CHAPTER 13

Developing A Positive Labour Relations Climate

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# EL 1: Case: Resolving issues of working with older nurses (from text)

During the last ten years at Waikato County hospital in Hamilton, New Zealand, there has been an increased need for paediatric nurses, resulting from community growth and more births. Just five years ago, Human Rights legislation changed the mandatory retirement rules and people no longer have to retire at the age of 65. Thus, during the past ten years many new people have been hired and there are now about 40 new nurses in the Paediatrics Ward, doubling the size of the wad. As a result, there are approximately 10 nurses over 65 years old and 30 between the ages of 55 to 65. The rest of the nurses are between the ages of 25 and 40. Thus, there is a fairly large group of old-timers and newcomers. The two groups do not get on too well with each other. The younger group often refers to the old-timers as old biddies, old maids, sour pusses, and used names such as ‘Nurse Racket’ and ‘Major Holahan’ whereas the old group refers to the younger group as jazz kids, dumb bunnies, the entitled generations, and air heads. The older nurses say that the younger generation of mothers are ‘too posh to push’ and would rather have a caesarean birth. The hospital administration has recognized the problem and it is common for them to think in stereotypical terms as ‘old’ and ‘young’ people.

Ms. Heather Campbell, from Human Resources has been responsible for all the hiring in the last 15 years and is generally responsible for all HR activities, such as transfers, changes in pay rates, etc., She is in a staff position and relates to the Paediatrics Ward and two other nursing units in the hospital.

Ms. Diana Fawkes is the Head Nurse in charge of Paediatrics. There are four Nurse supervisors who report to her and her position in the organization is comparable to Ms. Campbell’s position. Since both people report to different Directors, neither has authority over the other.

Ms. Campbell has asked Ms. Fawkes to see her to discuss a problem in connection with the ‘old people.’ Ms. Fawkes is about to enter Campbell's office.

Before beginning the role play, Ms. Campbell might tell the instructor what she wishes to accomplish and should refer to the material on the Website.

**Task**

The purpose of this case is to illustrate how persons with different attitudes may disagree even when they both have the same facts. The role playing may be terminated when it has become apparent that the two people have resolved the issue or have agreed that nothing will be done. The instructor may check with you to determine whether or not your pair of role players has ceased introducing additional factual material.

Ms. Campbell ‘s task is to try to encourage Ms. Fawkes to be more responsive to the needs of older workers and take steps to build a better team in her department. Ms. Campbell has read about the integrative negotiation conflict resolution process and is attempting to use it in her discussion with Ms. Fawkes.

Ms. Fawkes’ task is to play the role of a person who generally is not receptive to older workers.

In carrying out this task, Ms. Campbell might consider a mediation process where she acts as a facilitator and assists in developing an agreement between the parties. The meditator’s job is to act as a facilitator in defining the issues, opening communication, looking for common ground, and making suggestions. She might consider using the ***interest-based process*** which is generally described in the previous chapter and outlined on the website.

Additional Web resources: Resolving issues of working with older nurses

**Facts about older workers**

* Favourable facts are: lower absenteeism, less tardiness, able to do a variety of jobs, motivated to provid health care and are generally very experienced and competent.
* Unfavourable facts are: less willing to adjust to new procedures and changes unless the Head nurse can explain their logic, unwilling to do busy work when they don’t feel it is necessary, unwilling to participate in some training sessions when it is not relevant, and generally don’t like to be ordered around. Unmotivated for higher level career positions in hospital.
* Neutral: They are generally a pleasant group of people but aren’t especially fun loving.

**Facts about younger workers**

* Favourable facts are: motivated to work with other younger people, willing to adjust to new procedures, willing to participate in training sessions, fun loving, some nurses are motivated for career advancement.
* Unfavourable facts are: tend to want to know exact procedures and are unwilling to assume risks, higher absenteeism and are often tardy.
* Neutral: They are especially fun loving and love to socialize.

Do not try to memorize these points. Just consider them to be background information and add other relevant information that you know to be true about older and younger workers.

**Role for Ms. Campbell, HR manager.**

You are in charge of several nursing units and work with 3 other HR managers who are in charge of other nursing units in the hospital. You are in charges of hiring, transfers, changes in pay rates, etc., you have had considerable trouble with Ms. Fawkes who you feel discriminates against older workers.

