

Danger: Communication pitfalls ahead!

You want to be able to negotiate well because the situation is important to you. It could be a large sale, a problem with an employee or co-worker, a partnering arrangement with another company or just the routine negotiations of daily business. Sometimes things seem to go wrong and it's not always easy to diagnose later why it didn't work. It's more effective to plan ahead and stay away from communication problems which can derail your negotiation.

To strengthen your negotiation ability, avoid these six deadly - and all too frequent - communication pitfalls.

Preoccupation

When your mind is full of other problems not related to the conversation it is difficult to communicate properly. Listening "actively" and trying to understand the other person's point of view takes a lot of concentration. Even if only unconsciously the other person is likely to realize when you fail to give them your full attention and this will get in the way of communication between the two of you. Focus on understanding their point of view and explaining yours.

Prejudice

We all form a first impression of someone else without knowing much about them. We may have biases or make assumptions because of generalized experiences or insufficient information. Evaluate each situation on the basis of specific, solid data and don't make general assumptions.

Predisposition

We draw conclusions before we have

the facts. After we reach our "conclusion" we may ignore information that does not support our conclusion and interpret other data so that it does support our conclusion even if we have to "bend" the information to fit. Suspend judgment while you listen to the other person so that you can receive the information from them without adding your own "spin".

Perception

All people have their own motivations for the things they do, their own needs, concerns, hopes, values, problems and aspirations. If we do not keep this in mind when we interact with other people we will not be able to become fully aware of the other person's perspective. Use an attitude of curiosity about the other person's point of view in order to lead you to develop mutual understanding.

Projection

Sometimes we ignore certain of our own characteristics, values or motives and attribute them to others. This gets in the way of communication with the other person. Self-awareness is a necessary part of good communication. Avoid layering what you hear from the other person with your own values and beliefs.

We introduce ourselves
To Planets and to Flowers
But with ourselves
Have etiquettes
Embarrassments
And awes.

Emily Dickinson

Passing by

Have you ever got to the end of listening to someone's story and realized that you did not really "get" anything they said? The words flowed past your ears but you did not hear? Even the act of hearing the person but not really trying to understand their reality will get in the way of effective communication. Make the effort to accurately observe the person, the body language, the paralinguistics (the vocal nuances such as tempo and pitch which convey meaning) as well as really listening to the words in order to understand the full import of what they are communicating.

Communication Hazard: Eye Contact and the Cultural Connection

In some cultures direct eye contact is desirable and indicates sincerity and trustworthiness. Refusal to make eye contact sends a subtext that they are treating the other person as insignificant. The message is, "I am better than you". In other cultures avoidance of eye contact signifies respect for a person in authority. Polite employees keep their eyes averted when talking to the boss.

Making eye contact for too long may be interpreted as offensive or even threatening. The length of time that is considered appropriate for making eye contact varies. Prolonged eye contact which might be considered aggressive in some cultures may be considered a sign of trustworthiness in other cultures.

Munn-thly Memo

Q. As mediator when you go to a mediation don't you already know more or less how it's going to be worked out and you just try to get the parties to move in that direction ?

A. You've asked a question that I encounter a lot. The short answer is that I never have any idea how the situation will work out when the mediation starts. I am there to use my skills to help these people get to the best solution for them. One old joke about mediators is that at the start of the mediation, the mediator is the only person in the room stupid enough to believe that these people will actually be able to get things resolved between them!

In many cases I may talk to the people or their lawyers or I may read documents before the mediation meeting. When I speak to the people who are not represented by lawyers before a mediation I have two main purposes: to ensure that they understand what will happen in the mediation and secondly to get some information about the situation to know whether it is appropriate for mediation. In cases where the people are represented by lawyers, the lawyers often agree to provide me with a summary of the facts or at least the main documents. In cases under the Ontario Mandatory Mediation Program the court documents and a statement of issues must be provided to the mediator at least 7 days before the mediation meeting. In some cases there is a lot of background information, including financial statements or contracts. When I get the key information in advance it saves time at the mediation meeting. Having read the documents, I can more quickly help the parties work through their areas of disagreement.

Whatever information I get before the mediation meeting I never use it to "decide" how these parties will work things out. Even during the mediation meeting I do not provide an evaluation of the likely outcomes if there were to be a trial. My approach to mediation is interest-based and not evaluative. My role as mediator is to reduce the obstacles to communication, maximize the exploration of alternatives and ensure that the needs are addressed for those involved or affected by this situation. The result of the mediation is an agreement only if and to the extent that the people involved are able to reach an agreement. There is never a resolution imposed on the parties by me, as the mediator.

What's the latest on mandatory mediation ?

As of February 1, 2000 the Ontario Mandatory Mediation pilot program in Toronto and Ottawa reported the following numbers since the start of the program on January 1, 1999. For a summary of the Mandatory Mediation rule see Common Ground, April 1999 at www.munnrcs.com or call us for a copy.

Number of roster mediators 318
Mediations concluded 1,210
Actions settled 479 (40%)
Actions partially settled 208 (17%)
Actions not settled 523 (43%)

In April 2000 we expect to see the report by the independent evaluators on the 1999 year. Here is a comment about the data for the evaluation of the mediation program excerpted from Carolyn J. Horkins' article "Mandatory

Mediation - One Year Later".

Mediators are required to complete evaluation forms as a condition of being placed on the mediation roster. Litigants and their counsel are requested, but not required, to complete and return the evaluation forms. The percentage of lawyers and litigants who complete and return evaluation forms to the evaluators has varied. At best, 50% of the forms are returned. While it shows a significant level of participation in the evaluation process, it is also true that 50% or more of the profession and their clients are losing the opportunity to critique the mandatory mediation process.

O wad some Pow'r the giftie gie us
To see ourselves as others see us!
It wad frae mony a blunder free us,
And foolish notion.
Robert Burns

Mark Your Calendar

Upcoming Training Events Presented by Kathryn Munn

AN INNOVATIVE NEW PROGRAM FOR CONSULTANTS!

Business Consultants Institute - Pursuing a Career as a Paid Consultant

Building Bridges, Getting Contracts

Free "Taste and Talk" presentation evening April 18, 2000

Classes on Tuesday evenings starting April 25, 2000

Course length 31 hours including private coaching by the instructor.

Civil Justice for Mediators

April 5, 2000

June 2, 2000

Fanshawe College, Business and Career Development in London

Call (519) 452-4430 Ext 4609 for more information.

Conflict Resolution April 13 & 14, 2000

Mediation June 7, 8, & 9, 2000

The Management Centre, Lambton College, in Sarnia

Call (519)542-7751 Ext. 505 for more information

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