.

Verbal Communication in Negotiation

Communication varies according to the formality of the negotiation situation. As the rules and procedures of negotiation, become increasingly detailed and specific, the impact of communication becomes less significant¹¹.

Rules govern communication in negotiation interaction.

- In informal negotiations, many of the rules are generated through the negotiation interaction.
- Informal negotiations, rules, and procedures structure communication.
- Rules may be generated in a pre-negotiation stage.
- Within certain negotiation "cultures," rules may become ritualised.

Communication functions to:

- Coordinate outcomes.
- Exchange information, intentionally and unintentionally; overtly and covertly.
- Express strategic intentions and tactical actions.
- Identify patterns of behaviour.
- Alter perceptions and expectations concerning the bargaining situation, relationship, process, and outcomes.

Communication in negotiation focuses on:

- Substantive issues.
- Offers and counteroffers; proposals, demands, interests.
- Procedural issues.
- The interpersonal negotiation relationship.
- Intangible issues (e.g., face, respect).

Intentional communication behaviours are tactics reflecting a negotiator's strategic orientation.

¹¹ <http://oregonstate.edu/instruct/comm440-540/commfactors.htm>

Nonverbal Communication in Negotiation

Nonverbal communication certainly affects the resolution of conflicts and disputes, yet little research has considered nonverbal communication within dispute resolution contexts. Some speculations follow, gleaned from experiences of practitioners and the nonverbal behaviour literature.

1. Negotiation practitioners place great importance on nonverbal behaviour (too much importance).
2. Nonverbal behaviour in negotiation is culture-bound; the cultural identification of negotiators and the cultural context of negotiation will influence what nonverbal behaviour is appropriate and how nonverbal behaviour should be interpreted. Yet some negotiators may regard certain nonverbal behaviours as culturally universal.
3. Some nonverbal behaviour categories relevant to negotiation:
 - Chronemics (time): Some negotiators place great importance on time; being prompt, meeting deadlines, and using time efficiently. This emphasis on time may translate into impatience.
 - Proxemics (space and distance): Western negotiators prefer maintaining secondary relationship distance when negotiating; they prefer negotiating in environments that ensure distance (e.g., sitting on opposite sides of a table).
 - Kinesics (body): Western negotiators prefer environments that support formal, controlled behaviour (e.g., sitting vs standing).
 - Facial and eye expression: Face and eye behaviours are often trusted by negotiators from a variety of cultures.
 - Physical appearance and dress: Negotiators may rely on appearance attributes to indicate respect for the negotiation situation.
 - Paralanguage: Like face/eye expression, negotiators may trust judgments based on vocal tone, rate, etc.

- Environment/architecture: (the smarter the venue, the more formal the negotiation strategies could be that are used).
 - Social/cultural rituals, manners, and conventions: These areas may be particularly critical in the pre-negotiation phase.
4. Nonverbal behaviour does not communicate in isolation, and behaviours do not have specific meanings.
 5. Nonverbal behaviour must be interpreted in context, including the sequence in which it occurs.
 6. Negotiators need to avoid over-interpreting nonverbal behaviours (e.g., always trusting nonverbal cues over verbal cues) and falling victim to nonverbal ethnocentrism (like cultural ethnocentrism).
 7. Nonverbal behaviours are particularly significant when they are inconsistent with verbal messages. Negotiators should check their perceptions of inconsistency with the other negotiator if the inconsistency is significant.
 8. Nonverbal attentiveness may be particularly important in negotiation situations which may involve deception.

By using the following six rules for effective communication, you can overcome barriers, reach a higher level of satisfaction every time you negotiate, and win more negotiations in the process¹²:

Rule 1: Organise Your Thoughts

Throughout the negotiation process, always allow yourself time to organise your thoughts to avoid conveying the wrong message or confusing the issues. Before you start the negotiation process, and even after it starts, take notes and plan what you're going to say.

To help you express your thoughts clearly when the negotiations begin, outline in advance the main points you want to cover. Planning the gist of what you're going to say is the most effective way to avoid sending mixed messages, but don't stop with that. As the negotiations commence, continue to take notes, and plan your responses as you go

¹² Source: <http://negotiatelikethepros.com/six-rules-of-effective-communication/>

through the entire process. And remember, no law exists that says every statement must be met with a response within five seconds. Take your time. In fact, silence can be one of your most powerful negotiating tools.

