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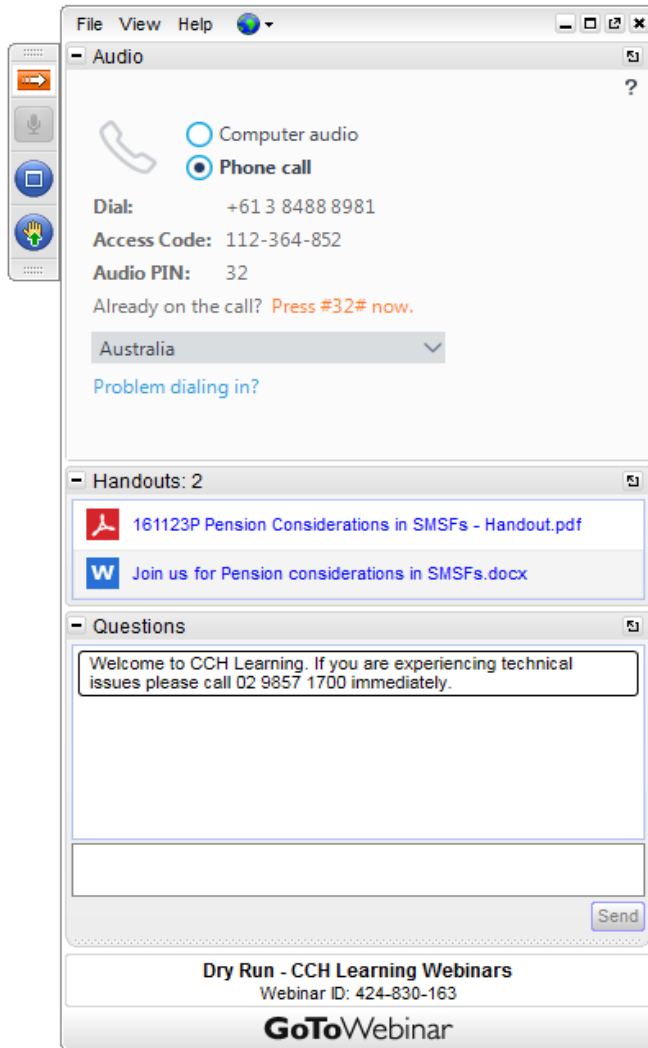
# Preparing & Participating In Negotiations

Bianca Keys

Tuesday 28 November 2023



# How to participate today



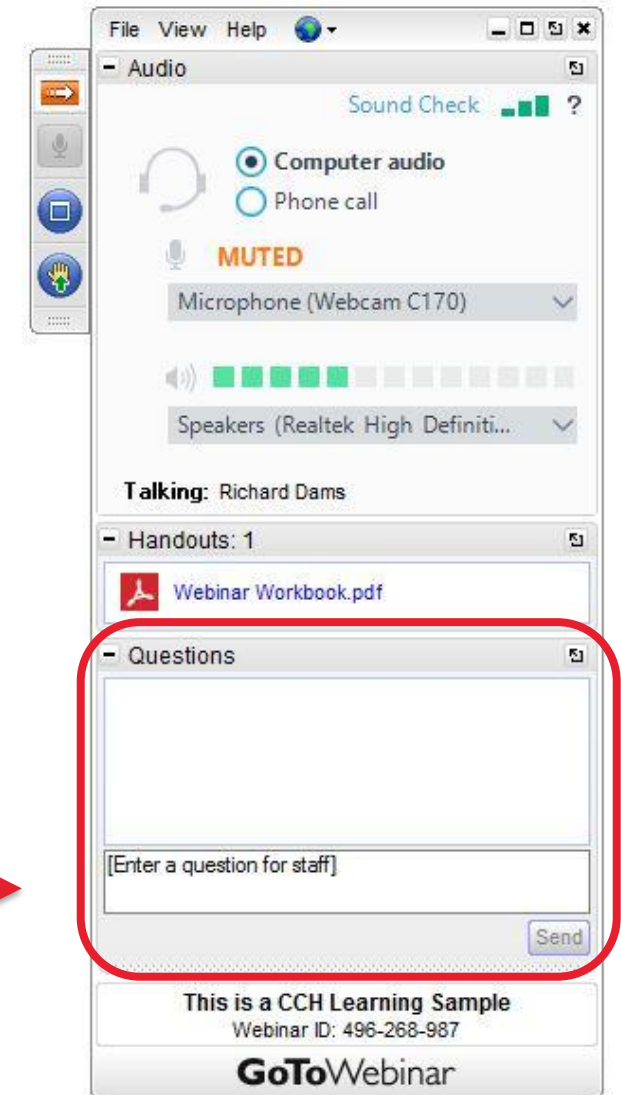
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Susannah Gynther  
Moderator

