

In This Issue:

- Dispute Resolution
- Different Format for Negotiations (of all types)?
- Incident Management
- New Leave of Absence Coming
- A quick guide to what JM Box Consulting Services can offer you



HOW DO YOU RESOLVE DISPUTES?

What is dispute resolution like in your organization?

In many organizations, when a dispute arises, whether it is between employees, between staff and clients, or between the organization and another organization, there is no formal policy or system to be followed. The matter is dealt with (or not) based on traditional methods. We meet, we argue, and then a decision is made (or not) that may resolve the immediate issue, but may not deal with the actual cause. And so eventually there is another dispute.

If this sounds familiar, you are not alone. What often happens in these situations is that when confronted with a dispute, we often fall back on old-fashioned investigation techniques (which border on an inquisition) to find out what is going on, and then revert to standard bargaining methodology (I win-you lose) to resolve our differences. Even if the current problem gets resolved, there is often residual damage to the relationship. Not the best way to deal with things, right?

How about an alternative? It's called Principled Negotiations, and it is something that was pioneered by Roger Fisher and William Ury of the Harvard Negotiation Project over thirty years ago. Before you ask how something about negotiations would help you with dispute resolution, just remember that resolving most disputes requires some level of negotiations. In fact, the Principled Negotiations process is the used by many mediators, who believe that every mediation is just negotiations by another name, using a different



(Mediation, continued on page 2)

BETTER NEGOTIATIONS, ANYONE?

Got collective bargaining negotiations (or any other kind of negotiations) in your future? Tired of the same old confrontational style? Want to try something different? Traditional collective bargaining is referred to as distributive bargaining. It is confrontational at its core, as it basically relies on a 'win/lose' scenario,

whereby one side only gets something if the other side gives it up. Many point to a trend away from this kind of mind numbing negotiations in the form of integrative negotiations, whereby the parties work together, based on complete information (and therefore trust) toward dealing with issues of

mutual interest. Sound utopian? It's not. As time goes on, and new faces appear on the negotiations scene, they often look at what has happened traditionally in negotiations, and realized that it may work, but at a cost. Part of

(Negotiations, continued on page 3)

(Mediation, continued from Page 1)

perspective. Principled Negotiation gets its name not from a belief that its philosophy is at the same level as the Ten Commandments, but rather because it is based on a series of seven elements or principles. These principles invite the participants to look at the situation from a different perspective.

Principle 1- Alternatives- determine what your alternatives are if you can't come to some kind of resolution. This will give you something to measure any possible resolution against.

Principle 2- Interests- determine what you really want or need from the resolution, and try to determine the same for the other party or parties.

Principle 3- Options- once you know what everyone really wants, start brainstorming ways of meeting everyone's needs. Interests can be served many ways, and through discussion, you can often come up with a creative resolution.

Principle 4- Legitimacy- does the proposed solution make sense when compared to objective criteria or standards? Is it fair to everyone?

Principle 5- Communications- throughout the process, did the parties engage in active listening as well as speaking? Does everyone completely understand the issues, including everyone's point of view?

Principle 6- Relationships- working together to solve the issue, without the old fashioned "us vs. them" philosophy. This not only makes for more civilized discussion, but helps preserve future relationships.

Principle 7- Commitment- agreement to accept the results of the process, and to live by them.

Want a real world example of how to apply these standards? If you have ever had a harassment situation in your organization, walk through these seven principles and see if they would have helped you, rather than the formal investigation you probably ended up doing.

If you want to learn more about principled negotiations, a great starting point is the book *Getting to Yes* by Roger Fisher and William Ury. If you would like to introduce these concepts into your organization, through the development of an alternate dispute resolution program, training on the concepts, or mediation based on the Principled Negotiations concept, please contact me at john@jmbboxconsulting.com.



INCIDENT MANAGEMENT- PLAN IN ADVANCE!

Ever have an emergency situation, such as a real or threatened act of violence, in your organization?

While there is an increasing awareness of the potential for such a situation as the result of Bill 168, not every organization has thought about what to do, and how to deal with staff, after it has happened.

In considering this situation, I am mindful of the days shortly after the 9/11 attack in September of 2001. While it did not directly affect the staff in the organization I was working for, we all remember our thoughts about our own security and that of our families after it happened. To my surprise, and great delight, I received a few days after the attack a Powerpoint presentation from our Employee Assistance Plan provider designed to assist managers in talking to their staff about the situation. It was very helpful.

