Negotiating Using a Hybrid Interest Based Model

ACSA Negotiators Symposium
January 21, 2016

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Topics

- History of Interest Based Bargaining (IBB)
- Summary of IBB Principles
- Hybrid Approaches
  - Collaborative
  - When The Other Side Won’t Buy In
- Stories, Questions and Answers
History of Interest Based Bargaining (IBB)
History of IBB

• Began more than 30 years ago, with widely scattered experiments in various techniques, such as strategic bargaining, collective gaining, win-win bargaining, targeted bargaining, and integrative bargaining.

• 1981: Getting to Yes by Roger Fisher and William Ury published
  – Interest in alternative bargaining processes spread quickly as practitioners created techniques for translating the Fisher and Ury notion of principled negotiations to the collective bargaining stage.
History of IBB

- **Early 1980s**, isolated incidents of bargaining reform experiments in the public school setting
  - Changing Landscape: Increased interest in more cooperative labor relations and participative management systems

- **1989**: PERB offered training in IBB and labor-management relationship improvement skills in an attempt to reduce disputes requiring intervention

- **Early 1990s**: Public frustration with intractable conflict and lack of progress in school improvement prompted some large, urban school districts to make dramatic changes during high risk negotiations, utilizing alternative bargaining techniques
Summary of IBB Principles
Defining Bargaining Styles

Positional Bargaining

A closed, linear process. Each party decides on a solution to a particular problem, crafts a position to address that problem, and develops carefully-crafted “fall back” positions dispensed as counter-proposals.
Defining Bargaining Styles

Interest Based Bargaining (IBB)

An open, multi-dimensional approach which looks into underlying needs and does not lock into a particular pre-determined solution. It is based on discussion and inquiry, is data based, and is centered on principle rather than actual or perceived power.
## Some Contrasts

<table>
<thead>
<tr>
<th>Positional</th>
<th>IBB</th>
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<tbody>
<tr>
<td>There is a winner and a loser</td>
<td>Both sides can win</td>
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<tr>
<td>Goal is victory</td>
<td>Goal is objectively fair agreement</td>
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<td>Participants are adversaries</td>
<td>Participants are problem-solvers</td>
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<td>Substance and people are linked</td>
<td>Substance and people are separate</td>
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<tr>
<td>Apply pressure</td>
<td>Reason and be open to reason</td>
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<tr>
<td>Make threats</td>
<td>Explore interests</td>
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<tr>
<td>Insist on your position</td>
<td>Insist on using objective criteria</td>
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Differences: IBB vs Positional

**Positional**
- Focuses on a particular **solution**
- Two distinct teams
- Written proposals
- Demand-based
- Draws a line
- More confrontational
- Power = Leverage

**IBB**
- Focuses on problem
- One team
- Hard on problem
- Articulates one of the range of needs
- Makes no valuations
- Establishing a climate of understanding
- Allows the real issue or problem to be discussed
Other Bargaining Styles

- **Compromise**: Splitting the difference; Sharing, Horse-trading; “You have to give some to get some.”
- **Avoidance**: Moving away from the other; Let sleeping dogs lie; Losing/leaving; Withdrawing.
- **Accommodation**: Yielding/losing; Friendly; Helping; Moving toward the other; “It is better to give than to receive.”
- **Collaboration**: Problem solving; Integrating; Evenhanded; “Come, let us reason together.”
IBB Assumptions

- Bargaining can enhance the parties’ relationship.
- Both parties can “win” in bargaining.
- Both parties should help each other win.
- Open and frank discussion expands the areas of mutual interests, and this in turn expands the options available to the parties.
- Mutually developed standards for evaluating options can move decision-making away from a reliance on power.
The Orange
Hybrid Approaches – Collaborative
IBB Principles vs. Process

• IBB is often thought of as a negotiations process more than a more general approach to negotiating an agreement.