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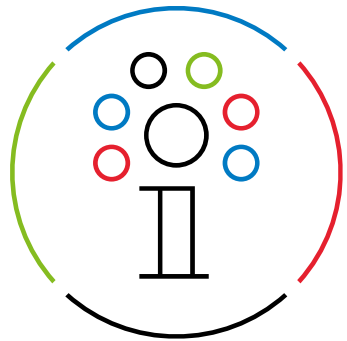
# Your Presenter



- Bianca Keys
- Mediator, Conflict Management Coach and Educator/Facilitator with Ripple Learning

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# Today's session will cover



## Preparing & Participating in Negotiations

- A Preparation Focus
- “Changing the Game” – Interest Based Negotiations
- Preparing for Negotiation - Tools & Resources
- Identifying & Responding to Causes of Conflict
- Identifying Parameters for Negotiation
- Perspective Shifting & Hypotheticals
- Building Trust – Tools for Effective Participation

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# What I See in Negotiations....

## WHAT DOESN'T WORK SO WELL

- Lack of Preparation
- Looking to win
- Limited authority
- Positional/Incremental Bargaining
- Focusing on what to say at the expense of listening to what is being said
- Rigidity
- A lack of good faith
- Ultimatums

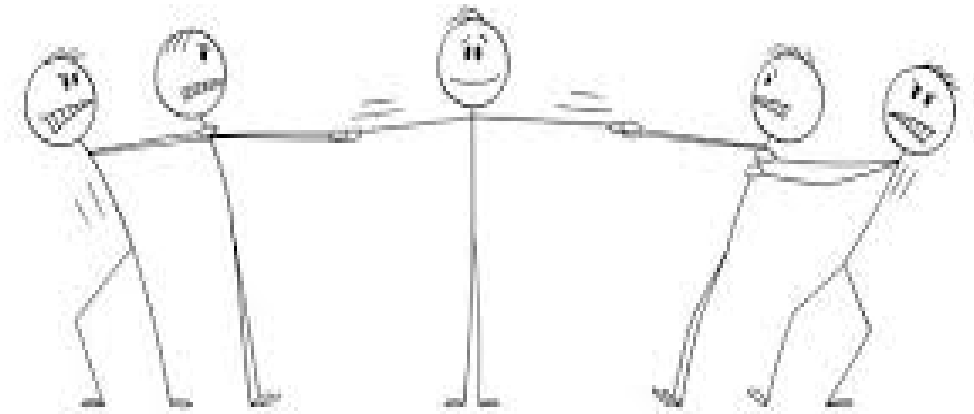
## WHAT WORKS WELL

- Broad Thinking in Preparation
- Flexibility and Open-Mindedness
- A Preparedness to Listen
- Asking Questions & Demonstrating Understanding
- A Preparedness to Acknowledge
- Respect
- Seeking to Understand
- Joint Problem Solving
- Looking For Mutual Gains

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# It's about changing the game: Positions to Interest Based Negotiations

- It is a paradigm shift, and an effective one
- Commonly we witness or experience positions & incremental movement
  - It feels like we need to hold on tight
  - We feel the pressure of giving up something, of compromising
  - Potentially, we both walk away partially satisfied or completely unsatisfied
- **Risks in Positional Approaches**
  - We only address the tip of the iceberg
  - Unsatisfying outcomes = unsustainable outcomes
  - We miss opportunities to build relationships

