

# FIVE SKILLS

FOR GETTING A

“Yes”

RELATIONSHIP

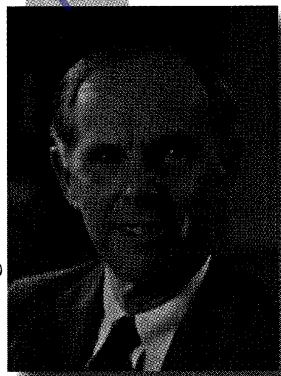
USE STANDARDS

CLARIFY INTERESTS

INVENT OPTIONS

ESTABLISH COMMUNICATION

*With Roger Fisher*



USER'S GUIDE

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# FIVE SKILLS

FOR GETTING A

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“Yes”

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## PROGRAM OVERVIEW AND OBJECTIVES

Everyone negotiates. Can I use the car? Can I have a raise? Can my company have your business? Whatever the situation, we often perceive the *other side* as the *enemy* — someone who has to be coerced into giving us something we want. We may agonize over our approach: Should we be aggressive, demanding, tough, willing to walk and even nasty? Or should we be friendly, generous, flexible, willing to compromise and perhaps overly nice? Under the worst of circumstances, we may vacillate between the two styles, confusing the other side (and ourselves) and producing disastrous results.

Negotiating well is not a matter of choosing between nice or nasty, hard or soft. Those who assume they need to make this choice commit a fundamental strategic error. Negotiating well requires a carefully-thought-through-strategy that allows substantive differences to be handled through a creative, value-creating process and people issues to be handled through an open and respectful relationship-building process.

To learn the skills that can enable you to effectively disentangle the substantive and people issues and get good results on both, you must observe skilled, prototypical negotiators; build and organize your preparation procedures; and practice effective techniques for implementing that preparation.

**Five Skills for Getting a “Yes”** is your guide to negotiating well. This video-based program is designed to help you develop the five most fundamental and effective negotiating skills, allowing you to:

- build effective relationships to increase mutual understanding and build trust and respect
- improve two-way communications to get beyond assumptions and biases
- probe for, clarify and prioritize underlying interests
- invent options for mutual gain
- use objective standards of fairness and legitimacy

Roger Fisher, founder of the Harvard Negotiation Project and Conflict Management Inc. and author of the best-selling book, **Getting To Yes**, will lead you through five dynamic case studies and show you ways that each of these fundamental negotiating skills is used to get a *yes* for all parties.

In Boston and New York, you'll learn how a literary agent builds relationships that guarantee win-win deals in the fast-paced publishing business. In the UK, you'll discover the possibilities when labor and management develop communication styles that help rebuild the profitability of an aluminum manufacturing company. You'll learn how identifying interests and creating options brought about fundamental change in Boston, in the nation's oldest public school system. You'll travel to Houston and Denver to see how two competing software companies looked to outside standards to engineer a shared vision and negotiate a mutually-beneficial merger. And you'll get an inside look at how using all five fundamental negotiating skills culminated in the historic negotiations that created, for the first time, a government for all the peoples of South Africa.

## SUGGESTED AUDIENCES

**Five Skills for Getting a “Yes”** is ideal for those who regularly negotiate important matters within or outside of their organization. This is a program that will help anyone who has to negotiate, professionally or personally. The audience for this program includes, but is not limited to: Executives, Presidents, General Managers, front-line Managers, Division and Department Heads, Attorneys, Financial Officers, Educators, Union Leaders and Workers, Team Leaders and Players.

## PACKAGE CONTENTS

Here’s what you get with the **Five Skills for Getting a “Yes”** video-based program:

- **One videocassette**, organized into five case study segments, that illustrates the fundamentals of principled negotiations. Roger Fisher delivers additional commentary on each case study; further clarifies each skill with anecdotes; and concludes with reinforcing learning points. Total running time is 82 minutes.
- **Six User’s Guides** that profile each case. Cross referencing, from each video segment to **Getting Ready To Negotiate: The Getting To Yes™ Workbook**, gives viewers opportunities to practice and apply each negotiating skill.
- **The book, Getting Ready To Negotiate: The Getting To Yes™ Workbook**, that is a practical tool filled with negotiating examples, explanations of the key negotiating fundamentals and practice forms.

