



Management Communication Systems, Inc.
4000 Bridgeway, Suite 404
Sausalito, CA 94965
Tel: (415) 339-2990
Fax: (415) 339-2999

Principled Negotiations

Alliance Between Union and Management

Charles Sheppard, Management Communication Systems, Inc.

Everyone is constantly negotiating, whether it be with family members, friends, bosses, co-workers, or clients. Yet rarely does a negotiation have such far reaching impacts as with a collective bargaining agreement between union and management. It affects governments, working relationships, friendships, communities, and families. Because of the importance of collective bargaining agreements, we need to develop superior negotiating processes.

The crucial variables that make up a successful negotiation are in the minds of the individuals involved. These variables will usually remain hidden from the participants until they can be skillfully identified. Through practice, both unions and management are able to develop skills that allow them to create the best possible agreement for the benefit of their co-workers and families. A principled approach to negotiating relies on the fundamentals of true partnership by addressing the real issues for both sides.

In order to create an evolutionary negotiating approach we must first look at traditional methods of negotiating. Often members of unions and management hold preconceived ideas about one another. They are traditionally viewed as opposing forces constantly immersed in a never-ending battle. In order to change these perceptions we must dig deeper into the relationship between them and look beneath the surface. It is vital for management to consider the history, influence, and role of unions when introducing and implementing change in the workplace. Likewise, by assuming that management's agenda is in opposition to their own, unions may miss opportunities to influence the organization and to create a better environment for the workers they represent.

Upon implementing changes such as creating a better work environment, introducing team concepts, or re-engineering operations, management often either reluctantly includes unions or overlooks them entirely. Due to the longstanding tradition of seeing unions as an enemy, it is difficult for management to see them in any other light. However, for change to be effectively implemented it is necessary to re-think the traditional union-management relationship and engage in a strategic alliance. Only then can the two parties come to understand each other's interests, responsibilities, and values. This is a necessary prerequisite for change, and discounting the role of either party ensures that the best possible outcome will not be reached.

Through experience we have developed an approach to building a strong alliance between unions and management and have discovered many processes that help facilitate this. We have also identified some of the danger areas to watch out for while on the road to developing and maintaining this alliance.

In order to understand the interests of another group, you must first understand their values. These values play an integral role in shaping each party's behavior. We suggest thinking about labor

Throughout management's 100 year history with unions there has been a high potential for "border disputes" between these "governments".

and management as two separate governments with very different cultures. For example, management usually prefers a hierarchical, flexible approach while labor usually prefers a democratic, predictable approach to help create stability. Throughout management's 100 year history with unions there has been a high potential for "border disputes" between these "governments". Both parties have sets of perceptions about the other as shaped by the 100 year war, and shared values become difficult for both parties to recognize. In dealing with these groups we have been able to foster an appreciation for different values and recognize shared values. It is useful to bring these values to the surface and then discuss them along with their potential impact on the relationship.

Creating a strategic alliance allows both labor and management to maintain integrity. Within a strategic alliance the parties remain independent and responsible to the constituents they represent. Neither party can dominate the agenda or issues, and both parties make equal contributions toward reaching their common objectives. Through the Principled Negotiation process, union and management can build a sustainable working relationship and come to an agreement that establishes ground rules for future interaction.

There are several key elements to consider when interacting with the other party. First, if you can ask rather than tell, and make a conscious effort to communicate, then attitudes will change. The union just wants to be part of the loop; they don't want to make management's decisions for them. Communication makes everyone's job easier. Second, all the parties involved need to demonstrate their commitment through actions rather than words (i.e.: walk your talk). This will show a sincere effort to make a beneficial change. In

addition, one of the worst things you can do is say you will do something and then not do it - credibility is built on the small things. Work together to determine what is feasible. Don't make promises just for the sake of promising something. Labor relations are an ongoing journey that requires a lot of work and maintenance. The relationships created can be extraordinary and are always worth the effort.

Traditionally management and unions will not make changes in the absence of outside pressure. One example of a company being forced to transition away from restrictive traditional thinking is the case of Magma Copper. Early in the 1990s they were heavily in debt, and the mine was increasingly unproductive. A history of poor labor-management relations also contributed to the problems, but the economic conditions and the future viability of the mine forced union and management together in a desperate attempt to save it. Improvements were made through joint committees that resulted in a six-fold increase in production in one department alone. In 1994, productivity increases in the mine were 86 percent. Teams, gain sharing, no layoffs, and a living labor contract were the key components in the improvement at Magma.

