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## Negotiations Training for OSCs (Module 2)

Sponsored by: EPA Office of Superfund Remediation and Technology Innovation

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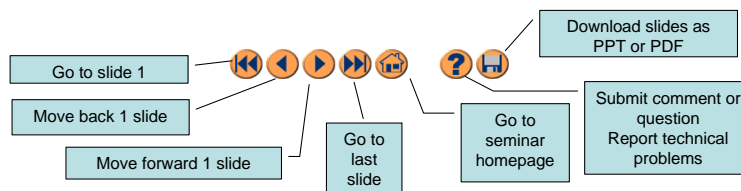
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# Housekeeping

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Although I'm sure that some of you have these rules memorized from previous CLU-IN events, let's run through them quickly for our new participants.

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You should note that throughout the seminar, we will ask for your feedback. You do not need to wait for Q&A breaks to ask questions or provide comments. To submit comments/questions and report technical problems, please use the ? Icon at the top of your screen. You can move forward/backward in the slides by using the single arrow buttons (left moves back 1 slide, right moves advances 1 slide). The double arrowed buttons will take you to 1st and last slides respectively. You may also advance to any slide using the numbered links that appear on the left side of your screen. The button with a house icon will take you back to main seminar page which displays our agenda, speaker information, links to the slides and additional resources. Lastly, the button with a computer disc can be used to download and save today's presentation materials.

With that, please move to slide 3.

agreement made easier

# OSC Negotiations Course

Module 2: Communications Skills for Negotiation

Delivered By:
Margaret Ross, EPA CPRC
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Terry Brubaker, Consultant

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## Course Credit and Course Evaluation

- Please sign in
- Your certificate is predicated on attending deliveries of all 4 modules of the course (total of 8 hours).
- After each module, please complete the Clu-In evaluation form.
- Attendance for this module will be validated through a roll call, and completion of the evaluation form.
- We really value and use these evaluations. We want to provide the best, most relevant trainings, and your feedback is key.

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## Negotiations Course Learning Objectives

- **At the end of this four module course, you will be able to:**
  - Recognize opportunities to apply interest-based negotiation skills to everyday interactions and relationships
  - Explain 3 basic components of interest-based negotiation and describe how to apply each concept during the course of a negotiation.
  - Identify 3 basic communication skills that can help in any negotiation and apply each in common negotiation scenarios.
  - Explain 4 types of "people" problems, and match each with appropriate strategies to overcome those problems in a negotiation.
  - Identify when it's appropriate to involve a facilitator or mediator

**Note** Please feel free to ask questions or contribute your expertise at any time!

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## Negotiations Course Outline

- **Module 1**: Introduction to Interest-Based Negotiation

- **Module 2**: Communication Skills for Negotiation

- **Module 3**: Skills for Overcoming Obstacles

- **Module 4**: More Skills + "Ask an Expert"

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## **Module 2**: Communication Skills for Negotiation

2.1   Role of communication in negotiation

2.2   Asking Good Questions
– What are good questions?
– Why should I care?
– How do I ask good questions?

2.3   Active Listening
– What is active listening?
– Why should I care?
– How do I listen actively?

2.4   Reframing
– What is reframing?
– Why should I care?
– How do I reframe?

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## 2.1  Role of Communication in Negotiation

"The single biggest problem in communication is
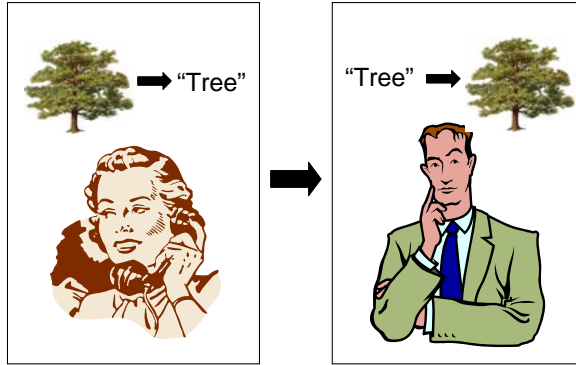the illusion that it has taken place."

George Bernard Shaw

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## 2.1 Role of communication in negotiation

What is communication?