## HOW TO USE THIS PROGRAM IN A WORKSHOP FORMAT

**Five Skills for Getting a “Yes”**, which includes the video, this guide and **Getting Ready To Negotiate: The Getting To Yes™ Workbook** can be used by facilitators in a workshop format that offers participants opportunities to practice and apply the skills to their own situations. Individuals who are working independently can also use the video, guide and workbook to practice and apply these fundamental negotiating skills.

To most effectively teach the five negotiating skills, as a facilitator, you are encouraged to structure training using the following process:

The video program contains five case studies, each illustrating one or more of the five fundamental negotiating skills. Participants will find that these skills are easy to remember and apply when they are taught in five half-day segments. What follows is a suggested training process that allows facilitators to conduct five half-day workshop sessions.

### Before the workshop

Pre-screen the video — *82 minutes*

Review the guide — *60 minutes*

Review the program objectives — *5 minutes*

**Total Preparation Time: 147 minutes**

## The workshop agenda

Introduce the program — *5 minutes*

Review the program objectives — *5 minutes*

Say to participants that upon completion of this workshop, they will be better able to:

- build effective relationships to increase mutual understanding and build trust and respect
- improve two-way communications to get beyond assumptions and biases
- probe for, clarify and prioritize underlying interests
- invent options for mutual gain
- use objective standards of fairness and legitimacy

Ask participants to define, clarify and list on flipchart paper what they hope to achieve through their investment of time in the workshop. Then, post the list, so that achievement of these objectives and expectations can be measured — *5 minutes*

Show the introduction and first case study on the video — *17 minutes*

Stop the videotape at the end of the first case study. Conduct large and small group discussions on the negotiating skills illustrated in that case study — *10 minutes*

## Reinforce the concepts

Ask participants to identify an upcoming negotiation and prepare for it by working through the forms cross-referenced to **Getting Ready To Negotiate: The Getting To Yes™ Workbook** — *15 minutes*

Repeat this process until the full video program has been viewed; each skill has been discussed in large and small groups; and the forms have been completed.

**Total Workshop Time: 225 minutes**

## THE FIVE NEGOTIATING SKILLS DEFINED

### Relationship

Building effective relationships increases mutual understanding; builds trust and respect; encourages mutual persuasion; helps keep reason and emotion in balance; and enhances communication. Two critical diagnostic steps will create an effective working relationship.

1. Separate substantive issues from people issues. Substantive issues are those that deal with price, terms, conditions, dates and numbers. To resolve these issues, use well-developed information on interests, options and standards. People issues arise when negotiators do not trust, have confidence in, accept or respect each other. People issues also arise when emotions overwhelm and negotiators use coercion rather than persuasion.
2. To resolve people issues, focus on actions that help to build a good working relationship. First, decide to be unconditionally constructive. This means to act in ways that are good for you and the relationship, whether or not the other side reciprocates and responds positively to your behavior. Use other relationship-building techniques that include being reliable and trustworthy; balancing emotions with reason; being accepting; clarifying miscommunication and partisan perceptions; and using persuasion rather than coercion.

### Establish Communication

Good communication is essential to all good negotiations. Good communication consists of two skills: listening and talking. The more important of these skills is listening.

To communicate better, become aware of your “blind spots” and the assumptions you make about the other side’s intentions and perceptions. To communicate better, check, by restating and questioning, that your intended messages have been heard by the other side.

1. Question their assumption and identify things to listen for. To achieve this goal, you must become aware of your blind spots.
2. Write down key phrases you think your counterpart might say. These phrases should lead you to question your assumptions.
3. Reframe their statements to help them understand. By reframing, you think about how they might interpret your statements through the filters of their own assumptions and biases.
4. Reframe your statements so that you communicate exactly what you intend.

## Clarify Interests

In the negotiation process, each side has its motivations, objectives, needs, desires and fears. The motivations are the “interests” and are frequently different than demands or “positions”. To explore and clarify interests:

1. Identify the relevant parties. All those who will be significantly affected by the outcome of the negotiation are considered relevant parties.
2. Continually clarify interests that concern you, your counterpart, and any other important parties.
3. Probe for underlying interests by asking “*Why do I or they care about that?*” “*What is motivating my or their concerns?*” “*For what purpose am I or they insisting on that?*” “*What are we or they trying to accomplish and why?*” Continue to probe with these types of questions until the core interests are discovered.
4. Prioritize the interests by allocating 100 points among them, so that you can evaluate and compare their importance.
5. Use interests as the basis for inventing options. All good negotiations are “interests-based” dialogues.

