

Preventing a Negotiation Crisis

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The negotiation process is meant to bring about an agreement which is achieved through discussion. The process is not characterized by adversarial behaviour, but is built on the spirit of compromise. Good industrial relations or labour relations practitioners would identify with the fact that negotiation is also about building, maintaining and improving relationships. Where there is a deficiency in this regard, then those who act or behave contrary, are missing the boat as to what good negotiating is all about.

The argument can be justifiably made that the starting point for the building, maintaining and improving of good relationships must start at the level of the constituents, on whose behalf their representatives meet at the table. It is all about the reposing of trust and confidence in those whom are delegated the responsibility to discharge the mandate or instructions which have been given by the respective constituents. The extent to which this bond is maintained depends largely on how the representative discharge their role. There is the assumption that they will respect the mandate, instructions and wishes of their constituents. With this being the case, there is also the expectation that they will recognize the need to report and to consult with their constituents as the need arises.

The first signs of any fracture between the representatives and their constituents may arise where there is no reporting or consultation. It is ill-advised that representatives should take their constituents for granted. There is every possibility that this could happen when leaders or representative take too much liberty with the latitude extended to them. This occurs where a mandate is given with the understanding that representative (s) involved in the negotiations exercise are allowed to make reasonable judgment calls, so as to advance the interest of their

constituents. It is at this point that good leaders neither assume or presume, but rather take the more cautionary approach in returning to their constituents or engaging team leaders in the process of consultation and dialouge.

Negotiations is serious business and therefore there is absolutely no place for grandstanding or individualism. Anytime that there is a divide between the constituents and their representative, there is a cause for concern. The likelihood of this happening comes when representatives take too much for granted, or are more minded to make themselves look good by moving to make a quick settlement. The idea of a quick fix has the potential to be detrimental to the cause and the objectives to be achieved, as it may have short, medium or long term repercussions.

Prior to commencing any negotiation exercise, it should be proceeded by proper planning and research. The management of the process is absolutely important, and so it out to be handled sensibly and delicately. The outcome(s) should never be to the detriment of the constituents. It should not be the case that any gains previously had, are to be eroded. If this should happen, then there is good reason for questions to be raised. It would certainly take some convincing that something fundamental has not apparently gone wrong.

When things go right at the end of a negotiation exercise, the leader of the team gains all the credit, but when they go bad, that individual is heavily criticized, and sometimes is even accused of wrong doings. It is not uncommon to hear the accusation that the workers have been sold out.

In a case where the negotiating team acts outside its mandate or instructions, then the constituents have some serious considerations and decisions to make. However, where the constiutents are unclear and or don't understand what it is they want or the implications of their demands, then it means that they have failed themselves. Accepting that leadership

is vital, the charge could well be founded that the members of their negotiation team would have also failed their constituents.

Where there may be grounds for apportioning blame, attention should also be directed at the acceptance of responsibility for having in ignorance signed off on a plan of action, or having done so without question or while under a cloud of uncertainty; particularly when the negotiations bear heavily on one's livelihood.

The lesson to be learnt for those who are involved in negotiations, it that it is important to familiarize themselves with the process and procedures, for failure to treat to these, could result in a heavy price to be paid.