1. **Sender has an idea**
2. **Sender encodes the idea into a message**
3. **Sender transmits message**
4. **Receiver decodes the message**
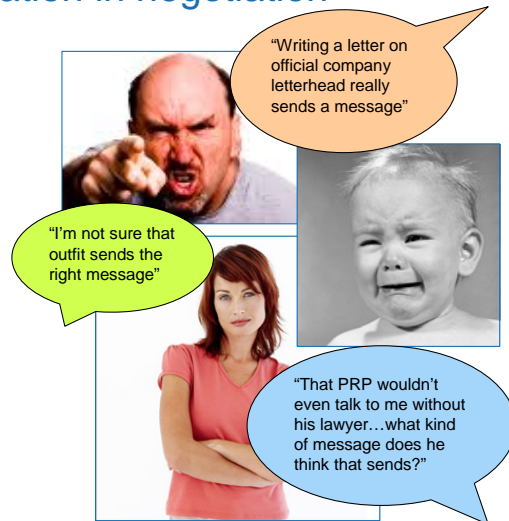


"Tree"        "Tree"

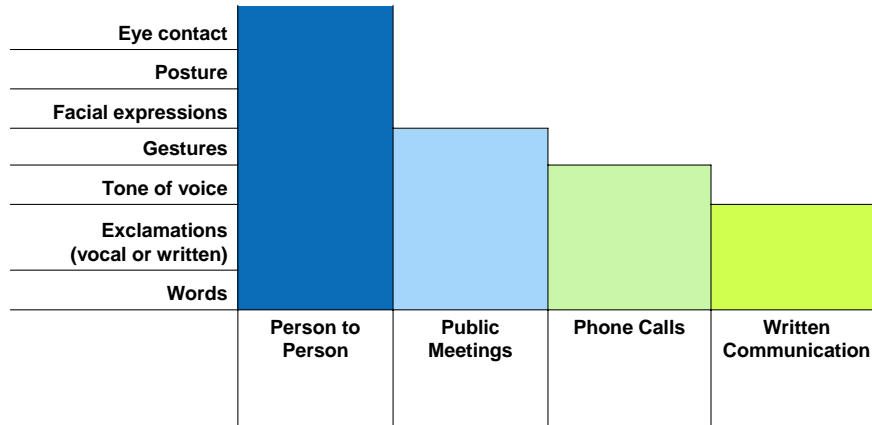## 2.1 Role of communication in negotiation

What is a "message"?

- Messages can include:
  - Words
  - Body language
  - Tone of Voice
  - Gestures
  - Almost anything we do can "send a message"

Not all messages are intentional.

"Writing a letter on official company letterhead really sends a message"

"I'm not sure that outfit sends the right message"

"That PRP wouldn't even talk to me without his lawyer…what kind of message does he think that sends?"

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## 2.1 Role of communication in negotiation

Consider available communication channels.

| | Person to Person | Public Meetings | Phone Calls | Written Communication |
|---|---|---|---|---|
| Eye contact | | | | |
| Posture | | | | |
| Facial expressions | | | | |
| Gestures | | | | |
| Tone of voice | | | | |
| Exclamations (vocal or written) | | | | |
| Words | | | | |

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## 2.2  Active Listening

"Instead of talking in the hope that people will listen,
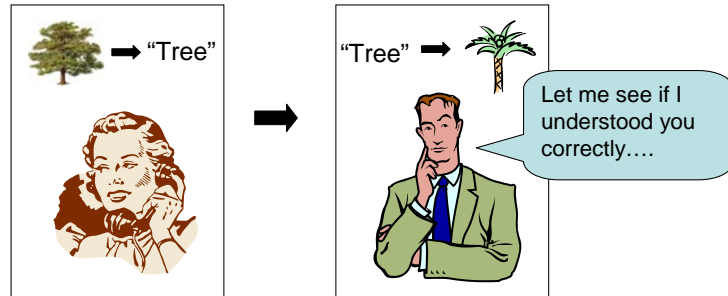try listening in the hope that people will talk."
Dr. Mardy Grothe

## 2.2 Active Listening

What is active listening?

- "Active listening is the process of checking to be sure that communications are being heard as intended."

"Tree" → "Tree" →

Let me see if I understood you correctly….

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## 2.2 Active Listening

Why should I care about active listening?

- Using active listening encourages a speaker to voluntarily provide you with the maximum amount of useful information
  - Participants feel heard
  - Because they have been heard, they are willing to share information
  - Participants who feel heard feel respected
  - Participants feel heard are more willing to hear others

- More information provides more options and helps identify interests behind positions

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## 2.2 Active Listening

How do I listen actively?

- Verbal Tools:

  - Acknowledge emotion: empathize, don't participate

  - Make small comments like yes or ok

  - Repeat: say again in the same words

  - Restate: rephrase or paraphrase the same idea in slightly different words

  - Summarize: briefly recount the main ideas

  Do not answer or respond – just check-in to see if you understood the message as it was intended and to elicit more information

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## 2.2 Active Listening

How do I listen actively?

