



Negotiating Skills for Everyone

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Objectives

Upon completion of this seminar, attendees should be able to:

1. Describe a well-established and proven approach to negotiating as an effective way in which workplace problems can be addressed and workable agreements reached;
2. Hone skills in discriminating “more effective” from “less effective” interactions involving patients, staff and physicians; and
3. Apply the negotiation process to a range of situations in the office/hospital/business setting.

Negotiation

Negotiation is communication intended to reach an agreement when you and the other side have shared as well as divergent interests.

Suggested Reading

- Fisher, R. and Ury, W. *Getting to Yes: Negotiating Agreement without Giving in*. New York, NY: Penguin (second edition 1991).
- Ury, W. *Getting Past No: Negotiating Your Way from Confrontation to Cooperation*. New York, NY: Random House (1993).
- Stone, D. Patton, B. Heen, S. *Difficult Conversations: How to Discuss What Matters Most*. New York, NY: Penguin (1999).

With Whom Do We Negotiate?

- With patients and their families
- With your partners, colleagues
- With hospitals
- With your bosses
- With your family
- With your neighbors
- On community committees

Goals for Effective Negotiation

- A wise agreement, if agreement is possible
- Efficient process
- Preserves and may even improve the relationship

Keys to a Principled Negotiation

- Separate the ***people*** from the problem
- Focus on ***interests*** not positions
- Invent ***options*** for mutual gain
- Find and utilize objective ***criteria***
- Know your BATNA (Best Alternative to a Negotiated Agreement)

Doctor - Patient Video “Less Effective”

What to watch for:

- Are ***people*** seen as the problem?
- Are all ***interests*** uncovered?
- Are ***options*** invented to include interests?
- What ***criteria*** are used to evaluate the wisdom of the agreement?

Separate the People from the Problem

- Soft on the people and hard on the problem
 - Negotiation within the Medical Group
- “You are not the problem, I value your contributions. I do not want you to see me as the problem, since what I want most is an effective partnership. Instead let’s identify the actual problems and see what we can do to negotiate a better resolution.”*

Focus on Interests Not Positions

- Interests shape any wise solution
- Ask about the interests behind apparently opposed positions
- Realize each side has multiple interests
- Make your interests clear
- Put problem first so they will listen
 - Don’t start out with a position or solution

Invent Options For Mutual Gain

- Having identified all the interests, develop options that could meet them
Expect to have to create options not part of initial positions
 - Start with broad ideas/possibilities/framing
 - Low cost to you; high benefit to them
- Then generate specific options for consideration

Find and Utilize Objective Criteria

- Frame each issue as a joint search for objective criteria
 - Ask “How did you come to that?”
 - Reason and be open to reason
 - Agree on principles first (e.g., equity, market value)
 - Never yield to pressure
- Examples of objective criteria
 - Local/comparable salaries, work hours, job demands, published best practices, costs, prices, HR policies

Clarify And Develop Your BATNA

- Purpose of a BATNA
 - Don't accept an agreement you should reject
 - Make the most of assets you do have
- The side with stronger BATNA often prevails
 - *The negotiation is often controlled by the least committed.*
- Set a bottom line (walkaway option) or at least a tripwire to pause/reflect/confer

Doctor – Patient Video “More Effective”

What to watch for:

- Are **people** seen as the problem?
- Are all **interests** elicited?
- Are **options** invented to include interests?
- What **criteria** are used to evaluate the wisdom of the agreement?

Obstacles to a Principled Negotiation

- Having **perceptions** confused with facts
- Having **emotions** that interfere with ability to consider multiple interests
- **Communicating** in ways that reduce clarity, over-personalize and undermine safety

Staff - Staff Video “Less Effective”

What to watch for:

- How are **perceptions** confused with fact/truth/reality?
- How are **emotions** interfering with a more complete perspective?
- How does their way of **communicating** affect the likelihood of a better resolution?

Working With Perceptions

- Look from their perspective
- Don't infer their intentions
- Don't blame them for your problem
- Involve in the analysis to expand their view
- Act inconsistently with their perceptions
- Face-saving is crucial
 - Be thoughtful about your tone, timing and setting for the conversation *and make it safe*

Working With Emotions

- Recognize and empathize
 - Angry? Hurt? Why? Can I understand that?
- Allow them to let off steam without reacting or holding it against them
- Make gestures to help them recover from rough moments
 - Rather than make unwise concessions

Working Effectively With Communication

- Talk directly, not through triangles
- Speak about yourself, not about them
 - Yes – “I/we are concerned about...”
 - No – “You don’t care about our ...”
- Pull more than Push
 - Ask questions rather than repeating your perspective
- Summarize to assure understanding
 - And avoid spiraling argument of repetitions

Staff – Staff Video “More Effective”

What to watch for:

- Are their **perceptions** still being confused with fact/truth/reality?
- Are their **emotions** still interfering with a more complete perspective?
- How does their way of **communicating** affect the likelihood of negotiating a better solution?

Doctor – Medical Assistant Video “More Effective”

What to watch for:

- Are the ***people*** still seen as the problem?
- Are all ***interests*** elicited?
- Are their ***perceptions*** still being confused with fact/truth/reality?
- Are their ***emotions*** still interfering with a more complete perspective?
- How does their way of ***communicating*** affect the likelihood of negotiating a better solution?

Doctor – Practice Administrator Video “Less Effective”

Watch for Obstacles to a Principled Negotiation:

- Having ***perceptions*** confused with facts
- Having ***emotions*** that interfere with a more reasoned consideration of multiple interests
- ***Communicating*** in ways that reduce clarity, over-personalize and undermine safety

Doctor – Practice Administrator Video “More Effective”

Watch for the Keys to a Principled Negotiation:

- Separate the **people** from the problem
- Focus on **interests** not positions
- Invent **options** for mutual gain
- Find and utilize objective **criteria**

Takeaways

- Separate the **people** from the problem
- Focus on **interests** not positions
- Invent **options** for mutual gain
- Find and utilize objective **criteria**
- Accept that **perceptions** (your and theirs) are not the same as truth/reality and explore them
- Take **responsibility for our emotions** and the impact they are having
- **Communicate** in ways that promote safety and clarity