Stop talking whenever you feel like you need to reorganise yourself and before you respond to anything that's said. And make sure everything you say reflects the true meaning of your thoughts. This tactic not only helps you organise what you're going to say, but it also helps you digest what your counterpart proposes.

Rule 2: Don't Think About It; Think Through It

Thinking about something leads to confusion but thinking through something leads to clarity. The difference between these two processes is a crucial distinction in communication. Many times, people approach negotiations with a mindset of, "Tell it like it is, then let the chips fall where they may." But by processing an idea through to its logical conclusion, you can evaluate the possible responses you may get from the other side.

For example, if you make an offer and say, "Take it or leave it," what kind of response would that produce? The other party may say, "Okay, we'll take it." They could say, "Thanks, but no thanks." They could say, "We won't take it, but here's what we will accept." Or they might say, "No one talks to us that way!" and walk out of the room.

A range of possibilities exists, and this tactic requires careful reading of the other person's reactions. But if you feel from your experiences with the person that they will either accept your offer or your counteroffer, it makes sense to speculate and take the chance. So, give some thought to your counterpart's reactions to your points before you make them.

Rule 3: Recognise that Actions Speak Louder than Words

Experts say that seventy-five percent of communication is nonverbal. This means that the messages negotiators convey have more to do with their looks, their actions, and the way they say things than with the actual words they say.

The best negotiators practice saying and doing things in ways that precisely send the message they want to send. The bottom line is that the better you become at using nonverbal communication and reading the nonverbal messages others send, the more

effective you can be as a negotiator. Realise that everything you do at the bargaining table is part of the communication and negotiation process. So, make sure you don't send the wrong messages by doing something that conflicts with what you want to say.

Rule 4: Be Concise

Most people tune out a majority of what they hear, so you should always be concise and get right to your point. Say what you mean in as few words as possible, without being blunt. If you drone on, people will stop listening to you. To ensure your message reaches your counterpart, always oversimplify your message, and then elaborate as they ask questions. Repeat your main point several times to emphasise what's most important.

To boost your negotiating power, even more, practice saying everything clearly and concisely, then repeat your key points to yourself repeatedly. One main problem with negotiation communication occurs when your counterpart gets too wrapped up in what they want to say, that they don't pay attention to what you say. Therefore it is so important to organise your thoughts and say your main points in a concise, compelling way.

Rule 5: Always Translate Your Message into Benefits for the Other Party

People always listen more carefully when they believe some benefit exists in your message for them. In negotiations, focus on that benefit, even when the purpose of the message is in your favour.

For example, when you interview for a new job, you don't talk about the huge salary the company can offer you. You talk about all the great skills you can bring to the company, for their benefit. You try to convince them that they'll be ahead of everyone else by hiring you, regardless of the cost.

Rule 6: Listen Carefully to the Other Party

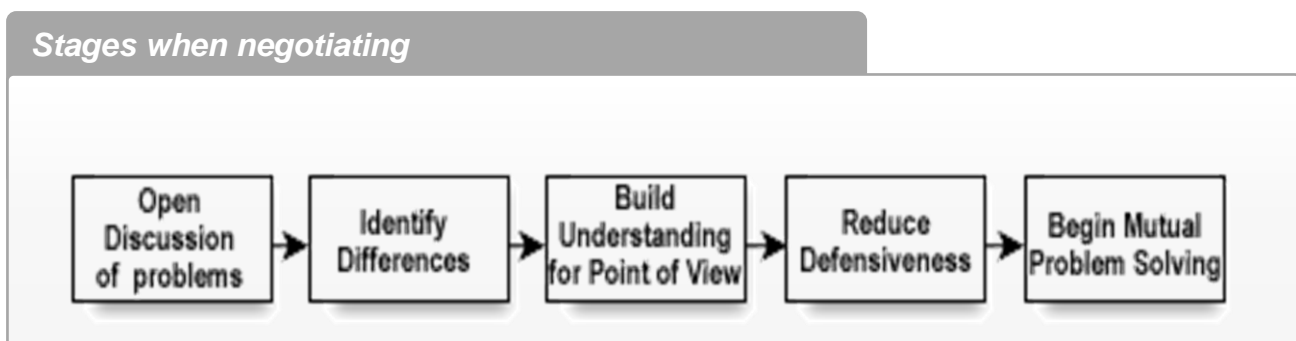
If you want to reach a mutually beneficial agreement, you must make sure your message is heard and understood. But don't get so caught up in your own message that you don't hear and understand what the other party needs to reach an agreement. Use the following tips for listening more effectively:

- Open your mind and be receptive to the other party's message.

