



NEGOTIATION REVIEW



Negotiating Collective Agreements: The Strategic Approach

By Graham Botwright



“A methodology you can practically adopt in your organisation to build a robust strategy, plan a tactical execution and gain more agreements when negotiating with collective bodies.”

Negotiating collective agreements: The strategic approach

I wish I had a pound for every time a client told me that negotiating with collective bodies is different to all other types of negotiation. I have often heard phrases such as:

‘They don’t want to negotiate, they just want it their way’

‘They have the power of veto because they know senior management will give in to industrial action so they don’t need to negotiate’

‘We have a duty of care to our employees so it’s not about screwing them to get the best deal’

‘Pay is negotiated separately and so isn’t linked to everything else’

‘This isn’t as crude as a simple bartering or trading to and fro situation’; and so on and so forth.

Interestingly, I hear exactly these same sentiments whether buying or selling, resolving political disputes or negotiating for a desired outcome. Of course, collective disputes have their own idiosyncratic differences and these are often what create the highest levels of frustration, but in my experience the principles of negotiating with a trade union are no different to those when you are buying or selling, or resolving the crisis in the Middle East. And therefore the strategies and tactics employed can, and should, be employed in a similar manner.

I have highlighted these similarities and differences to give you a methodology you can practically adopt in your organisation to gain more agreements and reduce deadlocks when negotiating with collective bodies! The Strategic Approach outlined will help take your negotiation planning to a new level and ultimately bring you greater success.

Why negotiate?

There is a general fear (and for some, excitement) about negotiation. There is a general fear that collective bodies (usually trade unions) are expert bargainers and relish the opportunity to get around the table to demonstrate their ferocity in rejecting our every suggestion. So why would we go to the table in the first place? The simple answer is change. If nothing changed then the need for negotiation could be avoided. However, we operate in a world of change and this requires constant re-evaluation and reappraisal of the terms, the values and performance criteria we expect and give in order to achieve our organisational objectives. As time changes, the cost of living changes. This in turn means that the costs of products and services goes up and down and wage rates move in line. This catalyst has traditionally brought about the ‘annual pay review’. As we have become more sophisticated in order to avoid the annual pay review we have started to agree terms which are index linked (e.g. linking to the Retail Price Index) for a number of years. Other factors which act as catalysts for negotiation are: political, economic, social, technological, environmental or legal changes; increased competition; changes in ownership; working practice improvements; product / service launches; crisis management etc. By the very nature of these elements, we are often compelled to negotiate by circumstances beyond our control and therefore we immediately perceive our position to be weak, because we have to negotiate.

Trade Unions and other collective bodies offer an opportunity that is not enjoyed by employers who do not have collective agreements. Negotiating with a collective group enables the employer to communicate more directly, to gain alignment between relevant parties/groups and to make changes once, and once only. Everyone represented by the collective group will be impacted by the result in a single act. The collective group will be better skilled and have a broader perspective on the needs of the business (as well as the collective of course) and is therefore likely to be less emotional and more rational about the end point. With this skill comes an ability to look after their members’ best interests, better than individuals do. And this may result in greater levels of conflict. It is worth noting that the representatives have often risen through the ranks of officialdom, whereas their opposing management colleagues frequently are new in role and may have little negotiation experience. And hence the fear is well founded. But remember, ultimately both have the interests of the organisation at heart, because its success underpins both party’s job security.

In most developed countries we are compelled by law to, at least, consult with collective bodies in order to initiate major changes. The word ‘consultation’ implies that there is no obligation to negotiate, but any practitioner of change knows that if consultation does not gain buy-in from the collective, then negotiation will ensue. Part of the consultation involves the ‘sell’ where we demonstrate why the change is necessary, its benefits and the consequences of failing to change. In the majority of situations the collective body will accept this as ‘commercially

sound’. However, when this is not the case, we fall into dispute. To resolve this will invariably require a negotiation. So whilst consultation and negotiation are clearly different, the two are often inextricably linked.

The most common issues that create disputes are:

- pay
- performance targets and resulting bonuses
- working hours and patterns
- health and safety
- terminating operations, rationalisation, restructuring and outsourcing
- working conditions
- absence management

When planning for a negotiation there can be dozens of separate issues that are discussed and need agreeing. This results in a large degree of complexity and requires an equally large degree of intellectual capability. Invariably, on these issues each party’s objectives differ to some degree and may even be completely opposing. This creates a level of conflict which can be substantial. In some circumstances the conflict can be overcome by giving and taking, resulting in a reshaped but neutral end position (or potentially an all gain scenario where both parties benefit). Often

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however, the result will be one party winning and one losing and the losing party will not accept the changes lying down. It is worth noting that even in an ‘all gain’ scenario, one party invariably takes the lion’s share of the value created and therefore the nirvana of win, win is somewhat simplistic. Of course, the goal of the negotiator is to maximise the benefit and minimise the cost to them. It may be in their interests to ensure the other party end up with a great deal, or that may be irrelevant. Ultimately, which party gains the best deal will depend on the balance of power and how this power is used or stored.

