

# Negotiating in Tricky Situations

By BNET Editorial

published on BNET.com 10/23/2007

However experienced you are at negotiating, you're bound to run into tough, bruising sessions that can leave you ready to accept any terms—if only to end the hassling. The number of potential difficulties is almost endless, but the most common ones fall into two categories: difficult people and difficult situations.

There are almost as many tactics to resolve tough negotiations as there are situations, but some general principles and ideas suit most cases.

## What You Need to Know

---

### **I dread negotiating with a particularly abrasive supplier. What can I do to change this?**

People are difficult for several reasons. Unresolved problems in their personal lives can affect their attitudes and commitment to the negotiation at hand. They may lack empathy and make insensitive or inappropriate remarks, especially at a critical time. Or, they may simply be unskilled negotiators and make mistakes. Whatever the cause, try not to overreact and make a tough situation even worse.

### **Is there a guiding principle?**

Yes! Your ultimate goal is not only to successfully conclude a given set negotiations but also to start building an enduring relationship that will make future negotiations more fruitful, professional, and less fractious. Keep that in mind, no matter how intense the talks become.

## What to Do

---

### **Decide Whether a Situation Is Worth Saving**

It's a familiar scenario: You've had a long day, talks have gone from bad to worse, and no solution is in sight. Do you want to rescue what's left of the negotiation? If not, suggest postponing talks until another day. When someone asks for help, or appears to need help, the natural tendency of most persons is to try to offer a solution by responding in one of the three different ways:

- We advise people what to do

- We tell them what to do
- We offer to do something for them under certain conditions

This is called “solution-centered behavior” because it focuses on finding an answer. Sometimes this works; then again, it’s rather easy to produce a brilliant solution to what proves to be the wrong problem. And, if this happens, it is, of course, *your* fault!

An alternative approach is to use “problem-centered behavior.” In this case, you’re questioning the other person about his or her perception of the problem. You can do this either by:

- *Consulting*: What exactly is the problem? When did it occur? What might have caused it?... and so on
- *Reflecting*: “I can see that you’re very angry about this; what is upsetting you?” or “What aspect of the problem is troubling you most?”

The key message here is to consult about facts and reflect on feelings. The purpose is to make sure that you both share a clear understanding of the problem. In fact, helping the other person to clarify his or her thinking about the problem often allows the answer to emerge as if by magic. The other party then feels as if it “owns” the solution and so feels committed to it; you may not need to use solution-centered behavior at all. Even if the answer does not appear automatically, you can now direct or advise with a much better understanding of the issues.

## Tap Into the Power of Questions

The asking of constructive questions can often help the progress of negotiations. That’s always a good idea if you have to deal with difficult people for it enables you to control the conversation: If you ask a question, people usually will answer it. This approach avoids confrontation, too, and it may reveal valuable information about the person or the negotiation.

## Have a “Plan B”

If the other person is still being difficult and hindering negotiations, you will need more drastic action. Either he or she doesn’t want the negotiation to succeed or is unable to conduct the discussion properly at this time. In any case, you need to do something to move things along.

Acknowledge that a problem is evident, then ask three key questions:

- Does he or she want to continue the discussions?
- Would it be better if you spoke with someone else, such as a more senior staff member?
- Is there anything you can do that will help him or her feel more comfortable with the negotiation?

## Understand How to Conduct Telephone Negotiations

Not all negotiations take place face-to-face today; in fact, many are conducted over the phone (or by e-mail). Negotiating by phone can save time, but it's still very much a second-best situation and should be avoided as much as possible, save for simple negotiations. For such discussions, telephone contact can have certain advantages:

- It is relatively cheap and usually quick
- You can spread out papers in front of you for easy reference—especially useful if you need to refer to price lists, discounts, a contract and related data; you also can refer to checklists and use them as prompts
- You can take notes or make calculations without worrying about them being distractions
- The telephone forces everyone to listen carefully
- It promotes prompt decision-making

