

# Negotiation skills online course – Tutor’s notes

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<b>Version history</b>	<ul style="list-style-type: none"><li>• 1.0 – First draft of new training materials February 2020</li><li>• 1.1 – Adaptations following on from feedback.</li><li>• 1.2 – Adaptations from feedback from Kathryn and Arron</li></ul>

## Introduction

This is the new reps training course for 2020, which has been adapted from the classroom version to be run online over 3 hour long sessions using zoom or some other video conferencing service.

Following on from feedback, please find these comprehensive tutors notes as a guide when delivering this course. As with all of the training, there is a good mix of tutor led sessions and practical sessions for reps to build their confidence and understand more about what the role entails. We’ve tried to include a selection of case studies for reps to work on as well as giving clear guidance on the processes and procedures of negotiation.

We suggest only reps who have previously attended reps part 1 & 2 for this course.

## How these notes work

Latest revision of this document: <https://library.prospect.org.uk/id/2022/00139>  
This revision: <https://library.prospect.org.uk/id/2022/00139/2022-03-08>

There are 4 core resources associated with the course:

1. The PowerPoint presentation, which includes visual aids, but also maintains the structure/order of the course
2. The participants’ workbook, which covers logistics, background information and activity sheets
3. The tutor’s notes which explain the activities, suggest discussion-prompts, give (loose) timings, and ‘index’ the other resources, tying the whole thing together.
4. As tutors who’ve committed to delivering this course, we would suggest a small amount of preparation time ahead of the course to ensure you’re familiar with the session, activities and tutor instruction. We suggest running the course over three days.

	Slide no/ WB page	Notes	Resources
<b>Online Session 1</b> Online welcome	No slide Page	The PowerPoint is not used at the beginning of the session. You may need to help people with technical issues such as sound	Tutor to ensure you have joined conference call slightly earlier than the start time; Have the following opened up on the computer: PowerPoint for session 1 & Activity B
Learning outcomes	Slide 1 Page 2	Go through learning outcomes slide 2 Explain that because of splitting the online course in to three the workbook activities are not done always in the same order as the workbook	Share PowerPoint
<b>Workbook Session 1</b> Introductions and objectives 45 mins	No slide Page 2-7	Introduce tutors here Pronoun to be mentioned Go over housekeeping: mute while others speaking and where possible keep video on Interactive course and reps are encouraged to discuss, raise items and participate in the sessions	Stop sharing
Introductions	No slide Page 8-9	Introduce yourself: <ul style="list-style-type: none"> <li>• their name</li> <li>• the company/organisation they work for</li> <li>• current union role/s</li> <li>• an example of a negotiating experience they have had</li> <li>• What they would they like to know before returning to their workplace?</li> </ul> Write down answers to what they want to get from the course. This can be referred to during the two days or signposted to further courses perhaps. The most important point is that these are the outcomes the delegates want, and ensure you recap over them at the end of the day to ensure	Workbooks Extra question and slide over the page Pen and paper to record responses to their learning outcomes

		they've been met wherever possible.	
	Slide 2 Page 26	<p>Explain the extra question, it can be any sort of negotiation they have done.</p> <p>Explain that negotiations normally fall into four types of conflict as shown on slide 2 as the reps are introducing themselves ask them to say which type of conflict the negotiation falls into.</p>	
<p><b>Workbook Session 2</b></p> <p>Negotiating basics</p> <p>40 mins</p>	Slide 3-11 Page 10-14	<p>Through this session participants will:</p> <ol style="list-style-type: none"> <li>1. understand the legal and cultural context for collective bargaining in the UK</li> <li>2. know UK law as it is relevant to collective bargaining</li> <li>3. understand basic conventions/techniques in negotiating with employers</li> </ol> <p><b>Delivery</b></p> <p>Show and talk through slide show, taking questions as you go through. The slides are pretty self-explanatory, and the notes give key points plus a bit more context/elaboration if you want to include it.</p> <p><b>Slide 3</b> Often employers just don't know what to expect from the Union, building relationships helps this and is done over the long term. Some employers are good at consultation, some are very poor. It helps that a rep can build a good relationship to smooth the negotiation process.</p> <p><b>Slide 4 – The Voluntarist tradition</b></p> <p>UK industrial relations evolved in 'voluntary' arrangements between employers and unions – which isn't to say these were established easily or peacefully. No 'golden age'!</p> <p>'Collective bargaining' – augments/supplants the individual contract.</p> <p>1970s government encouragement of 'good industrial relations – most Prospect bargaining relationships (incl energy &amp; telecoms sectors) are legacy of this.</p> <p><b>Slide 5 – Union recognition</b></p> <p><b>Key point:</b> As representatives of a recognised union they have legitimate expectations of their employer that <b>don't</b> rely on the law or legal enforcement. The employer shouldn't act unilaterally.</p>	1 activity for delegates included in this Session

Recognition covers everything you actually do bargain about – regardless of whether it is specifically mentioned in a written agreement.