Negotiation requires a skilled person exercising their power. So where does power come from; how do you get more of it; and how should you use it?

Power comes from many sources. According to the Harvard Business School, the most important factor affecting power is the dependency between the two parties. If you are entirely reliant on each other, then you have similar levels of power and will not be able to exert significant pressure on the other party unless extraneous circumstances allow. If, on the other hand, you have alternative options which reduce your dependency on the

other party, this increases your power significantly and allows you to take a more aggressive approach. Of course, the other party’s dependency on you also affects the balance of power so their alternatives also need to be considered. It is worth noting that perception of dependency (and therefore power) is what matters. Some negotiators are able to create the perception of total independency or dependency artificially and thereby create greater power albeit artificially.

The old adage of ‘knowledge is power’ is never truer than in negotiation. Information is critical to understanding the full range of options, the other party’s position, the key influencers and stakeholders, the underlying politics, removing emotions and allowing for preconditioning to ensue. Using this information builds perception of power and therefore creates power. In my experience, whilst most negotiators plan and prepare, often this preparation is ineffective – they do too little and do the wrong things. Effective preparation is quicker, simpler and more impactful than you think. A little knowledge here goes a long way!

In the rest of this article I outline the planning needed, building a robust, considered strategy and then planning the tactical execution of this strategy.

From herein I will refer to the collective body as a Trade Union, purely on the basis that this is the most common and best organised collective group that most readers are likely to be negotiating with. Whilst the titles, issues and degree of power may differ slightly the principles will be identical to all collective groups.

Coal miners dispute

In 1981, the British government announced plans to close twenty-three coal mining pits. The threat of strike action was enough to force the government to back down. In 1982 members of the National Union of Mineworkers (NUM) accepted the government’s offer of a 5.2% pay rise and rejected their leaders’ call for a strike authorisation. In 1983, Ian MacGregor was appointed head of the National Coal Board (the UK statutory corporation that controlled coal mining). He was renowned for turning the British Steel Corporation into a successful commercial entity, by halving the workforce within two years. This reputation raised the expectation that jobs would be cut on a similar scale in coal mining, and confrontations between MacGregor and the leader of the miners, Arthur Scargill, seemed likely. In 1984, the National Coal Board announced its intention to close 20 coal mines and thus the requirement to lose 20,000 jobs. Many communities in North England and Wales would lose their primary source of employment.

At the time, Margaret Thatcher’s government had prepared against a repeat of the effective 1974 industrial action by stock-piling coal, converting some power stations to burn petroleum, and recruiting road hauliers to transport coal in case railway men went on strike to support the miners. They had also researched NUM funding, cash reserves and new funding sources. This planning significantly shifted the balance of power.

Miners in various coal fields began strike action. Over six thousand miners were already on strike when Arthur Scargill, president of the NUM, declared that the strikes in the various coal fields were to be part of a national strike and called for strike action from NUM members in all coal fields. Many miners refused to strike primarily for fear that pits would deteriorate and be closed for safety reasons. In 1985 two were closed for this reason and the catalyst for closure started. Failure to predict the tactics the government would use undermined the NUM’s power.

In Nottinghamshire, most of the pits had modern equipment and large coal reserves and industry reforms in 1977 had given Nottinghamshire miners larger salaries than workers in other regions. Most Nottinghamshire miners remained at work because the Nottinghamshire NUM disagreed with the decision to launch a national strike without a ballot and because they would have more to lose if they went on strike. Many within the NUM condemned them as strikebreakers, and the Nottinghamshire branch, aided by the Thatcher government, broke away to form the core of the Union of Democratic Mineworkers.

Severe clashes between police and striking mineworkers ensued, which brought the case to the international press. Nine people died in the confrontations, mainly caused by mineworkers actions or inaction and Scargill demonstrated little sympathy. Public opinion began shifting against the mineworkers cause. The strike failed to have the widespread impact of earlier stoppages which had led to blackouts and power cuts due to the governments contingency planning. The union’s funds ran too low to pay for pickets’ transportation and many miners had been unable to pay for heating over the winter.

