Session 6A
Get to Yes – A Negotiation and Mediation Model for Leaders

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Negotiation

Negotiation – The process of communicating back and forth in order to reach a joint decision

Interest-based Negotiation

A method for dealing with conflict and solving problems by negotiating an agreement based on the interests of the different parties

Position-based Negotiation

- There are two sides with opposing objectives
- Goal is to win – a form of warfare
- Focus is on applying pressure and arguing for your position
- Creates winners and losers
Interest-based Negotiation

- Disputants are problem-solvers
- Goal is a resolution that meets both parties interests/wants/needs
- Interests not positions are the starting point
- Uses fairness principles and objective data to drive decisions
- Looks for mutual benefit solutions

Example

Two men are quarreling in the office. One wants the window open. The other wants the window closed.

How might you as their supervisor negotiate a solution?

Steps in Interest-based Negotiation

- Separate the people from the problem
- Focus on interests not positions
- Create a variety of options for mutual gain before deciding on a course
- Insert objectivity into the process


Negotiation Process

Opening               Exploration              Movement

 Define Issue   Identify Interests   Create Options   Agree on Solution
Opening the Negotiation

- Establish ground rules
- Agree on the problem/issue the parties will negotiate
- Refine the understanding of the problem/issue

Understanding the reason you are negotiating is key to an acceptable outcome

Sample Ground Rules

- We will listen carefully to each other rather than debate
- We will approach all options with an open mind
- We will work toward solutions that meet both parties’ interests/needs
- We will not interrupt each other
- We will begin and end meetings on time

Separate the People from the Problem

- Try to separate any past relationship problems from current issue
- Discuss openly emotions and perceptions
- Attack the issue/problem not each other
- Try to put yourself in other person’s shoes
- Refrain from blame and inference of intentions

Negotiation Process

Opening     Exploration     Movement

Define Issue Identify Interests Create Options Agree on Solution
Explore Interests

- Needs - those things you cannot do without
- Wants - those things you prefer to have
- Interests - the reasons behind the wants and needs

Whereas... position is a stated stance on an issue

Interest or Position?

- I cannot change my schedule
- I want to spend time with my family
- I need POC testing to improve TAT
- There is no money in the budget
- I need all requests to be budgeted ahead of time

Exercise

Think about a time when you had a conflict with another party and each side held rigid positions.
- What were the expressed positions?
- What were their interests?
- What was the potential solution?

Focus on Interests not Positions

- Dig deep to find the opposing side’s interest behind their stated position
- Identify any shared interests and conflicting ones

Remember - each side attempts to serve its interest in a negotiation!
Interests Center On …..

- Patient care
- Security
- Control
- Ease
- Not wanting to change
- Dollars

Negotiation Process

Opening               Exploration              Movement

Define Issue → Identify Interests → Create Options → Agree on Solution

Explore….Create and Refine Options

- Be creative – ask “what if” questions
- Be prepared to offer solutions that meet both sides’ interests
- Explore the possibilities of new approaches
- Discuss each possible option
- Use objective criteria and data to remove unworkable options
- Marry any common interests of the parties
Agree on a Solution

- Discuss each option
- Use data and objective criteria to judge solutions
- Meet both sides’ interests where possible
- Write down the agreement
- Verify that agreement addresses all of the issues

Case Study Negotiation

ED satellite laboratory in operation for over 20 years. ED wants to retain the ED Lab. The ED Lab is very costly due to duplication of services. It is difficult to staff 24 hours. The Laboratory TAT is less than 30 minutes so the Lab wishes to close the ED Lab.

Positions/Interests

- ED position- Lab cannot close the ED Lab
- Interest- ED nursing and physicians do not want it to close due to close relationship with ED lab staff and fast TAT; nursing does not want to perform POC testing functions
- Laboratory- Lab needs to close the ED Lab
- Interest- The Laboratory has difficulty staffing the additional site; also it is very costly; TAT in main lab is now very fast due to lab automation

Interest-based Solution

- ED satellite lab was closed
- Limited POC test menu for situations requiring less than 30 min TAT was implemented
- Respiratory therapist stationed in ED performs iSTAT testing in addition to ABGs
- Nursing performs pregnancy tests and urine dipsticks in Triage
- Laboratory will train and oversee the POC testing
Mediation

Mediation- The process of communicating back and forth in order to resolve conflict/differences using a third party

Interest-based negotiation principles are used.

What is Conflict?

- Conflict is the expression of different ideas or thoughts
- It is just a difference!

Levels of Conflict

- Difference
- Dispute
- Contention
- Limited war
- All out war

Interventions

- Difference - No intervention
- Dispute - Internal mediation by manager
- Contention - Enforced party negotiation or internal mediation by manager
- Limited war – Skilled, External mediation
- All out war – Don’t let it get to this level!!
Which level is it?

There is an open verbal exchange between two technologists. There is not a history of interpersonal issues but they disagree over how to handle bench coverage. Both are engaged in problem-solving.

Which level is it?

Two supervisors have not spoken in two months. They subtly sabotage each other and are using other supervisors as emissaries rather than talking. Negative emails are used to communicate issues to each other.

The Manager As Mediator

Goal of mediation - to help individuals better understand and work with each other and to resolve differences.

Mediation at lower levels of conflict is helpful; manager must remain a neutral third party

Conflict Mediation Process

- Use interest-based negotiation
- Set ground rules for the session
- Each party expresses his/her issue/s to the third party
- Each party listens until the other party feels understood
- Each party expresses the interests behind the different position statements
Conflict Mediation Process (Continued)

- Brainstorm options
- Identify any areas of agreement
- Generate a compromise that may serve both parties’ interests
- Write up the agreement
- Follow-up

Obstacles in Mediation

- Trying to narrow the gap in positions versus broadening alternatives to meet interests
- Finding a compromise
- Fixed pie thinking
- Occupation with own self-interest
- Reluctance to give validity to the other side’s views

“In a successful negotiation, everyone wins. The objective should be agreement, not victory.”
Questions???

References