**Role for Ms. Fawkes, Head Nurse.**

You have had considerable trouble with Ms. Campbell in the HR department. She is very adept at helping you get the employees you want but doesn't help you in obtaining new jobs for those you want to get rid of. Mostly, the issue centres on problems concerning older people and you want to get her to help you transfer your older staff whenever possible. You like a young force because they are more positive and younger. You feel that younger nurses can relate better to the women having babies.

You have had dealings with all types of employees and you and the four supervisors who report to you all agree that old people are less desirable. You don't like to deal with them and see no reason that they should not retire or be transferred to other wards where they can relate to older people, perhaps. As far as you are concerned, they are hard to deal with, will not listen to direction, question your authority and are unsociable.

You have an appointment with Ms. Campbell of HR who wants to discuss your views concerning older employees. You are a busy person and get kind of tired discussing problems that HR staff dreams up. As you see it, HR should be helpful rather than unhelpful.

**Task**

Assign roles and try to resolve the situation described by the case using the interest-based problem solving approach.

## Background material to implement the interest-based problem solving approach

Roger Fisher and William Ury’s best selling book, *Getting to Yes*,[[1]](#endnote-1) describes an approach to negotiation and conflict resolution called principled negotiations which has been the basis of interest-based bargaining. The approach highlights the work of the Harvard Negotiation Project. The following principles can be used as steps in resolving issues in a bargaining arena.

In *Getting Together,* Roger Fisher and Scott Brown suggest that a good relationship is a ‘good working relationship—one that is able to deal well with differences.’ Relationships evolve from steps we take to understand, communicate, and illustrate our reliability (trust). In beginning a relationship you might seek to develop an understanding of your goals, norms for working together, and steps or procedures you might take to keep ‘on track.’

* What are our goals (mutual benefits) in working together to resolve this situation? (Goals might relate to increased productivity, lower costs, better working relationships)
* What are some of the rules and norms (do’s and don’ts) we should observe? What are the killers?
* What are the procedures we should observe?
* What might be included in a ‘terms of reference’ (to be used in a more formal process).

When we don’t have good working relationships, the disagreements we have over issues might get personal and the conflict resulting can easily a personal battle of egos. Fisher and Ury urge us to get beyond the personalities and delve into defining the issues underlying the issues.

*“....Emotions typically become entangled with the objective merits of the problem. Taking positions just makes this worse because people's egos become identified in their positions. Hence, before working on the substantive problem, the "people problem” should be disentangled from it and dealt with separately. Figuratively if not literally, the participants should come to see themselves as working side-by-side, attacking the problem, not each other. Hence, the first proposition: Separate the people from the problem.”[[2]](#endnote-2)*

The principles of the *Getting to Yes* Approach are summarized in the following steps:

1. Defining issues (Separating the people from the problem)
2. Defining the **interests** underlying people’s positions
3. Defining options for mutual gain which respond to mutual **interests**
4. Using objective criteria to evaluation the potential solutions
5. Recognizing your BATNA

 1. Defining issues (Separate the people from the problem). The purpose of this step is to recognize that emotions and egos can become entangled with the problem in negotiations, and that this will adversely affect your ability to see the other party's position clearly. This results is often adversarial rather than cooperative interactions.

 Begin the problem solving by defining the issues and the facts underlying the issue. In distributive bargaining, negotiators are like poker players or personal adversaries who are trying to win as much as they can using tactics such as deceptions, threats, bluffs, stalling and pressuring.

The term ‘separating the people from the problem’ is used to suggest that negotiators need to get beyond being adversaries and begin working together collaboratively to understand the issue and find an integrative solution to resolving it. Pay attention to the people side of negotiations and recognize that parties participate in decisions. Recognize the importance of ‘face saving’ solutions so that each party enjoys some level of self-esteem. Use ‘I messages’ rather than ‘you messages,’ as ‘I am frustrated’ rather than ‘you are dishonest.’

Integrative problem solving begins by defining the problem or issue and identifying all the facts and feelings that describe the problem in objective terms. Every negotiation involves both the substance and the people involved. In defining the issue, it is sometimes helpful to think of its factual and emotional aspects. Then, write a problem statement which responds to these facts and feelings.

List as many of the facts you can which might define the issue

 Facts

 (i)

 (ii).