Although the meetings were at first pervaded by a lack of trust on both sides, a Joint Union-Management Cooperation Committee was formed, and its basic principles established. The committee agreed on the need for employee involvement, productivity improvement, cost reduction and enhanced job security. It also recognized the need for open communication, fairness, honesty, and integrity. Its members committed themselves to move from traditional collective bargaining procedures to a new system of joint problem solving predicated on the continuous bargaining concept.

The labor relations history at Placer Dome Canada showed very clearly that the adversarial system was not working. It was an example of win-lose bargaining at its worst- whenever possible the company used a "hammer" to enforce its views and the union did the same.

They agreed to recognize the dignity and existence of both the company and the unions in their next negotiations. Now accepting the new work system is a condition of employment.

This is an example of union and management having to work together or perish. It is not the best condition under which to begin developing a relationship, though it is better than not developing one at all. Ideally you want to create an alliance by choice, not by market or external forces. This kind of alliance will last much longer and a greater depth of relationship can be achieved. Both parties will know that the other side is entering into the relationship by choice and not because they are forced to.

Organizations are beginning to break out of the old model and are seeing the wisdom of engaging in a strategic relationship before a crisis situation ever has a chance to occur. This type of alliance, choosing to create something new, is the next evolution of union and management relations. It is not an easy process, and it requires greater skill to create this kind of relationship.

One enlightened company that decided to pursue an alliance between union and management in this manner was Placer Dome Canada. Either party can take the first step toward rekindling the relationship. In the case of Placer Dome Canada it was senior management. The keys to the change at Placer Dome Canada were a recent change in senior management at the corporate office, the new business philosophy of the company, and a new strategic action plan that called for better relationships with all stakeholders in Placer Dome Canada, as well as setting a goal to produce a set number of ounces of gold each year. Allan Zuk, Manager of Industrial Relations for Placer Dome Canada, looked at this strategic plan and asked himself how he could assist in

meeting its goals. He felt that one way to ensure increased gold production was to minimize the number of labor disputes.

The labor relations history at Placer Dome Canada showed very clearly that the adversarial system was not working. It was an example of win-lose bargaining at its best - whenever possible the company used a "hammer" to enforce its views and the union did the same. This system of labor relations led to a significant number of strikes and lockouts which were costly in terms of meeting overall targets for gold production. Something needed to be done.

The combination of these factors led Mr. Zuk to begin a process of change. The first step in this process was principled negotiation training for the Mine Managers and Human Resources Superintendents from each mine. This occurred in December 1994. Mr. Zuk knew that if these critical senior management people did not "buy in" to the change in the relationship that this change would fail very quickly. The main focus of this training was to get the Mine Managers and HR Superintendents to agree that principled negotiation would benefit the company's relations with its unions. The training generated agreement between the parties and it was decided that since the Detour Lake Mine was due to bargain in 1995, the union at Detour Lake would be approached on two fronts with regard to principled negotiation. Zuk spoke to the union Staff Representative and the Mine Manager, and the HR Superintendent spoke to the local union president. The result of these discussions was an agreement by the union to attend joint training and test out the idea of bargaining using this model. This joint training occurred in June 1995 and resulted in an improved relationship and a much greater level of trust between union and management. When negotiations for a new collective

We need to look at the relationship in a larger context that goes beyond any single event. We need to view the relationship as a process that moves from formal negotiations, to post-bargaining, to executing the contract, to preparing for further bargaining, and back to more negotiations.

agreement began later that month the union and management bargaining teams both agreed to use the principled negotiation model. The result of this was a collective agreement which was supported by greater than seventy percent of the membership of the local union.

Another organization that saw the wisdom of engaging in a strategic alliance was Stillwater Mine who just went through their collective bargaining sessions after completing a training in Principled Negotiations. According to Gregg Hodges, Director of Processing Department at Stillwater Mine, one critical skill set helped throughout the whole negotiation: Allowing the union to feel understood and therefore discovering the real issues. It was making sure the answer to the question "what problem are we were really trying to solve", gets answered.