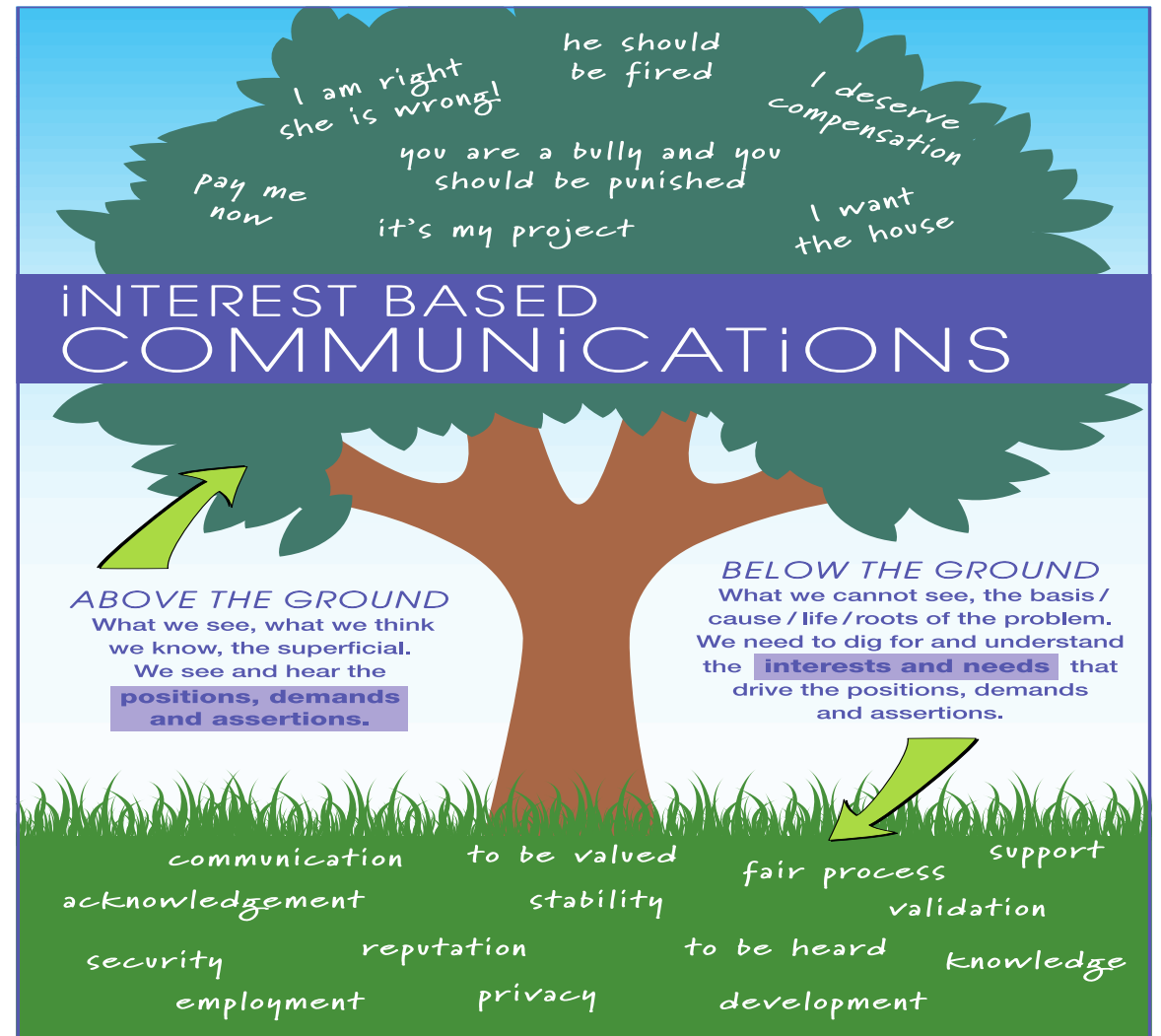




# The Principles of Interest-Based Negotiation

- Separate the people from the problem
- Going hard on the problem & soft on the people
- Seek to understand drivers – interests/values/needs
- Respect individual differences & empower others
- Look for common ground
- Identify multiple options for mutual gain
- Joint problem solving
- Opportunities to build relationships
- Objective criteria and agreeable actions
- Looking for the win/win

