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# Overcoming the Dilemmas in Walton and McKersie's Mixed Bargaining Strategy Solutionner les dilemmes dans la stratégie mixte de négociation de Walton et McKersie Sobrepasando los dilemas de la estrategia de negociación de Walton y McKersie

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# *Overcoming the Dilemmas in Walton and McKersie's Mixed Bargaining Strategy*

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*Far more attention has been paid to Walton and McKersie's distributive and integrative models of bargaining than to their strategies in a mixed bargaining situation; in particular the emphasis has been on developing cooperation in the form of the integrative or mutual gains approaches. This paper re-examines the mixed bargaining model and, drawing on a case study, identifies a number of features of negotiation which enable the parties to overcome the difficulties associated with the strategy. It is suggested that the mixed bargaining model is more appropriate in the industrial relations context than approaches which focus on cooperation.*

Negotiation is one of the central features of industrial relations. Management and unions use the process of negotiation to handle issues ranging from an individual grievance through to the very nature of their relationship. There have been a number of characterizations of industrial relations negotiation (for example, Chamberlain and Kuhn 1951) but the most prominent is that of Walton and McKersie (1965). Their descriptions of distributive and integrative bargaining have provided a framework for both research and practice, not only in industrial relations but also in other contexts. Distributive bargaining is an approach which is predicated on the view that one party can only gain at the other party's expense; it is therefore fundamentally competitive. Integrative bargaining is based on the premise that if both negotiators are open with each other and work together then they can find a solution which will reconcile their respective interests. The contrasting strategies of distributive and integrative bargaining enable the two approaches to be presented as clear alternatives

and it is understandable that the more cooperative integrative bargaining should be preferred.<sup>1</sup>

The focus of attention has been on how to develop the conditions which are necessary for integrative bargaining in what is essentially a competitive environment. Integrative bargaining requires openness, trust and a commitment to the process while the context of industrial relations has more than its fair share of distrust, antagonism and use of power which can not easily be set aside when the parties meet around the bargaining table. In addition, the roles that both management and union negotiators have to adopt as representatives of their respective constituents also inhibit the openness and flexibility which integrative bargaining calls for. In response to these difficulties, new forms of cooperative negotiation processes have emerged under the broad heading of "mutual gains bargaining" which take account of the whole context of the negotiations as well as the strategies and tactics used around the bargaining table (Cohen-Rosenthal and Burton 1993; Friedman 1992; Post and Bennett 1994; Susskind and Landry 1991). Mutual gains bargaining involves processes which assist the parties "unload" their competitive history and instead develop skills which enable them to view issues from new perspectives. As a result, the negotiators should find that they can explore areas of mutual gain. In particular, the negotiators are encouraged to explore the reconciliation of their respective interests rather than engage in a contest over fixed positions (Fisher and Ury 1981).

However, the practical application of this approach has not been without its problems causing negotiators to back away from the process (Hunter and McKersie 1992; Susskind and Landry 1991). Indeed, there are examples of case studies which are first used to promote the benefits of the concept and practice of mutual gains bargaining, but which are also used by other researchers in critical examinations of management-union relations (Heckscher 1993; Wells 1993). The difficulties which negotiators face include managing the constituents to ensure that the negotiated outcome is acceptable (Ancona, Friedman and Kolb 1991; Heckscher and Hall 1994) and overcoming the role expectations which constrain the negotiators as they face each other across the table (Friedman and Gal 1991; Friedman 1994). In addition, to engage in a fully cooperative approach to bargaining renders one vulnerable to last minute power plays by the other side (Cutcher-Gershenfeld 1994); this is precisely what Wal-

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1. Walton and McKersie did not express a preference for one bargaining process over the other; instead, they suggested that each was appropriate in certain circumstances, a view which is found again in their treatment of strategic negotiations (Walton, Cutcher-Gershenfeld and McKersie 1994). The role of mixed bargaining in this wider context of strategic negotiation will be explored in the concluding section of the paper.

ton and McKersie identified as one of the major dilemmas facing would-be cooperative negotiators. It appears that practitioners are attracted by the positiveness of the mutual gains approach but are wary of embarking on a process which is so different from their normal practice and which may not deliver all that it promises.

### *The Mixed Motive Aspect of Negotiation*

In his studies of the labour-management relations Cutcher-Gershenfeld (1991) has redrawn attention to the mixed motive aspects of the employment relationship — that it is neither purely conflictual nor purely cooperative, but a mixture of both. This notion of mixed motive underpinned Walton and McKersie's analysis of labour-management negotiations. They used the term "mixed" to describe a situation when the negotiating agenda has "significant elements of conflict and considerable potential for integration" (Walton and McKersie 1965: 161-162; 1966) and explored the strategies which might be appropriate in such a situation. Ideally negotiators who have to deal with a mixed agenda should engage in integrative type bargaining to increase the scope of joint gain and then adopt distributive tactics to get as large a share of that gain as possible; but the two basic strategies are so contradictory that the use of both seems fraught with difficulties.<sup>2</sup>