- Non-Verbal Tools
    - **Focus** your full attention on the speaker. No distractions.
    - **Observation**: Watch their body language, listen to their tone of voice, etc.
    - **Body language**: Make eye contact, nod, use appropriate posture & facial expressions
    - **Silence**: don't jump right in with questions or responses. Don't interrupt
    - **Deferring judgment** and setting aside your own opinions
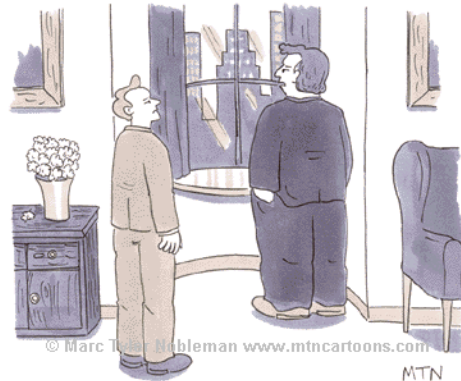    - **Take notes** (ask permission first)

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## 2.2 Active Listening

When do I use active listening in negotiations?

**All the time**.

- In initial discussions with PRPs and property owners, active listening can help you learn more about interests.
- As you begin to consider options, active listening in discussions with technical experts can help lead to new ideas and options.
- When developing objective criteria, active listening can help pull out important details.

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MTN

"I'm not convinced that's the best strategy.
Then again, I wasn't listening."

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## 2.2 Active Listening: Check-in Question

- Are you multi-tasking as you participate in this webinar?
  - Yes
  - No
  - I'm sorry, too busy to answer

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## 2.2 Active Listening: Check-in Question

- When your words are not congruent with your tone of voice, which is a listener more likely to trust?
  - Tone of voice
  - Words
  - Both equally
  - Neither, they won't trust you at all

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## 2.2 Active Listening: Check-in Question

- Which of the following might indicate active listening?
  - Eye contact
  - Nodding
  - Periodic clarifying questions
  - All of the above

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## 2.3  Asking Effective Questions

"You can tell whether a man is clever by his answers,
you can tell whether a man is wise by his questions."
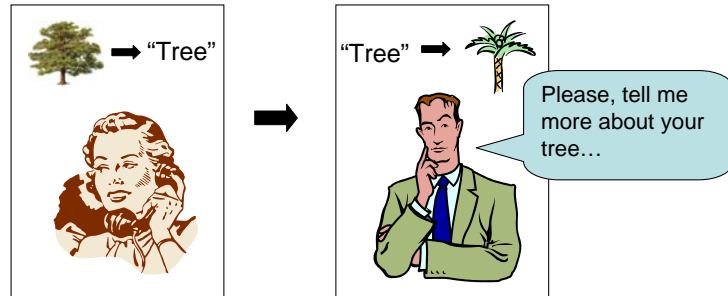
-Naquib Manfouz

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## 2.3 Asking effective questions

What are effective questions?

- The goal of asking questions is to have the listener voluntarily provide you with the maximum amount useful information.



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## 2.3 Asking effective questions

Why should I care about how I ask questions?

- The more information you have, the better decisions you'll be able to make.
- How you ask a question can have just as much impact as the words you're saying.
- You want it to be as easy as possible for people to share information with you.
- Some types of questions get more details than others.
- Some types of questions get more details than you would have thought to ask for.

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## 2.3 Asking effective questions

How do I ask effective questions?

**Effective questions are open ended:**

– Ask for stories, background, interests:
  • "Tell me more about…"
  • "What happened…?"
  • "Describe an example of…"
– Ask "Why" questions
  • "Why did you choose…?"
  • "Why are you seeking…?"
– Ask for speculation
  • "What would it look like if…?
  • "Who else might be good to talk to?"
  • "How would that work?"
  • "What other data, or information or options or criteria do you think would be useful to you, to us?"

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## 2.3 Asking effective questions

How do I ask effective questions?

Effective questions are honest attempts to seek information –
not opportunities to accuse or condescend.

Avoid the following types of questions:

- Cross examination, courtroom type questions
- Rapid-fire, multiple or staccato questions
- Questions that trap the respondent regardless of the response
- Questions that ask for information the respondent cannot possibly know
- Questions which are statements (rhetorical)
- "Why" questions that imply disapproval
- Questions that offer only two choices (yes/no)
- Questions that elicit only one word responses

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## 2.3 Asking effective questions

How do I ask effective questions?

Effective questions keep your audience in mind.

- Frame the question in terms of the listener's perspective
  - What is the LD 50 of the 2,3,7,8 TCDD? = (huh?)