During one stage of their negotiation a problem arose of leave for the death of family members. The current procedure at the time was to give the employee a paid three day grieving period for family who passed away. The employees took exception to the policy. Their view was "Who is management to tell me how much time I need to grieve?" They needed recognition from management that their problems could best be evaluated by the employees who were grieving. Management wasn't concerned so much with paying for the time off as they were with getting their employees back to work as soon as possible. The problem was that it was in the best interest of the grieving employee to take the full funeral leave. After all, why come back on the second day when you would get paid for staying home? If the policy was "take as many of the three days you need and come back sooner if you are ready," then the incentive would be to stay out all three days.

Then there was a breakthrough in the negotiation. Both parties identified the real issues one of respect for the person grieving and one for the most effective mining operation. Both parties decided to think creatively on how to resolve the real issues. From all the options, an evolutionary approach was brainstormed between the parties. Management would still give them the equivalent of three days pay no matter how long they were out. This sum of money would be designated "funeral expenses" instead of pay for time off. Additionally, employees would be given five days off for immediate family and remain at three days off for other close relatives. The breakthrough came with paying employees their normal wages for days they came back early. For example, an employee would be given a fixed sum of money for funeral expenses regardless of the duration of absence. If instead of missing five days of work the employee returned on the fourth, they would get paid their normal wages for days four and five in addition to the fixed funeral expenses paid at the outset.

The real issue was never about money. For the employees it was having their personal grieving period respected. They didn't want the organization making a blanket judgment about their needs and feelings. For management the real issue was getting the employee back to work as soon as possible. They didn't want to be taken advantage of. They just wanted the employees back when they were ready to come back.

By looking for the real issue the group had to get underneath the surface of their concerns. It was a turning point in the negotiation where the spirit of creating a breakthrough in the negotiation was realized and the parties were finally able to move forward together within that setting. Each party had a breakthrough in terms of understanding each other's real values and outcomes.

Prior to the contract negotiations both sides spent 4 1/2 days together in principled negotiations training, achieving relationship breakthroughs that contributed to the speedy conclusion of a new three year agreement. The outcome is to be used as a model for bargaining at the four other unionized operations in Canada."

In the words of Gregg Hodges, "We had a breakthrough moment inside of the negotiation. We were able to separate the emotion from the issue and let them know that we cared. This moment created a better partnership for the rest of the negotiation."

In order to implement a strategic alliance it is necessary to approach the relationship from an objective point of view. This means moving away from seeing the interaction as a single event and moving toward seeing it as a dynamic cycle or process. We need to look at the relationship in a larger context that goes beyond any single event. We need to view the relationship as a process that moves from formal negotiations, to post-bargaining, to executing the contract, to preparing for further bargaining, and back to more negotiations. This will allow us to find opportunities to build an alliance throughout each stage of the process.

The concept of holding a joint training fit with Placer Dome Canada's overall commitment to ongoing development of all stakeholders. Robert Franklin and John Wilson, the Chairman and CEO of Placer Dome Inc. (the parent company of PDC), state in their 1995 Annual Report:

"Our success as a corporation depends on the quality of our people and on providing support structures and work environments that maximize performance...In keeping with our culture of open communications a new Employee Relationship Strategy was tested, with gratifying results, in reaching a renewed collective agreement with unionized employees at the Detour Lake Mine in Canada. Prior to the contract negotiations both sides spent 4 1/2 days together in principled negotiations training, achieving relationship breakthroughs that contributed to the speedy conclusion of a new three year agreement. The outcome

is to be used as a model for bargaining at the four other unionized operations in Canada."

It is extremely important to enlist senior management and senior staff officers of both the mine and the union in any change process. Without the support of all people affected by the change, it is unlikely that the process of change will continue. It is also of critical importance that when senior people in either the union or the company change, that they are quickly educated in both the reasons for the change in the relationship and how the new model works.