One difficulty which Walton and McKersie envisaged with the mixed bargaining strategy is that it might not be possible to separate the designation of shares from the search for additional joint gain. Secondly, although "side payments" can be used to balance up an agreement, there may be difficulties in determining what is a fair share. Thirdly, one negotiator might be acting "cooperatively" but is really looking for an opportunity to gain an advantage. In addition, negotiators might find real difficulty in being open in the early stages of a negotiation knowing that the parties will eventually be engaging in competitive negotiation to close off the negotiation. These difficulties are compounded by the presence of constituencies or a deadline, both of which tend to encourage a distributive approach from the outset. The general impression is that negotiating in a mixed situation is just too hard; the strategies are complex and are problematic at best. It may be the case that some of these difficulties are reduced if the relationship between the parties is itself cooperative (Tracy and Peterson 1986) or if the parties "bargain over how to bargain"

2. Lax and Sebenius (1986) also present a model of negotiation which is similar to the mixed bargaining strategy. It involves a strong interest-based approach to create value and the more competitive element of claiming value. They also examine the dilemmas which the dual tasks of creating and claiming value pose for a negotiator and their considerations are broadly consistent with those of Walton and McKersie.

(Cutcher-Gershenfeld 1994) but these do not affect the mixed-motive nature of the bargaining situation and so the basic difficulties and dilemmas would remain.

Perhaps in an acknowledgement of these difficulties, the focus of attention of both researchers and practitioners has been on the more clearly formulated models of distributive and integrative bargaining. However the attention given to these two models is notwithstanding Walton and McKersie's (1965: 161) own pertinent observation that few labour negotiations offer anything other than a mixed agenda for the parties to deal with. In view of this and in view of the apparent difficulties in implementing the more cooperative approaches to negotiation, it is appropriate to re-examine the strategies which Walton and McKersie developed for handling a "mixed" situation. The remainder of this paper will examine a case of mixed bargaining in a management-union negotiation drawing on material obtained through the researchers' presence at all the negotiation sessions and through interviews of the participants. The analysis of the case will be approached through a consideration of the difficulties which Walton and McKersie envisaged negotiators would face if they used the mixed bargaining strategy. The paper reaches the conclusion that the notion of mixed bargaining has much to commend it as an explanation of the bargaining process in the industrial relations context.

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#### *AN EXAMPLE OF MIXED BARGAINING*

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##### *The Trend to Enterprise Bargaining in Australian Industrial Relations*

The Australian industrial relations context provides an interesting opportunity to study the nature of the bargaining processes between employers and unions. For over 80 years the industrial relations system has been structured around awards which set the pay and conditions for employees across a whole industry. The federal industrial arbitration tribunal established the main terms of the awards through national wage decisions and other test cases so that although the unions and employer representatives did meet to negotiate, the key outcomes were generally foreknown. However, during the 1980s the need for improved productivity meant that greater attention was paid to the workplace and the centrally controlled framework for establishing pay and conditions was slowly devolved to the enterprise level. It was a case of managed devolution because the tribunal still established guidelines or principles which the parties had to follow.

In 1993, changes in the industrial relations legislation and further decisions by the tribunal clearly placed the emphasis on enterprise bargaining. Although the industry awards remained in place, employers and their employees were encouraged to enter into negotiation with a view to reaching agreements which applied specifically to their enterprise. There were few controls over the process, other than that the parties had to negotiate in good faith and that the relevant union had the right to intervene if it was not actually involved in the negotiations. Similarly, there were few controls over the content of the agreements. The parties still had to submit their agreement to the Commission for certification, but the critical test was that the employees would be no worse off than had they remained on the industry award. The incentive to negotiate arose from the fact that improvements in the awards were going to be kept to a minimum. Put simply, if employees wanted a pay rise and if employers wanted to change work arrangements in order to improve efficiency then the only way both of them could achieve their respective goals would be through reaching an enterprise bargain.

*The Case Study: Enterprise Negotiations at the City of Rockingham*

The City of Rockingham is a local government authority in a fast growing region just south of Perth, the State capital of Western Australia. Local government authorities provide a range of amenities and services such as the maintenance of public parks, control of building regulations, libraries and refuse collection. With just over 200 employees, the City of Rockingham is an average sized metropolitan authority. Employment conditions had been determined by an industry-wide award and consequently there was little variation in pay and conditions for similar occupations from one authority to another. Rockingham was no different from other authorities in that negotiations between management and the unions were limited and confined to matters arising out of the agreement or to the handling of individual grievances. With the emergence of enterprise bargaining, local authorities such as the City of Rockingham and the unions representing employees in the industry faced the prospect of having to negotiate new agreements to determine work arrangements, pay and conditions.

In 1994 the management and unions at Rockingham decided to embark upon the process of negotiating an enterprise agreement. They did this for a number of basically self-interested reasons. The authority wanted to maintain its reputation as being one of the most progressive; it also needed to improve its operating efficiency in order to cope with an increasing workload. To achieve this would avoid having to increase the rates (local taxes). One option was to try to improve efficiency through

contracting out some of its activities (which would have involved redundancies) but management chose to negotiate with the unions because of a belief that the best way to improve efficiency was through the establishment of cooperative workplace relations and through negotiated change.

Employees in the industry are mainly represented by two unions, the Australian Services Union representing clerical and administrative workers and the Municipal Employees Union representing most manual workers. (Technically, the two unions had merged into one industry union, but the merger had not been fully consummated and the two were still operating as separate organizations.) While it was not unknown for the refuse collectors to engage in industrial action, the unions were not militant, relying primarily on operating within the tribunal system to secure improvements for their members. Because there were few prospects of a significant arbitrated wage increase, the two unions had few options and they needed to enter into negotiations to get improvements for their membership. The white-collar union was committed to the consensus approach and had developed information packages and training programs to convince both their members and the employing authorities of the benefits of this approach. The training for union representatives included material on the nature of enterprise bargaining and on the development of effective consultative processes, material which was also presented to the employers as part of a broad strategy by the union to establish positive negotiating relationships. Union representatives were also provided with explanations of union policies on key substantive issues and given skills development in the area of negotiation.