Adapted from “Getting to Yes” Fisher and Ury



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# The Benefits of Interest-Based Negotiation

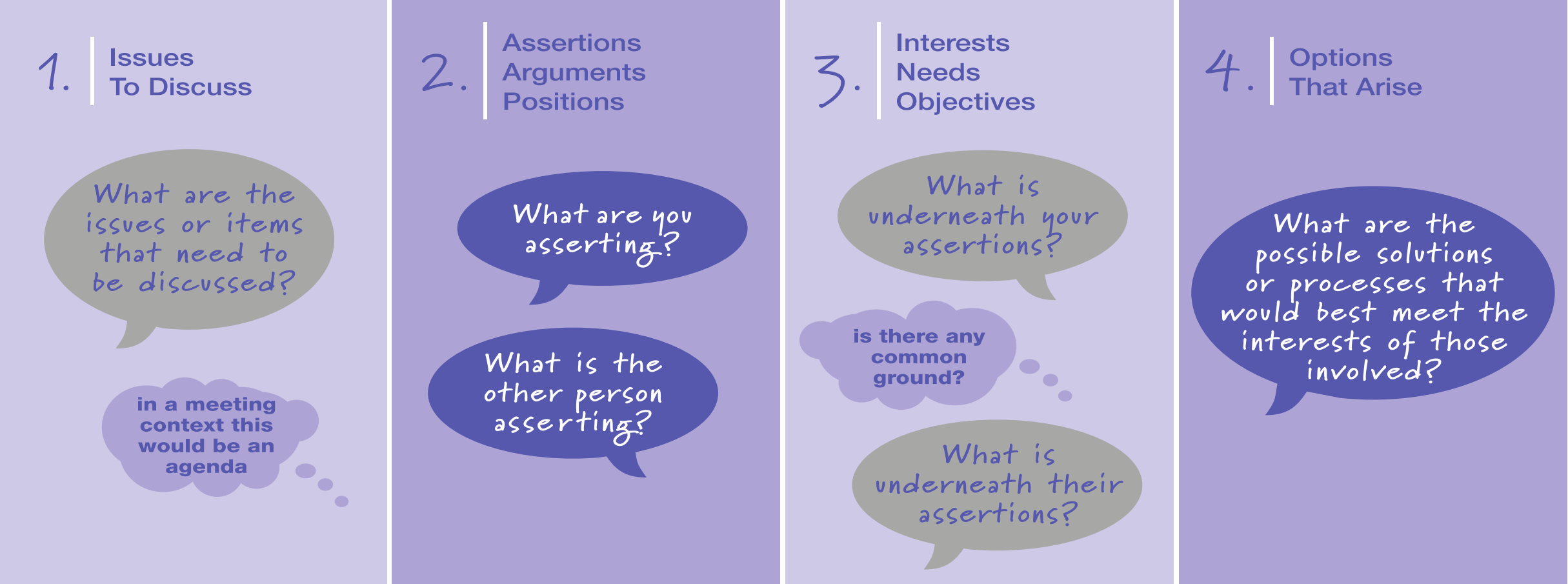
- Outcomes that meet needs and interests
- Workability and sustainability
- Trust and rapport building
- Dialogue that fosters ongoing relationships

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# Preparation – Utilising an Interest-Based Approach

- The importance of preparation
- Questions to consider:
  - My Position/Their (Potential) Position?
  - My Interests/Their (Potential) Interests?
  - What common ground/values/goals can I identify?
  - What topics need to be discussed?
  - How do I frame topics to promote joint problem solving?
  - What early options for mutual gain might there be?