- Beware that asking the same question in the same way for different types of people may not be effective.
  - Think about the difference in eliciting information from community vs. company representatives
  - Consider cultural issues – use of language

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## 2.3 Asking effective questions

How do I ask effective questions in negotiation?

Final Question:

What do you wish I had asked?

## 2.3 Asking effective questions

Exercise: Asking questions to determine interests

- Property owner: "I don't care who you work for, it's my property and you have no right to come in here and bully me. I decide what is and isn't happening here."

Take 2 minutes to read through this quote and develop 1-2 questions that will help you better understand his interests.

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## 2.3 Asking effective questions

Exercise: Asking questions to develop objective criteria

- PRP: "Your removal plans are crap. You don't know anything about sound engineering!"

Take 2 minutes to read through this quote and develop 1-2 questions that will help you objective criteria.

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## 2.3 Asking Effective Questions: Check-in Question

- Property owner: "I will only let you on this property on weekends and weekday evenings. If you really care about doing your job, you will work around <u>my</u> schedule."

- Listen to and then grade our question
  - Excellent
  - Very good
  - Good
  - Not so good
  - Bad

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## 2.3 Asking Effective Questions: Check-in Question

- Which of these is best example of an effective question for a PRP who has just rejected your sampling plan?
  - Why are you such an idiot?
  - Do you really believe that your plan is better?
  - Are you kidding?
  - What are some of the possible pros and cons of each plan?

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## 2.4  Framing and Reframing

"The greatest challenge to any thinker is stating a problem in a way that will allow a solution"

Bertrand Russell

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## 2.4 Framing and Reframing

What is Framing?

The **framing effect** is a cognitive bias that describes how the same option presented in different formats can alter people's decisions.

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## 2.4 Framing and Reframing

You know, two people have died during this very surgery in the past week.

Wow, that sounds dangerous, maybe I should cancel my appointment.

Why should you care?

How you frame information impacts the reactions and decisions of others.

You know, this surgery has a 99.5 % success rate.

That's great to know. I'm glad I'm having it done.

(see Tversky and Kahneman, 1981)

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## 2.4 Reframing

What is Reframing?

In a negotiation, reframing is taking a previously framed concept or reality and giving it a slightly different, more constructive perspective.

The goals of reframing are to:

– Counteract the negative or unproductive dimensions of an original framing.

– Bring the speaker back to the underlying interests and common goals of parties

– Find a way to keep negotiations focused toward success, not to answer or react

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## 2.4 Reframing

How do I reframe?

- **Listen**
    - Try to not react emotionally
    - Try to understand the underlying interest
    - Don't need to answer immediately. Take a breath and think.

- **Reframe**
    - Use neutral language
    - Include key elements of the original statement
    - Include interest of speaker & yourself
    - Acknowledge emotions of speaker, if applicable
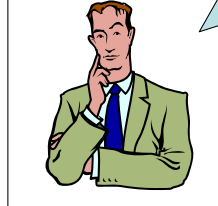    - Include a way to move negotiation forward together

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## 2.4 Reframing

How do I reframe?

There will still be a risk posed even after the remediation is done! I live here!!!

→

I hear your concern about risk. We're both interested in making sure that this place is as clean and safe as possible…let's talk some more…

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## 2.4  Reframing

How do I reframe?

**When you hear:**

- That will never work! or That's ridiculous!

- We're not getting anywhere!

- Yes, but if you don't do it my way, we'll fail.

**Consider:**

- It sounds like you believe that there is better way to meet all of our interests.  Any suggestions?

- It seems as though something is getting in the way of our success.  What do you think the solution is?

- I hear what you're saying, but if we can find a way to meet our interests we'll succeed.

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## 2.4  Reframing

How do I reframe?

- Sometimes having a neutral third party (like a facilitator or mediator) helps parties to reframe a situation in order to move forward.
    - Situation is too complicated
    - Parties are unlikely to be candid with you
    - Difficult people
    - Adversarial relationships
    - You are too close to the situation
    - It's just not your "thing"
    - Low trust situations
    - You just can't envision a way forward

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## 2.4  Reframing

Exercise: Reframing to help identify interests

- Community member: "Nobody tells us anything and we demand that you stop sneaking around until we have an opportunity to review what you're doing and why."

Take 2 minutes to read through this quote and reframe it in a way that will help you better identify interests.

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## 2.4 Reframing: Check-in Question

- What is a goal of reframing?
  - Confusing your negotiating partner until they agree with you.
  - Persuading your negotiating partner by using subtle hints.
  - Improving the likelihood of a constructive dialogue.
  - Solving problems by saying that they are not problems.

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Questions? Thoughts?

Thanks!

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