The strike ended in 1985, nearly a year after it had begun. Whilst some workers had already returned to work of their own accord, a symbolic victory for the government, ministers later admitted that the figures of returnees were inflated to hurt the strikers’ morale. In order to save the union, the NUM voted, by a tiny margin, to return to work without a new agreement with management.

The end of the strike symbolised the end of the Trade Union hold that had gripped British politics for decades before. Proactivity and contingency planning and the strength of leadership to trust the analysis resulted in the most significant change to the British employment landscape of the second half of the 20th century.

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Planning for negotiation

The single most common cause for failure of a Trade Union negotiation is the goal posts changing during the execution of a strategy. This can be caused by changes in any of the factors described above. Predicting these changes is therefore critical up front.

Often, when a client requests assistance with a problem for the first time during the process, the original plan was robust for the circumstances at the time of writing, but had failed to understand the potential problems that were possible, likely or even inevitable. Once the negotiation has commenced and the opening statements have been delivered, the opportunity to mitigate for these problems has passed. The horse has already bolted and the stable doors are no longer relevant. So predicting and understanding potential problems, working out how to prevent them and how to mitigate these risks if necessary, is fundamental. A simple potential problem analysis does not take long with the appropriate people contributing and having a sound structure.

Every Trade Union strategy I have seen has one risk in common. This is the fear of senior management (outside the negotiation team) or other influencing decision makers changing the plan when the threat of deadlock, most commonly some form of industrial action, looms. Answering how these stakeholders will behave when push comes to shove is the first question I always ask. And then I double and triple check the assumptions the team are making. If there is doubt about the answer, this must be resolved first off. A plan can then be made for engaging these key stakeholders in the entire strategy. Typically this will involve presenting them with a clearly articulated strategy and execution plan, demonstrating all risks and a number of alternative approaches from which they should be involved and bought into the final decision. All must be bought into one common plan, as must the entire negotiation team. I labour this risk above all others because this, stakeholder buy in, is the biggest cause of failure.

As a secondary activity to this, it is important to understand who will become involved in the negotiation directly and indirectly. When decisions need to be made, who will make them on both

sides of the table? Completing an escalation matrix is a simple tool to assist in this activity. An escalation matrix allows you to identify the ultimate decision makers on both sides and then everyone else involved – right down to the people impacting on the outcome who may appear remote from the actual negotiation.

Assessing the desired level of relationship at each touch point enables us to determine where relationships need to be forged to build co-operation, and where risks are prevalent. For example, if an Operations Director formerly had a close relationship with a General Secretary, maybe through historical links in their former years in general management and as an official, when the plan is executed and word gets to the General Secretary, the first port of call will be the Operations Director. This is likely to undermine the strategy assuming the Operations Director was not directly involved in the planning. The issue with senior figures on both sides of the table is that they are empowered to make decisions. Empowered people can say ‘yes!’ This can result in a carefully positioned strategy being destroyed in a moment of unintentional naivety.

Many negotiation theorists will advise setting a desired outcome up front. The acronym ODE (optimum, desired and essential positions) is frequently bandied about. However, stay away from setting these positions. I am yet to meet a senior stakeholder who is prepared to accept any outcome less than optimum as a complete success and therefore you have failed before you have started. Of course, it is essential to know up front what the end goal is. Most organisations are not clear of their end goal before embarking on the negotiation. Asking different function heads what the purpose of the negotiation is will uncover their different perceptions and understandings of what needs to be rectified. Setting an objective that merely achieves the goal may well fail to optimise the outcome for both parties. It is important to clearly articulate the goal up front that is agreed by all stakeholders. This should be written clearly and concisely. One sentence is perfect. However, go into the negotiation believing that you can exceed this goal.

Exceeding your breakpoint

A client recently instructed The Gap Partnership in a project that they thought was about freezing pay and closing a manufacturing plant. In fact, the goal was ‘to make \$4.5 million savings through staffing changes as a result of the economic downturn.’ The resulting deal gave staff a profit related bonus that was equivalent to a 6% pay increase (assuming agreed productivity targets are achieved), guaranteed no compulsory job losses for 12 months and achieved \$5.7 million savings and a potential \$2.25 million increased productivity.