Statutory recognition is restrictive, not an improvement on voluntary.

### **Slide 6 – Collective agreements**

#### **Key point:**

A collective agreement is property of both parties – employer and union – and cannot simply be changed unilaterally. Due to the changing nature of digital engagement it may worth entering it negotiation with the employer over this.

Union less likely than employer to serve notice, on the ‘what we have, we hold’ principle – but could do so, if eg saw chance to conclude more advantageous agreement

Collective agreements set the terms of how can negotiate with the employer and how we can communicate with our members within that. **There is the need to review collective agreements periodically especially in the digital/homeworking age.**

### **Slide 7 – Information, Consultation, Negotiation**

#### **Key point:**

Negotiation often seen as the only game in town, but get them thinking about usefulness of the others too

Consultation needs to be meaningful. This can be defined as willing to listen to members concerns and move position because of that to reach an agreed position.

Mention ice regulations 2020 and the need to inform consult where there are 50 or more employees.

eg information can be an opportunity to strengthen relationship with employer by showing interest in the business; there may be some issues on which consultation preferable as union wouldn't want to reach agreement.

### **Slide 8 – Legal duties to consult**

Tell the reps there are some examples in the workbook page 11 & 12

#### **Key point:**

Can be useful to invoke legal duties sometimes even though recognition agreement may cover the relevant issues as well. Get the employer to sit up and take notice.

Potential issues – if employer uses legal duties as excuse to conduct parallel consultation with non-TU reps – can undermine union’s position

### **Slide 9 – Rights to information**

#### **Key point:**

Legal right gives strong basis for requesting info – it **doesn’t** mean seek legal enforcement in first instance!

Info can be refused on grounds of: national security; obtained in confidence; personal details; ‘substantial injury’ to business

If considering seeking legal enforcement – they should think about whether the advantage of having the info will outweigh the potential impact on current and future relationships with their employer.

Mention ice regulations 2020 and the need to inform consult where there are 50 or more employees.

### **Slide 10 – Negotiating Conventions**

#### **Key point:**

These aren’t rules of the game as such but can help them to negotiate more effectively.

Informal discussions may be something they are instinctively opposed to, so talk through potential benefits of understanding more about the other side (they’ll do more on this later in the course).

Chatham House Rule: When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

		<p>Minutes – practice varies so ask them what they do</p> <p>Goldfish bowl – get them to think about pros and cons of progress reports (next slide also refers) The term means everybody is watching the negotiations including non-members</p> <p><b>Slide 11 – What about the members?</b></p> <p><b>Key point:</b> Union negotiators are <i>representatives</i> – and mustn't forget it. That's the key thing about negotiating within voluntarist tradition.</p> <p>Obvious tension between keeping members on board and requirement for confidentiality about detail of negotiations – get them to think about ways to overcome this eg campaigning on the broad issue</p> <p>Refer them to pages 15 of the workbook for legal provisions</p>	
<p><b>Workbook Session 3</b></p> <p>Bargaining with employers</p> <p>35mins</p>	<p>Slide 12-13 Page 15-17</p>	<p>Through this session participants will learn to:</p> <ol style="list-style-type: none"> <li>1. identify issues for Prospect members in a situation of workplace change</li> <li>2. formulate an initial bargaining position</li> </ol> <p><b>Activity B: Bargaining with the employer</b></p> <p>As a big group.</p> <p>Draw their attention to the brief and supporting papers for the exercise, which are in their workbook and was the pre-reading [pages 14-16] and were pre-reading. <b>It may be needed to read out these pages</b></p> <ul style="list-style-type: none"> <li>• Scenario: changing hours at ExertCo</li> <li>• ExertCo Working Hours Policy</li> <li>• ExertCo standby policy</li> </ul> <p>Give them 30 minutes to discuss the brief in the group and answer the questions in the brief:</p> <ul style="list-style-type: none"> <li>• What issues are raised for members and for Prospect by the information they already have?</li> <li>• What information should they ask ExertCo to provide?</li> </ul>	<p>You may want to share Activity B and read it out if some have not done the pre-reading</p>

