

Power of Persuasion: Negotiating that Gets Results

"How did you decide to include a mediator?" I thought when the London, Ontario Chamber of Commerce initially approached me to be part of a program on the Power of Persuasion. The other 2 panel members were a human resources specialist and a salesperson. I was impressed that the committee members recognized the negotiation expertise of mediators. After all, as a mediator, effective negotiation is exactly what I am helping my clients to do, typically in very difficult circumstances.

The organizing committee had lots of their own questions about persuasion in preparing for the event. It turned out that the audience also was very engaged and still thinking about it well after the event.

Since the event, several people who attended told me about what I said that they found especially useful, including personal and business examples of how they used the ideas I presented.

Their comments reminded me that effective negotiation can happen in any aspect of your life – contracts at work as well as discussions with spouse or children at home.

Here are some of the questions from the organizing committee and my answers.

What is the mindset I should be in when I'm trying to persuade somebody?

The most helpful mindset is to be open and curious about their point of view and willing to listen. When you push, people tend to become defensive or resistant. When you have already listened to them, they are more likely to be willing to hear your point of view.

Aim for the mindset of being strong in yourself, ready to listen to them and ready to explain your point of view.

What are the top 3 concepts that a business person should think about when approaching a negotiation?

1. Listen. You earn a hearing from them by listening.
2. Explain your perspective. Especially when it's a difficult conversation, keep to neutral facts and the impact for you, without attacking or blaming them.
3. Be creative. Develop options for possible resolution which could be agreed by all of the negotiators.

How does personality enter into the mix when we are trying to persuade others?

I have watched many negotiators in mediation. The effective negotiator communicates openness, curiosity and caring.

For example I have watched experienced insurance company negotiators in personal injury lawsuits very effectively acknowledge the injured person's experience. I find trying to play down the injuries is the more usual strategy by insurance company representatives.

There is a point where a negotiator's approach is so effective it may cross over into manipulation. Even inexperienced negotiators will know when another negotiator has shifted to manipulation.

Maybe the manipulator can get them to agree this time but ultimately the manipulator will lose. The person who feels manipulated will undermine the contract performance, or they may not consider dealing with that person next time an opportunity occurs. A posting on a social media site by a disgruntled customer can draw a great deal of attention – even if the customer said they agreed to the deal at the time.

What is one of the biggest pitfalls that causes people to stumble in persuading others?

A big pitfall is incorrectly assessing the relative power between you and the other negotiators.

One way to assess power is to consider each party's walk-away alternatives. That is BATNA - the Best (or Worst or Probable) Alternative to a Negotiated Agreement. If you can do better or just as well by not negotiating with this person, then why would you negotiate?

Accurate assessment of alternatives for everyone at the table is important to understand the power dynamics. Think about how they will assess your alternatives. Then think carefully about how they and you assess their alternatives to this negotiation.

Power is not static. It may shift during negotiation because it involves the relationship between personal characteristics and the environment.

Being higher on the company ladder or being in a larger company does not necessarily mean that person has more power relative to the lower ranked employee or the smaller company. For example, the lower ranked employee may have unique knowledge or skills; the smaller company may have a product or service that is not available from anyone else.

You cannot control the others. You CAN control yourself and make sure YOU are not the problem in reaching a successful agreement.

The most effective negotiating power is not "power over" to try to make them do something they do not really want to do. The most effective negotiating power is "power with" the other negotiator to resolve the situation or make the deal together.

What are some common business situations that we should recognize as negotiation much more proactively and how would that ensure a better outcome?

As the listeners at the panel presentation illustrated for me with their comments, it's all negotiation, all day long whether in business or family contexts.

Don't save your negotiation skills just for the big, mission-critical negotiations. Those mundane conversations with employees about leaving early for personal reasons; those discussions with your teenager about curfew - it's all negotiation!

Your conscious attention to how you conduct all those negotiations can make a significant difference to the outcome.

How does the nature of the relationship between parties affect persuasion?

Trust: In the difficult situations that I mediate, people often feel they cannot trust the others. While it is possible to lose someone's trust in a second, it usually takes a long time to build or re-build trust.

In order to have trust, the factor of time is necessary. The saying, "Trust is consistency over time," fits with my own experience.

While trust in the relationship between the negotiators is preferable, it is not necessary. The process of the negotiation and the details of the agreement can be designed even in the absence of trust.

Using a skilled mediator is a very effective way to conduct a difficult negotiation in the absence of trust.

When it gets to the agreement stage, a tentative agreement can be used to assess a possible outcome that parties are not ready to commit to a final agreement. Another strategy is that conditions can be attached to both sides so that if one does not perform as agreed then the other does not have to proceed.

Close relationships: Because power is related to alternatives, negotiations with people in close relationships are often the most difficult for us. For example negotiations between business partners, especially in a family business or between siblings in an estate situation can be very complex and challenging.

Give yourself time to prepare for and think thoroughly about those difficult negotiations with people in close relationships especially in the absence of trust.

More about preparing for negotiation can be found in "Preparation: the Prescription for Negotiation Success." Common Ground, Winter 2003-4

How does emotion affect persuasion or negotiation?

Think about your most difficult or stressful negotiations over the last few weeks. Whether you were at work or at home, chances are that those difficult negotiations involved the feelings of at least one negotiator as an important element, even if that was never discussed directly.

It's not possible for us as human beings to take emotions out of the negotiation, however much we might want to do this.

What we can do is strive to become more conscious of the emotional component of our interaction with others and not let feelings derail our negotiations.

More about effectively managing emotion in negotiation can be found in "Emotion in Negotiation: Negotiators Have Feelings, Too." Common Ground # 33 Fall 2008.

Thank you to the London, Ontario, Chamber of Commerce Marketing and Communications Committee 2011.

Munn-thly Memo will return in the next issue of Common Ground.

Mark Your Calendar

Upcoming Training Events
Presented by Kathryn Munn

Mediation Beyond the Basics

Second Level 21 hour program

For graduates of Fundamentals of Mediation or equivalent 40 hour mediation course.

May 9, 10, 11, 2012

9:00 AM to 5:00 PM each day

Course location: London, Ontario

Registration form available at www.munnrcs.com

Please call 519-660-1242 (toll-free 1-888-216-3202)

or email kmunn@munnrcs.com for more information.

Fundamentals of Mediation

Intensive 40 hour program

September 17, 18, 19, 24, 25, 2012

8:30 AM to 5:30 PM each day

Course location: London, Ontario

This course is approved by the ADR Institute of Ontario.

Registration form available at www.munnrcs.com

Please call 519-660-1242 (toll-free 1-888-216-3202)

or email kmunn@munnrcs.com for more information.



Advanced Mediation

Advanced 21 hour program

For graduates of Fundamentals of Mediation and Mediation Beyond the Basics

Nov 21, 22, and 23, 2012

9:00 AM to 5:00 PM each day

Course location: London, Ontario

Registration form available at www.munnrcs.com

Please call 519-660-1242 (toll-free 1-888-216-3202)

or email kmunn@munnrcs.com for more information.

I am pleased to fill requests for presentations about mediation and negotiation at meetings of professional and business groups. Call or email to make the arrangements.

Electronic Common Ground

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