
They Won't Cooperate? Reach Agreement Anyway!

David Stiebel

The conventional problem-solving approaches of facilitation, team building, and consensus building often fail in stubborn municipal disputes. These approaches require that the parties already agree to cooperate before the facilitation occurs. The participants often refuse to participate or to work toward a common goal, however, because cooperation conflicts with their self-interest.

Depend on Self-Interest

It is possible to effect agreement *without* the parties' cooperation—if the situation can be changed so that each party benefits selfishly through cooperation. That is not feasible through facilitation, but increasingly local government managers are finding that it is possible with an improved negotiation strategy.

One example illustrates the power of municipal dispute resolution principles to break impasse. I was working with a city to develop a course in collaborative negotiation that would improve labor relations during upcoming contract talks. The manager wanted to avoid the traditional bargaining pattern of exchanging extreme demands with the union, since deadlocked talks the previous year had produced a strike. So the manager invited the union president to negotiate collaboratively and to attend the course. The president refused.

The Assumption

The manager was shocked. He had assumed that the president would respond to the offer by thinking:

1. My union should agree to negotiate collaboratively because the city is showing good faith by suggesting it.
2. If I negotiate collaboratively, my union's long-term relationship with the city will improve.
3. Negotiations will be less stressful.
4. We may avert another strike.
5. We will satisfactorily resolve other problems.
6. Union members will praise me for this innovative move.

Uncovering Motivations

After the president's refusal, the manager asked me to help determine what to do next to improve labor relations. First, we needed to determine why the president had responded negatively. So we asked ourselves some questions:

- What perceptions would cause the president to say no?
- How would the president's constituents respond if she said yes?
- What personal motivations might have prevented her from saying yes?

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Since the manager viewed the union leader as inflexible, I helped the manager find out what might be causing the problem—why was the president inflexible? What was the president afraid of losing?

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We reviewed a checklist of possible motivations, considering whether any of the following factors were important:

- Control
- Tradition
- Principles
- Recognition
- Reputation
- Habit
- Economics
- Relationships
- Precedent
- Symbolism
- Pursuit of other options
- Commitments
- Security
- Belonging
- Ideology
- Self-esteem

We examined logical and emotional factors. To further understand the thinking of this union president, we talked to other union presidents. It often helps to consult people in roles similar to that of the person you are trying to understand.

The Union's Thinking

We realized why the union president had rejected the manager's invitation. The union president was probably thinking:

1. If I negotiate the city's way, I may lose. *Motives: Security, Economic, Precedent.*
2. The city will be in control, since I will have to learn the rules of this game. *Motives: Control.*
3. This may be a way to exploit the union. *Motives: Economic well-being, Security.*
4. Some union members will think I have sold out by collaborating with management. *Motives: Symbolism, Reputation, Relationships.*
5. My members may lose confidence in me and elect someone else. *Motives: Belonging, Control, Security.*
6. The old way has worked. *Motives: Pursuit of other options, Tradition.*

In other words, the president did not trust the city, but the manager's proposal—collaborative negotiation—was an invitation that required trust to accept. The manager's expectations of the union leader turned out to be unrealistic.

The manager would have benefited by anticipating the president's response. Now that the union had rejected collaboration, there appeared to be no way to improve relations to ensure smooth contract talks. The manager's dilemma emphasized a vital rule of negotiation: *Do not take an action unless you are willing to accept the other person's response.* As a general rule, do not ask a question unless you want to hear the answer. Every time you offer somebody something, the other person has the option of saying no. Do not present an option unless you will be

satisfied with rejection. Here the manager gave the union president the option of refusing collaboration, even though a refusal did not meet his needs.

A Better Strategy

To foster cooperation, the manager and I thought of an action that the president would want to take that would also help the city. We decided that I should approach the union president, since the manager's relationship with her was terrible, and we needed to make it easy for the president to cooperate.

I called the union president in my role as city training consultant and asked for her help. "I will be teaching the city's negotiators better ways to resolve disputes," I said, "So I would like to learn what mistakes this city routinely makes in dealing with the union." The manager correctly believed that the union leader would want to criticize the city to improve management. The president recited a litany of city errors! This action was mutually beneficial. It allowed the president to identify disliked management practices that might be changed, and it helped me design better training.

After a few minutes on the phone, I said: "There are too many mistakes here to discuss in one phone call. But I can meet at a time convenient for you." The union president agreed to meet because she saw this action as mutually beneficial. She could continue criticizing the city to somebody who shared her desire to help management improve. Then union members might be more satisfied and she might not have to spend as much time on grievances.

If I had proposed a face-to-face meeting initially, she might have refused, not wanting to spend time with a stranger who is working for the city and who might not be trustworthy. By waiting to suggest a meeting until I had earned credibility, I was making it easier for the president to take a mutually beneficial action of agreeing to meet.

After several meetings, my working relationship with the union leader had progressed to the point that she was critiquing the training outline, and I asked her to attend the program. By inviting her to come to the training after she had helped create it, I was making it easier for the president to attend following her initial refusal. Now her choice was to *continue* cooperating with the city, instead of committing to the unknown and the threatening idea of collaborative negotiation.

Not only did the president say yes, she invited other union representatives too. Often people want to participate in a program in which they have invested time and energy—if they are proud of the results.

Why It Worked

The city effected cooperation even when the other side refused. Such conventional methods as team building, consensus building, or facilitation would not have worked, because the union president would not have cooperated. The city succeeded because it applied proven principles of municipal dispute resolution.

1. *Look behind the other person's actions.* We used the questions and checklist and talked to other union presidents to understand this union president's perceptions, fears, and motivations.
2. *Think of a mutually beneficial action for the other person to take.* We reasoned that the president wanted the city to change, so we created a vehicle—the training—to encourage both parties to change.
3. *Make it easy for the other person to take that action.* By soliciting and responding to the union president's critiques, I made it easy for her to take one mutually beneficial action after another.

No single action in itself achieved the manager's objective. Each mutually beneficial action built on the preceding one and culminated in a satisfactory outcome. The manager's initial invitation failed partly because he was asking the president to take an unrealistically large action all at once.

Incremental change is easier to accept than big change. Remember to proceed incrementally, making it easy for the other person to take one mutually beneficial action after another. Developing a negotiation strategy is a step-by-step process. You cannot invent the entire negotiation strategy all at once, in advance. Humans are not that predictable.

Each mutually beneficial action in this strategy allowed the union president to do what she wanted and what the manager wanted. She attended the collaborative training because she had helped to design it. It is almost impossible to get someone to accept a predetermined solution. The other person may feel shut out of the decision making and feel manipulated.

Finally, do not propose cooperative problem-solving unless you will be satisfied with a negative reply. You do not need permission to negotiate. Just do it! **PM**

Dr. Stiebel will conduct the workshop "Resolving Municipal Disputes: Pitfalls and Strategies" at the 1991 ICMA Annual Conference in Boston, Massachusetts. He also is the author of a new book, *Resolving Municipal Disputes: A Handbook of Key Points*, published by the Association of Bay Area Governments, Oakland, California.