	<ul style="list-style-type: none"> <li>• What is their initial position on the proposals?</li> <li>• What are they going to do next?</li> </ul> <p><b>If participants feel that there are gaps in the information provided suggest that they make reasoned assumptions and then vocalise these assumptions when giving feedback</b></p> <p>They should work out their answers – a few minutes for each question.</p> <p>The following does not give a ‘model’ answer but possible (and not exhaustive!) responses to each question:</p> <p><b>What issues are raised for members and for Prospect by the information they already have?</b> Changes in working hours and working patterns – will this be acceptable to members and how will it be managed? Potential family-friendly issues arising; potential loss of flexibility; potential losses of on-call earnings. Further issue for Prospect is only minority membership in that area at present.</p> <p><b>What information should they ask ExertCo to provide?</b> More detail on rationale for the change; data on current demand for tech support outside normal hours and especially in the periods that they are seeking standard cover for; how many employees are currently on the standby roster; working hours for all employees currently in the tech helpdesk team.</p> <p><b>What is their initial position on the proposals?</b> Want to understand business case for such a disruptive proposal; employer will need support of helpdesk employees to make this work so the sooner they can talk to members the better; in the meantime such a change would be a change of contract (even given the working hours policy – change of custom and practice) so they’re in a pretty strong position.</p> <p><b>What are they going to do next?</b> In a sense, it doesn’t matter too much what they are going to do next, provided that they DO NOT go and talk to any of the tech helpdesk members about the proposal! (The implication of the brief is that there are no members from this area on the branch committee).</p> <p>After the report back, sum up key points:</p> <ul style="list-style-type: none"> <li>• always scrutinise employer proposals carefully</li> <li>• keep to confidentiality when proposals are still at ‘without prejudice’ stage</li> <li>• find out whether there is a genuine business reason for the proposals</li> <li>• identify potential impact on members – positive (yes, there is sometimes a positive!) and negative</li> <li>• ensure employer realises union will need to communicate/consult with members, and will give</li> </ul>	
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		access opportunity for this.	
<b>Homework</b>	Slide 14 Page 18-19	Set what needs to be done for Activity C: Working out your strengths <b>Run Poll</b>	
<b>Online Session 2</b>	No Slide Page 18-19	Go through homework and say it will help on the next online session Everyone to score themselves on the questionnaire on pages 17 & 18 of the workbooks. Don't ask them to reveal their scores yet. Before the session decide who should be in the Management team and who should be in the Reps team for Activity H. The session generally works better if experienced reps are placed on the rep's team. Experienced reps can make the negotiation too hard for inexperienced reps if they are on the Management side and does not help their confidence.	Tutor to ensure you have joined conference call slightly earlier than the start time; Have the following opened up on the computer: PowerPoint for session 2 and Activity E and F
<b>Workbook Session 4</b> Effective Representation 20 mins	Slide 1 Page 20	<b>Activity D: Picking a team</b> Split into two groups and go into break out rooms. Explain that these will be the teams for Activity H This is mainly to introduce them to the breakout rooms and get the two groups together ready for Activity H in the following next online session. Get them to decide using their scores on the previous activity as a guide. Refer them to the roles on page 23 of the workbooks Allow 10 mins for this Reinforce about playing to your team strengths Feedback for 10 mins who picked who for each role and why?	You will need to set up two break out rooms and the tutor picks the teams.
<b>Workbook session 5</b> <b>The negotiating process</b>	Slide 2-5 Page 21-23	<b>Slide 3 - Starting points</b> Quick overview of when negotiating situations arise. It's worth pointing out that it's not necessarily enough to make a claim to bring about a negotiating situation – the employer isn't always under an obligation to respond, so they might need to give a tip-off/have some informal exploratory chats first	Share slide show

**Slide 4 – Negotiation process**

Go through how that the negotiation process maybe a cyclic process that make go a few trips until agreement is made. The reps may have to guide the members through the process.

**Slide 5 - What is your position?**

It is important than the union side knows what it wants and that it is feasible.

**Decide which fight to fight**

Is this the right issue to negotiate on? is it worth the time and effort. Do the stakes stack up? Is the gain higher than the risk of loss? How flexible do you think the other side will be?

**Mention about using question checklist on page 22**

One of the big things that unions try to do is preserve the status quo, when an equal solution could be to negotiate better terms for change. How much power does the other side have? Do they have the power to negotiate an agreement or are simply carrying out orders e.g. lower management in a bigger organisation?

**Plan, plan, plan**

Ask yourself these questions:

- What do you want from the negotiation?
- What does the other side want?
- When do you want it?
- How much will you give up for it?

How much will the other side give up for it?