- Make a commitment to listen and follow through with this commitment as soon as they start to talk.
- Listen for feelings, as well as facts, and consider the other party's concerns.
- Eliminate distractions. Close your door, turn off the radio, and tune in to the other person.
- Respond to the other party with questions that stimulate conversation and clarify your understanding of his or her message.
- Take notes on the important points the other party makes and keep these points in mind as you formulate your responses.

As you improve your listening skills, you increase your negotiating effectiveness by collecting more information to use in your search for solutions.

The diagram below shows this five-stages when conducting a negotiation:¹³



Step 1: Open discussion of problems

During this stage, both parties should feel free to express any concerns that they have, without fear of being ridiculed or judged. You can't expect to deal with your concerns if you don't discuss them, regardless of relative importance. Communicate fully. This approach can be a long process.

¹³ http://strategis.ic.gc.ca/sc_mangb/stepstogrowth/engdoc/skills/skill-3-5.php

Remember that you're setting the tone for any future meetings or transactions, so you want to establish an environment of openness and honesty. This will also facilitate trust building with the other party.

Step 2: *Identify differences*

Imagine if a deal fell through because you and the other party thought you had incompatible goals but you didn't. That's why it's so important to separate real from perceived differences in opinion. Be prepared to explain the rationale behind your demands so that you and the other party can determine if you have different interests (a true conflict) or just different ways of getting to the same result (perceived conflict).

Conflict arises from a difference in opinion or values. The cornerstone of dealing with conflict understands the gaps between your desires and those of the other party. You need to do this before you can bridge these gaps.

Step 3: *Build understanding of point of view*

You need to gain an understanding of the other party's needs and ensure s/he understands your point of view. Conflict resolution techniques that focus on positive outcomes of conflict may help you approach the issue from a more workable angle. Here are some intervention techniques that you can use.

- ***Try to understand the other person's point of view.*** Listen to him/her without trying to think of what you'll say next. Focus on the other party, giving your full attention.
- ***Acknowledge that s/he has a point of view.*** Do this even if you disagree with it.
- ***Use open body language.*** (Maintain eye contact, nod in agreement.) Physically show your willingness to be reasonable and open to discussion. Whether you're listening or speaking, you're still communicating silently with the other party through your body language. Your audience responds more to what your body is *doing* than to what you are *saying* so try to synchronise your actions with your

words. Together they can transmit your message much more clearly than each one can individually.

- ***Initially focus on points where you and the other party agree.*** That way you won't waste time discussing those points. Tell the other party which points you agree with and why. Ask him/her to repeat the process for you.

Enhance Relationships

A variety of conditions can affect the success or failure of negotiations. The following conditions make success in negotiations more likely¹⁴:

- **Identifiable parties who are willing to participate.** The people or groups who have a stake in the outcome must be identifiable and willing to sit down at the bargaining table if productive negotiations are to occur. If a critical party is either absent or is not willing to commit to good faith bargaining, the potential for the agreement will decline.
- **Interdependence.** For productive negotiations to occur, the participants must be dependent upon each other to have their needs met or interests satisfied. The participants need either each other's assistance or restraint from negative action for their interests to be satisfied. If one party can get his/her needs met without the cooperation of the other, there will be little impetus to negotiate.
- **Readiness to negotiate.** People must be ready to negotiate for dialogue to begin. When participants are not psychologically prepared to talk with the other parties, when adequate information is not available, or when a negotiation strategy has not been prepared, people may be reluctant to begin the process.
- **Means of influence or leverage.** For people to reach an agreement over issues about which they disagree, they must have some means to influence the attitudes and behaviour of other negotiators. Often influence is seen as the power to threaten or inflict pain or undesirable costs, but this is only one way to encourage another to change. Asking thought-provoking questions, providing needed information, seeking the advice

¹⁴ Source: <http://www.au.af.mil/au/awc/awcgate/army/usace/negotiation.htm>

of experts, appealing to influential associates of a party, exercising legitimate authority, or providing rewards are all means of exerting influence in negotiations.

