

The Psychology of Negotiating

SkillBrief

- Put aside personal feelings about management's negotiators and focus on winning a good settlement. Management negotiators may flatter you and be friendly, or they may be obnoxious and make you angry. Either way, you can't be distracted from the job at hand.

If they really want to be friendly, let them show it by agreeing to a good contract. Your job is not to be liked or to make friends.

If they happen to be unpleasant, keep in mind a variation on an old cliché: *"Don't get mad; get what you want."*

- Don't show emotion unless it's planned. Your team members should not let management know their reaction to management statements until they have had a chance for discussion among themselves

- Present yourselves as one unified team, not as a collection of individuals or representatives of separate departments or units.

If members of the team or their co-workers have problems with union positions on bargaining issues, those problems should be raised and resolved at negotiating committee meetings or in caucuses, not in front of management. Otherwise, you encourage management to try to play one group of workers against another.

- Look for divisions on management's side.
 - If the management spokesperson seems to be inflexible on a particular issue, ask someone else on their team a question that will draw them into the discussion.
 - Assign members of your team to observe the body language of particular management representatives. Do they appear to be uncomfortable with statements made by their own side?
 - Exploit the different roles the individuals on management's team play in the negotiations and in normal operations. While it usually doesn't work to ask management officials to directly challenge their own team's position, you can ask questions that reveal that their support is less than enthusiastic.

Example: Cost-cutting accountants seem to be playing a bigger role in management at this particular employer/department, and they are the ones who have explained at the table why the employer wants to cut, rather than spend more on, training. You believe from casual conversations union people have had with the personnel director that she thinks expanded training is needed.

You might say...

"Well, we can see why maybe the financial people think this sounds like a good idea, but from an operations point of view and a labor relations point of view it sounds very shortsighted. Terry, you know as well as we do that our operation would be much more efficient and productive if we had more resources for training, and people would be better motivated if they knew they had access by seniority to that training is this plan to cut back on training something you came up with, Terry?"

In this example, the personnel director then would have the opportunity to distance herself from management's position by saying, *"No, this is really more of a cost consideration than anything else."*

- Work from the union proposals as the basis for discussion if the union proposals are on the table the chances are better that, even after some compromises, the outcome will resemble what the union wanted.
- Don't let fatigue or frustration wear you down. After all the effort you and other union members and staff have put into the contract campaign, you cannot afford to give in on certain points just so you won't have to negotiate anymore.

Team members and their families should recognize that, during the final crunch of bargaining, negotiators need to get extra rest and relaxation whenever there is an opportunity and to limit or postpone as many other activities and obligations as possible

- Build momentum by starting with easy items you can agree on – usually things that don't cost the employer much, if anything.

Then move on to working conditions issues that your members clearly have good reason to be concerned about try to resolve all but one or two major working conditions issues before you get to the straight money issues, because once you start talking about the economic issues it becomes harder to focus on anything else if you are including recognition proposals in your package, push them early in bargaining, and tie them into other parts of the package.

- Don't settle special interest issues before the major issues facing the whole group. If, for example, you reach agreement on reclassifications or extra pay raises for certain workers, those workers may be less willing to support actions needed to win gains in other areas.
- Reward management for compromising. At a minimum, tell them you appreciate it when they change their position. Make clear that their willingness to compromise makes you more willing to compromise as well, but remember that the subject they compromised on doesn't have to be the one you are willing to compromise on. It's all right to say...

"We appreciate the change in your position on X, and we want to act in a similar spirit of compromise. We can't change our position on X — that issue is too important to our members. But there will be other areas where we'll be able to make some movement."

- Don't guess at management's position. If there is any doubt at all where management stands, don't be embarrassed to ask their team to restate their position.
- Don't ask questions that might narrow or limit workers' rights and benefits. For example, if you have negotiated the right of stewards to investigate grievances during work time, don't ask, "Now this means stewards can take time off even if you don't have a replacement for them right then, right?" By asking the question, you give management the opportunity to start negotiating a limit that wasn't going to be there.
- Empty threats or promises make you look weak. If you are going to threaten new pressure tactics or promise to get your membership to accept a new concept, do so only after a thorough discussion on the union side.
- Members can show support for the negotiating team by attending bargaining sessions.
- Bring workers who are not on the negotiating team to observe a bargaining session if management is stalling or being abusive. Those workers can then help their coworkers understand the obstacles the union team faces and the need for membership support activities and pressure tactics.
- Challenge management to prove its claims, and make a campaign issue of its failure to do so.
- If management says it cannot afford improvements proposed by the union, it is required by the National Labor Relations Board to open its books to prove it.
- If management claims poverty, you should ask, "Are you saying you cannot afford the improvements we are asking for?" If management says yes, then you have the right to look at the employer's financial records. To avoid that, management will usually say no. Then you can go to the membership and the news media and say, "Management negotiators admitted at the table that they could afford our proposed improvements if they wanted to."
- If management says it needs economic concessions, you have the legal right under the NLRA to insist that it provide proof.
- Convene at the end of each bargaining session. Take a few minutes at the end of each bargaining session to recap what happened and what was tentatively agreed to, where movement was made and what should happen next. Also, it is very important for the union committee to agree on what to tell members — everyone should have the same message.