In some respects, the situation at Rockingham was similar to that found in the North American collective bargaining context where the parties are negotiating a first contract. It is widely recognized that negotiating these initial contracts can be particularly difficult. However, the transition from industry-wide awards to enterprise bargaining in Australia has generally avoided the contentious attitudes which can arise out of the certification process and out of the need to address the question of management rights. While the absence of these factors does not guarantee cooperation and constructive negotiation, it did mean that the parties to the Rockingham negotiations had greater opportunity to develop the type of negotiation process they wanted and had greater freedom to explore outcomes to suit their particular situation.

#### *Establishing a Joint Commitment to the Negotiations*

Having agreed that they needed to sit down and negotiate, the Rockingham authority and the unions applied to the federal government for a

grant.<sup>3</sup> The application was successful and the parties used the grant to employ a facilitator to manage the process. In one sense, this high level of cooperation at the outset meant that a number of key features about the negotiation had already been addressed before the formal bargaining started. The decision to enter into enterprise negotiations and to apply jointly for a grant had committed the parties to a cooperative approach and had committed them to finding a solution which they could hold up as a positive example.

The parties' commitment to work together was further reinforced by the early agreement (between the CEO and the unions as part of the grant application) that they would undertake a joint review of work processes. The way in which work is done and how it might be improved was clearly an area where the employer and employees have mutual interests. The population of Rockingham was growing rapidly and this placed an increasing burden on the authority; there was an obvious need for more efficient procedures to cope with the extra work. At the same time, a strong notion of commitment to the community prevailed within the organization and both managers and employees were aware of the need to improve continually the service which was offered. Consequently, a close examination of work processes and procedures had the clear potential to get the work done more efficiently, to raise customer (ratepayer) and employee satisfaction, to lower costs and so provide the basis for improvements in pay and conditions.

The review of work processes was something the parties agreed to do jointly, but they also recognized that they would have to negotiate over the results. Those employees who would be involved were given training and review teams started to operate in most work areas. The intention was that the results of these reviews would be fed into the negotiation process. This approach to negotiation was in clear contrast to the approach under the industry award. In the award there was a single job classification structure which serves as a basis for the pay scales across the industry; questions of work organization and improving efficiency are not addressed. Consequently, by agreeing to negotiate over these issues the parties had significantly opened up the agenda. It was an example of where they had identified and accepted their respective interests, which is a key element in establishing an integrative approach to negotiation.

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3. The Australian Federal Department of Industrial Relations administered a Workplace Bargaining Program through which it sought to promote the development of productive and cooperative bargaining at the workplace level. It did this by offering financial assistance (on a competitive basis) to the parties to help develop negotiating committees, to innovative projects and other similar initiatives.



The motivation and beginnings of an interest-based approach were further strengthened by measures to enhance the cooperative processes. The facilitator arranged a number of awareness and training sessions for all employees and further training for those who were actually going to be involved in the negotiations. In addition, in all the discussions prior to the formal creation of the negotiating committee, the parties worked on the premise that the joint negotiating committee would operate by consensus. A constitution was drawn up to that effect and was endorsed at the first meeting of the committee. The general belief as to how issues would be resolved was summed up by one of the negotiators as follows: "if people sit around and talk sensibly and rationally, nine times out of ten the way to go or the path ahead drops out ahead of you. Nobody has to be the smart person and figure out this fantastic solution because if you sit around and talk about it properly it usually becomes apparent to everybody."

The Committee comprised the Chief Executive Officer, two members from the elected local authority Council, the human resource manager and four other managers, together with five representatives of clerical/administrative employees and seven representing the manual workers. In keeping with the focus on the enterprise, the intention was that the discussions around the negotiating table should be between management and the employee representatives. Union officials and the employer association representative could also attend as observers, though in fact they took an increasing part in the Committee's activities. This was to be an example of where the formalities of the negotiating committee's constitution were overridden by the unfolding dynamics of the negotiations themselves.

### *The Negotiations: Identifying the Issues*

The parties agreed to schedule fortnightly meetings until such time as agreement was reached. The first two meetings were taken up with getting organized — clarifying how the meetings would be conducted, how lines of communication with constituents would be established and so on. Essentially the participants were coming to terms with what they had got themselves involved in. There was some uncertainty as to what consensus actually meant, and people needed to get comfortable with speaking out in an unfamiliar forum. As one of the participants later reflected, "I suppose I saw the first couple of meetings as really a bit of shadow boxing, it was something you had to go through when various people had various things to say... It seemed to be inefficient but in the end, looking back, I don't think it was."

At the third meeting the committee members formed small groups and each group generated a list of issues which it thought should be on the bargaining agenda. It was an open process resulting in a list of fifteen items. These ranged from some specific proposals (elimination of some allowances, changed holidays) through to broad principles (job redesign, quality assurance, best practice initiatives) which in themselves would embrace a number of issues. These items were all accepted as equally valid and became the basic agenda for the negotiations. The facilitator was given the task of providing further information on the issues as background for the future negotiations.