- **Agreement on some issues and interests.** People must be able to agree upon some common issues and interests for progress to be made in negotiations. Generally, participants will have some issues and interests in common and others that are of concern to only one party. The number and importance of the common issues and interests influence whether negotiations occur and whether they terminate in agreement. Parties must have enough issues and interests in common to commit themselves to a joint decision-making process.
- **Will to settle.** For negotiations to succeed, participants must want to settle. If continuing conflict is more important than settlement, then negotiations are doomed to failure. Often parties want to keep conflicts going to preserve a relationship (a negative one may be better than no relationship at all), to mobilise public opinion or support in their favour, or because the conflict relationship gives meaning to their life. These factors promote continued division and work against the settlement. The negative consequences of not settling must be more significant and greater than those of settling for an agreement to be reached.
- **The unpredictability of outcome.** People negotiate because they need something from another person. They also negotiate because the outcome of not negotiating is unpredictable; for example, if, by going to court, a person has a 50/50 chance of winning, s/he may decide to negotiate rather than take the risk of losing because of a judicial decision. Negotiation is more predictable than court because if negotiation is successful, the party will at least win something. Chances for a decisive and one-sided victory need to be unpredictable for parties to enter negotiations.
- **A sense of urgency and deadline.** Negotiations occur when there is pressure, or it is urgent to reach a decision. Urgency may be imposed by either external or internal time constraints or by potential negative or positive consequences to a negotiation outcome. External constraints include court dates, imminent executive or administrative decisions, or predictable changes in the environment. Internal constraints may be artificial deadlines selected by a negotiator to enhance the motivation of another to

settle. For negotiations to be successful, the participants must jointly feel a sense of urgency and be aware that they are vulnerable to adverse action or loss of benefits if a timely decision is not reached. If procrastination is advantageous to one side, negotiations are less likely to occur, and, if they do, there is less impetus to settle.

- **No major psychological barriers to settlement.** Strong expressed or unexpressed feelings about another party can sharply affect a person's psychological readiness to bargain. Psychological barriers to the settlement must be lowered if successful negotiations are to occur.
- **Issues must be negotiable.** For successful negotiation to occur, negotiators must believe that there are acceptable settlement options that are possible because of participation in the process. If it appears that negotiations will have only win/lose settlement possibilities and that a party's needs will not be met because of participation, parties will be reluctant to enter into dialogue.
- **The people must have the authority to decide.** For a successful outcome, participants must have the authority to decide. If they do not have a legitimate and recognised right to decide, or if a clear ratification process has not been established, negotiations will be limited to information exchange between the parties.
- **Willingness to compromise.** Not all negotiations require compromise. On occasion, an agreement can be reached which meets all the participants' needs and does not require a sacrifice on any party's part. However, in other disputes, compromise-willingness to have less than 100 percent of needs or interests satisfied- may be necessary for the parties to reach a satisfactory conclusion. Where the physical division of assets, strong values or principles preclude compromise, negotiations are not possible.
- **The agreement must be reasonable and implementable.** Some settlements may be substantively acceptable but may be impossible to implement. Participants in negotiations must be able to establish a realistic and workable plan to carry out their agreement if the final settlement is to be acceptable and maintained over time.

- **External factors favourable to settlement.** Often factors external to negotiations inhibit or encourage settlement. Views of associates or friends, the political climate of public opinion or economic conditions may foster agreement or continued turmoil. Some external conditions can be managed by negotiators while others cannot. Favourable external conditions for settlement should be developed whenever possible.
- **Resources to negotiate.** Participants in negotiations must have the interpersonal skills necessary for bargaining and, where appropriate, the money and time to engage fully in dialogue procedures. Inadequate or unequal resources may block the initiation of negotiations or hinder settlement.

Step 4: *Reduce defensiveness*

When someone triggers one of our emotional "hot buttons", our instinctive response is to defend ourselves by counterattacking. When we're defensive, it's difficult to see the situation objectively — our logic is clouded by our emotions. This can create a vicious cycle of increasingly hostile exchanges with one party trying to outdo the other.