List as many of the emotional aspects surrounding this issue. What are the feelings?

 Feelings…..

 (i)

 (ii)

The problem we need to address is to…..

Summarize the issue in a one or two statement issue statement, such as the examples below. The first statement describes a issue statement which might encourage problem solving while the second statement illustrates a less desirable statement which would not encourage joint problem solving.

* “The issues we identified suggest we are facing a lot of deadlines that can cause problems and we need a way of fixing this process so that deadlines don't creep up on us.”
* “You seem to be having difficulty meeting deadlines. Do you have any ideas about how you can correct that?”[[3]](#endnote-3)

Fisher and Ury caution us that "separating the people from the problem" in defining the issue is something we have to keep working on. Generally, it involves dealing with a problem on its merits first, and dealing with people as human beings. *[[4]](#endnote-4)*

2. Identifying mutual interests (Focus on interests, not positions). In distributive bargaining, parties start by stating their more desired positions and then they work toward agreement by giving small concessions. Taking positions in resolving conflict often results in win-lose or lose-lose outcomes. The longer the negotiation continues, the more committed people become to their initial positions and less willing they are to back down psychologically.

Underlying each position are interests tied to basic needs such as: self-actualization, esteem, recognition, security, or physiological. Interests can be unearthed by asking ‘why?’ questions or ‘what are your needs here?’ For example, ‘Why do you need that?’ or ‘What are your interests or needs underlying your position?’ For each issue, identify the interests each party has and then those interests which each party has in common.

Interests are the underlying outcomes or causes that motivate people. They reflect needs rather than wants and are usually tied to basic human needs: physiological, security, social, esteem, and self-actualization. The goal in this step is to define the interests (needs) underlying an issue.

In this step there is exploration of the true interests underlying the positions of each side, rather than a focus on the superficial positions with which parties come to the table. The initial positions presented may obscure what the parties really want. Tactics for surfacing interests include:

* Ask questions to explore interests
* Ask “why” questions
* Talk about your own interests

To identify interests, ask ‘why’ is this issue important? What is the basic concern? What are the basic interests underlying each party’s position?

|  |  |  |
| --- | --- | --- |
| Interests of Group 1 are: | Interests of Group 2 are: | Interests of Group 3 are: |
| 1. | 1. | 1. |
| 2. | 2. | 2. |
| 3. | 3. | 3. |
| 4. | 4. | 4. |
| 5. | 5. | 5. |

Then, look for common or mutual interests which are important to all parties?

3. Inventing options for mutual gain (brainstorm). There are many conflicts where people may be willing to work together but are unable to see a creative solution because they approach the problem in traditional ways. Creating an insightful solution often requires an ability to restructure one’s thinking and see the problem in a different light. Creativity might be enhanced by (i) separating the act of inventing options from the act of judging them ( i.e., through brainstorming; (ii) broadening the range of options on the table rather than look for a single answer (i.e., by looking at the problem through the eyes of different experts, such as an accountant, an educator, a psychiatrist, etc.), and (3) looking for mutual gain (i.e., by indicating how it will meet their interests, by forming it in a way that is easy to implement).

Inthis step, the goal is to generate unusual, creative solutions by focusing on mutual interests. It responds to the question: What are creative ways to respond to our mutual interests? Try to develop options where both (all sides) will gain a win-win solution. Strategies for accomplishing this include separating idea generation from decision making by using techniques such as brainstorming.

*Options*

1.

2.

3.

4.

5.

4. Using objective criteria to evaluate. Often, the best way to judge a creative solution is to use objective criteria which are mutually agreed to beforehand. The best criteria are those which meet the mutual interests of both parties. This step involves selecting the best option(s) which meet objective criteria, such as efficiency, cost, market value, professional standards, fairness, or scientific merit. For example, if you are buying a building, you might say: *I know that you would like to get a high price for this building, while I would like to get a low price. Let’s figure out what a fair price would be.* This strategy would involve a mutual search for fair criteria, rather than haggling over positions. Try to think of some criteria which might be used to evaluate the solution to this problem.

*Questions*

* What are fair ways to evaluate the solution to this problem?
* What are criteria that we might use?

##  *5. Recognize your BATNA (Best Alternative to a Negotiated Agreement).* The BATNA suggests that you recognize your bottom line. This is when you will walk away from the solutions proposed because they do not respond to your interests. The best way to articulate your BATNA is to have an alternative solution that also meets your interest.