**Be SMART**

S... Specific

M... Measurable

A... Achievable/Agreed

	<p>R... Realistic</p> <p>T... Time bound</p> <p><b>Stop, look and listen</b> Remember: You have two ears and one mouth, and that is so you can listen to twice as much as you speak. You need to get every scrap of information you can from the other side and you won't get any from you talking.</p> <p><b>Don't make it personal</b> Even if someone on the other side is rubbing you up the wrong way stick to tackling the problem, sometimes easier said than done.</p> <p><b>Define your position</b> Do this clearly while leaving the door open to negotiate. The more hesitant language you use such as "isn't it", "you know", "um mm" and "I mean" the less people are likely to believe your argument. (Journal of Applied Psychology)</p> <p><b>Whom must you convince to say yes?</b> Sometimes both sides have to convince their members/board members that this is the best deal on the table. What is the timetable? Does the other side need a quick resolution, or can they walk away without any damage?  Persuasion involves creating a storyline to support a position e.g. if the workers do not have a minimum call they could actually lose money by the cost of travelling to work costing more than they earn on that shift. This can be undermined by challenging the facts. This can be done by asking at how these facts were arrived at, any assumptions break the story.  Use positive rather than negative language: instead of saying "You're wrong about this", say "That's true, however...", "That's an excellent idea, but if we look more deeply..." or "I agree with what you say but have you considered...".</p> <p>Stating your case, is it going to be a business case, one of fairness, a moral one or a bit of each?</p> <p><b>Slide 6 - Informal discussions</b>  The more you know someone, the more you're able to communicate effectively with them. Especially new contacts may not have worked with unions before – they'll be worried you're going to</p>	
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		out-smart them! Ask reps how they would start a negotiation process.	
<b>15 mins</b>	Slide 7 page 24	<p><b>Activity E: Perception</b></p> <p>Spend 5 mins going through the statements on page 31 and ask for feedback as to how they could build some bridges between the two for 10 mins</p> <p>Possible compromises might be:</p> <ul style="list-style-type: none"> <li>• For some improvements done to the workplace</li> <li>• Agreeing to looking into a survey about the wellbeing of the workforce</li> <li>• Asking or explaining why staff are struggling with uniform</li> </ul> <p>Professionalism as opposed to rushing</p>	
	Slide 8 Page 25	<p><b>Slide 8 - In the meeting:</b> A few dos and don'ts to remind them about professionalism and discretion.</p> <p><b>Key points:</b></p> <ul style="list-style-type: none"> <li>• they're there to get a deal, not to 'have their say'</li> <li>• employer negotiators are people too – not the embodiment of evil</li> <li>• going off at the deep end should only happen if planned in advance</li> <li>• The 'other side' are sometimes members! – does that influence negotiations? How?</li> <li>• Feelings will influence possible outcomes – so don't let things get personal such as using the company name.</li> <li>• It's the other side's job to deliver – just as it's ours</li> <li>• Support is bankable – improves relationship and can be traded</li> <li>• Part of ongoing dialogue – so always has consequences, and they matter</li> </ul>	
	Slide 8 Page 25	<p><b>Be professional</b></p> <p>You are representing members and should be done professionally and with discretion. Decide on your team roles and stick to them.</p> <p><b>Challenge the other side's behaviour</b></p> <p>They are there to get a deal, not to 'have their say'. Constant interruptions should be challenged, such as receiving phone calls in the meeting or not letting you get through your claim without interruption.</p>	

		<p><b>Refuse to be intimidated!</b> Even when the odds are most unlikely, few situations are rigidly fixed. If you don't ask, you won't get! Never assume you know how events are going to play out, what the other side wants, or how they will react. Always expect the unexpected.</p> <p><b>Never be afraid to ask</b> Let the other side say "no" for themselves. But when you ask for something, be prepared that you may have to give up something in return.</p> <p><b>Don't get personal</b> Steer clear of personal antagonism in your negotiations. Be alert to personal agendas, both yours and the other sides. Resist the temptation to bring up the past as you deal with the present.</p> <p><b>Build up trust</b> Good faith breaks down for several reasons: Innocent misunderstandings; Perceived dishonesty; Negligence and irresponsibility; Fear. Always clarify the reasons for your actions and position, don't assume the other side knows. Mean what you say and say what you mean. If you make a mistake admit it. If you say you will do something, do it and in the time, you say you will. Respect confidences and the other side. Ease any fears that can be identified.</p>	
	No Slide Page 26	<p><b>Refer back to the different type of conflicts from Activity A</b></p> <p><b>Ask the question can they remember the different types of conflict?</b></p> <p>One-sided: only one side has a request e.g. asking for flexible working</p> <p>Two-sided: each side has an objective and no agreement can be reached until both are satisfied</p> <p>Personal grievance: conflict arises from acts of individual volition</p> <p>Systemic: disagreements are the results of the different organisational agendas e.g. Management want to increase profit and union want to safeguard the workers terms and conditions</p>	
	Slide 9 Page not in workbook	<p><b>Negotiations are about discovery</b></p> <p>It is important that reps find out the other sides position by probing and getting the other side to explain Think about just having a discussion on a issue. Don't put pressure on yourselves, but to engender open discussion to investigate the situation to deem what may be reasonable and what members may find difficult, and thus what alternatives there are. working through the issues with management, but still point out what may be taken difficult by members</p> <ul style="list-style-type: none"> <li>• Listen more, talk less 80:20</li> <li>• Pick up clues and signals</li> </ul>	