Many organizations do have EAP providers who can assist in the time of such an emergency. Others do not. Some, particularly those who work in the emergency services field, put in place in advance a system of counselling from appropriate professionals, who will deal in person with those directly affected by the situation. It doesn't matter how the situation is dealt with. What is important, however, that organizations have in place some way of helping staff cope with difficult situations. By making these arrangements prior, you will have one more resource available to you should you have to confront this kind of situation.



(Negotiations,, Continued from page 1)

that cost is that, because of the reputation that old style collective bargaining has, many do not want to participate in it or, if they have to, don't necessarily do it well. So perhaps it is time for a change.

One major obstacle to change in collective bargaining is that the immediate change from distributive to integrative collective bargaining, or any kind of negotiations, is difficult. The change requires a different approach and a different mindset, and is particularly difficult when one or both of the parties are reluctant or fearful of making the change. Old school negotiators often do it because they enjoy it that way, and may be concerned that the change will make them obsolete. How can these issues be dealt with?

How about introducing someone new into your negotiations?

Traditionally, when collective agreement negotiations break down, a mediator is introduced. This usually occurs after the negotiating parties have tried and failed to reach resolution, and the mediator is brought in to help look at the outstanding issues from a different perspective, and focus the parties on looking through the debris of their negotiations to see where the deal really lies.

But what if that same mediator was brought in from the very start, if not before, the negotiations? What if the mediator was brought in to assist the parties sort through and identify what is really important to them, teaching them how to work together on resolving common issues? Sound interesting?



The use of a good mediator as part of the negotiations process could allow the parties to make that transition from distributive bargaining to integrative bargaining, by showing them how it can be done. The mediator, particularly one using Principled Negotiations techniques described elsewhere, would, by example and through the utilization of mediation skills, show the parties how to work together, and how to streamline negotiations.

Here is an example. In many traditional negotiations, both parties will put into their initial bargaining proposal items that they don't really care about. They are in the proposal so that they can be withdrawn, so it looks to the other party that a major concession has been made. A good mediator may suggest that this not be done, so that more time and energy can be spent by the parties dealing with their real issues. To paraphrase a mediator: "cut the b.s. - what do you really want?"

A mediator could be very useful, right from the start, at help both sides understand each other's position, an issue that often clouds negotiations. After all, a successful mediator will try to do that when they are brought in at the end of negotiations, so why wouldn't that same philosophy be helpful earlier on?

Some might be concerned about the additional cost of bringing in a mediator right at the start of the negotiations. Try looking at it this way. If it shortens your negotiations, improves your relationships, results in a better agreement, and gives you a way of transitioning into integrative negotiations, wouldn't it be worth the cost?



If you would like to learn more about this concept, or would like to discuss implementing it in any form of negotiations you are facing, please contact me at john@jmbxconsulting.com.



519-903-5634

info@
jmboxconsulting.com

Check out our website at
www.jmboxconsulting.com



An Overview of Our Services

JM Box Consulting Services provides innovative, cost-effective Human Resources support and services that assist clients in dealing with their issues and challenges with confidence. Together, we will resolve issues one at a time, either through consultation, training or working together on necessary projects. These services are designed to be of greatest service to small to medium size organizations, including the municipal, health care, charitable, not-for-profit and small business sectors. Based in Windsor, Ontario, JM Box Consulting Services can meet the needs of clients throughout the Province.

JM Box Consulting Services takes the approach of meeting client expectations by identifying the gap between the desired goals and current realities, to discover the best ways of eliminating that gap- not just for the present, but for the future as well.

Services

E-Consulting- providing clients with quick, cost-effective access to Human Resources expertise through the use of e-mail and telephone communications, without the expense of or supplemental to internal Human Resources staff.

Project Management Services- to provide project management and expertise on matters such as job evaluation/pay equity, wage/salary administration systems, policy and procedure review and development, and organization redesign and restructuring.

Training Services- to address client needs that are best addressed through training specific to the needs of the organization, such as Violence in the Workplace, AODA training, and Alternate Dispute Resolution techniques.

Mediation Services- John Box is a trained mediator, who would be happy to assist your organization by providing that outside view that can often lead to resolving difficult situations.

PROVINCE OF ONTARIO INTRODUCING NEW LEAVE

On December 8, 2011, the Province of Ontario introduced Bill 30, which would amend the Employment Standards Act, 2000 by including Family Caregiver Leave. This leave would be in addition to the current Family Medical Leave, and would allow an employee with unpaid leave of up to eight weeks to provide care or support to a family member with a serious medical condition. A medical certificate from a qualified health practitioner regarding the serious health condition of the family member would be required.

Stay tuned for more information on this new leave.