Defensiveness can be detrimental to the relationship because the focus switches from common goals to individual interests. There are several ways you can break the cycle of defensiveness:

- ***Disengage:*** Back off for a bit
- ***Empathise:*** Express an understanding of the other side's view
- ***Inquire:*** Ask questions focussing on the situation, not on the people involved
- ***Disclose:*** Use "I" statements to tell the other party how you interpret things
- ***Depersonalise:*** Separate your identity from your tasks/work; you're not the company, you're an official of the company.

When challenged during negotiations, you'll probably feel personally attacked. Don't take things personally. Minimise your defensiveness. Ensure that you don't lose your cool and keep focused on your goal: successfully negotiating a deal.

Step 5: *Begin mutual problem solving*

The binding thread for all conflict management techniques is trust. If you have a good relationship with the other party, both of you will want to work toward a mutually beneficial agreement.

Being patient, handling stress and controlling your emotions are essential to successful negotiations. You should have a high tolerance for frustration and take whatever time is necessary to reach an agreement. Long negotiations, tedious processes, conflict and unexpected events will increase your stress level. Keep your emotions under control. It's healthy to express how you feel, but don't let your emotions cloud your judgment or negatively affect your business relationship with the other party.

- **Be flexible and creative** - You should seek creative alternatives that benefit both the other party and you. If you reach a roadblock, think "what else?" and you may be able to unleash previously unexplored possibilities. Be flexible; don't reject the other's alternatives too quickly. Avoid the desire to get everything and never give in. Admit that you don't know something or that you were wrong. More specifically, the other party's response to your proposal and your response to the terms are the first negotiation step. Use the terms as a guide, not a step-by-step list over which to haggle.
- **Understand the power and use it effectively** - Even though you might perceive the other parties as powerful because they control the financing, for example, you also have power. Power can come from a variety of sources, such as:
 - Having a second-best option if you can't reach a deal with the other party
 - Seeking to establish a two-way communication
 - Respecting the other party
 - Probing for the reasons behind the other's position
 - Looking for alternatives that benefit you both
 - Using an agreed-upon method for assessing the value of the proposal's elements

Don't place too much emphasis on only one or two of those sources of power. You should strive to have a good balance of each.

- **Disclose information effectively** - When and how information is disclosed can make a difference to the results of the negotiation. There are two main approaches to disclosing information:
 - Telling all - The first approach consists of telling everything without any interaction or pauses. The fact that you're providing so much information when the other party has spent little effort asking for it might seem suspicious and reduce the credibility of your information.
 - Slow reveal - The second approach involves more interaction with the other party. In fact, you disclose information a few bits at a time. Because the other party's sense that they control the flow of the information, they may be more confident about the reliability of the information. Disclosure should be a two-way, not a one-way, process.

Be open to pauses in the conversation or silences.

- **Approach negotiations logically** - Every issue needs to be discussed. There are two basic approaches you may choose to take:

The first approach consists of addressing the easy points first to build momentum. It's usually easier to start the negotiations by reaching an agreement on minor issues.

The second approach consists of going over issues that are more important to both parties and then using minor issues to sweeten the deal.

If you decide to use this approach, be aware of the way you present the issues on which you strongly disagree. In this case, it may be appropriate to start by going over past meetings, conversations, resolutions and submitted documents.

This would serve to bring the proceedings up to the present. It would also enable you and the other party to explain the situation with your respective perspectives and express how you feel about them.

Exploring Options

During the negotiating process, you may need to deviate from your prepared tactics and strategies and explore other options, such as:

- The use of experts
- Brainstorming
- Trade-offs and concessions
- Linkages

The use of experts

- You may sometimes find that you need an independent third "expert" to get all parties into a co-operative problem-solving mode.
- If you have reached deadlock and it involves future enforcement of your agreement, consider putting it to a third party for mediation or arbitration.

Brainstorming

A problem is simply an obstacle that needs to overcome, but to be successful in doing so, we need to learn and apply problem-solving techniques to be effective.

Negotiation problems can be solved by trying one of several powerful creative strategies, namely brainstorming.

This creative-thinking technique works because it helps to free you from fixed ideas. The intent is to get every idea out on the table. You can try brainstorming on your own — with a notepad and pen — but brainstorming always works better with a group because you can build on each other's ideas.

The following guidelines for successful brainstorming have been taken from Leigh Thompson's, *'Heart and Mind of the Negotiator'*, Second Edition, (2001):

1. **Expressiveness** - Group members, should express any idea that comes to mind, no matter how strange, weird, or fanciful. Group members are encouraged not to be constrained or timid. They should freewheel whenever possible.
2. **Non-evaluation** - Do not criticise ideas. Group members should not evaluate any of the ideas in any way during the generation phase; all ideas should be considered valuable.