• This has, at times, resulted in IBB being viewed as a more time-consuming way to get to the same result:

“In my experience interest based bargaining is nothing more than positional bargaining with flip charts”
– CSEA LRR
Seek Commitment to IBB *Principles*

- Separate the PEOPLE from the PROBLEM – Be hard on the problem, and soft on the people
- Focus on INTERESTS, not POSITIONS
- Invent OPTIONS for mutual gain
- Insist on an agreement based on OBJECTIVE CRITERIA, or STANDARDS
Key Definitions

- An INTEREST is an underlying need or desire, as opposed to a position or particular solution.
  - It defines the problem rather than the outcome.
  - “Your position is something you have decided upon. Your interests are what caused you to decide.” (Getting to Yes)
Key Definitions

• An OPTION is a possible agreement, or part of an agreement, that addresses the interest.
  – It is different than a proposal in the IBB context.
  – It must be viewed as separate from deciding.
  – The best options involve mutual gain – meeting your interests and mine.
Key Definitions

• In all negotiations be mindful of your BATNA:

  *Best Alternative to a Negotiated Agreement*

  – An ALTERNATIVE is something you can do unilaterally and lawfully
  
  – Sometime your BATNA is simply to continue negotiating
Start with Ground Rules

Examples:

• Commitment to the Four IBB Principles.

• Anything not in writing is not a proposal (thou shall not call an option a proposal).

• Decide on information needed, share it, and discuss it objectively.

• Seek consensus regarding solutions, if possible.

• Consider joint communications addressed to all constituent groups.
The Meaning of Consensus

Everyone in the group supports, agrees to, or can live with and publicly support a particular decision, because when all is said and done everyone can say:

– I believe everyone understands my point of view
– I was given a full, complete opportunity to explain my point of view
– I believe I understand your point of view
– Whether or not I prefer this decision above all options, I will support it because it was reached fairly and openly
Hybrid Approaches Can Take Many Forms

Some (of Many) Examples:

1. One step at a time – e.g. “This year we are going to stop being hard on people, and focus on being hard on the problem.”

2. Traditional back-and-forth proposals, but with a commitment to gathering a shared data set and backing up proposals with objective criteria.

3. Identify issues and brainstorm options together, but present preferences in proposals.
Sample Agenda

1. Check In (Perhaps a people-focused sponge activity?)
2. Address Elephants in the Room/Rumor Control
3. “Turn in” Homework
4. Issue 1
5. Issue 2
6. Assign Homework
7. Prepare Agenda for Next Meeting
8. Prepare Joint Communication About This Meeting
Hybrid Approaches – When The Other Side Won’t Buy In
“Our members are tired of getting screwed. We’ve gone years without a decent raise, while other districts are properly rewarding hard work. The district is playing games, and refuses to make us a priority. Your mismanagement is not our problem. We can’t and we won’t ask our members to suffer any longer. Morale is at an all-time low. We need something to take to them, and it needs to fully cover benefits, increase the salary schedule by 7%, and make all personal necessity days ‘no tell.’ Otherwise, we’ll move to the next step.”

- How might you respond to this statement at the bargaining table?
Table Strategies/Advice

• Orient yourself to a win-win approach:
  – “Prepare for battle” by thinking not only about your interests but theirs as well

• Ask for the data that supports their proposals and their statements

• Defend your proposals with data, in the text of the proposal
Table Strategies/Advice

- Frame all of your proposals in terms of the identification of interests, of meeting interests, and standards
- Be open to, or even encourage, criticism of your proposal on its merits
- Resist caucusing until you’ve exhausted discussion opportunities
Table Strategies/Advice

• Resist the temptation to respond directly to the substance of a demand – look behind it instead

• See their demands as options

• There is an issue behind the demand – find out what it is and ask how their option addresses it

• Look for similarities – e.g. common interests – rather than differences
Table Strategies/Advice

• Ask questions rather than make statements:
  – Ask “why” questions to look for interests
  – Include “correct me if I’m wrong” questions where appropriate
  – Use their answer(s) to explore other options

• Seek clarification rather than assume

• Listen actively:
  – “Read” their interests back to them
  – Continuously check for understanding
Table Strategies/Advice

• Be unconditionally constructive

• Be unwavering in your politeness and professionalism
  – Don’t tempt them to “spit in your soup” any more than they already do

• Reduce tension through humor, even through poking fun at yourself

• Do not be dragged into their negativism (if they are negative), and don’t try to cajole them out of their negativism
Thank You

Thank you for participating and attending. For questions or comments, please contact:

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