The catalyst for union-management interaction has typically been things such as formal negotiations and grievance handling. Both events deal primarily with problems which have occurred in the past, and are seldom oriented to the future. As a result, they are often characterized by a confrontational attitude. However, many companies engage in joint cooperative programs like employee assistance programs or health and safety committees, which are much more conducive to developing working relationship in a non-adversarial way. Typically that spirit of cooperative problem-solving doesn't carry forward into the negotiation or grievance process. It is then necessary to look for opportunities to nurture a symbiotic relationship between union and management. PDC decided to do this change in good times which leads to more commitment from all people involved. If changes such as this are implemented during a crisis, people "fall off the wagon" and revert to the adversarial systems of the past.

Alliances between unions and management have traditionally only occurred in times of desperation when both sides were faced with a problem detrimental to

They also changed from the traditional seating arrangements at meetings to a round table format, alternating union and management representatives for all joint union management meetings.

both. When times are good, both union and management have a tendency to polarize themselves. It is necessary to use the principled style and work together when times are good so that it can be supported, maintained, and survive when times are bad.

Gil Clausen was the Mine Manager at the Detour Lake Mine for the first negotiations training. Through training he was able to build a better partnership with the representatives of the union. Management and union alike were able to take responsibility for creating a culture where the workers had a positive spirit in their environment. The ongoing consultation between union and management and the commitment to create an environment with more respect and trust both continue today at the Detour Lake Mine and are also in place at other Placer Dome mines in Canada. Placer Dome Canada has been invited to a union bargaining seminar which is a sign of strength in the relationship.

The change process also must include employees. In the case of Detour this was largely the responsibility of the union. However, the company committed to help and support the union wherever possible. This help generally took the form of regular meetings with the union executive on all issues that affected the relationship with the union or the employees. The model gave a better problem solving process and the parties agreed to use this process with grievances and other issues which arose between the union and management. This was especially important during the administration of the collective agreement, and it helped to create a more positive and trusting relationship.

Alliance building can begin at almost any point in the process. We have found three particularly productive points of entry. However, keep in mind that any point

where there is interest on behalf of both parties is a good opportunity to begin building a relationship. The first point of entry is through an employee relations council that is jointly sponsored by union and management. This forum is created to improve the working relationship and resolve issues of mutual interest, thus making it conducive to forming a strategic alliance.

The second opportunity is during the process of rewriting the collective agreement. The rewrite is intended to clarify the collective agreement by cleaning up and simplifying the existing language. At this point in the cycle you should avoid getting into renewed negotiations, but it is a good place to gather information to bring up in the next formal negotiation.

The third opportunity for entry is during the lead-in to the next negotiation. Here you can spend time addressing the potential changes to the process. It is also an ideal place to provide training to the negotiating teams. Management and labor can enter into the negotiation once both have committed to this approach. At the Detour Mine there was skepticism going into the joint training. The union was unsure if management was serious about changing the relationship or if this was just an attempt to force concessions out of the union by "catching them off guard." Ultimately the management and union bargaining teams did attend the joint training and it was so successful at eliminating these fears that it resulted in a unanimous agreement to use the model in the future.

The major issue when Placer Dome Canada began to change their relationship with the union was the approach taken to grievance handling and negotiation in the past...by both the company and the union. These processes at Placer Dome Canada had historically been very

The use of the model at grievance meetings also provides a very tangible demonstration of how it works and how it can be successful by allowing individual employees to see the principled negotiations model in action.

adversarial and both parties now had to try, with the help of the principled negotiation joint training, to put hard bargaining behind them and move on to more cooperative and mutually beneficial interaction. Both parties had always held the view that the other was out to beat up on them. At the joint training all of this had to be put out on the table, cleaned up, and left behind before the relationship could advance to the next stage. Fortunately, both parties recognized that there was a better way to deal with the relationship, so with the assistance of the instructors they were able to abandon their traditional belief sets and enter the 1995 negotiations using a principled approach.

In order to achieve buy-in from both management and union representatives, Placer Dome Canada began to lay the ground work for change early on. At the Sigma, Detour Lake, and Dome mines, the company began by consulting the union on issues which would affect the employees or the union prior to taking action. They also changed from the traditional seating arrangements at meetings to a round table format, alternating union and management representatives at all joint union management meetings. Placer Dome Canada began publishing agendas for upcoming meetings and making any documents to be discussed at such meetings available well in advance. They also allowed the union to make additions or modifications to the agenda prior to the meeting occurring. In order to facilitate discussion with all people at the table and increase potential solutions to problems, management stopped using a spokesperson at meetings and allowed everyone to have input. This freed up the table and allowed for more input from union members as well. Meetings were run using the model in order to facilitate early success with the principles applied to bargaining. After meetings, minutes were printed and distributed to everyone

who attended, and everyone committed to do follow-up after the meeting ended.

