

# Finding solutions

Avoid win/lose negotiations

## Question:

**Our health care company was acquired by another two years ago and we have yet to create a blended culture between the two organizations. It seems every discussion turns into a win/lose negotiation. While I do not have the authority to change the culture, I am interested in your suggestions for improving our communications.**

## Response:

I am of the belief that companies are living organisms. Like a mobile hanging from the ceiling, when you make a shift, it causes a ripple affect to the other connected pieces. You have already taken the first step in taking responsibility for identifying ways you can help make change happen.

Win/lose negotiations are emotionally difficult because it means a fixed solution is presented and the opposer uses one of three strategies to get you to buy in. These include conceding by force, by compromise or by concessions.

Force is when the opposer leverages their strengths, like reward and punishment power, against your weaknesses. Their strategy is to present limited options so you feel vulnerable and pressured to give in.

The problem with this approach is that even if you do give in, the agreement becomes unstable. Resentment and anger can cause the loser to work hard to either change the agreement or get even when the time is right.

Compromise is another method used in win/lose negotiations. This is when one side is looking for a shortcut to conclude the negotiation in their favor. The timing of this approach is critical. It happens when the opposer has already received a concession for the other party and a new position is created. After not giving in and sensing an increase in frustration from the other party, the opposer says, "Let's just split the difference." This is to their advantage because they are working from a new position and asking the other party to make yet another concession. Do not fall prey to this trap.

Concessions are a part of everyday negotiations and are effective when matched with counter-demands. However, when emotions run high and demands are numerous, strategic mistakes are inadvertently made benefiting the opposer.

To make a shift from these types of stranglehold win/lose strategies, engage in the negotiation discussion with several options available, and invite the opposer to join in investigating alternative solutions you haven't even thought about. This will diffuse the defensive/offensive position and will create a space for collaboration to take place.

This approach is based on the "Law of Versatile Flexibility" which states that the mechanism that has the greatest amount of options wins. In essence, it equips you to move the other party off their initial, "take it or leave it" position and shift their focus to other potential solutions.

This is called the creative-alternative approach and it is when competition (win/lose) meets collaboration (win/win). The goal is for both parties to work together to identify alternative solutions and assess the validity and merits of each option as a viable solution to meet their separate goals.

Here are five steps to guide you through this process:

## Step 1: Set the tone.

How you initiate the negotiation and respond to hostile comments will influence the other party's behavior. Focus on problem-solving as opposed to debating. If the other party comes to the meeting with emotional boxing gloves on and says, "We cannot backfill the two open positions you have on your floor. You will have to make do with the personnel you have," don't get defensive or argumentative. Instead, move on to step two, fact-finding.

## Step 2: Fact-finding.

This happens when both parties take the necessary steps to understand the real facts. Facts are different than emotions. They are based on qualitative or quantitative information. When mutually agreed to, they establish common ground from which to begin the creative process.

Too often, people jump into a negotiation with a different understanding of the facts than the other party has. This leads each party to work with different assumptions which naturally creates conflict.

To illustrate, let's take the above example one step further and shift into the fact-finding mode. You may want to respond by saying, "I appreciate the fact you considered my request. I know you and I share the same values in that we want our facility to be considered among the top in the city and for us to provide the best patient care we are able to with the resources we have available. I am wondering, for future planning purposes, if this is an issue of timing, money, personnel availability or other needs within the facility?"

While it may be tempting, it's important to refrain from becoming defensive, as it will only perpetuate the negativity. Instead, create agreement and cooperation whenever possible.

If the opposer responds with a non-specific answer like, "The timing's just not

right,” dig deeper, without coming across as an interrogator. Language like, “Could you help me understand what’s not right at this time?” or “When do you suggest revisiting this?” will give you information that will be helpful in strategizing what to do next.

### **Step 3: Mutually gather suggestions for creative alternatives.**

This is when both sides work together to develop and assess potential alternative options. In essence, you are involving the opposer in coming up with an acceptable solution.

Your next comment would be, “I am open to discussing with you and your team how we might cover these open positions so the facility doesn’t experience a backlog of paperwork and jeopardize compliance regulations. At our current staffing level, we are positioned to handle between 20 to 30 patients with some strain, but for the most part, we’re OK. However, after that, we do not have sufficient manpower to cover patients and complete the paperwork.

“As a result, we fall short of our compliance regulations and jeopardize the whole facility’s accreditation. My concern stems from the fact that last year, we experienced 27 weeks where we averaged over 40 patients per week. I don’t want us traveling down the road of disaster without all the key players in the know and approving of the situation. I would welcome your team’s insights in helping us develop a viable solution for bridging this gap.”

### **Step 4: Assign someone the role of observer and facilitator to assist in problem-solving.**

Having an objective person who can recognize a potential stalemate before it becomes a roadblock and intercede to redirect the conversation helps to keep creative juices flowing. To be effective, they need to state facts, be non-evaluative, flag possible points of conflict and focus the team’s attention on developing and assessing alternative options.

If you cannot find someone to assume this role, you will need to be prepared to, very

subtly, take responsibility for keeping the conversation on task. This is a high-risk position. If you cross the line, you will come across as assuming control over the negotiation which will negatively impact the outcome.

### **Step 5: Assess the alternatives and select a solution.**

With the facilitator as leader, walk through each of the alternatives and decide the feasibility and viability of each solution. Eliminate those alternatives that are not mutually beneficial. Develop a list of the top three to five options. Work through them and agree on the one that best meets both parties’ needs.

Developing alternative solutions is a critical skill for resolving most negotiations. It expands what is possible and allows for mutual accommodation where both parties can be a winner. Sometimes it a necessary strategy to resolve disputes. In other cases, it’s the natural by-product of the negotiation discussion. In your situation, it may prove to be the catalyst for relinquishing the swords and initiating more collaborative communications.



**Christine McMahon** is the owner of Christine McMahon & Associates, a training and coaching firm in Milwaukee. She can be reached at (414) 290-3344, via fax at (414) 290-3330 or e-mail her at: [ccm@christinemcmahon.com](mailto:ccm@christinemcmahon.com).