# Preparation – Utilising an Interest-Based Approach



*interests + common ground + acknowledgement = OPTIONS*

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# Additional Preparation – Fostering the Right Approach in Others

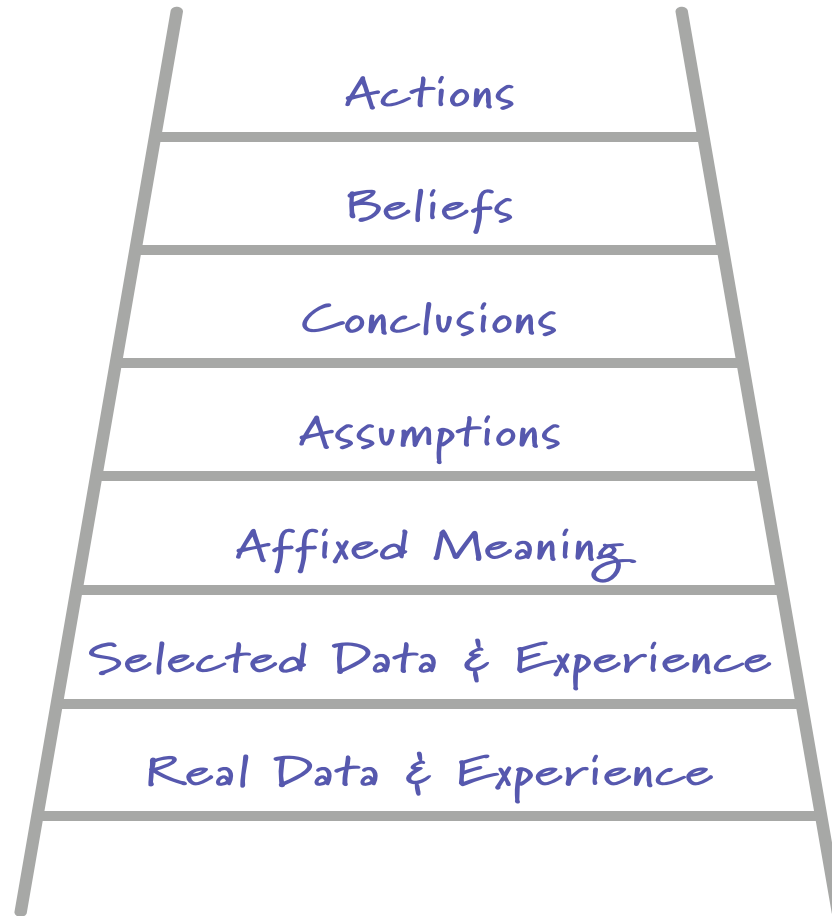
- Further Questions to consider:
  - What information do I need?
  - What information do I need to share?
  - What can I acknowledge (if appropriate)?
  - What tone do I want to set and how might I do that?



# The Importance of Keeping an Open Mind

The Message?  
Be prepared to listen & shift

## THE LADDER OF INFERENCE



The ladder of inference is a concept developed by C Argyris (Overcoming Organizational Defenses: Organizational Learning, Allyn & Bacon, 1990).