		<ul style="list-style-type: none"> <li>• Seek clarification/elaboration</li> <li>• Open questions</li> <li>• Paraphrasing: “So what you’re proposing is...?”</li> <li>• Explore possibilities/alternatives – keep options open</li> <li>• If, then: “If we..., then could you...?”</li> </ul>	
	Slide 10 Page 26	<p><b>Persuading</b> involves being able to convince others to take appropriate action.</p> <p><b>Negotiating</b> involves being able to discuss and reach a mutually satisfactory agreement.</p> <p><b>Influencing</b> encompasses both of these.</p> <p><b>Mirroring the other person's mannerisms (e.g. hand and body movements)</b>  A study at INSEAD Business School found that 67% of sellers who used mirroring achieved a sale compared to 12% who did not. People you mirror subconsciously feel more empathy with you. However, it can be very embarrassing if the other person detects conscious mirroring so it must be very subtle. You need to leave a delay of between two and four seconds before the mirroring action.</p>	
	Slide 10 Page 26	<p><b>“It is very easy to defeat someone, but it is very hard to win someone”</b>  – A.P.J. Abdul Kalam (former President of India)</p>	
	Slide 11 Page 26	<p><b>Finding common ground</b>  Anyone can just adopt a position and keep saying it. Being a negotiator means knowing how to move things beyond that point. The slide shows the kind of gambits that negotiators can use to make offers/proposals without committing themselves too far.</p> <p>How do you get beyond talking at each other? Try such phrases as:</p> <ul style="list-style-type: none"> <li>• “If you could..., we could...?”</li> <li>• “How would you respond if we move on...?”</li> <li>• “If we did... then presumably you could...?”</li> <li>• “Perhaps we could look at this in a new way...”</li> <li>• “You have made some very valid points, let me just go through with you the effects that would have...”</li> </ul>	
	Slide 12 Page 27	<p><b>Practical tips</b>  Go through tips. You/they may be able to think of practical experience of some of these – opportunity</p>	

		<p>for discussion (and it's OK to have made mistakes)</p> <p>Again – even if you get a win you need to look to the longer-term impact and future relationship</p>	
	<p>Slide 13 Page 27</p>	<p><b>Creating a win-win</b></p> <p>Sounding as if you are talking from their point of view gives you a stronger position.</p> <p>If you can say that circumstances have changed (and how), that may give both sides room and incentive to move.</p> <p>Grace under pressure – reward concessions, don't gloat over them (even when it's tempting...)</p> <p>Make relevant evaluations: you may feel as if you're a long way off your preferred outcome – but have you made gains relative to where the negotiations started?</p>	
	<p>Slide 14 Page 27</p>	<p><b>WIFTA</b> = What If you Fail To Agree?</p> <p>Emphasise that there are consequences to not being able to agree</p> <p>Alternatives all have their drawbacks eg escalation or arbitration can compromise relationships for the future, also a third party may take a harder line</p> <p>Industrial action – may be falling into a trap!</p> <p><b>BATNA</b> = Best Alternative to Negotiated Agreement</p> <p>eg securing a broader review of issues, agreeing to return to some questions next year, obtaining commitment to a fact-finding exercise etc</p> <p>negotiators who think ahead and define (realistic!) BATNAs avoid falling into traps or getting painted into a corner.</p>	
	<p>Slide 15 Page 28-30</p>	<p><b>Activity F: Tactics</b></p> <p>Explain that this activity is to look at some tactics that may be employed, in particular to recognise them as a tactic and possibly challenge their use.</p> <p>Look at the following tactics, in a big group decide if you would use that tactic or challenge it if it was done to you.</p> <p>Below are some suggested answers:</p> <p><b>Opening Gamble</b></p>	<p>Share Activity E and go through each statement</p>