Once the initial relationship has been developed, how do you maintain it without quickly eroding the trust that was developed in joint training? The first important step is a sincere attempt by both parties to avoid the traditional hard moves which lead to mistrust and discontent in the relationship. It is also critical to remember that whenever a new person is brought into the relationship (i.e.: a new manager or union executive), they must immediately be trained on why the system was changed and how the principled negotiation techniques work. If this is not done immediately, especially if the new person is from the "old school" of labor relations, the relationship could inadvertently be damaged very early in the new person's tenure.

Placer Dome Canada has also created a "safety net" for the new approach. Both the employees and managers at the mine have been brought solidly onside with the new philosophy so that if someone tries to damage the relationship s/he will be quickly ostracized by one or both sides. There is also a problem of politics having a foothold within the union. Sometimes a newly elected union executive (or an old executive seeking reelection) wants to prove his worth by trying to play hard ball to win the support of the membership. This type of political maneuver can wreak havoc with the relationship. However, if the individual employees are educated on what principled negotiation is and how the improved relationship benefits them, they will not allow these actions to continue for long. PDC actually had an instance at the Detour Lake Mine where one union executive decided that if management was not "out to get him" why should he spend his extra time and effort as a union executive? He was so locked into the mindset that union and management were

Coming to an agreement is completely different than being in alignment or having an alliance. An agreement can simply mean that you have contracted to perform a certain duty at a certain time.

sworn enemies that he didn't know how to function in an atmosphere of cooperation...so he resigned his post. It is important to remember that if enough people are committed to the principled relationship that it will survive any obstacles over the long run.

The new goals, ideals and processes must be communicated to all relevant parties. At Placer Dome Canada management was informed and brought onsite mostly through informal verbal communication. Successes with training and implementation were discussed at each stage of the process and senior management both at the mine and corporate levels confirm support based on success. When communicating to the employees, the union should take most of the responsibility for dispersing the information. At Detour Lake the union took this responsibility and educated the employees about the change they were proposing and made sure to ask the union membership for permission prior to the bargaining team attending the joint training, and then again prior to the principled negotiation model being applied at the bargaining table. The techniques and successes can be demonstrated to union membership by discussing the model at membership meetings as well as using this model to run discussions at these meetings. The use of the model at grievance meetings also provides a very tangible demonstration of how it works and how it can be successful by allowing individual employees to see the principled negotiations model in action. Finally, while educating the local union membership about the model, the local union President spent time talking to individual union members both on and off the job and answering any questions those members had. This helped to reinforce and demonstrate the new commitment to cooperation.

At the joint negotiations training for the Dome Mine in Timmons one of the critical success factors in building the alliance came when on the fifth day of the training when a union member and the mine manager changed places. What occurred was the union representative for health and safety became the mine manager and the mine manager put on a steelworker pin and became the union health and safety representative. Earlier in the month the mine manager made a unilateral decision that the union felt was a slap in the face and the mine manager resented the union pursuing the issue. When these two parties got to what the real issue was they discovered they had the same core concern and value, respecting people. Both thought the other was grandstanding for political purposes and by looking through the filter of "politics" neither individual trusted the other. Once they had these resolved for themselves they decided to demonstrated their awareness of their insight to the rest of the group. With both parties role playing out in front of their peers each other roles the group could really see and experience that management did understand the union's perspective and that the union did understand management perspective. The role reversal exercise helped everyone come to a place of full understanding and went a long way in the creation of a cooperative spirit for the negotiation.

