



**A Joint Union-Management Workshop  
Practical Skills for Workplace Conflict Prevention,  
Ongoing Discussion Groups and Interest-Based Negotiations  
for Management and Union Representatives**

**Program Objectives**

Based on the premise that an ounce of prevention is worth a pound of cure, this three-day program provides senior managers and union representatives with ethical-based knowledge, practical skills and cutting-edge tools to create an ongoing context for engaging both parties in a constructive dialogue. The purpose of the dialogue is to anticipate and resolve emerging and current workplace issues, and prevent misunderstandings, controversy and serious conflicts. The outcome should be a productive and durable long-term working relationship, based on mutual interests, commitment and focus on organizational mission, in an environment where no one let the other fail. The program illustrates creative and ethical ways to enlarge the pie and secure lasting value that is superior to what can be gained by other means.

Following are the specific objectives of the workshop:

1. Understand the process of interest-based discussion and acquire a thoroughly tested pragmatic framework to prepare for and conduct meetings, implement agreements and track progress;
2. Learn proven tools to understand the players (their perceptions underlying interests);
3. Assess the interests and constraints (degrees of freedom) of each party, and explore a wide range of options to cover expected and unexpected situations, before agreeing on a solution;
4. Scan for, identify and mitigate risk; and secure reasonable contingencies, if no agreement can be reached;
5. Learn to listen, empathize, communicate, engage, and negotiate ethically, without the benefit of authority, regardless of the party involved; be it at or outside the discussion table;
6. Learn to use collaborative power constructively;
7. Learn the ingredients essential to the creation of lasting agreements. Specifically, learn to allocate responsibility and avoid role conflicts which impair implementation of agreements;
8. Practice face-to-face discussions under increasingly complex situations, and with demanding parties who may need assistance vis-à-vis their own constituencies;
9. Identify the various tactics used by coercive stakeholders, and learn to ethically address them without compromise, fear or favor;
10. Develop constructive ways to prevent and manage hostility and deadlocks;
11. Detect how to call for a recess or a graceful exit when the face-to-face atmosphere is neither adding substantive nor relational value;
12. Act as an ethical, proactive and caring union representative or senior manager; and never forget the common good and the needs of each constituency, be it at the discussion table or not;

13. Contribute to the building of an ethical and proactive discussion culture within your team, and ultimately throughout your organization.

## **Program Structure**

This intensive program includes pre-readings, a survey of each participant needs and background prior to the workshop, and for those interested, personal consultations after hours.

Through short lectures, discussions, individual exercises and group case studies, this hands-on fast-paced program helps the participants acquire and apply interest-based discussion skills, competencies, a proven framework and practical tools. The focus is to incorporate this principled approach to the day-to-day behavior of the participants, and specifically to anticipate and address workplace issues and prevent serious conflicts. Based on real-life examples and case studies, the learning is practical and structured to be pertinent to the experience of the participants.

## **Prework**

We believe learning occurs most readily when quickly applied to real-life situations. In order to devote much of the workshop time to deal with back-home situations, the participants must study the pre-readings and express their expectations in a short brief addressed directly to the workshop leader.

## **Outline** (to be finalized with the client)

### **1. Interest-Based Culture in the Workplace: Critical Success Factors**

- Meaningful participation (inclusion) and use of various forms of caucuses
- Openness and transparency
  - Policy of no retaliation; suspension of judgment; no pre-conceived ideas; questioning own assumptions; shared learning and continuous improvement of the discussion process
- Compliance with privacy and confidentiality imperatives
- Focus on issues rather than individuals
- Skilled management, union representatives and staff who:
  - Are soft on people and firm on issues
  - Mission rather than event driven
  - Adapt to a constantly changing environment
  - Scan for and constructively express workplace concerns early
  - Know when to resolve an issue individually or seek help