Once the goal is clearly agreed and understood we can start the creative process of assessing all the possible issues that could, should and must be addressed. This process is known as trade storming and identifies all the negotiable variables. And there will be hundreds of issues that could be negotiated. Traditionally we

focus on the most tangible factors, whereas often the real value is hidden elsewhere. Our innate fear of negotiation encourages us to minimise the number of issues we raise as up for discussion. But be aware, the less issues up for negotiation, the greater the level of conflict. For example, if we negotiate a pay review and only pay is on the table, by definition this will be a distributive exercise ie: there is ‘your’ position and ‘their’ position. Whenever either party moves they are losing and giving value away. There is no give and take, just give. And this will be highly conflicting. In fact, the only way you can achieve your end goal is to open extreme of where you believe they will accept (and they will reject this position). They of course will do the same (and you will reject their position). Ultimately the negotiation becomes a ritual of unilateral concessions and rejections. There is no trust and to the external observer (often played out on the headlines of the tabloids) the process appears unsophisticated and a game, which of course is true! The employer is usually branded as the bully (because the trade union gains public support far more effectively) and the stand off is likely to result in serious action unless one party capitulates (usually the party with the least power!).

Creating value through low cost / high value trading

In the UK a large IT outsourcing firm won the contract for a government department. They had to transfer all the employees across from another large outsourcing firm. The obvious issues to be negotiated with the two trade unions were pay, pension provision, hours of work, which roles were in / out of scope and job security. In fact the issues that were most valuable to the employer were in the less tangible elements such as retraining, new technologies, recognition rights, communication channels, absence reduction and work-life balance.

Legislation determined the outcome on the former issues broadly whereas the latter elements were negotiated collaboratively and have resulted in a highly profitable contract that has been renewed by the government for a second five-year term. The relationship with one of the two Trade Unions has been openly declared in the firm’s annual report as a contributory factor to the commercial success of the contract.

Fire fighters strike

In 2002 the Fire Brigades Union (FBU) made a unilateral demand against the British government for a 39% pay review. They rejected a government offer of 11% over two years resulting in the first strike by fire fighters in the UK since the 1970s. The British military was mobilised to cover their activities with out of date equipment. The FBU failed to move for 6 months, blaming the government's intransigence. The government played on the fact that every firefighter's job had 40 applicants, so they were being fair and the FBU was using extortion playing on people's fears.

In the face of diminishing public support on 19 March 2003 the FBU and government agreed to a 3 year deal involving modernisation measures, only for the FBU to renege on the agreement the following day. On 12 June 2003 a final agreement was reached at 16% over 3 years, with significant changes to productivity and working conditions, which funded the increase. The FBU gained a lower increase than the original offer in a period of high economic growth, lost public support, significant long-term power and its leadership was voted out in the next elections.

It is often assumed that we understand what is important to the other party and how much they value all the issues we have traditionally discussed. However, during a carefully crafted research phase, aspects that have never previously been explored produce surprising excitement. Therefore, information sharing with your trade union can produce valuable opportunities. It will also highlight their frustrations with your previous proposals that they consider lower value. Employers have access to vast amounts of analytical data and benchmarking information. This data can educate the process significantly. All too often, managers use this data as a 'sales' document to convince their employees that their proposals are sound and just. Any trade union will have as many counter arguments to these and fairness will be perceived quite differently on both sides of the table.

One exercise I facilitate when assisting in conflict resolution is to mix up trade union representatives and managers on both sides of an artificial case study. It amuses both hugely when within minutes they hear managers arguing against the budgets and trade union officers arguing in favour of business growth targets. The conflict is not person specific and both arguments are based in sound judgements and the facts can be positioned in both directions as suits each party's interests. However, if data is indisputable, it can carry significant legitimacy and build power. Therefore, positioning this information up front pre-conditions the other party and is appropriate. In addition to this, in time of significant change, when negotiations are most conflicting, this information (if strong enough) can shift the existing paradigm, termed anchoring. This process of preconditioning needs to be carefully thought through during the planning phase.

“A good negotiation strategy will be both short-term and long-term involving critical reasoning and action planning. It is asking ‘what if’ and determining ‘then what’.”