Tactic	Use			Challenge		
	Yes/	Maybe/	No	Yes/	Maybe/	No
<b>Tactic 1: Always appear reluctant</b> I do not have to take this deal. I am interested in acting in good faith but I may or may not accept the conditions of this deal.		✓			✓	
<b>Tactic 2: Never, never, accept the first offer</b> A good negotiator always starts you at one extreme of the bargaining range. Counter with "that's an attractive offer but I still have real concerns"		✓			✓	
<b>Tactic 3: That's not good enough</b> This is the single most effective way to begin the negotiation on your terms. The other side may turn the tables on this and counter with "What will be good enough?" avoid a direct answer to this.			✓	✓		
<b>Tactic 4: Cringe and make a face</b> A little bit of theatrics goes a long way in negotiation. Shake your head or make a small sound of horror, then stay silent and let the other side maybe alter their offer.	✓			✓		
<b>Tactic 5: Ask for the kitchen sink</b> Don't be shy in your first offer. The more you ask for in the beginning, the better, be bold. If you asking for A, B & C and you'll settle for C, you can always trade A & B.	✓				✓	
<b>Tactic 6: Neutralise the other side's perceived power</b> Don't let the other side make you feel slight or inferior, focus on your strategy.	✓			✓		
<b>Tactic 7: Schedule sessions on your own turf</b> Like a football team the home side has an advantage.			✓		✓	

<p><b>Tactic 8: Use confusion to your advantage</b> When people are unsettled they are easily influenced. At critical moment, it is your advantage to suggest a variety of complicated options. The option you favour is the easiest to understand.</p>			✓	✓		
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**Winning the middle of a negotiation**

Tactic	Use			Challenge		
	Yes	Maybe	No	Yes	Maybe	No
<p><b>Tactic 1: Resolve the small issues first</b> It is important to establish good faith at this stage, you laying the foundation for the end of the negotiation. If you are getting bogged down is there a smaller issue that can be resolved to start the process.</p>		✓				✓
<p><b>Tactic 2: Always keep an impasse alive with set asides</b> An issue you agree to disagree on until a later date. set aside emotional issues give time for both sides to cool down</p>		✓			✓	
<p><b>Tactic 3: Avoid the emotional land mines</b> Don't antagonise the other side over emotional topics.</p>	✓				✓	
<p><b>Tactic 4: Don't over-react when the other side says no</b> No does not necessarily mean never, it could be subject to change.</p>	✓				✓	
<p><b>Tactic 5: Be careful of the telephone</b> The telephone can be a double-edged sword. It can speed up the process, but it can also stop real movement on an issue. Like email the words can be interpreted wrongly and you can miss subtle visual clues to where the other side may move on.  Online negotiations can reduce the ability to see someone's body language. One side can use a poor connection to their advantage You could whats-app between your team while</p>	✓				✓	

		the meeting is taking place.							
		<b>Tactic 6: Get it in writing</b> It is good to consolidate what has been agreed and what is still to be agreed. It is much harder to retract a position once it is written down.	✓						✓
		<b>Closing the deal</b>							
		<b>Tactic</b>	<b>Use Yes/Maybe/No</b>			<b>Challenge Yes/Maybe/No</b>			
		<b>Tactic 1: Set a deadline</b> Letting things drag on can work against you.	✓						✓
		<b>Tactic 2: Allow the other side to make the first move</b> Even if you set the deadline you want the other side to come back with an offer.			✓	✓			
		<b>Tactic 3: Why not split the difference</b> As soon as this is said it changes the deal, we are down to finding where that split should go 75/25 could be gained.		✓		✓			
		<b>Tactic 4: Lay planks through the quicksand</b> When the deal is stuck is there some element that gets one side to move over that sticking point. This could be; the deal over a longer time; raised in instalments; back pay rounded up; moving someone to another department.		✓			✓		
		<b>Tactic 5: The last-minute surprise</b> This is where one side throws in an unexpected demand, usually not so huge as to break the deal but big enough to get that bit extra.			✓	✓			
		<b>Tactic 6: know when to hold onto to something and when to give up on that issue</b> Sometimes holding out on a condition at all costs can mean you lose the chance for a better deal by giving it up for a		✓		✓			