## Invent Options

Bluffing; starting high; putting in lots of bargaining chips; making stubborn demands; exaggerating what you want; and inflating your bottom line. These are typical power ploys many negotiators use to try to get more. But real negotiating power is not gained through deceptive tactics. Real power comes from understanding the interests of both sides well enough to invent options that have not been thought of and that create value for all. By inventing creative options, the interests of both parties can be satisfied. In successful negotiations, both sides use their optimum talents, resources, technology and knowledge to expand the pie for all. This is called using elegant options.

1. Separate inventing options from making commitments. One of the greatest barriers to creative brainstorming during the negotiating process is the fear that one side or the other will be forced to make a commitment to everything that is said. To minimize this fear, focus on inventing options, not making commitments.
2. To meet interests, create options and value. List the interests and items that both sides value. By doing so, you may find areas that are critical to one party (e.g., high gain) and less important to the other (e.g., low cost). Focusing on options to meet interests energizes the conversation and uncovers previously unexplored opportunities.
3. Look for options to maximize joint gains. By working with the skills and resources of each side, you can cooperate to create more value for both sides.
4. Think “outside the box”. Consciously look for the unique ideas. Even if the first ideas won’t solve the problem, “outside-the-box” thinking often will uncover ideas that can work and that no one would have thought of otherwise.

## Use Standards

In some areas of negotiation, conflicting interests are unavoidable (e.g., you'd like to sell your house for more; the prospective buyer would like to pay less). When conflicting interests arise, the other side can be persuaded that what's being offered is fair and legitimate if objective, external standards are used as the basis for comparison. When several external standards have been identified, the other side can more confidently decide which is appropriate. The other side can also have a way to explain the agreement to interested or concerned others.

1. Use standards as a "sword" to persuade. Before the negotiation, prepare several possible standards, precedents or criteria that might persuade the other side. As you prepare, look for standards that can help you understand how the other side might be thinking about the problem. Armed with these standards, you're prepared to ask the other side "Based on market benchmarks I've researched, what would be wrong with X?" If your standards make sense, the other side can more easily acknowledge to being treated fairly, rather than acquiescing to a tougher negotiator.
2. Use standards as a "shield." Standards protect negotiators from being coerced. If pressured, ask "If what you're proposing is right, tell me why it's right. If your proposal is appropriate, I'm open to persuasion. If it's right and I can afford it (or my company can), then I will gladly pay it."
3. Use process standards when you cannot agree. If one or more external standards cannot be found, use one or more fair procedures that don't give either side an unfair advantage. Flip a coin; hold an auction, get an expert opinion, hire a third party arbitrator; use final offer arbitration, or use an honesty-generating process like "one side cuts, the other chooses" to move negotiations along. Look for creative processes when you get stuck.
4. Use standards to provide an attractive way to explain the decision. Everyone wants to feel good about their decisions. The easier it is for the other side to explain the agreement to outsiders, the easier the decision will be accepted and, ultimately, the commitment kept. Objective standards help provide the other side with an explanation.



## THE CASE STUDIES

### PROFILE: STACEY WOOLF, LITERARY AGENT, PRESIDENT OF CLIENT SERVICES, BOB WOOLF ASSOCIATES

Stacey Woolf sharpened her skills at her father's company, Bob Woolf Associates in Boston, one of the nation's top sports and celebrity agencies. Home most summers from her studies at Northwestern University, she answered phones while learning the art and business of negotiating contracts.

After four years and an increasing zest for clinching the deal, she attained her degree in radio, TV and film from Northwestern's School of Speech. She then became director of client services at Bob Woolf Associates, where she coordinated all interviews, appearances and speaking engagements for their numerous celebrity clients.

To expand her skills, she moved to New York City, where she worked for a literary agency. Her first time at bat, she hit a home run with a six-figure Bantam book deal for **Our Story: New Kids on the Block**, which sold 700,000 copies and held firm on the *New York Times Best-Seller List* for 13 weeks. Soon thereafter, she started her own company, Stacey Woolf Literary Management.