Strategy building

A negotiation strategy is quite different to blue-sky thinking or long-term visioning. A negotiation strategy is about thinking and predicting. A negotiation strategy considers proactively what will go wrong and pre-empting this with contingencies. To this end it is planning for failure by being anticipative. A good negotiation strategy will be both short-term and long-term involving critical reasoning and action planning. It is asking ‘what if’ and determining ‘then what’. Initially we structure all the thinking from the preparation completed to date and then ask ourselves three key questions:

1. How are we approaching the negotiation? In order to implement this change will we give, create or take value?
2. Do we have enough power to achieve this? In order to take value we must be in a dominant power state. Without this it will be impossible to truly take value. If the balance of power is static (roughly equal) we have the choice of giving or creating value, but we cannot take value. If our power state is recessive, clearly we will have no option other than to give value.
3. What strategy is most likely to enable us to achieve our goal? There are nine negotiation strategies, all of which are delivered through different execution plans. These are defined here:

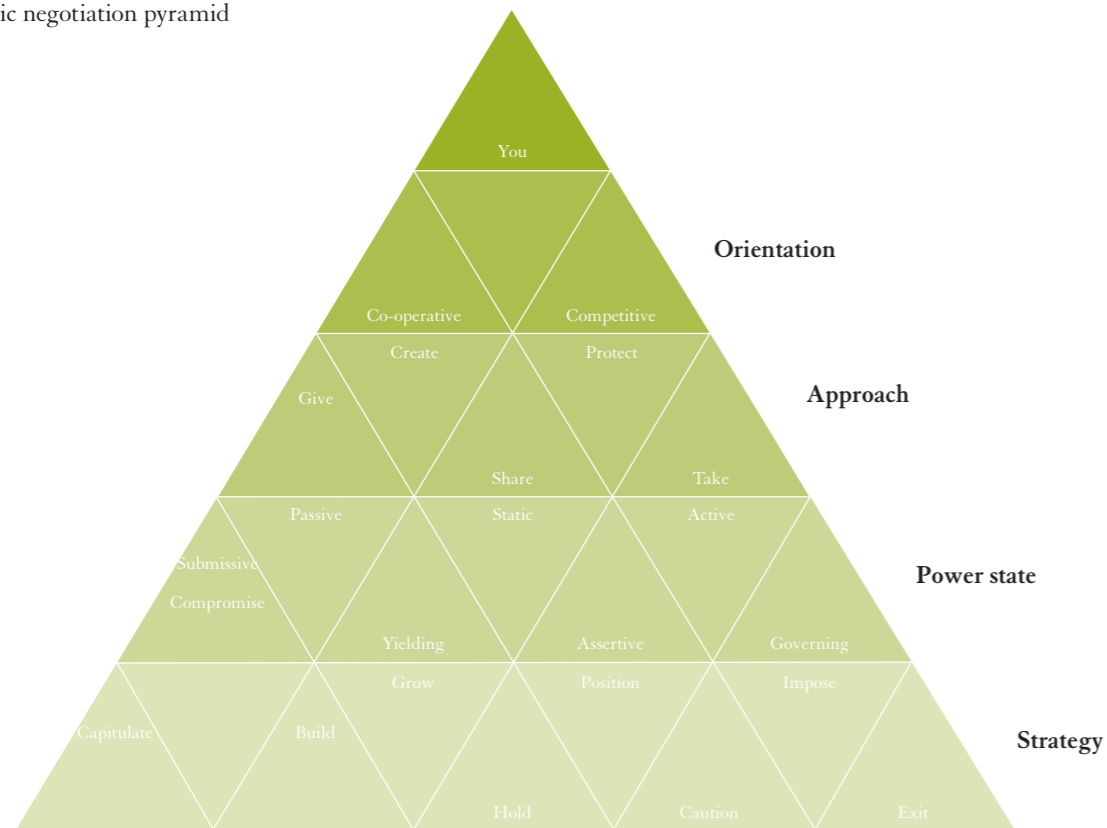
- Capitulate: Give in to their demands in order to reach resolution through a unilateral concession.
- Compromise: Reach a middle ground position probably closer to your breakpoint.
- Build: Inject greater value to gain what you want, you buy agreement.

- Grow: The other party inject greater value to gain a deal but both parties win.
- Hold: Do nothing proactively: you hold, refer and defer.
- Position: Initiate positional protection to take a firm stance.
- Caution: Make a threat.
- Impose: Initiate a unilateral demand or impose.
- Exit: Walk away if necessary, destroying value in the process.

Determining an appropriate strategy requires serious consideration of many factors. The negotiation pyramid (figure 1) is the front end of a diagnostic tool, the electronic strategy planner (ESP) that has 44 questions with 189 possible permutations to determine the outcome. Whilst the tool is non-prescriptive, it provides a structure for alignment between all stakeholders. Typically three different people will answer the diagnostic in three different ways. However, it is surprising how often different people's views are similar. That said, small differences in assumptions can lead the team a long way off course. The analogy of setting off on a hike one degree off the correct bearing will mean that after 100 miles you are many miles off target. Perhaps a more apt analogy is that of a game of chess. If you make a different first move the remaining strategy cannot work. The first move influences the most appropriate remaining strategy. In fact, you may agree on the second, third, fourth... all the way to one hundredth move, but if the first move is different the outcome will be significantly different. Success is more likely for the team that makes a united first move, albeit the wrong one, than three good, but unaligned, first moves.