But, there are numerous disadvantages, too, particularly for the negotiator who has not initiated the discussion. If that's you, there are a host of key factors to consider. To begin with, the telephone is an impersonal tool. There are lots of others, as well:

- The phone keeps you from discovering any nonverbal clues that behavior can reveal, simply because you can't see the person(s) at the other end of your conversation; in turn, you cannot get a "feel" for your counterpart or any sense of movement or agreement
- It is difficult to use the "personal domain" that develop in face-to-face negotiations—especially those held in your offices
- You have little time to think and, because silences are more threatening in a phone call (in some countries, it also may lead to a loss of connection), you often feel as if you have to make decisions too quickly; people can feel pressured by time during a phone call, too
- Standard negotiation tactics are less effective over the phone; for example, it is also more difficult to set and keep to an agenda
- People are more inclined to say "no" on the phone because they don't get that little extra reassurance that comes from face-to-face contact; "what if...?" questions and searches for "a better deal" can be more difficult, given a tendency to stick to specified business
- It can be difficult to coordinate within your own organization, and there is a danger of distractions like visitors, noise, and pending appointments; the line also may be bad, disrupting the flow of the negotiation—and you don't know who else may be listening
- If you forget an issue, it may be difficult to come back to it or introduce it later; telephone calls tend to be "linear" and allow for just one opportunity to say or raise something, unlike face-to-face conversations can go around in loops

If you *must* negotiate over the phone, arrange a time that will allow you to prepare beforehand. Make sure that you won't be disturbed. It goes without saying to talk behind closed doors; if you don't have a private office, book a meeting room that is private, so you won't be distracted.

Before the negotiation begins, be sure all necessary paperwork is at hand—for example, a copy of a contract if its renewal is the issue to be discussed. Have plenty of paper for making notes, too.

## **Body language is still beneficial**

Finally, as you talk, use the same body language you would use if the other party were across the table. For example, nod if you agree, and move your hands as you speak. Such gestures can't be seen. Even so, these gestures will influence the tone of your voice and intensity of your feelings.

## **Breaks are beneficial, too**

Take a break and arrange to call the other person back if things are getting heated or you've reached a stalemate. And, if someone "ambushes" you, or you find yourself caught off guard, ask if you can recess the talks and call the other party back in, say, 30 minutes or so. Once agreement has been reached, follow up in writing as if you had you conducted face-to-face negotiations.

## **What to Avoid**

---

### **You Don't Know When to Cut Your Losses**

While everyone is eager to wrap up negotiations with the least amount of fuss and wasted time, some days it just won't work. On those days, it's important to recognize this reality, cut your losses, and resume discussions at another time. Time to reflect is a great negotiating tool.

### **You Lose Patience**

Even though your patience may be stretched to its absolute limit, try to put yourself in the other party's shoes to find out why he or she is acting in the way that they are. Also ask questions that allow the other party to disclose concerns and motivations. You may actually be able to help them, and thus achieve that ideal "win-win" resolution.

When in doubt, *consult* and *reflect*. Ask good, useful, open-ended questions; and plan them carefully. Ask for the other party's proposals or ideas—*before* offering yours. Ask the other party to clarify its proposals instead of saying what's wrong with them. Ask about their goals and objectives rather than tell them about yours. Ask how you can help *them*.

## **You Focus On Positions, Not Issues**

Don't do it! Getting to "yes," almost always is preceded by both sides altering their respective views about specific issues. You will reach agreement faster by talking about goals and outcomes, not "stands" on given conditions, prices or costs.

## **Where to Learn More**

---

### **Book:**

Lax, David A. and James K. Sebenius. 3D Negotiation: Powerful Tools to Change the Game in Your Most Important Deals. Harvard Business School Press, 2006.

### **Web Sites:**

Negotiation Skills:

[www.bizhelp24.com/employment-and-personal-development/negotiation-skills-5.html](http://www.bizhelp24.com/employment-and-personal-development/negotiation-skills-5.html)

BATNA.com: [www.work911.com/cgi-bin/links/jump.cgi?ID=3323](http://www.work911.com/cgi-bin/links/jump.cgi?ID=3323)