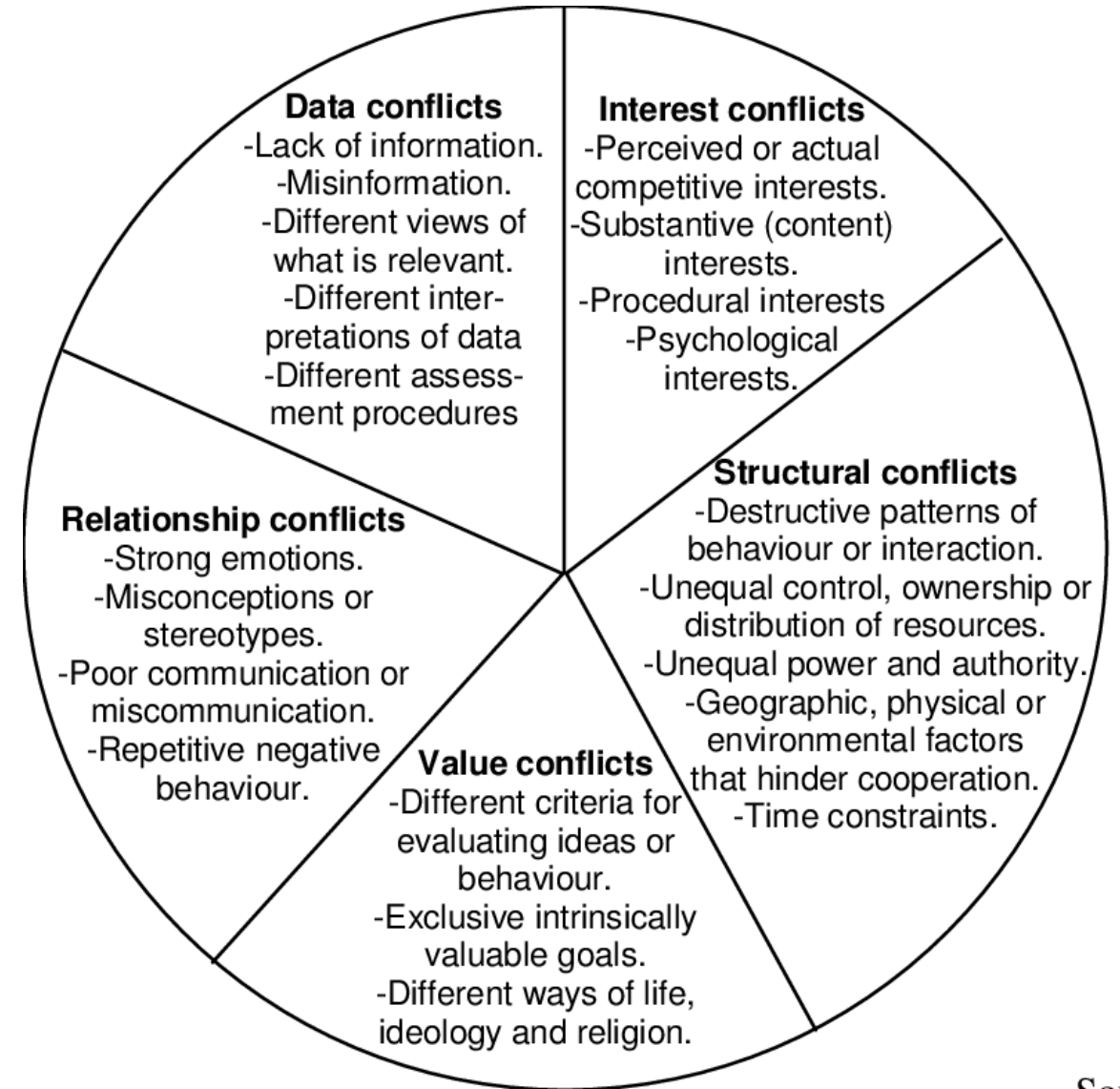
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# Causes of Conflict – Why identify These Before A Negotiation?

- Thinking about what might be going on – for you and for the other party, helps you to
  - Consider what the sticking point or roadblock might be
  - Consider what might need to be addressed or acknowledged
  - Contemplate your tone and approach
- **The Role of Fear and Anxiety** – How you might foster compassion & ease the concern
- **What are some of the causes of conflict in your work?**
  - Emotional?
  - Sense of Identity?
  - Operating on limited “facts”?
  - Mismatched expectations/communications?