Figure 1

The strategic negotiation pyramid



Once an agreed strategy is determined, the negotiation team start building an execution plan. This action plan details what will happen, when and who will do it. It considers the overall goal, the agreed strategy and all the information gathered during

the information sharing and how this can be best utilised. Each of the nine strategies requires different levels of proactivity and exercising of power. A framework for each is built into ESP. An example is given below.

Local authority funding cut

A local authority in the South of England had funding significantly reduced as part of a Government initiative. This was out of their control and the cost reductions would result in significant job cuts as well as many other initiatives. However, the job cuts were likely to lead to industrial action for this local authority and would almost certainly spread to other local authorities. At this point government intervention would ensue and the result would inevitably be detrimental to the long term strategy and push legal costs up significantly; this needed to be avoided at all costs.

Having completed the ESP process they decided on a Contend position strategy that was executed in the following manner:-

Note: Actions are clear, specific and time bound. This document is backed up by a further tactical planner that specified the exact proposals to be made.

Figure 2

ESP local authority, position strategy

Contend position				
Pre-condition	Propose	Counter	Conclude	Follow-through
Tuesday 8th Aug	Friday 11th & w/c 14th Aug	w/c 21st Aug	w/c 4th Sept	w/c 11th Sept
Structuring exercise. Identifying staffing levels at all layers of organisation. Give TU data on Projected numbers (350).	Letter to TU Full Time official saying: 'if you are prepared to accept a CR policy that offers Actual pay then we will introduce a Voluntary Redundancy (VR) policy at 1.5x actual'.	Organise 2 x Counter proposing meetings.	Informal off-the-record meeting between CEO and General Secretary to deliver informal proposal 6.	Agree joint communication plan.
Use legislation as legitimacy for need to change. Gain agreement on need for at least, some change to protect mass jobs.	Invite TU to meeting on w/c 14th to hear their views.	Meeting 1: Deliver move 2, 3 & 4 (see ETP – electronic tactical planner).	Gain all stakeholder commitment to final proposal.	Pre-condition for phase 2 of potential further headcount reductions.
Press leak: Local authority are making 350 compulsory redundancies and more expected to follow.	We will be starting consultation with TU on 1 October – timetable attached.	Force them to make a proposal – react very negatively to proposal, but demonstrate flexibility around low cost variables. Call time-out to consider their proposal.	Formal meeting to make agreement.	Consider whether to formally recognise a 'new' collective agreement over what time period.
Emergency meeting called in light of press reports. GM delivers message in meeting that there will be 350 job losses but compulsory redundancy (CR) can be avoided with collaborative working.	At meeting on w/c 14th listen to their views, write everything down and agree to come back to them at meeting w/c 21st.	Question their priorities and flexibility around low cost variables – seek to understand their genuine concerns and look for non-verbal signals across all trade union representatives.	-	-
-	Salary protection on redeployment policy – 2 years.	Meeting 2: respond to their proposal and deliver move 5 to give final satisfaction.	-	-

The result of this negotiation was that enough cost was removed voluntarily and through working practice changes (suggested by the trade union) that no compulsory redundancies were made and headcount was increased through part-time roles and flexible working arrangements.

The following year two departments were closed and these were executed with trade union support. Management confirmed that the key success criteria was maintaining open, collaborative communication way in advance of any final decisions.

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Rarely does the strategy execution go as smoothly as indicated in this example. More often than not, extraneous factors or unforeseen tactics alter the path. Therefore during our strategic planning, before implementing this strategy, we predict the problems, tactics and triggers that will require us to change behaviour and strategy. Returning to our chess metaphor, we have planned our first five moves and predicted how they will behave, which of course at the opening phase of the game is relatively simple. They have few options in return to our moves. But with every move the number of permutations of moves increases logarithmically. Now our predictions are tougher but ever more important.