Over the last five years, her roster of successful negotiations has included the publications of three books by Larry King, including **On The Line**. She has also negotiated publishing deals for **The Kerrigan Courage**, which sold 200,000 copies and appeared on the *New York Times Best-Seller List* for five weeks; **Drive**, by Larry Bird, which sold 350,000 copies and remained on the *New York Times Best-Seller List* for nine weeks; and **The Stars of Beverly Hills 90210**.

Other clients include Dr. Henry Foster, U.S. Surgeon General nominee; Carl Yastrzemski, Boston Red Sox Hall-of-Famer; and Tom Glavine, Atlanta Braves pitcher and 1995 World Series MVP.

Bob Woolf, the first sports attorney in the nation, opened the doors of Bob Woolf Associates in 1964. He originated the term "sports law" as well as the study of sports law, which is taught at hundreds of law schools throughout the country.

#### Relationship Applied

Reinforcement and application are the most effective ways to solidify your understanding of how to build *Relationships*.

In **Getting Ready To Negotiate: The Getting To Yes™ Workbook**, read Chapter 8, **Relationship**, pages 86-95 and work through the forms.

#### Key Concepts

To build relationships:

- Separate the people from the problem
- Be reliable
- Balance emotion with reason
- Use persuasion, not coercion
- Consult before deciding



## PROFILE: BRITISH ALCAN

Alcan Aluminum Limited, a Canadian corporation, is the parent company of a multinational industrial group engaged in all aspects of the aluminum business. Through its subsidiaries, such as British Alcan, and related companies around the world, the activities of the Alcan Group include bauxite mining, alumina refining, aluminum smelting, manufacturing, sales and recycling. Some 44,000 people are directly employed by the Company, with thousands more employed in its related companies.

In the 95 years since it was established, Alcan has developed a unique combination of competitive strengths, with low-cost, owned hydroelectricity in Canada, proprietary process technology and international diversification. Today, Alcan is one of the world's largest aluminum companies. The word ALCAN and the Alcan symbol are registered trademarks in more than 100 countries and are synonymous with aluminum the world over.

The Alcan Group is a multicultural and multilingual enterprise reflecting the differing corporate and social characteristics of the many countries in which it operates. Within a universal framework of policies and objectives, individual subsidiaries conduct their operations with a large measure of autonomy.

Alcan Aluminum Limited has approximately 27,700 registered holders of its common shares and 2,100 registered holders of its preference shares widely distributed internationally, with the majority in North America.

### Communication Applied

Reinforcement and application are the most effective ways to solidify your understanding of how to *Establish Two-way Communication*.

In **Getting Ready To Negotiate: The *Getting To Yes*™ Workbook**, read Chapter 7, **Communication**, pages 76-85 and work through the forms.

### Key Concepts

To establish two-way communications:

- Listen actively
- Aim your internal voice
- Inquire
- Show they've been heard
- Give and take
- Speak precisely



## PROFILE: BOSTON PUBLIC SCHOOLS

The contract between the Boston School Committee (BSC) and the Boston Teachers Union (BTU), ratified June 22, 1994 by the BSC and June 29, 1994 by the BTU membership, may well be the nation's most innovative teachers' contract that establishes an infrastructure for systemic school-based reform.

The 1994 through 1997 contract between the BSU and the BTU:

- Assures three years of stability. For the first time in a negotiation year, Boston parents and students will have advance notice of a peaceful start to a new school year as well as three years of assured stability.
- Establishes six or more pilot schools. Boston becomes the first school district in the country to launch "pilot schools" by inviting teachers, administrators, parents and external supporters to launch six new, innovative schools for the 1995-96 school year.
- Creates a center for leadership development. The Boston Public Schools (BPS) and the BTU are committed to providing parents, teachers and administrators with the long term, intensive training they need, through the establishment of the Center for Leadership Development and the establishment of the Career in Teaching Program, which will train 200-300 Lead Teachers who will work with the Center for Leadership Development to provide intensive, one-on-one professional development opportunities for Boston teachers.
- Awards schools for student and school improvement. Beginning in the 1995-96 school year, schools will receive awards for improvement in student and school performance during the prior school year. These organizational incentives, at \$25-\$50 per student, will go to schools that achieve standards of relative performance gains in the 19 BPS school performance indicators used in the BPS for the past three years.
- Assures participation of all groups on school site councils. Boston Public Schools are committed to fully implementing school-based management, including increasing the number of parents serving on school site councils; improving the racial diversity of teachers serving on school site councils; providing a 50% quorum for both teachers and parents; and providing an alternate system for school site council members.
- Strengthens parent-teacher partnership. Boston Public Schools are committed to involving and supporting the families of students through: parent training through the Center for Leadership Development; enhanced representation on school site councils; parent orientation days at the beginning of the school year; and regular weekly meeting times with teachers.