# Sources Of Conflict

Know what you are facing and adapt your approach



From Christopher Moore

Sou

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# Sources of Conflict - Approaches

- **Data** – Agree on what data is important, on a pathway to obtain data, common criteria or process to assess data
- **Structural** – focus on what can be achieved rather than becoming stuck on what cant, clearly define roles/reporting, establish and refer to common values, establish mutually acceptable decision-making processes, shift to interest-based discussions, change physical/environmental aspects
- **Relationships** – Allow expression of emotion via procedure and ground rules, legitimizing or acknowledging feelings, clarify perceptions/meanings/impacts, seek to understand
- **Values** – Re-establish the goal from changing minds to understanding, allow parties to agree and to disagree, search for a super-ordinate goal or value that people share

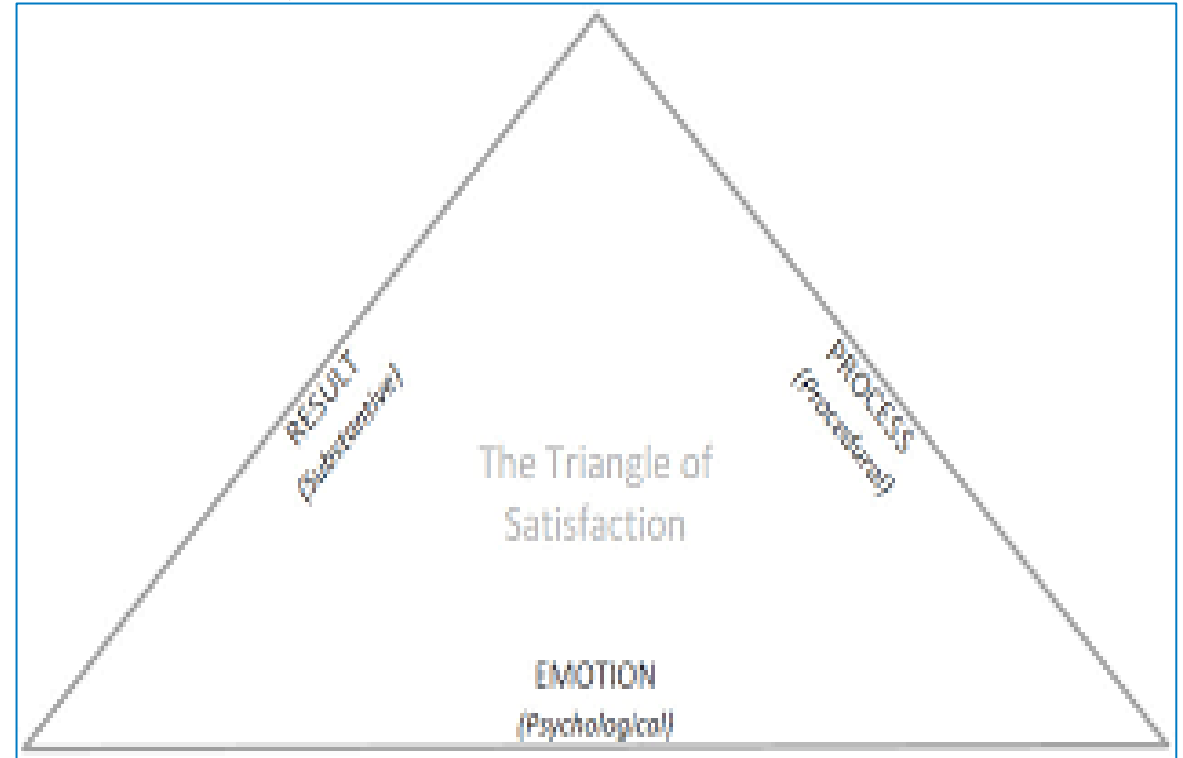
# Sources of Conflict - Approaches

**Interests** – Focus on interests (not positions), on solutions that integrate needs of all involved, seek commonalities and options for mutual benefit

## The Triangle of Satisfaction – Interests

- Substantive
- Emotive/Psychological
- Procedural

Each has a place





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# Moving From Preparation to Participation: To Keep In Mind

## Establishing Your Parameters

**BATNA** – Best Alternative to a Negotiated Outcome

**WATNA** – Worst Alternative to a Negotiated Outcome

**ZOPA** – Zone of Possible Agreement

## Perspective Shifting

What are they wanting me to understand?

What is important to them?

What do they need to see/hear today to be able to move forward?

What do they need in an outcome?