This joint "brainstorming" process was not the only source of agenda items. As indicated above, joint teams were examining work processes and this was viewed as part of the bargaining process. In addition, it was agreed that there should be a survey of all staff. The purpose was to ascertain the organizational climate and give employees a chance to say what issues were of concern to them. The results of the survey were presented in the fourth meeting and raised a number of issues which it was agreed should be addressed. A further survey, this time of ratepayers, was also carried out with the hope that the results could be incorporated with issues emerging out of the strategic plan and together they would form the basis of the management agenda. There was, however, something of a vacuum in this regard as the survey results were not conclusive, so the fundamental needs or objectives of the employer were not clearly formulated beyond the generalized level of statements to the effect of "a more flexible properly targeted organisation," "doing better within the organization, quicker, more efficient, more effective." It was, however, clearly understood that the ultimate objective was to keep any increases in local taxes to a minimum. As one councillor on the negotiating committee put it, "it is OK us sitting down here and saying 'yes, we will do this and we will do that' but at the end of the day, will those people out there, the ratepayers, pay for it?"

In contrast, the employees through their unions were very clear on what they wanted addressed in the negotiations. Once the negotiations had started, the representatives of the clerical workers developed their own agenda. Their list comprised areas where they thought there could be improvements both for the organization and for the employees; it was a list of issues to explore rather than a claim to be met. Their strategy might be characterized as "calculatively integrative." As one of their negotiators explained, "We thought, well if we go in to them and say we want 10% or 5% wage rise and a nine-day fortnight, flexitime straight up, they are going to say 'hang on this is not good.' It is going to get the negative. We want to put the positive stuff up first. Positive to management.... I

believe that if we can get them to substantiate what productivity gains we may be looking at, then when it comes down to arguing the money side of it, it would be very hard for them to say 'no.'" This is the essence of the mixed bargaining strategy.

The manual workers had formulated traditional claims as their opening bargaining positions and these were presented at the fifth meeting. These claims were specific and would not have been out of place in the first round of a distributive negotiation. They were interpreted as being competitive by the key management negotiator who saw them offering nothing to the employer in return. The employee representatives were a bit nonplused at this management reaction: "The committee had asked us to see our constituents and to ask them what they wanted to put in. Knowing that when they put it in, they are maybe not going to get it all, or maybe not get any of it all. It [management's response] came straight back with a bang, 'what are you going to give us?'" The employee representatives felt that they had indicated their willingness to negotiate over anything which the employer wanted to put on the table. In their own eyes they were being open and cooperative.

To this stage, the parties had engaged in a number of activities which would generally be regarded as key elements in an integrative/mutual gains approach to negotiation. They had a joint commitment from the outset, they had had training in a cooperative approach. They had an open agenda which was based upon a jointly developed list of issues. Their commitment to cooperation was not undermined by a history of competitive negotiation though they were uncertain about how the negotiations might unfold. There was a clear absence of distributive-type tactics — there were no "power plays" or threats, no deliberate withholding of information; even the manual workers' list of claims was — in their eyes at least — a cooperative move rather than an attempt to establish and defend a position in a competitive manner.

### *The Negotiations: Moving Towards an Agreement*

At the fifth meeting and through into the sixth, there was a change in the dynamics of the meetings. As one participant put it, they got down to the "nitty gritty" and there was a sense that the real bargaining had begun. Instead of discussing issues in general terms, the negotiators now had specific issues to deal with and this meant that the discussions were more focused. They worked through each issue in turn. The negotiators raised examples of how the issues had been dealt with elsewhere and draft clauses to insert into the agreement were suggested. This all necessarily meant looking at the detail of how proposals might work and this began

to bring out differences around the table. These differences were taken on board but were not pushed to a point of disagreement. As one of the management negotiators commented during the exchanges: "We've looked at it and our document is now a mass of red lines. Still we're happy to go through the clauses. This is a consensus committee and we need to have consensus on the clauses."

In terms of the mixed bargaining model, the parties had opened up and explored the agenda and had established a basis for joint gain; now they started to feed in their expectations as to the share of the outcomes. This did not mean that the negotiations suddenly became competitive. As will be shown, the creative, integrative negotiation continued right until the end, but the negotiators did sense that the negotiations had moved into a new phase. One participant viewed the transition across the two meetings in this way: "we were starting to come to an understanding of the key issues... there are things that we won't agree with, things that the union won't agree with." Another comment similarly reflects the point that reaching agreement involves allowing for disagreement: "I was surprised about the meeting because I had this horrible feeling that it was going to get bogged down at about page three and yet we managed to get through it. There were obviously some things that we have not resolved but at least we managed to work our way through the document and allow us to come back and start again."

Further negotiation, including the use of sub-committees to explore particular issues, resolved a number of items on the agenda, including shift work arrangements and the development of a best practice program. The sub-committees served a useful purpose in two respects: firstly, they enabled issues which affected only part of the workforce to be dealt with by those who would be affected; and secondly, they were a forum in which the negotiators could, in effect, start again on the issues, explain them more fully and understand more clearly what the proposals involved.

