

BEHAVIOURS OF EFFECTIVE NEGOTIATORS

Researches before the negotiation	Paraphrases and asks questions to check understanding and gather information
Prepares well	Respects confidentiality when speaking off the record
Set priorities	Keeps an open mind (Remains impartial)
Listens attentively	"Reads" the needs of the other party
Uses humour when appropriate	Understands and communicates own needs
Is a creative thinker	Visualises mutual gain not loss
Is strategic and not spontaneous	Demonstrates respect for the dignity of the other part
Is a team player	Avoids exposing the other party's weaknesses
Clarifies and summarises	Communicates logically, clearly and in plain language
Seeks out common ground	Communicates with one's constituency and with the other party
Engages only in constructive arguments	Is sensitive to face saving (maintaining dignity or prestige)
Is patient and tolerant	Is sensitive to any cultural differences of the other party
Is polite, and uses emotions strategically	Is aware of the body language of others at the table
Is able to tolerate silence	Is aware of own body language, including eye contact
Is assertive not aggressive	Handles his or her own anger and emotions well
Is organised and structured in approach	Handles the anger of others well
Is flexible	Has stamina and never gives up on finding common ground
Dresses appropriately	Practices negotiating at every opportunity

TYPICAL OBSTACLES TO EFFECTIVE NEGOTIATION

lack of information	emotions	resistance to change
lack of trust	talking at the same time	traditional negotiation skills
lack of feedback	threats	failure to explore needs and interests
lack of creativity	dishonesty	failure to recognise common ground
lack of knowledge	position taking	conflicting approaches to negotiation
lack of experience	changing the subject	history of unresolved conflict language
lack of senior leadership buy-in	premature resort to power	political agendas
lack of training	inability to be objective	hidden agendas
poor problem solving skills	premature resort to power	high demands/low offers
poor preparation	poor timekeeping	adversarial seating arrangements
not listening - not hearing	pressure of time	divergent values
pre-judging	confrontational dialogue	ulterior motives
ignorance	win-lose mentality	few concessions
vagueness	history of adversarialism	unrealistic expectations
subjectivity	decision makers not at the table	constituencies will not ratify agreement
pessimism	power imbalances	complicated solutions
interruptions	changing team composition	not living by agreements
aggression	poor selection of negotiation team	impractical agreements
impatience	premature mandating	broken promises
competition	stereotypes	unilateral process and ground rule
manipulation	inflexible mandates	inflexibility

EXPERIENCING THE SOCIAL DIALOGUE NEGOTIATION PROCESS

Explore the collective bargaining process for collective bargaining agreement

This is a role play to improve your negotiating skills. First learn about the seven rules of a quality negotiation process, the behaviour of effective negotiators and typical obstacles to effective negotiation. Then divide into two groups and define your roles. One group represents the interests of the union, the other the interests of the employer. Each group should be familiar with their own bargaining position and not read the other group's position. Each group should take a few minutes to prepare for the negotiations. Then start the negotiations, which should last up to 30 minutes. During the negotiation, do not deviate from the written negotiation points, negotiation objectives and background. Follow all the tips for a successful negotiation. When the time is up, take a few minutes for a self-assessment based on the suggested criteria. Discuss among yourselves how you can further improve your negotiation skills.

Strengthening the capacity of the negotiating parties to increase the quality of social dialogue is important so that both negotiating parties can offer solutions that improve the prospects of the industry, reduce risks for employers and workers and are more socially acceptable than before.

SEVEN RULES OF A QUALITY NEGOTIATION PROCESS

1. **Negotiations between the representatives of workers and employers should be cooperative.**
2. **Keep in mind the common end goal.**
3. **Know when to concede to a winning combination.**
4. **Know the alternative if negotiations fail.**
5. **Use objective criteria.**
6. **Negotiations are a strictly structured process.**
7. **Cooperation does not end with the signing of an agreement.**

Further reading on the subject of negotiation:



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Your role: **TRADE UNION**

You are to negotiate on following issues:

- Education of all new employees.
- Increased participation in education and training for certain groups of employees (under 30s and over 55s).
- Lifelong education for trade union members.
- Involvement in education and training in line with the employer's needs, changes in the sector and key challenges on the labour market.

Negotiation aim:

- You propose a minimum of 3 days of paid absence per year for educational purposes for the under-30s and over-55s and 2 days of paid absence for other employees.
- You propose education for new recruits in the first year of their new job for an amount of up to EUR 500.
- You propose a right to additional education for each employee up to 30 years of age, up to a value of EUR 750 per year.
- You propose for each employee over 55 years of age to receive education up to a value of EUR 500 per year.
- You propose that trade union members aged between 30 and 55 years receive training worth up to EUR 500 per year.s.

Background:

- In the first year of employment, workers are most motivated to learn new knowledge and skills.
- The active learning years are up to 30 years, during which time the employer should encourage education and training.
- Older workers should ensure that they build on the knowledge and competences they have acquired through education and work with new, up-to-date skills.
- Education and training are not only in the interests of the employer, but also in the interests of society at large and of European Union policy. It is also important for the collective implementation of the 17 Sustainable Development Goals (SDGs).
- Dedicated paid time off from work should be used for education and training.

Respect good negotiation behaviour and avoid obstacles to effective negotiation!

(Self) Assessment based on:

- Cooperation with the employer.
- Adaptation to the employer's needs as a company in a particular sector.
- Agreement on the time and cost aspects of the negotiation requirements respected.
- Success in bargaining achieved through at least partial agreement to the demands proposed by the trade union.
- The inclusion of employees in the process of lifelong education and training achieved.
- The rules of a successful bargaining process followed.

Your role: **EMPLOYER**

You are to negotiate on following issues:

- The suitability of the required experience and competencies before signing the contract.
- Promoting an entrepreneurial culture of training (self-directed) in all workplaces and for all age groups.
- Encouraging innovation and suggestions for improving and work processes.
- Raising the educational structure and relevant competences of all employees (iVET, cVET and non-formal education).

Negotiation aim:

- You want education and training to be based solely on the employer's current needs and activities. You propose that education and training costs for agreed categories of workers be set in accordance with the annual plan (and the company's balance sheet in the previous year) and be aligned with the human resources plan.
- You propose that a contract be signed with the employee prior to training, which provides that in the event of failure to achieve results in the area for which the employee has been trained, the employee shall reimburse the training funds. The funds will be allocated to another interested worker.
- You suggest that workers over 55 years of age who are involved in education and training should accept to mentor younger workers and pass on the skills and knowledge they have acquired through their work in the company.
- You propose rewording self-initiated training outside working hours.

Background:

- It is important for you to maximise revenue in times of boom and increased demand and contain costs in times of business decline.
- Your goal is to run a stable business and make a profit.
- It is important to you to balance your educational expenses against the benefits to the company.
- You believe that education spending should be cut accordingly when resources should be used primarily for other purposes.
- You agree with lifelong vocational education and training, but for all employees, not just union members.

Respect good negotiation behaviour and avoid obstacles to effective negotiation!

(Self) Assessment based on:

- Cooperation with the trade union as the representative of the workers.
- Consideration of union proposals as beneficial to the employer.
- Responding positively to suggestions.
- Creating a positive working environment and responding to employees' needs.
- Following the rules for a successful bargaining process.