### **2. First Things First:**

#### **Setting Directions and Ground Rules for Union-Management Discussions**

- Establishing navigation rules, agendas, roles and responsibilities, and mechanisms for irreconcilable differences (interests or positions)
- Communication: How to avoid misinterpretation and prevent workplace conflicts through designative communication
- Road map for conducting interest-based discussions and negotiations
- Preparation checklist
- Role conflicts: How to prevent them
  - Main Case study: Harvard® Responsibility Charting
  - Focus on preventing veto and role conflicts
- Group exercise integrating responsibility, accountability, power and authority

### **3. Issue-Incubation Prediction Skills and Tools**

- The precautionary principle in workplace-conflict prevention: Learning to avoid the dysfunctional relationships within and between labor and management as featured in Final Offer
- How to jointly anticipate workplace issues using ethical instruments
- Workplace issue incubation: 8-phase pre-issue cycle to scan for emerging threats and surprise events

#### **4. Validating Interests and Goals Behind Positions**

Breaking the mold from positional bargaining to interest-based discussion: how to recognize each other interests, limit persuasion and cultivate open-minded dialogue

- Differentiating between positions and vested interests
- *Factional Analysis*: How to identify vested interests, perceptions and positions espoused by individuals and groups with respect to an issue, a policy, a project or an opportunity
- Validating respective perceptions and positions using interest-based fact-finding tools
- Mandate Definition: Presentation and demo of the Negotiation Scope Template (Harvard University Global System™)
- Tests for validating the objectives behind the positions
- Drafting respective mandates; framing interests and establishing respective priorities
- Case Study: Making explicit the conditions beyond your control
- Defining risks and gray areas
- Practical and rapid exercise to illustrate resistance to change and the temptation to go back to positional bargaining

#### **5. Brainstorming Framework to Create Ethical Options for Mutual Gains**

- Differentiating between options, interventions, strategies and tactics
- Exploring creative options for mutual gains, within and “outside the box”
- Legitimate benchmarks to strengthen offers and counter-offers
- Teamwork on standards for assessing workplace options
- How to assess the merits of each option considering the mission, organizational policies, the cost/benefits, resistance to change, transition risks and the short and long-term impact on the workforce, the public and other constituencies with a vested interest in the issue
- Government examples of ways to respond to individual interests without compromising policy, effectiveness and productivity
- Why postponing commitment and using contingencies can maximize joint gains
- Translating options into deliverables
- Case study: teamwork on inventing options and debriefing

#### **6. Preparing for a Graceful Exit When Necessary**

- Exercise illustrating the best alternative to a negotiated agreement (BATNA)
- Debriefing discussion on a good BATNA and related disclosure dilemmas
- Case study: teamwork on BATNA and debriefing

#### **7. People Issues**

- Differentiating substantive from people issues
- Dealing with difficult people inside and outside the discussion table
- Exercise on difficult people
- How to gain, communicate and use power constructively
- Characteristics, forms and sources of power
- Role of power in interest-based discussions
- Collaborative conflict prevention, diagnosis and resolution: understanding conflict incubation phases, psychographics, interpersonal dynamics and workplace constraints

- Practical template for conflict diagnosis and resolution

### **8. Forging Agreements: Terms & Conditions, Closure & Implementation Tracking**

How to conduct collaborative meetings to (a) anticipate issues, (b) process issues, (c) track commitment and progress (recording, ratification and monitoring issues)

- Structure ethical deals with lasting value
- Why agreements based on compromise (splitting the difference) and majority-minority votes are short lived?
- The real meaning of consensus and management of power imbalances
- Exercises involving real transactions with offers and counter offers
- Steps to ensure a worthwhile deal and avoid deadlocks, premature or inadequate closure
- Mechanisms for irreconcilable differences (interests or positions): IQA task forces, third-party consultation and other pre-ADR platforms, collective bargaining, ombudspersons, mediation, arbitration

### **9. Case studies**

- Discussion within the union: the representative dilemma of building grass root consensus
- Multi-partite negotiation between local management, corporate executives, union and staff
- Back to the precautionary principle: lessons for immediate application

### **10. Synthesis & Conclusion**

- How to work collaboratively without confrontation, coercion or manipulation

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