		<p>better condition to do so</p> <p><b>Tactic 7: You draft the document</b> If you supply the words then you can make sure there cannot be misinterpreted.</p> <p><b>Tactic 8: Making sure the agreement is stuck to</b> Always agree when the changes happen and that the terms are carried out.</p>								
20mins	Slide 16 Page 44	<p><b>Activity I: Negotiations with members</b></p> <p>In a big group refer them to the discussion questions in their course workbooks: [page 42]</p> <ul style="list-style-type: none"> <li>• How can you keep members engaged with the union's negotiating agenda?</li> <li>• What are the advantages and disadvantages of communications and campaigns during the negotiations?</li> <li>• What constraints or problems might you face in your efforts to keep members engaged with your negotiating agenda?</li> <li>• What could you do to get around these?</li> </ul> <p>At end - refer them to the Engaging Members with Negotiations - Dos and Don'ts on page 41 of their workbooks</p>								40mins
<b>Homework</b>	Slide 17 Page 44	<p><b>Explain Homework</b></p> <p><b>Activity J: Getting your message across</b></p> <p>The activity is designed to open up issues of stress and mental health</p> <p>Read the scenario below and in groups come up with a strategy to take to management.</p> <ul style="list-style-type: none"> <li>• What do you need to know from members?</li> <li>• How can you get this information?</li> <li>• What will be your 'fog-horn message' to management?</li> <li>• How can members contribute to these negotiations?</li> <li>• Use the outline negotiating plan to formulate the upcoming meeting.</li> </ul>								

		<p>The sort of things we are looking for:</p> <p><b>What do you need to know from members?</b> What sort of changes do they want.</p> <p><b>How can you get this information?</b> Stress survey, how much unpaid work is being done survey, meeting</p> <p><b>What will be your ‘fog-horn message’ to management?</b> A nice place to work, no more unpaid hours</p> <p><b>How can members contribute to these negotiations?</b> Attending meetings filling in survey</p> <p><b>Other homework</b> is to do the reading for the next session and to make an X &amp; Y card for the game. Encourage them to be creative with their X &amp; Y cards.</p> <p>Remind them who is management and who are Reps for Activity H</p> <p><b>Run poll</b></p>	
<p><b>Online session 3</b> 25mins</p>	<p>Slide 1-2 Page 44</p>	<p>Go through homework. The sort of things we are looking for:</p> <ul style="list-style-type: none"> <li>• <b>What do you need to know from members?</b> What sort of changes do they want.</li> <li>• <b>How can you get this information?</b> Stress survey, how much unpaid work is being done survey, meeting</li> <li>• <b>What will be your ‘fog-horn message’ to management?</b> A nice place to work, no more unpaid hours</li> <li>• <b>How can members contribute to these negotiations?</b> Attending meetings filling in survey</li> </ul> <p><b>Making the most of recognition</b> Go through slide</p>	<p><b>Tutor to ensure you have joined conference call slightly earlier than the start time; Have the following opened up on the computer:</b></p> <p><b>PowerPoint for session 3 and Activity G Score card</b></p> <p><b>Activity G scenario</b></p> <p><b>Activity H Opening scenario</b></p> <p><b>It might be easy to print out score card</b></p>

			for activity G																																																
<p><b>Session 6</b> Negotiations in practice 50 mins</p>	<p>Slide 4 Page 31</p>	<p><b>Activity G: The X&amp;Y game</b> <b>Read out the scenario of the game</b> <b>Win as much as you can! (it is up to the teams to decide what this means)</b></p> <p>Split the group into three teams of 2 using the breakout room function. Give them a couple of minutes in their rooms for each round.</p> <p>Don't forget to offer on rounds 3 and 6 that groups can negotiate with each other in the main session in these rounds.</p> <p>Run each round discretely: "everyone ready?" or "3, 2, 1..." "Play" and mark up the results. Remind everyone when you get to rounds three and six that they are worth more and the teams can consult each other via a representative.</p> <p>Use your scorecard to mark the results of each round.</p> <table border="1" data-bbox="741 775 1742 1359"> <thead> <tr> <th rowspan="2">Round</th> <th colspan="2">Team A (Blue)</th> <th colspan="2">Team B (Red)</th> <th colspan="2">Team C (Yellow)</th> </tr> <tr> <th>Round</th> <th>Running</th> <th>Round</th> <th>Running</th> <th>Round</th> <th>Running</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3* (x3)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Round	Team A (Blue)		Team B (Red)		Team C (Yellow)		Round	Running	Round	Running	Round	Running	1							2							3* (x3)							4							5							<p><b>Share scenario G and read out</b> <b>You will need three break out rooms for this activity</b> <b>You need to fill in the scorecard</b></p>
Round	Team A (Blue)			Team B (Red)		Team C (Yellow)																																													
	Round	Running	Round	Running	Round	Running																																													
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6* (x6)			
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### **Feedback**

This exercise is principally an ice-breaker or a bit of light relief in the middle of a long course. But it does have some useful lessons. Get the group to discuss what they took out of it. Prompt if the following key words and concepts do not come out...