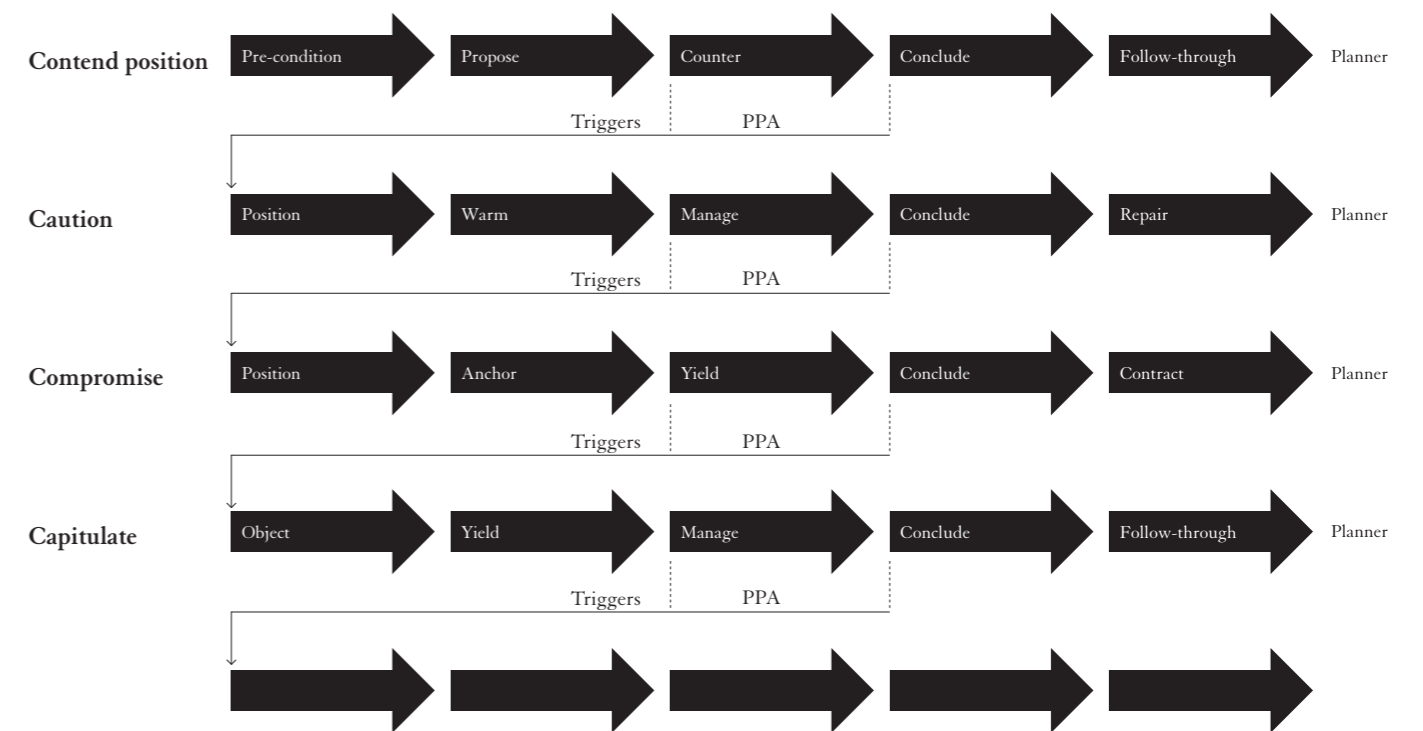
Having predicted these responses, we can plan a second strategy to be adopted if they hit these triggers. As done in the first strategy we need to consider all the tactical actions we will take in the second strategy. We consider what new problems are likely to occur, how we can mitigate these and how we will respond should they crop up. And what triggers might indicate that this second strategy is not going to achieve our goal. This takes us into a third strategy that may need to be implemented and so on until we are certain that we will achieve our end goal. Often this can involve 5 strategies working in succession, working in parallel or a circular pattern of strategies. It is this level of critical reasoning that allows us to gain internal stakeholder agreement and confidence that every eventuality has been considered and planned for. We have planned for failure in order to achieve our goal.

Local authority funding cut – continued

What if the TU went to ballot for strike action? This had been covered in the initial potential problem analysis. The negotiation team had decided in this eventuality to reinforce their previous messages in a firmer manner, attempting to create a greater perception of power. If the TU gained a ‘yes’ vote for industrial action, this would be a trigger for a change in strategy. It is these triggers that form the basis for knowing when to change. In the above example, the team determined they had enough power to move to a stronger strategy, Caution.

Here they would threaten that a strike would result in imposition of the terms and reinforcing their legal obligations to make this happen. Only when other local authorities also took industrial action (the catalyst for central government involvement) would their strategy change again to a more conciliatory approach.