In the end there were three issues left to be resolved: the hours arrangements (including the possible introduction of flexitime), the duration of the agreement and the amount of the pay increases. Key negotiators from both sides met to sort out these issues and the meetings increasingly took on characteristics which are typical of distributive bargaining. Offers were put and countered. At times the interactions got tense (though never angry); adjournments were called as the negotiators took time out to reconsider their positions. The negotiations over the size of the pay increase followed the standard concession-making pattern, each party moving its position closer to the other until a point of agreement was reached. However, at the same time, there were clear signs of

integration of interests, particularly over the hours (flexitime) issue. Even within the discussions on pay it was not just a question of straight compromises but novel packages (combining, for example, aspects of amount, timing and conditions under which increases would be due) were proposed in attempts to find a solution which would satisfy all parties. In addition to these cooperative attempts to reach an agreement there was an absence of conflictual tactics — there were no threats, just tough debate round the table. Agreement was reached after three lengthy meetings and was then put to the main negotiating committee who endorsed it. The final stage was for the agreement to be put to the workforce and to the authority's governing council; when they had both endorsed it, the negotiation process was at an end.

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#### *OVERCOMING THE DIFFICULTIES IN MIXED BARGAINING*

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The negotiations at Rockingham provide an interesting example of Walton and McKersie's mixed bargaining. From the events described above it can be seen that there were a number of features which were conducive to the development of cooperative negotiations between the parties and these can be summarized briefly: there was no negative history; it was their first ever major negotiation; the task was to create a brand new agreement; the authority was expanding rather than contracting; and both parties had an incentive to reach an agreement. From the outset the parties sought to cooperate to achieve a good settlement. The negotiations opened with the parties committed to working together to explore issues of mutual benefit; and they closed with the negotiators trading offers to reach an acceptable compromise. In essence, they sought to increase the size of the joint gain and then get the best share of it. Walton and McKersie (1965: 165 ff.) suggest that this is the ideal strategy, but they also suggest that there are a number of difficulties and dilemmas associated with it. How did the negotiators at Rockingham cope with these?

#### *Separating the Shares from Joint Gain: Separation and Dilution*

The first of the difficulties which Walton and McKersie suggested was that when exploring issues the negotiators might find that the designation of shares could not be separated from creating the joint gain. In other words, when the negotiators were exploring options they would be able to work out quickly whether any suggestion really suited them or not and respond accordingly, rather than in an open fashion. In the Rockingham negotiations the joint gain was established in a number of ways. In the first instance, there was an acceptance that the organization needed to

develop an efficiency/customer orientation. This acceptance meant that a range of issues were opened up for negotiation which previously would not have been on the agenda, and, further, it meant that these issues would be explored in terms of an agreed criterion (Fisher and Ury 1981). Similarly, the parties recognized that there was a joint but unspecified payoff from establishing a more cooperative climate in working relationships. This is a "soft" item, but it was important because the notion of working towards more cooperation was used as a yardstick by which to evaluate both strategies and outcomes in the negotiations.

These two aspects of cooperation set the context for handling the "harder" issues where the question of share might rear its head. For example, the issue of customer orientation inevitably turned to the issue of having the offices and other services open outside of normal working hours, but the task of developing new arrangements was handled in terms of meeting the needs of the public, not extracting a price for any proposed change. In addition, dealing with work efficiency and performance issues through the mechanism of joint teams in the workplace meant that the task of finding the joint gain was separated from the task of sharing the benefits. The same applied to an issue which was left to the end to be resolved, namely flexitime, which was also addressed through sub-committees to explore and confirm the *joint* gains of the proposed arrangements, leaving the question of shares to be resolved through the final negotiations. Friedman (1994) suggests that negotiations have to go "back stage" because the formal sessions are so ritualistic that finding solutions is inhibited. The separation of processes involved in the Rockingham negotiations were more the product of cooperation than frustration and enabled the emphasis on the exploration of issues to be maintained.

It is possible to argue that difficulties arising over the question of shares were in fact dealt with by the expedient of management basically fudging the issue. Management did not cost each particular benefit in order to create a "pool" to be shared. In fact, on some issues the employee representatives had more precise cost saving calculations than did management. The management negotiators basically put all the savings it was prepared to share into the pay offer. However, this approach does seem preferable to dealing with cost savings (the accrued joint benefits) one by one, which might engender constant self-interested calculation of the type envisaged by Walton and McKersie. The reality of the bargaining over the share was that when the negotiations turned to the question of pay, management's initial position was conditioned by three factors. They had a fair idea of the efficiencies likely to be achieved through the changes which had been negotiated as a result of the review process and so were reasonably clear about the impact on employment

numbers and labour costs. (However, these were not precise calculations, as the efficiency benefits to accrue from proposed changes in work arrangements are notoriously problematic.) Secondly, management also had a fair idea of the extent to which revenue from local taxes would increase as the city grew in size. The third factor which influenced their position was the information they had about the general level of pay increases elsewhere. Although enterprise bargaining is supposed to enable employer and employees to negotiate an agreement for their particular enterprise, it is in neither side's interest to ignore trends in the labour market.

Therefore, with regard to the possible difficulty that the prospect of having to eventually negotiate shares would undermine the achievement of joint gain, the difficulty was overcome at Rockingham by a combination of separation and dilution. Firstly, the task of exploring joint gain was undertaken in the context of a new cooperative climate by people not generally involved in the main negotiations (separation). Secondly, the "gain into share" nexus was diluted, in part by aggregating the benefits and in part because the size of the pay increase was determined by a number of factors in addition to the (imprecise) efficiency savings calculations (dilution).