### **What was the objective?**

What does 'win as much as you can' mean? Win for whom? Your team, or the group as a whole?

Which objective was most likely to yield a reasonable result for your team?

### **Competition v cooperation**

Aggressive competition can leave everyone worse off

'Win-win' game, versus zero-sum game

What would be the best strategy to maximise the amount of money of the group as a whole? (Answer – everyone play's Y all the time: yields £13 each, and £39 in total. The most any one team can win is £26, and this would be at the expense of the others both losing £13.)

### **Trust**

Within teams as well as between teams?!

Once trust has been lost – it is difficult to get back and it can lead to a spiral of destruction

Destructive acts can be self-destructive!

**Note: anything over £20 in total for the group is pretty good going.**

<p>The rest of the session 75 mins</p>	<p>Slide 5-7 Page 32-39</p>	<p><b>Activity H: Negotiations at Stationery State</b></p> <p>This role-play exercise and the planning process that participants will undertake in order to carry it out will help them to:</p> <ol style="list-style-type: none"> <li>1. Understand what an effective negotiating plan looks like and how to put it into practice</li> <li>2. Evaluate negotiating positions</li> <li>3. Demonstrate a range of negotiating skills and roles</li> </ol> <p><b>Delivery</b></p> <p>Participants should be pointed to page 33 &amp; 34. They should have read this as homework.</p> <p><b>In the groups used on activity D, give a group either the management or trade union side [Management page 35-36 &amp; Union page 37]. Then place them in their breakout rooms.</b></p> <p>As they have done the pre-reading you might only need to check on them as when both sides are ready to come back to the main room.</p> <p>Their task is:</p> <ul style="list-style-type: none"> <li>• To agree their objectives for these negotiations, based on the negotiation scenario</li> <li>• To allocate each person within the team an agreed role in the negotiations</li> </ul> <p>Each group should use the Negotiation planning sheet on page 36 which they can use to capture their understanding of the situation, what they want to achieve, what they believe the other side's position to be, and what arguments they will use to progress their case.</p> <p>They have 15 minutes to prepare for the negotiations. Check on their progress while they are in their pre-meetings. Try to make sure that they have correctly interpreted the information in the scenario – sometimes there is a misunderstanding, or people make extra things up! – but don't try to shape their bargaining agenda. If you think it looks a bit problematic, you can tell them that in feedback if it causes difficulties, or even if they get lucky and it doesn't.</p> <p>NB do remind them about the possibility of informally meeting the other side to solicit more information, clarify the situation, sound out positions etc – point this out to them if it looks as though they are losing the plot.</p>	<p><b>Share opening scenario for Activity H</b></p>
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		<p><b>The negotiation meeting</b></p> <p>As each 'union' group to use the Negotiation Planning &amp; Observation sheet on page 38. They will need this to help reflect on the meeting.</p> <p><b>The meeting will be a maximum of 30 minutes in total, including any adjournments. At the half point adjourn and ask the group how they think it is going and if they would like to go in the breakout rooms to change tactics?</b></p> <p><b>This information is included in their packs.</b></p> <p>Intervene in the meeting periodically, to get them to reflect on what they think has been going on. Suitable junctures for intervention could be:</p> <ul style="list-style-type: none"> <li>• If one side has clearly misunderstood the other and is ploughing on regardless</li> <li>• If it looks as though the negotiating lead is departing from the plan and others are not asking for an adjournment</li> <li>• If there is no progress ie they are just talking/shouting across the table</li> <li>• A display of inappropriate behaviour eg talking across each other/the other side, dismissive body language etc</li> </ul> <p>You will need to use your judgement about whether to tell them what you think is going wrong and 're-set' them to a more positive point in the meeting; or whether to just suggest they adjourn and re-group (or a combination of these – you could stage an adjournment and talk separately with one or both of the sides).</p> <p>When there is 5 minutes to go – tell them that time is nearly up and they have 5 minutes to wrap up the meeting and agree a way forward (if this is possible).</p> <p><b>Once the meeting is over</b></p> <p>Lead a discussion about how it went. Tutors should give feedback and observations first, including about the interventions – ensure everyone has understood why interventions were necessary and what their purpose was.</p>	
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		<p>Then – did the teams feel that they met their objectives? On reflection, did they feel their objectives were realistic? Did the negotiation meeting make them aware of factors they didn't previously know about? Did they think they got to a reasonable agreed position?</p> <p>Reinforce that negotiations happen for a purpose, not as rituals – if they don't use the opportunity to negotiate effectively and reach an agreed position, they are not representing members well.</p>	
		<p>Finish off end of training. Ask if there are any questions</p> <p><b>Run the poll</b></p>	