3. **Quantity** - Group members should generate as many ideas as possible. Groups should strive for quantity; the more ideas, the better. The quantity of ideas increases the probability of finding excellent solutions.
4. **Building** - Because all the ideas belong to the group, members should try to modify and extend the ideas suggested by other members of the group whenever possible.

After the ideas have run completely dry, stop. Give everyone a final opportunity to add something to the list. Be sure that everyone has articulated every idea that they could have. Then take a little break to let people shift gears from the free-wheeling creative session to the practical job of narrowing the list to a manageable number of ideas.

When you are ready, look through your list of ideas and choose the ones that you believe will best yield results during the negotiation process. This is best done by the same group that produced the list in the first place. That way everyone is heard. No one has reason to be upset later when his or her ideas don't show up on the final list. And most importantly to the welfare of the group, an idea can be fleshed out and explained if the brief expression of the idea wasn't clear to everyone. Sometimes a good idea doesn't seem so good until it carries a bit of an explanation.¹⁵

Trade-offs or concessions

A **trade-off** is a situation that involves losing one quality or aspect of something in return for gaining another quality or aspect. It implies a decision to be made with full comprehension of both the upside and downside of a particular choice. A trade-off is also sometimes referred to as a 'Concession' where one or more parties to a negotiation engage in conceding, yielding, or compromising on issues under negotiation and do so either willingly or unwillingly.

Linkages

Are your current negotiations linked to other negotiations or even a history of previous negotiations?

¹⁵ Adapted from: <http://art-of-negotiation.blogspot.com/>

Negotiations can be competitively linked, or they can be reciprocally linked. Stand-alone negotiations are rare, as even a simple negotiation such as buying a house involves competition with other purchasers, dealings with mortgage brokers and lenders and even interactions with parties.

Obtain Mandates

Once you have had the interaction with the stakeholders, you then need to take the appropriate actions and initiate action plans from the mandates that you received from the stakeholders/constituencies.

Note: The Negotiation Mandate sets the framework for the negotiations, listing the key points of information and instruction for the negotiator.

Definition of a mandate:¹⁶

A mandate as an act of empowerment by the leadership groups of an organisation to a smaller group or individual to act, research or make proposals on their behalf.

This definition implies that there must be a leadership body that is authorised to formulate and delegate a mandate to a subordinate body (a committee, task force or individual). There is therefore always a reporting responsibility from the group or individual that received the mandate to the authorising body.

Mandate components:

An effective mandate must have each of these components clearly described and documented in all cases:

A succinct description of the task

The need for a very succinct and well-documented description of the task cannot be over-emphasised. The delegating body would do well to use all the time necessary to formulate and agree on the task. Any short-circuited process or open-ended description will inevitably result in spending much more energy and time afterwards. Write the task down (one

¹⁶ Retrieved from: <http://www.jlc.net/~pieterse/mandate.htm>

paragraph should suffice), read it and re-read it until everybody is crystal clear and in full agreement.

The task usually consists of fact-finding and making proposals or sometimes deciding. A mandate could also be centred around a function; for instance, mediating a conflict.

Reporting responsibility

Make clear and document to whom and when and how (verbal or written) the mandated group should report.

Timeline of when the task and the interim steps are to be completed.

A proper mandate has a very specific time for completion. If the ending date is exceeded, then the authorising body must consent to another targeted completion date.

Criteria for membership and term of service.

It should be clarified and documented who are eligible to serve, how many members, and the length of time of service. Volunteering for key positions is usually not helpful. The group that decides on the mandate should be clear on the general criteria and identify specific people who may qualify. Make this as open a process as possible. Let the light of day shine in this process. When nominating members, specify the reasons why he or she is a good candidate. The candidate has the freedom, of course, to decline. In either case, the nominee should be specific about why he or she wants to accept the nomination, and specify the strengths and weaknesses that he or she may bring to the task. All sides should express expectations and reservations and when needed, addressed.

Once the group has been selected, it should have a frank discussion and decide if additional input or clarification is needed. The chair may either be chosen by the mandated group or by the delegating body. How the chair is chosen should be determined when the mandate is formulated.