 The table below summarizes these principles.

Table 13.1 Principles of Interest-based Bargaining

One useful principle to keep in mind is ‘Don’t bargain over positions’. Taking positions in resolving conflict results in win-lost or lose-lose outcomes. The longer the negotiation continues, the more committed people come to their initial positions and less willing they are to back down psychologically. The following is a summary of the principles of interest-based bargaining.

**1. Separate the people from the problem.** Begin the problem solving by defining the issues and the facts underlying the issue. In distributive bargaining, negotiators are like poker players or personal adversaries who are trying to win as much as they can using tactics such as deceptions, threats, bluffs, stalling and pressuring. The term “separating the people from the problem” is used to suggest that negotiators need to get beyond being adversaries and begin working together collaboratively to understand the issue find an integrative solution to resolving it. Pay attention to the people side of negotiations and recognize that parties participate in decisions. Recognize the importance of “face saving” solutions so that each party enjoys some level of self-esteem. Use “I messages” rather than “you messages,” as “I am frustrated” rather than “you are dishonest.” Integrative problem solving begins by defining the problem or issue and identifying all the facts and feelings that describe the problem in objective terms.

**2. Focus on common interests, not positions.**  In distributive bargaining, parties start by stating their more desired positions and then they work toward agreement by giving small concessions.

Underlying each position are interests tied to basic needs such as: self-actualization, esteem, recognition, security, or physiological. Interests can be unearthed by asking “why?” questions or “what are your needs here?” For example, “Why do you need that?” or “What are your interests or needs underlying your position?” For each issue, identify the interests each party has and then those interests which each party has in common.

**3. Identify options for mutual gain.** There are many conflicts where people may be willing to work together but are unable to see a creative solution. That is, they may be locked in to seeing the resolution to the problem in traditional ways. Creating a novel resolution to a dispute often requires a shift in paradigms or an ability to restructure one’s thinking and see the problem in a different light. The creative process might be enhances by (i) separating the act of inventing options from the act of judging them ( i.e., through brainstorming; (ii) broadening the range options on the table rather than look for a single answer (i.e, by looking at the problem through the eyes of different experts, such as an accountant, an educator, a psychiatrist, etc.), and (3) looking for mutual gain (i.e., by indicating how it will meet their interests, by forming it in a way that is easy to implement).

**4. Use objective criteria.**  Often, the best way to judge a creative solution is to use objective criteria which are mutually agreed to beforehand. The best criteria are those which meet the mutual interests of both parties.

**5. Recognize your BATNA (Best Alternative to a Negotiated Agreement).** This is when you will walk away because the solution proposed does not meet your reservation position and is not minimally acceptable. A good way to have a strong BATNA is to have other alternatives which you can live with.

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# EL 2. Exploring relationship dynamics

Cooperative relations are difficult to achieve in many negotiations because one party in a dispute often tries to maximum its gains at the expense of the other party. The Prisoner’s Dilemma problem in game theory demonstrates one reason why two parties in a labour relations setting might not be inclined to cooperate even it is in the best long term interests of both to do so.

*Background*

In the prison’s dilemma scenario applied to labour relations, there are two parties (here management and labour), and each can pursue two actions either being aggressive (and uncooperative toward the other) in negotiations or cooperative and integrative. In the payoff matrix below, each cell of the matrix reflects payoffs from a combination of actions. The first entry is the payoff for management’s action and the second reflects the union’s payoff.

**Joint Payoff Matrix**

Union and Management Teams’ decisions

|  |  |  |
| --- | --- | --- |
| ManagementUnion | Being aggressive in taking advantage | Being cooperative and conciliatory |
| Being Aggressive  | Payoff 1: (–5, –5) | Payoff 2: (+10, –10) |
| Being Conciliatory | Payoff 3 (-10, +10)  | Payoff 4:(+5, +5) |

The payoffs, like in labour relations, depend on each party’s actions but also the actions of the other party. For example, there are times when management can be aggressive in pushing its objectives because of its power position, such as when the public is sympathetic and the union membership might not be in total agreement. At other times, the union might have the public sympathy and membership commitment and be willing to tolerate strikes or other inconveniences. In the payoff matrix, if management is aggressive and takes advantage of the union who is trying to be conciliatory, management’s payoff is +10, while the union’s payoff is –10 (Payoff 2). If the union is aggressive and takes advantage of management who is trying to be conciliatory, their payoff is +10 and management’s is -10 (Payoff 3).