### *Side Payments and Collective Responsibility*

In effect, the wages issue served as the "side payment." Walton and McKersie suggest that finding side payments would be difficult because the "exchange rate" of compensation would be too hard to identify and calculate. In the Rockingham case, some groups of employees did feel that they had "given up a lot" and some managers did not think that the proposed flexitime arrangements were going to yield all the benefits which were being claimed. If the negotiations were being concluded on the basis of precise calculation of net benefits then the wages (or some other) issue would have to be revisited because, for these people at least, the "side payment" was not enough. However, management-union negotiations are a collective process which provide the opportunity for further intra-organizational bargaining and it is here that the difficulties associated with the side payments are overcome.

Meetings were held at Rockingham to discuss and vote upon the agreement. At one of the meetings, some employees were clearly not happy with the proposed agreement and they let their negotiators know how they felt. Nevertheless, in the end, the meeting voted in favour of the agreement. The meeting had been a process through which expectations had been modified; in effect, as a result of the discussion which took

place during the meeting, the employees were prepared to accept fewer benefits and improvements in the agreement as "side payment" for those elements which they did not like. In addition, the fact that an agreement is a product of negotiation gives rise to notions of fairness and equity which contribute to an acceptance of the agreement. As Warr (1973) observed, some constituents can be in total opposition to an agreement, but the fact that it has been negotiated and that it has broad support means that it is (reluctantly) acceptable. Even those who voted against the Rockingham agreement accepted the will of the majority. In this way the nature of the negotiation process gives rise to a collective acceptability which overcomes the difficulties envisaged by Walton and McKersie in having to negotiate precise side payments.

### *Managing the Suspicion that Cooperation is Only a Ploy*

A third difficulty with the mixed bargaining strategy is the suspicion that notwithstanding all the cooperative gestures on their part, the other side might really only be looking to maximize share; "cooperation" is just a ploy. Walton and McKersie also suggest that negotiators would have difficulty in transitioning from the open integrative approach to virtually the opposite tactics needed in bargaining distributively over the shares. As has been indicated above, the white-collar workers' representatives provide a good example of negotiators who were clearly seeking to maximize their share and they were quite calculating about it. But there was no suspicion; it was quite an open strategy. They argued hard for looking at ways to improve efficiency and made it clear that their motivation was the better work and the higher pay. Since it was clearly understood that pay was going to be an issue there was no question of a hidden strategy.

Further, neither they nor the other negotiators had difficulty in transitioning into a more competitive mode. In fact, it is more accurate to suggest that the integrative/cooperative approach which had developed in the wider forum flowed through into the final meetings of the key negotiators. The negotiators in these meetings were clearly focused on the issues and on getting the best possible outcome for their respective constituents; but in order to achieve this they used a number of tactics which are indicators of integrative bargaining through heuristic trial and error (Pruitt and Lewis 1977) and the use of complementary tactics (Weingart et al. 1990). They linked issues together, they repackaged proposals and they indicated their flexibility in areas of less importance while remaining committed to their key points. When proposals proved to be unacceptable, they were just "left in the air" rather than argued forcibly.



To give an example of the mixed approaches in the dialogue, the parties had been discussing both the size and the timing of the pay increase and at the same time discussing the implementation of the new work processes and performance indicators. The current offer was 3% now and 3% in 12 months time. At one point, a union negotiator commented that "we could convince our people 3% now, 2% in 9 months, 2% in 15." This was not put forward as a formal position but it was a variation and concession from their union's earlier claim. The employer negotiators did not specifically respond to the proposal but emphasized the fact that the pay increases were conditional upon performance, not automatic, to which the same union negotiator responded "I really agree with that," and later, as discussion on the issue continued, he reiterated the importance of linking together the objectives of the two parties: "all along we've wanted to have it measurable, not motherhood statements." An employer negotiator responded to this by saying he had a hard job to sell it to his people, that is, matching the constituency argument of the union negotiator at the beginning of this part of the discussion. Another management negotiator intervened to summarize the respective union and the employer positions, which made it clear that there was still no agreement as to amount or timing at this stage but it was also clear that having consensus on how the work changes would be implemented was the key to an agreement. Consequently, it was agreed that a couple of the union representatives should meet with other managers to discuss the issue further prior to the next meeting.

In these few exchanges, the parties were engaged, on the one hand, in distributive bargaining (in that they were being positional and acting in their representative roles in order to demonstrate firmness) and, at the same time, in integrative bargaining (in trying to address the joint problem of ensuring that the new work processes would be effective). Exchanges such as these point to the durability of cooperation through the final stages of the negotiation and are consistent with the view that the process of reaching agreement involves strategies and behaviours which would typically be regarded as being distributive even where the parties are trying to be cooperative and integrative. Consequently, the use of seemingly competitive negotiation behaviour does not necessarily indicate that a switch has taken place to a competitive strategy, but can equally be regarded as a continuation of a cooperative search for a solution. Although Walton and McKersie (1965: 178-179) suggested that there might be difficulties in unravelling distributive and integrative strategies in the final stages of negotiation, the Rockingham example suggests that these difficulties might be overcome through a combination of openness about the *strategy* coupled with an acceptance that actual *behaviour* can

be mixed and should be recognized as such before a response is formulated.