An additional success factor for the Dome Mine negotiations was having each member take a turn in facilitating the negotiation during the collective bargaining sessions. With 14 participants it became imperative that one person for that day be the facilitator and hold the group accountable for utilizing the Principled Negotiations model. Both union and management would alternate days and everyone had a opportunity to be in the facilitators role. The facilitator would only facilitate on days when they

Standardized procedure does not allow flexibility in variations to structure and process. It does not allow for the full freedom of ideas and solutions to be created. It usually fosters mistrust rather than trust.

did not have a pressing issue on that day important to them for discussion. This accomplished two objectives, a large group needs to have some one facilitating the process so that people can have their issues addressed and secondly with each person having to facilitate the bargaining team they personally understood the challenge of working with such a large group so they were more effective participants after there turn at facilitating.

In working with these parties there are some key terms such as alignment, alliance, and agreement that come into play. Though at first glance these terms appear similar, there are actually considerable differences. Each of these terms are derived from the same Latin root word ally, which means a country, person or group of persons joined together.

Coming to an agreement is completely different than being in alignment or having an alliance. An agreement can simply mean that you have contracted to perform a certain duty at a certain time. You may not think it is the best thing to do, but you have agreed to it, and thus are bound by its terms. An agreement may come in the form of a concession inside a negotiation. You may agree to take a paycut in return for job security, but you don't really feel you can stand behind the agreement and say it is the best course of action. You can agree to a contract, but not to the spirit of the contract. You can also agree to disagree.

Ideally you want to form an alliance with someone. According to Webster, an alliance is, "a close association for a common objective; any situation entered into for mutual benefit."

In other words, when you have an alliance with someone, you have a situation where you are working together in a state of cooperation to achieve a common,

mutually beneficial objective. For unions and management this could be increased sales, productivity, or profit-sharing. Unlike an agreement, an alliance inherently comes with an element of support.

When you align yourself with someone you are actually understanding their values and come to share similar sets of beliefs, or at least recognize that you already hold similar ones. For example, management can align themselves with a union by seeing that job security is important for the company's success. Likewise, while both sides may agree that increased productivity is beneficial, they may adamantly disagree as to the methods to achieve it. However, once aligned, they can see the other point of view and begin to generate new options and courses of action. They stop concentrating on how to defend against each other and start to focus their efforts on mutual goals and objectives. This trust in turn generates an entirely new perspective that is beneficial to everyone involved. With an alliance there is a greater commitment to the success of the common objectives.

Organizations, especially ones with historically adversarial divisions such as unions and management, can form an alliance through alignment. This is a long-term association that is infinitely more beneficial to everyone involved than a simple agreement. An example is management genuinely demonstrating they understand how important it is for employees to feel secure about their jobs to create a more motivated work force. Of course a more motivated work force will help the union reach its goal of keeping jobs and management's goal of generating revenue. Once this has occurred, an extraordinary transformation will have taken place. Generating an alliance through alignment becomes a win-win situation for all parties.

TRADITIONAL APPROACH

Preparing for Negotiations

When a hard move is done by any member of the group, both union and management point it out to that member and try to discover the real issue underneath the hard negotiator move.

- Organizations traditionally do little to prepare team members for negotiations. A majority of the training is simply gained through experience. When formal training does occur, it usually does not include the other party's interests, but focuses on bargaining strategies or ways to achieve positions instead. Both sides have traditional skill sets in hard negotiation moves that lock their bargaining teams into fixed positions.
- In preparing for negotiations, both parties solicit information from their constituents in order to build their proposals/demands. These proposals are designed to be solutions or positions, and allow little room for engaging in a cooperative negotiation. The potential for a mutually beneficial agreement is lost to both sides.
- Spokespersons from each party exchange proposals, which are then reviewed separately. This encourages an adversarial situation where the review further leads to a hardening of positions. Strategies for defense or tradeoffs are formulated independently of the other party. Many individuals on the bargaining committee lose their spirit as their roles diminish. A lack of trust can develop within a bargaining group as the spokesperson may take over.

During Negotiations

- Negotiation is viewed as a process of bartering; you make concessions to get concessions. In many cases you end up with something you don't even want due to false issues that are designed to be given away in exchange for important issues. A mini-win/mini-lose environment is created in which nobody feels good about the process.