Note: Keep in mind the following principle: *A work or mandated group needs to include only those people who have jurisdiction over the task at hand. If a workgroup has members who are peripheral to the task or worse, relies on the authority (insight/participation) of non-members*

to fulfil its mandate, it ceases to be useful or necessary. In such a case, the group should be dismantled or reconstituted.

OUTCOMES

Negotiated outcomes are clearly presented, explained, and motivated to the constituency that mandated you to negotiate on their behalf.

The format of the feedback depends on the agreements reached and recorded when you were mandated.

Negotiation Outcome

Negotiation outcome addresses the nature of the final agreement between the parties.

The three elements considered at this stage are verification, agreement, and negotiation breakdown.

Verification is important in situations in which the party responsible for the preparation of the final document includes provisions not previously agreed to by the parties. Therefore, negotiators must verify the contents of the contract according to their interpretation of the terms agreed to during the finalisation stage of bargaining.

When the parties can agree on appropriate terms for a final document, agreement occurs and produces one of four outcomes:

1. Both parties' benefit (win-win)
2. One party benefit at the expense of the other (win-lose)
3. The other party benefits at the expense of the former (lose-win); or
4. Neither party benefits (lose-lose).

The nature of the agreement will depend on the relative positions of the parties throughout the negotiation process, the amount of preparation and the strategies used.

Negotiation breakdown occurs when the parties fail to agree on the key issues to the agreement, and they recognise that their mutual needs can be achieved more effectively through other sources.

The circular nature of negotiation causes the information from one negotiation to become a part of the next one; for example, a firm that completes a negotiation with one supplier or customer will use the information they've gained in future negotiations with the same party.

Record Proceedings and Interim Outcomes

Proceedings and interim outcomes are recorded accurately for feedback purposes.

FINALISE NEGOTIATIONS AND COMMUNICATE AGREEMENTS

Finalise the negotiations by following these three easy steps:

Propose

Make a proposal for the exchange, summarising what you expect from the other and what you will give them in return (if anything). Include everything that you believe is necessary and sufficient to achieve an agreement.

Use closing techniques and other negotiation tactics as appropriate. Watch out for what the other person is doing in this area and resist any tricks or handle opposition as needed.

Agree

Check to make sure the other person understands the deal and is ready to make the exchange. Summarise the agreement, as necessary. Be clear about whether the deal is reversible (For example, can you take the goods back?)

Handle opposition as needed, including appropriate use of objection-handling techniques.

Write down what has been agreed as necessary, for example in an email. Get what written confirmation you need and delay the exchange if you need to check the details with somebody else.

Exchange

Complete the deal by making any exchanges as agreed. If the other side has said that they will do something, then they should do it.

Ensure you get receipts and other proof of exchange as necessary, particularly if these are needed to reverse the agreement or claim later benefits, such as warranty returns.

As necessary, you can follow up later to ensure that they have completed all the things that they said that they would do.

Finalise Agreements Verbally

Confirm areas of agreement and areas of disagreement.

In the event of non-agreement minutes are drafted recording the outcome of the process

Confirm areas of agreement and areas of disagreement

Let's define the terms first:

- **Agreement:** the conscious acceptance of a specific provision contained in an offer.
- **Non-Disagreement:** the conscious withholding of disapproval of a specific provision contained in an offer.
- **Non-agreement:** the conscious withholding of approval of a specific provision contained in an offer.
- **Disagreement:** the conscious rejection of a specific provision contained in an offer.

You can follow the procedure suggested below to identify and confirm areas of agreement and disagreement:

- Areas of Agreement are confirmed with the other party.
- Areas of Non-Disagreement are discussed further to confirm the other party's negotiating position.
- Those areas of Non-Disagreement are further refined.
- Those that may be classified with the areas of Agreement and those that are OTHER THAN Agreement are further refined.

If an agreement is reached, negotiations can cease, and the agreements can be finalised, but in the case of disagreement, negotiations can either cease, be postponed or resume.

Make sure that you record everything that was discussed in minutes, especially in the event of non- agreement and make sure that minutes are seconded and signed by all parties involved for confirmation.

Record Final Agreements¹⁷

In most business negotiations it is a good idea to get something down in writing.

Even if a decision has not been made, a **letter of intent** to continue the negotiations is often used. This is a way for each party to guarantee that talks will continue.