### *The Problem of Trust*

Walton and McKersie (1965: 169 ff.) also identify a number of dilemmas facing a negotiator wishing to engage in problem-solving in a mixed bargaining situation. Most of these dilemmas have already been addressed, but there is one aspect which is worthy of further attention — the role of trust.<sup>4</sup> In the context of a mixed bargaining strategy, the parties need to trust each other to make the most of their integrative bargaining efforts but, in contrast, distributive bargaining is based on manipulation and withholding information.

Trust is held to be one of the conditions necessary for cooperation and problem-solving in negotiation. Negotiators need to be confident that their problems will be recognized, that their openness will not be exploited and that all suggestions will be fully explored. This is trust in the sense of generally having faith in the word of another and in the benevolence of the relationship. However, the more Machiavellian of negotiators might deliberately set out to gain the trust of their opponents and then use this trust to gain an advantage. Trust is then rather more akin to gullibility but this will only be realized after the event! In practice, the expectation of future negotiations tempers the more exploitive manipulations of trust but negotiators still have to have regard for the issue of trust in any particular negotiation.

Walton and McKersie envisaged that if the negotiators were too open with each other in the integrative stage of mixed bargaining then they would be vulnerable during the distributive phase; however if they were not open enough, then they would not realize the potential for joint gain. When discussing trust in the context of integrative bargaining, they used the term in the general sense as outlined in the previous paragraph, but when they discuss trust in the context of mixed bargaining they are rather more pragmatic (1965: 182, 159). Here trust is a mechanism by which negotiators provide the basis for dealing with each other and for giving the negotiators some confidence about the current character of the bargaining process. Again, this is an insight which has been endorsed by oth-

4. Another aspect of negotiation which can inhibit the openness of problem-solving activities is the impact of a time deadline. Enterprise bargaining in Australia is not affected by contract deadlines so any time pressures have to be created by the parties themselves. In the Rockingham negotiations, the forthcoming local authority elections provided a focal point but this was not a compelling deadline; an element of "negotiation fatigue" appeared to have had as much impact in the closing stages.

ers who approach the issue from different perspectives and who would define trust more narrowly in terms of an expectation of cooperation under conditions of risk (for example, Fells 1993; Lewicki et al. 1994: 123; Raiffa 1982: 199-203).

The negotiators at Rockingham had committed themselves to work together, they had committed themselves to a process of consensus and had undertaken some joint preparation for the negotiations through the awareness sessions. However, the general sense of trust and cooperation which is reflected in these actions has to be translated into specific activities around the bargaining table. To begin with, the negotiators were wary and there was a high level of uncertainty on all sides as to how the negotiations would unfold and how the other parties would react. Even so, trust was exhibited in their willingness to work in joint groups to "brainstorm" agenda items. Another aspect of their trust was evidenced by their ability to handle difficult situations. As an example, one senior manager on the negotiating committee unilaterally overturned a committee decision to distribute the staff survey results to all employees. At that point, the employee representatives wondered what "cooperation" and "consensus" were supposed to mean; but they worked through it and realized that no one action should derail the whole process. In this way they developed a realistic understanding of how they could work cooperatively with (i.e., trust) the other negotiators around the bargaining table; and when a further potentially conflictual issue arose, this time over facilities for additional employee representative meetings, it was resolved without incident.

These events suggest that the need for trust as a condition for problem-solving or mixed bargaining may be overstated. Rather than view trust as an underpinning quality of the relationship it might be more appropriate to view it as combining attitudinal and behavioural elements which, together, build trust in the negotiation. Firstly, where the negotiators have and indicate a general cooperative disposition towards each other, this will provide the background context. However, trust in negotiation is not a background quality, it has to be exercised and expressed in actual incidents as the negotiations unfold. At any point the actions and reactions of the negotiators might reinforce, or undermine the general cooperative disposition. In particular, the level of trust is demonstrated in *reactions* to any action taken by the other negotiator which has the potential to hinder progress in the negotiations. It is by responding constructively in these situations that negotiators learn to trust each other, explore issues openly and not let difficult situations undermine the process of reaching agreement.

### *A COMPETITIVE PERSPECTIVE ON INDUSTRIAL RELATIONS NEGOTIATION*

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Walton and McKersie (1965: 165) suggest that the mixed bargaining strategy of integrative bargaining to establish the maximum total sum, followed by relatively hard distributive bargaining to claim the best share “appears to be the most attractive; but unfortunately is the most difficult to implement.” Drawing on the case study material, this paper has examined the second element of their proposition and has concluded that mixed bargaining is not as difficult as they envisaged. This section of the paper will explore the notion that it is preferable to view management-union negotiations as being mixed rather than emphasize the contrast between distributive and integrative bargaining.

The direct comparison of distributive and integrative bargaining inevitably leads to integrative bargaining being preferred and, as a consequence, much effort has been expended in developing cooperative models of bargaining in order to reap the promised benefits. There is no doubt that cooperation is preferable to warfare and that cooperation should be striven for — but does this cooperation only take the form of integrative bargaining? Despite the considerable emphasis on the cooperative models, there is little evidence of a durable full cooperation bargaining model taking hold at the negotiating tables. Similarly, the desire for cooperation extends beyond the bargaining table to the nature of the overall relationship between management and unions. Again, an emphasis on the stark contrast between competitive, distributive relationships and cooperative, integrative ones naturally leads practitioners and policy makers to eschew the former and strive for the latter. The language of cooperative bargaining spills over into the advocacy for change in the industrial relations system itself — the mutual gains bargain becomes the mutual gains enterprise and the case is advanced that the system itself should be so structured as to promote mutual gain (BCA 1989; Bluestone and Bluestone 1992; Kochan and Osterman 1994).