- Information such as costs or competitive data is kept confidential and is used to control the process and to win arguments. Each side develops their own set of outside standards used specifically to invalidate the other party's proposals.
- Caucusing occurs to determine changes to positions, to reinforce positions, to game play, and to determine trade-offs. The long-term effect is that both sides have to work with an unsatisfactory agreement for the next 2 - 4 years, and the cost to the relationship is expensive.
- The spokesperson leads the negotiations and is typically the only one controlling the process, strategy, and tactics. Again, the rest of the bargaining committee loses their spirit due to a lack of participation.
- The authority to change the contract rests with the spokesperson rather than with the consensus. Internal splinters start to occur within the bargaining committees. Lawyers are used extensively and, in some cases, as spokespersons.
- Negotiations are characterized by driving your own agenda through the use of theater. Emotional outbursts or walking out (histrionics) are used as a tactic to make a point or create pressure.
- Negotiations become institutionally rigid. Standardized procedure does not allow flexibility in variations to structure and process. It does not allow for the full freedom of ideas and solutions to be created. It usually fosters mistrust rather than trust.

PRINCIPLED APPROACH

Preparing for Negotiations

- Both parties are jointly trained with a focus on building skills in problem solving, conflict management, principled negotiations, and creativity. The objective of this training is to create a depth of relationship and to generate a feeling of trust and partnership between both sides.
- Both parties agree to use a principled process that addresses all the interests and enhances individual abilities to do creative problem solving.
- Both parties solicit issues or problems to be resolved. The proposal is structured into two parts: a clear statement of the problem where both sides try to fully understand the values beneath the problem. This approach focuses on what needs to be solved and the impact that a resolution would have.
- Proposals are exchanged at a joint meeting of both negotiating teams. Each proposal is reviewed and may be jointly evaluated to estimate their importance and difficulty. The intent here is not to begin negotiating but to clarify the issues.

During Negotiations

- Each person is a full, active participant who is free to contribute to the decision-making process. Individual members may be assigned to bring forth information, especially if there is a need for expertise in specific areas.
- Contract changes are arrived at through consensus. Everyone agrees that the solution will be supported.
- Both sides are looking out for each other's larger interests.
- Participants use creative thinking to find the best solution available to satisfy each

party's interests and to solve the real problems of both sides.

- Information is openly shared. A confidentiality contract is worked out at the beginning to cover competitive or proprietary information.
- There is virtually no caucusing during creative thinking. Discussion is open and all ideas are explored. If caucusing is needed, the reason is declared and a specific time for return is set. Trust needs to be maintained during caucusing.
- Lawyers are used as advisors separate from the process.
- An agreement is reached by combining the efforts of both parties to use wording that reflects the intent clearly.
- Posturing has no place here. Venting of thoughts and strongly held beliefs is not done for effect, but is valued as a serious expression of concern. Yet real issues with emotional content need to be expressed and all members help that person get their concern fully understood and out on the table where the whole bargaining group can help that individual through their problem
- Communication as to contract changes and post-ratification is done jointly.
- Individuals are open to change. Creative approaches to problems are encouraged. The process is dynamic and reflects the open-mindedness of the negotiation. Management looks at the union's side of issues and the union looks at management's side of issues.
- When a hard move is done by any member of the group, both union and management point it out to that member and try to discover the real issue underneath the hard negotiator move.

Strategic, cooperative alliances that are formed with an understanding of everyone's values will foster a growth of relationship that would otherwise not be possible.

In conclusion, a seminar process on principled negotiations will not create an alliance between union and management by itself. Fundamental issues must be brought up and dealt with in the seminar. Facilitators who are stepping into the role of helping both union and management must be well versed in the deeper issues of both sides so that they can be resolved inside of the seminar and not explode at the table further down the road. The seminar must create a foundation of skills that will allow both the union and management to sustain and support the principled negotiations process.

This process enhances the level of communication between union and management and improves their ability to resolve both real and perceived conflicts. However, if either party takes an action which harmfully impacts the other party, then credibility and trust will erode. As with any relationship, it is necessary to revisit past intentions, successes, and failures. This will help to maintain a healthy, durable alliance that addresses the interests of all parties involved.

It is important to remember that when implementing change, no matter how large or small the organization, the unions and employees they represent are an essential part of the process. Union involvement and support will engage the skill, talent, and commitment of the work force as well as provide access to their intellectual potential. Strategic, cooperative alliances that are formed with an understanding of everyone's values will foster a growth of relationship that would otherwise not be possible.