### Key Concepts

To clarify interests, determine:

- Your interests
- The other side's interests
- Interests in common

To invent better options:

- Invent without commitment
- Invent options that are good for all

- Supports corps of “lead teachers”. The agreement establishes a Career in Teaching Program that sets four stages in a teacher’s career path: intern, provisional, permanent and lead. Lead teachers will serve as mentors for new “interns” and provide professional development programs for Boston teachers and paraprofessionals as well as training for parents.
- Creates a future teacher career program for BPS students. The BPS and BTU will collaborate to develop a school-to-work program for Boston students interested in becoming Boston teachers. The program will provide mentoring, practical experience and apprenticeships, summer jobs, scholarships, and long-term counseling.
- Strengthens teacher and school accountability. The agreement establishes a new teacher performance evaluation system, which includes evaluating the extent to which teachers are cooperating in the implementation of systemwide and school-based educational reform initiatives.
- Streamlines the teacher evaluation and dismissal process. Teachers are assured consistency with the state education reform law.
- Improves the ability to attract and retain new teachers. The 1993 contract includes giving all schools the ability to waive union and school department regulations as well as the ability to hire permanent teachers through the transfer process without regard to seniority. The current contract further provides the ability to keep provisional teachers in their teaching positions and to recruit teachers for positions that do not fit state certifications areas.
- Increases time for school planning and professional development. Two professional days have been added to the school calendar beginning in the 1995-96 school year. A common planning period for elementary and secondary schools has been added.
- Enables effective inclusion of special education students. The agreement is the first in the state to include class size contract language to enable effective inclusion of special education students into regular education classes.

### **Interests and Options Applied**

Reinforcement and application are the most effective ways to solidify your understanding of how to *Clarify Interests and Invent Options*.

In **Getting Ready To Negotiate: The *Getting To Yes*™ Workbook**, read Chapter 3, **Interests**, pages 21-32 and Chapter 4, **Options**, pages 33-44 and work through the forms.

## PROFILE: LANDMARK GRAPHICS CORPORATION

Landmark Graphics Corporation supplies geoscience and engineering software, systems and services to find, produce and manage oil and gas reservoirs. Used by petroleum companies worldwide, Landmark is a leader in its field.

In more than 60 countries, geologists, geophysicists and petroleum engineers use Landmark products in almost every phase of exploration and production. The Company's leading-edge software transforms vast quantities of seismic, well log and other data into detailed computer models of petroleum reservoirs. These models unlock the Earth's secrets and enable oil and gas companies to boost drilling success, lower exploration and production costs, and improve evaluation of assets in the ground.

Landmark offers an extensive line of integrated software applications for seismic processing, 3-D and 2-D seismic interpretation, geologic interpretation, mapping and modeling, well log and production analysis, and data management.

Through its services and consulting business, Landmark provides software training, on-site support and assistance in designing computer networks and integrating applications and data. The Company's geoscience and computing specialists work closely with its clients' multidisciplinary teams to improve their productivity.

Landmark was formed in 1982 as a developer of 3-D seismic workstations — products that pioneered interactive computer-aided exploration and production (CAEX) and created a new commercial market.

Based in Houston, Texas, Landmark today has sales and support personnel in more than 20 countries, employing approximately 600 people. The countries include Argentina, Australia, Bahrain, Brazil, Brunei, Canada, China, Colombia, England, France, Indonesia, Malaysia, Mexico, The Netherlands, Nigeria, Norway, Russia, Singapore, Thailand, Venezuela, and the United States.

A subsidiary of Landmark Graphics Corporation, Advance Geophysical was founded in 1980 and is a leading provider of interactive seismic processing software. Its producers include the MicroMAX line of PC-based field seismic processing systems and the ProMAX line of software for field processing, marine processing, VSP processing, and 2-D and 3-D batch and interactive processing, as well as Prospector post-stack processing software.