Figure 3
Strategic phase planner – strategy 1



Trigger A	Trigger B	Trigger C	Trigger D
They obtain a 'yes' vote for strike action	Other local authorities have industrial action and central government start asking questions Failure to gain agreement by 1st October	Central Government involve themselves in talks with TU failure to gain agreement by 1st November	-
They refuse to engage in the process or reject all change firmly by 1st September			

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Tactical planning

We have started to consider the actions that will be taken to achieve the strategy. A number of factors need to be considered to ensure the execution is successful.

Security

Firstly, the strategic plan clearly only works if it is totally confidential. Should the other party find out what the negotiation team's end strategy is, the whole process is undermined. Therefore, in most strategy planning sessions, only the leader of the negotiation team and the senior stakeholder are aware of the final strategy. Documentation is password protected and never printed in hard copy. A simple need-to-know philosophy operates.

Role of the leader

The roles played by the negotiation team are also critical. There is one leader whose role is to be the only decision maker. This is not necessarily the most senior person in the room, although culturally in most Western organisations the most senior person feels they should be the leader (as well as most other roles often!). Their word is final. Of course this makes them dangerous because they can say 'yes' and therefore they say little. Their role is to co-ordinate the team and ensure the other party is behaving appropriately. They will remain remote from the discussion and unemotional. When the spokespeople start conflicting, the leader pulls the conversation back to the facts (if appropriate). This maintains the climate at an appropriate level.

Role of the spokesperson

The spokesperson is responsible for asking questions, delivering proposals and receiving responses. They will ensure the negotiation is positioned appropriately and doesn't degenerate into chaos. A clear agenda is always followed. Proposals are generated during the planning phase, never made up during the negotiation. Following the trade storming described above, all issues are valued according to both party's needs.

Role of the observer

These assumptions will be checked throughout the negotiation by an observer. The observer says nothing in the negotiation. Their only role is to read the other party. They assess whether the rejection on the other side is genuine or artificial. They assess the relative levels of satisfaction with different elements of each proposal. They inform the leader before the other party makes a decision or employs a tactic what is coming and what it means. To do this the observer needs to be an expert in all forms of communication. They can read the verbal and non-verbal cues, they understand behaviour to a high level and can translate this for the leader to act on.

Role of the analyst

An analyst or figures specialist will calculate optimum positions for both parties based on the research assumptions and observer's confirmation. These will be positioned in a manner to continually offer an advantage to the trade union without moving so far that

it undermines the credibility of previous proposals. Introducing a low-cost solution to the organisation that gives high value to employees provides much satisfaction, without giving too much away. The art of moving effectively to anchor the other party whilst protecting their credibility is the skill of the analyst and spokesperson in tandem.

Remember that the more people you have in the negotiation room, the more faces the other party has to read. Therefore just because they bring twelve people in does not mean you should mirror their behaviour. Having more than four people in a negotiation is unnecessary. Using a specialist (e.g. employment lawyer, operations expert etc.) may be useful but these people know what you can do and can give this position away, undermining your strategy. If they are needed, they must be fully briefed on where to contribute and more importantly where not to. This is the role of the leader.

The communication plan

The communication plan must also be predetermined during the planning phase. This will detail internal and external communications. Too many of my clients tell me that they cannot communicate with their employees because the trade union see this as undermining the relationship and leads to conflict. Employees are employed by the organisation and it is the negotiation team's responsibility to ensure employees are receiving the correct information at the correct time. This is also imperative to the positioning of the entire strategy. Joint

communications with the TU are ideal where this is possible. If not, then a carefully crafted plan of releasing information in a format that ensures the communication is heard and understood can overcome this obstacle. A combined basket of briefings, presentations, intranet, newsletters, emails and letters will usually cover most internal needs. Engaging the external communications team within the negotiation team is also wise. PR can often undermine senior stakeholder perceptions so this must be build into the potential problem analysis.

Skill set of the negotiation team

Finally the skills of all involved in the execution of the strategy needs to be determined. Does your negotiation team have the ability to deliver this strategy? Are their behavioural skills and values suited to delivering the tough messages when needed? Can they build trust and collaborative relationships when needed? Can they remain unemotional when the pressure and conflict reaches boiling point and can they diffuse contentious issues? Can they read what the other party are genuinely thinking and get behind the bluff, counter bluff and the ritual that is negotiation? If the answer to these questions is 'no', then changing the people, training them to do so or using external support are fundamental to the successful implementation.

And so in conclusion, negotiating collective agreements requires proactivity in preparation, building a clear strategy and planning the tactical actions and behaviours for execution. Once these elements have been critically examined, you are ready to embark on delivering your goal. I would wish you good luck but as will now be apparent, success has little to do with luck... it's all about planning!