A letter of intent often outlines the major issues that will be discussed in future negotiations.

In some cases, a **confidentiality agreement** is also necessary. This is a promise from both parties to keep information private between discussions.

When an agreement has been decided, a **formal contract** may be required. On the other hand, depending on the seriousness of the decision, and the level of trust between the two parties, a simple handshake and **verbal agreement** may be all that is needed. For example, an employer may offer a promotion and an employee may trust that the new salary will be reflected on the next pay cheque. However, even if nothing is put formally in writing, it is wise to send an e-mail or letter that verifies the terms and puts the agreement on record, especially when a specific number is decided on.

Make sure that all final agreements are recorded accurately according to best practices. Include the implementation details, monitoring, timeframe, commitments, and display sensitivity to diversity.

- The Agreement may be a written memorandum of understanding or a legal contract detailing how the settlement is to be implemented (who, what, where, when, how).
- Establish an evaluation and monitoring procedure and write it into the agreement.
- Formalise the settlement and create enforcement and commitment mechanisms.

¹⁷ Retrieved from: <http://www.englishclub.com/business-english/negotiations-settlement.htm>

- Display sensitivity to diversity- the language used in agreements is neutral and does not offend any sensitivities; for example, with language that values all participants' contributions to the achievement of negotiation objectives

Disseminate and Make Final Agreements Accessible

Final agreements are disseminated and made accessible to all constituents and stakeholders as follows:

- Agreements are recorded accurately and validated as authentic and complete by all parties
- Reporting back and monitoring systems are established if contextually appropriate
- Publicising the agreement if appropriate to the context

EVALUATE NEGOTIATION PROCESSES

Evaluation and reflection are an important part of the process, as negotiators are constantly confronted by new situations and behaviour, yet if they identify the strengths and weaknesses of their performance and various tactics employed by both parties, they will eventually build up a data bank of predictable responses and outcomes upon which they can draw in later negotiations.

Evaluate the negotiation processes which were followed and the outcomes achieved in terms of strengths and weaknesses and the extent to which your brief was achieved. A SWOT analysis may be used to evaluate the strengths, weaknesses, opportunities and threats of the conflict and the negotiation thereof. The threats and opportunities should be further recorded and integrated where possible to try avoiding any recurrence of the conflict. Business Professor Donal Conlon, Ph.D of Michigan State University, suggests the following criteria to evaluate success of a negotiation:

- All Issues in the Dispute Were Settled: People often think that if there were four issues on the negotiating table, and all four were settled, then they have achieved success. That is not necessarily accurate. It's important to distinguish between settling all issues and something that is more difficult to achieve – a mutually beneficial settlement.
- All Issues Were Settled to the Mutual Benefit of Everyone: Another way to think about success in negotiation is to examine if all issues were settled to the mutual benefit of all,

which is not as easy to achieve. Does everyone feel good about the way things were settled? If so, it was a success.

- **The Underlying Core Conflict Was Resolved:** Long-running disputes can fester and create a variety of symptoms. Often, the symptoms of a dispute are settled without the underlying core conflict being resolved. Unless the core conflict is negotiated, it will flare up again.
- **The Parties Learned to Communicate Better With Each Other:** One way to evaluate success in negotiation is whether any learning has taken place. For example, a negotiation can be considered successful if both sides learned to communicate more clearly or become better at resolving conflicts. Another measure is if the two sides can avoid future mediation.
- **The Number of Unresolved Issues Was Reduced:** Even if you don't come to an agreement on every topic up for negotiation, if the number of issues left unresolved is reduced, it can be considered progress. Solving five out of seven issues is a big gain.
- **The Distance Between the Parties' Positions Was Narrowed:** Perhaps a full agreement between the parties was not achieved through negotiation but the two sides are no longer as far apart in their positions. Narrowing that gap counts as real progress, especially on key issues.
- **The Parties Gained Important or Valued Resources:** Often, success is defined as "getting something back," Dr. Conlon said. If you were able to recover an important resource that had been taken away or gained a resource you felt you deserved, you can consider it a successful negotiation.

Participants Feedback

This can be observed and noted by the behaviour and conduct of participants, before during and after the process. Additionally a feedback evaluation can be developed and handed to the parties, this can also include an evaluation of your performance as Negotiator, which can assist in growth and development of skills as a Negotiator.

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