

Checklist for Negotiating with Your Manager

INTRODUCTION

Effective negotiations need:

- Members' support
- A well-prepared case
- Negotiating and effective listening skills.

BEFORE NEGOTIATIONS

Have a pre-meeting – make sure the staff-side/negotiating team has time to meet together before the meeting with management.

Check and be clear on the facts of your case – it will weaken your case and affect your confidence if you haven't got them right. You will need to have any information that will support your case or weaken management's arguments.

Know what your members want – how well informed are members? Are you clear about what they want/their strength of feeling? If members do not know what is going on, management may use this to weaken your case.

Be clear on your aims – what are you trying to achieve? What do members want (ideal position)? What do you think you can get (realistic position)? What is the least you will settle for (fall-back position)? You should establish these three positions for each of your objectives.

Anticipate management's aims – what are you trying to achieve? What proposals are they likely to make? What tactics will they adopt? How can you counter their arguments?

Prepare your case for presentation in a clear and logical way – have a meeting plan (e.g. what you are going to say, relevant information etc.) anticipate the response and have a reply prepared. Be prepared to summarise, review and plan future action.

INFORMATION

- Check agreements, procedures, union policy and custom and practice. What does the law say? Is there anything in:
 - Health and Safety at Work Act or other Acts?
 - Regulations? Code of Practice?
 - Guidance Notes?
- How strict are the duties?
- What is the best practice locally and in the sector?
- Do you need expert advice?
- Where can you get it?

Could there be a cost versus risk argument? If so, consider the following questions to put to management:

- Are the claimed costs of the improvements accurate?
- Has the level of the risk to staff been adequately assessed?
- Have the savings from lower injury/sickness/accident rates been taken into account?
- Have savings from lower insurance premiums been taken into account?
- If savings from greater efficiency been taken into account?
- If protective clothing or special safety equipment is being used, would it be better in the long run to remove the hazard altogether? (Such clothing and equipment should be of good quality, personally issued, inspected, cleaned, maintained and replaced. All this involves (or should involve) extra costs which the employer may not have considered).
- Would the money have to be spent anyway? For example, to replace some old equipment. If the equipment is wearing out it would need replacing sooner or later anyway. So it would be wrong to say that all or even most of the cost is paying for safety alone.

Agree who will speak and who will take notes – it is not a good idea to negotiate on your own; always take someone with you – they can take notes and act as a witness. Taking notes is essential and you cannot do that properly if you are presenting. If negotiating as a team, always agree who will present, respond to specific issues etc. – and be quite clear about your position. If it is a joint union negotiation, make sure you have agreed your joint position beforehand, or how you might respond to questions that could expose any differences.

Check who will be there – are the management side sending decision-makers or middle management? Who will be chairing?

DURING NEGOTIATIONS

Remember that both sides are of equal status – in negotiations you are representing the interests of your members, just as management negotiators are representing the employers' interests. Don't be intimidated or 'talked down to'. Be aware of any seating or other arrangements that might support the notion of you being less importance. Re-arrange your seat if it helps.

Break the ice and be professional – introduce the staff-side/team and, if necessary, get management to introduce theirs. If you've asked for the meeting, it's usual for you to begin. Start by giving a summary of your case, and tell them what you want or what you see as the solution to the problem. Don't go into details at this stage.

Listen carefully and ask questions – listen to what the other side says. Are they totally opposed to everything you have said, or are they prepared to discuss some or all of the points? Ask for clarification – always find out what they mean.

Seek agreement on principles before discussing details – for example, it is a waste of time discussing the details of an anti-bullying policy if management are against having one. Get management to agree to the principle of changes before discussing what the changes should be.

Don't get drawn into pointless arguments or get bogged down – blaming and counter-blaming leads nowhere. By keeping a focus on your arguments you keep control over them. If an issue is causing a stalemate, suggest setting it to one side and returning to it later in the negotiation.

Don't interrupt others and don't be interrupted – keep quiet until the other side finishes (unless of course they are thoroughly discriminatory or insulting – in which case, give warning that you cannot accept being spoken to in this way and will have to adjourn unless spoken to in a proper manner). If you don't interrupt them, you can state firmly and politely that they let you speak without interruption.

Use adjournments ('if in doubt, get out') – call for an adjournment: if you are presented with new information and you need to re-assess the union position; if management make firm proposals you need to discuss with your negotiating team; or if there are signs of disagreement among your team.

Use the 'play back' technique – this is a useful habit to get into, restating what you think has been said to check you both have the same understanding ('so what you seem to be saying is'...) or give a practical example ('does what you are saying mean that if such and such happens, you will....?')

Don't give anything away; use trade-offs – if you are preparing to make a concession during negotiation, make sure you get something in return. Steer management towards an appropriate trade-off or compromise if necessary.

Watch and listen for 'signals' and explore common ground – sometimes the way people respond to an issue gives a particular signal. 'We would prefer not to...' doesn't mean they won't; 'we can see a number of difficulties with that proposal', doesn't mean it's rejected out of hand. Sometimes signals have a coded meaning and sometimes it's just poor communication, so be alert to what is said (and what you say) and clarify or explore any 'signals'.

CLOSING NEGOTIATIONS

Have you raised all the issues that you wanted to discuss?

Do you fully understand the proposals that management are making?

Are you convinced that management fully understands your proposals?

Are you clear on how the agreement will be implemented?

Have clear timescales been agreed?

Are you convinced that their 'final' offer is final – be wary of using 'this is our final position' as a bluff – it may lead to a decision by management at a stage you had not anticipated.

Don't be rushed into making a final agreement – make sure you have all the information you need and then **ask for an adjournment**. This will give you time as a team to go over the final offer and think through the implications.

NEXT STEPS/AFTER THE MEETING

Have a debrief – take the opportunity to immediately discuss how you think the meeting went and check your understanding of what was agreed among the staff-side/team.

Get any agreements in writing – once you have an oral agreement, the details should be written up in draft form. Check the wording carefully – 'the management may provide' is quite different from 'the management will provide'.

Confirm and record – whenever you have negotiations/meetings with management, no matter how straightforward, you should send a letter or memo as soon after as possible, stating what you understand has been agreed.

Explain the details of any final offer/proposals carefully to members – spell out the implications, and if this is the best you think you can achieve, explain why.

Signing agreements – only after it is ratified by all the appropriate bodies (e.g. full staff-side) and accepted by members.

Ensure action is taken- as agreed before the next meeting.

GOLDEN RULES

- Take notes at all stages
- Be absolutely clear what has been offered and what has been agreed
- Use adjournments, especially before agreeing to any major items.
- Get the members' agreement before concluding a deal
- Keep the CSP and your SNO informed of any major issues