What might meet both sets of objectives?

## Hypotheticals

What if they don't agree to that? How will I adapt?

What if this doesn't resolve? How do I minimise the risk of that occurring?

What if that need/interest is not addressed? What are the options to avoid that?

What if A,B, or C is the preferred agreeable pathway – what does each look like?

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# KEY PARTICIPATION QUESTIONS– Interest Based Negotiations In Practice

## The Environment and Tone Are Important: Consider

- Where should we meet?
- What would make everyone comfortable?
  
- How can I set the right tone?
- How might I phrase my message and ideas?
  
- What can I do before and during to encourage information sharing and informed decision making?

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# KEY PARTICIPATION SKILLS – Interest Based Negotiations In Practice

## Some Key Principles and Tips to Build Trust/Rapport

- **Seek to Understand First** (There will be time to be understood)
- **Active Listening:** What makes you feel heard? What can you borrow from a great listener in your own life?
- **Rather than shutting something down immediately:** “That’s interesting” “I hadn’t considered that” “I have been looking at this differently” “Can you help me understand the basis of that?”
- **Creating Space and Demonstrating Curiosity: Open Questions** “How...?” “What...?” “Can you tell me more about...” (with some caution “Why...?”)
- **Acknowledging what you hear in a way that gives permission to agree/correct/clarify:**  
Tentative phrasing “It sounds like...” “I think I am hearing you say...” “Am I correct in understanding that...” “Correct me if I am off the mark...”

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# WHAT IF THEY ARE EMOTIONAL/AGGRESSIVE?

## A USEFUL FORMULA (From People Skills, Dr Robert Bolton)

1. Encourage Expression – Open Question
2. Listen – Even if that feels uncomfortable
3. Acknowledge – A brief reframe or summary to show understanding
4. Assert what you need to – Use of “I” “My” “For Me” or even “We”



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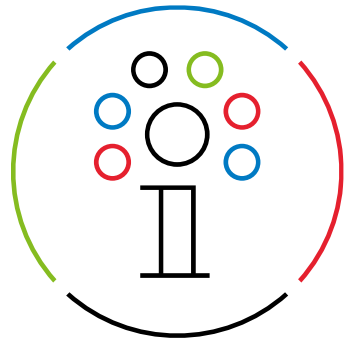
# Key Takeaways

- **Shifting to an Interest-Based Approach creates space and possibility for**
  - Interests/needs/objectives to be properly met
  - Ongoing relationships
  - Creative resolutions, and durable outcomes
  - Joint problem solving for mutual gain
- **Preparation is key**
  - Consider both perspectives and any common ground
  - Establish parameters with ATNAs and consideration of hypotheticals
  - Share and consider information
  - Contemplate any causes or sources of conflict at play and how you might engage
- **Participate in a way that demonstrates curiosity and a desire to understand**
  - Environment and Tone
  - Listening, Acknowledging, and use of Open Questions



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# Questions



You can type them in the “Questions” box now  
I’d really like to make today work for you.

# Questions?



Susannah Gynther  
Moderator

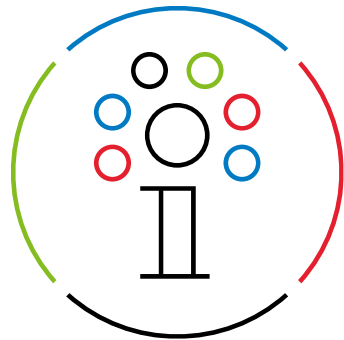


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- 29 November – Insights on Managing Termination of Employment
- 30 November – Thinking about writing an app?
- 5 December – Cyber Security Update – December 2023
- 5 December - Understanding the Financial Reporting and Audit Obligations in Australia
- 7 December - Navigate your clients through ATO Compliance & Debt Collection Activity in 2024

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# Questions



- Bianca Keys
- Mediator, Conflict Management Coach and Educator/Facilitator with Ripple Learning
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- [bianca@biancakeys.com](mailto:bianca@biancakeys.com)

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# Thank you for attending