### Standards Applied

Reinforcement and application are the most effective ways to solidify your understanding of how to *Use External Standards*.

In **Getting Ready To Negotiate: The *Getting To Yes*™ Workbook**, read Chapter 6, **Legitimacy**, pages 61-75 and work through the forms.

### Key Concepts

To prove legitimacy:

- Find benchmarks
- Use standards as a "sword"
- Use standards as a "shield"
- Don't split the difference between arbitrary positions

## PROFILE: SOUTH AFRICA

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The San were the first people to settle in South Africa. About 2,000 years ago, they were followed by the Khoikhoi, who settled in the Western Cape. Disease, displacement by new inhabitants and miscegenation gradually caused these groups to become extinct.

The first Europeans to reach the Cape of Good Hope, toward the end of the 15th century, were Portuguese explorers seeking a sea route to the east. The first permanent European settlement was established by the Dutch East India Company in 1652.

By the middle of the 18th century, the growing colony came into contact with the African tribes that were established in the southeast coastal regions and expanding southwestward. In 1820, the largest ever organized group of white settlers arrived in the country.

The first decades of the 19th century were filled with wars between the black nations, the result being the emergence of the Zulu nation under Shaka and later Dingaan as the dominant power in south-central Africa. The establishment of vassal states and virtual depopulation of the central plateau left the way for Voortrekkers, emigrants who were dissatisfied with the ruling British Government, to move into the area. Today, the population patterns established in the first half of the 19th century remain largely unchanged.

Discovery of lucrative deposits of diamonds, gold and other minerals, starting in 1866, were the impetus for the development of towns and cities in the interior. The cosmopolitan population of the gold fields was in constant conflict with the conservative government of the pastoral Boers, who resented the influx of foreigners. During this era, British imperialism reached its peak.

Black nations were subjugated and their lands annexed, and the Boer republics were threatened. The result was the Anglo-Boer War of 1899-1902, from which the British Empire emerged victorious. In 1910, the Cape Colony and Natal (British) and the Orange Free State and Transvaal (Boer republics) were joined to form the Union of South Africa under the leadership of Boer generals Louis Botha and Jan Smuts. The Act of Union was followed by a resurgence of Afrikaner nationalism.

Organized political activity among Africans started with the establishment of the African National Congress (ANC) in 1912. Restrictions were placed on the movements of Africans and Indians, and they were prohibited from acquiring title to land in 1913, although certain territories were reserved for black tribal ownership. African voters were removed from the common roll in 1936. The Afrikaner nationalist movement grew steadily on a foundation of sectarian preference and achieved its immediate objectives when the National Party, under Dr. D. F. Malan, won the post war election in 1948.

In 1959, those who were dissatisfied with the nonviolent and nonracial policies of the ANC, founded the Pan African Congress (PAC). The first major violent confrontation between government and African nationalist movements occurred in June 1960, when, at Sharpeville, police fired on a demonstration mounted by the PAC. Shortly after, virtually all black political organizations were banned. In 1963, Nelson Mandela and a number of conspirators were convicted of treason and sentenced to long terms of imprisonment. Mandela was released from prison on February 11, 1990 after serving 27 years of a life sentence. Taking a conciliatory attitude toward the government, he led his party into negotiations that culminated in the April 27-29, 1994 democratic election and his appointment as President.

### **All Five Skills Applied**

The knowledge and skills provided in this program will enable you to conduct principled negotiations. As you prepare for your next negotiation, use the workbook and this guide to review the definitions of each negotiating skill and the practice forms.

*Successful negotiations can be achieved only through careful preparation.*

## **RESOURCES YOU CAN USE**

To continue your exploration of negotiating strategies, the following resources are recommended.

*Getting To Yes: The Video Workshop on Negotiation* with Roger Fisher, Bruce Patton & William Ury.

**Getting To Yes** by Roger Fisher, Bruce Patton & William Ury, Penguin, 1989.

**Getting Together** by Roger Fisher and Scott Brown, Penguin 1991.

Preview Only



930 N. National Parkway, Suite 505  
Schaumburg, IL 60173-9921

TOLL-FREE **800-824-8889**

FAX **708-517-8752**

E-MAIL **vphi@vphi.com**

INTERNET **http://www.vphi.com**