If both management and union are aggressive in taking independent action to maximize their individual gains, there is no possibility of an agreement and both parties stand to lose the most of -5 (Payoff 1).

If both management and union cooperate and work together, they will both gain, although their individual gains are less than if one party acted independently. This is a similar to a case where each party agrees to give up something in working together.

The lessons of the prisoner’s dilemma is that cooperation and trust between parties in difficult to generate and maintain when each party has the opportunity to improve its gains by working independently. [[5]](#endnote-5)

**Task:**

You are asked to participate as management and union teams in making decisions so that your objective is to maximize your gains. Your choices over the 10 interactions of the game are to cooperate with the other party or to be aggressive in maximizing your individual gains.

1. Break into small groups of management and union teams of 3-4 persons per team. When there more than 1 team, the management Team A will negotiate with Union Team A, Management team B will work with Union Team B, and so on. Management teams should be located in a separate room or area out of sight of the union teams.
2. Each team should have enough space to meet separately without interruptions. The management team meets separately from the union and cannot communicate with each other until instructed to do so.
3. The facilitator indicates that there are 10 rounds where they each make decisions on whether they will take a cooperative or aggressive stance in working with each other. They are asked to refer to joint payoff matrix before making each decision.
4. The facilitator passes out the tally sheet which summarizes the scoring and to note the difference in scoring in rounds 4, 9, and 10. The tally sheet should be duplicated on a white board where the facilitator will summarize the decisions.
5. The management team and union teams can meet and consult before rounds 4, 9, and 10.
6. Teams get 3 minutes to make decisions in each round.
7. Round 1 begins and teams are instructed not to make decisions until instructed to do so in order to make sure the teams discuss the options before making a decision.
8. The facilitator announces each team’s decision and illustrates the payoff in accordance with the payoff matrix. Rounds 2 and 3 proceed in the same way and then a representative from each teams meets and consults (for three minutes) before round 4 when the payoff points are doubled.
9. Rounds 5-8 proceed in the same way as rounds 1-3.
10. Before round 9 and 10, the teams meet for three minutes before they consult (for 5 minutes). In rounds 9 and 10, the payoffs are squared.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Choices | Cumulative Points |
| Round | Minutes | Management’s Choice | Union’s Choice | Management | Union |
| 1 | 3 |  |  |  |  |
| 2 | 3 |  |  |  |  |
| 3 | 3 |  |  |  |  |
| 4\* | 3 – decision3 - consult |  |  |  |  |
| 5 | 3 |  |  |  |  |
| 6 | 3 |  |  |  |  |
| 7 | 3 |  |  |  |  |
| 8 | 3 |  |  |  |  |
| 9\*\* | 3 – decision5 - consult |  |  |  |  |
| 10\*\* | 3 – decision5 - consult |  |  |  |  |

\* Payoff points are doubled

\* Payoff points are squared

Questions:

1. Both teams meet and discuss the results.

2. The facilitator can focus on questions such as the effects of high and low trust, win-lose vs. win-win decisions and difficulty of establishing cooperative vs. competitive relationships.

# References

1. Fisher, R., & Ury, W. (1983) Getting to yes: Negotiating without giving in. New York: Penguin Books. The steps described here enlarges the four principles of: separate the people from the problem, focus on interests rather the positions, generate a variety of options for mutual gain, and insist that agreement is based on objective criteria. [↑](#endnote-ref-1)
2. Fisher, R., & Ury, W. (1981). Getting to yes: Negotiating an agreement without giving in. Boston: Houghton Mifflin, p. 11 [↑](#endnote-ref-2)
3. Maier, N. (1958). The appraisal interview: Objectives, methods, and skills. New York: John Wiley and Sons. [↑](#endnote-ref-3)
4. Fisher, R., & Ury, W. (1981) op cit. [↑](#endnote-ref-4)
5. Adapted from: Pfeiffer, J.W., & Jones, J.E. (1971). A handbook of structured experiences for human relations training, Iowa Cit, University Associates, Prisoner’s Dilemma, 60-63. [↑](#endnote-ref-5)