

INTEREST- BASED NEGOTIATION

A FRAMEWORK FOR MEDIATION

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Overview

- What is IBN?
- The Four Principles of IBN
- Analyzing Consequences
- Questions

Relationship

- What is it now?
- What would we like it to be?

Interest Based Negotiation

What is it?

A method of negotiation focusing on working toward a win-win solution that “expands the pie” so that at least some of both parties interests are met.

Interest Based Negotiation

Why Bother?

- Will there be a continuing relationship?
- Do you want a solution that satisfies both parties?
- Do you want a process satisfying to both parties?

The Four Principles

- Separate the People from the Problem
- Focus on Interests not Positions
- Invent Options for Mutual Gain
- Insist on Objective Criteria

Separating People & Problem

- Negotiators care about solutions to the problem and the relationship
- People and Problems get entangled by
 - Perceptions
 - Emotions
 - Communications
- Must separate these, and fix the people problem

Separating People & Problem

- Perceptions
 - Try placing yourself in their shoes
 - Don't interpret their motive based on your fears
 - Discuss the perceptions
- Emotions and what to do with them
 - Recognize/understand they exist
 - Acknowledge – allow venting – don't react
- Communication
 - Listen and speak clearly
 - Avoid misunderstandings

Distinguishing Positions from Interests

- Positions are pre-determined outcomes
- Interests are your needs to be satisfied

Distinguishing Positions from Interests

Positions:

- Solutions to problem
- Specific/definite basis for argument
- Require justification
- Ends discussion

Interests:

- Preference
- Reasons underlying positions
- Require explanation not justification
- Starts discussion

Positions vs Interests

Case I

Issue: A colleague who borrows and never returns office supplies.

Statements:

1. I will not let you borrow supplies again without a specific time and date of return.
2. When I want to work on a project, I want to have my supplies available. I don't like to waste time hunting you down for them.

Positions vs Interests

Case II

Issue: A subordinate who is consistently late to work.

Statements:

1. When you are late to work, it makes me look bad to my boss and it sets a bad example for your co-workers.
2. The next time you are late for work, you will receive a reprimand.

Positions vs Interests

Case III

Issue: A child who won't clean up her things.

Statements:

1. If you don't clean your room, you are grounded for a week.
2. When you leave your toys out, it makes me believe that you don't care about the things you have been given.

Creating Options Based on Interests

- Use interests in order of priority.
- Create options that satisfy both parties interests at least enough to ensure a lasting solution.

Legitimacy/Objective Criteria

When You're Almost There . . .

Avoid a Contest of Wills

- Agree to use Objective Criteria
- Agree on which criteria to use
- THEN apply the standard to the dispute

Legitimacy

- “The reason I can’t do X is...”
- “Our policy is...”
- “Others in the industry do...”
- “The last time this sort of thing happened we...”
(precedent)
- “The contract says...”
- “If it were you, would you...?” (reciprocity)

BATNA & WATNA

Analyzing Consequences

- When facilitating a conflict, ensure both parties understand the consequences of walking away.
- Ensure the parties consider negative consequences of no agreement, including: time; money; stress; reputation; impact on workplace and others etc.

Communication

- Use your active listening skills
- Summarize
- Paraphrase
- Rephrase
- Reflect

Closure

- No agreement
- Agreement
 - Specific
 - Clear
 - Complete
- Authority

Questions