Some of the limitations of this approach appear when negotiation is considered from a strategic perspective. In developing their framework for the analysis of strategic negotiations, Walton, Cutcher-Gershenfeld and McKersie (1994) build on *A Behavioral Theory* by taking one step back from the negotiating table and examining the manner in which the parties (particularly management) negotiate their relationships over time. The parties can engage in forcing or fostering strategies and the authors’ propose that forcing will generally be associated with distributive processes while those engaged in a fostering strategy will tend to emphasize integrative pro-

cesses, though they do recognize that strategies and processes can be combined, typically using one to help ameliorate the risks inherent in the other.

The two most common scenarios in which combined forcing and fostering appear are not mirror images. Firstly, they occur in a coordinated strategy of trying to foster a cooperative relationship to take the edge off the effects of competitive change tactics, such as forcing through a downsizing. Secondly, the combination of mixed strategy and process may occur when a change imperative intrudes into a cooperative relationship, in which case the strategy might evolve in a rather more reactive fashion. Competitive tactics would be used to give an edge *to* the fostering processes to ensure that the improved relationships have a positive effect on workplace outcomes. In both situations, the significance of the competitive dimension can not be ignored.

This combination of approaches at the strategic level is also found at the negotiating table where negotiators may feel the need to perhaps soften a hard line position with some relationship statements, or to stimulate progress in the exploration of options by invoking deadlines. Even when there is only one item on the agenda the negotiators are engaged in a mixed motive interaction wherein their goals are interdependent but not aligned (Deutsch 1973; Pruitt 1981; Rubin and Brown 1975). It is this fact which gives rise to the complex mix of competitive and cooperative strategies *en route* to agreement. Negotiation is a mixture of information exchange, discovering interests, reshaping alternatives, applying pressure, finding new solutions and making compromises.

Cooperation in industrial relations is therefore a mixed affair at both the strategic (relationship) and behavioural levels. The central feature of negotiation as a process — that it is a mixed motive interaction involving both cooperation and competition — is consistent with the view that employment and industrial relations themselves are mixed motive. Each party wants to benefit and can only do so by cooperating with the other, but at the same time there are fundamental conflicts of interest at the heart of the relationship. Consequently, if industrial relations negotiation is a mixed motive process in a mixed motive context then the full cooperation bargaining model appears problematic and attempts to build cooperation should explicitly allow the parties to engage in competitive activity without being seen as denying their cooperative intentions. The implication for industrial relations theorists, practitioners and policy makers is that they should temper their search for full cooperation with a recognition that industrial relations is about differences and those differences will always be present, even in the most cooperative of relationships and negotiation settings.

### *Developing the Mixed Bargaining Model of Negotiation*

The centrality of the “mixed motiveness” in both industrial relationships and in negotiation make it all the more important that the portrayal of industrial relations negotiation be realistic. Walton and McKersie abstracted four subprocesses for the purpose of analysis, but the creation of contrasting and exclusive models, particularly where one is portrayed as being so clearly preferable to the other, has led to a false dichotomy. Negotiators do not engage solely in distributive or in integrative bargaining. In simple terms they do it all, perhaps using more of one than the other on any particular occasion, but they will commit themselves to firm positions (distributive) yet explore options (integrative), make threats (distributive) and yet trust the other negotiator (integrative). To the extent that they develop a coherent strategy they may well seek to explore and expand the scope of joint gain before sorting out who gets what. In Walton and McKersie's terms, their bargaining will be mixed.

However, mixed bargaining is not presented as an option in the prescriptive literature, nor has it been the subject of much research. Perhaps Walton and McKersie themselves contributed to this sidelining of mixed bargaining; they devote only a few pages to consideration of it and then deal with it from the perspective of all the difficulties and dilemmas which mixed bargaining presents for negotiators wanting to engage in *integrative* bargaining. This reflects an assumption that integrative bargaining is the preferable option. An alternative perspective on negotiation which holds that integrative bargaining strategies and tactics have to be built *into* a process which also comprises distributive strategies and tactics would reflect the mixed motive situation in which the negotiators find themselves. It makes the mixed bargaining strategy both an appropriate and positive option.

The Rockingham negotiations suggest a number of features of negotiation which enabled the parties to reach a good agreement and these can be incorporated into a representation of Walton and McKersie's model of mixed bargaining. The description will focus on the potential of the mixed bargaining strategy rather than the difficulties and, as might be anticipated, it will present a mixed bag of characteristics. This reflects the pragmatic nature of what is required in industrial relations negotiation.

Two factors which facilitate the successful implementation of the mixed bargaining strategy are an ongoing relationship between the parties and the presence of a multiple agenda. These are minimal but not stringent conditions. The relationship may be built upon no more than a pragmatic acceptance that working together seems to be the best available option. It is not necessary that the agenda items be clearly catego-

ized by the parties as either joint-gain ("integrative") or zero-sum ("distributive"). In fact, this case study suggests that the negotiation process is sufficiently flexible to enable the parties to bring different opening stances to the negotiating table. One party had only a broad objective, a second had a strong desire to explore issues, while the third had a more traditional (but negotiable) list of claims. It could be argued that provided no party indicates from the outset that it intends to "dig its heels in," then the different approaches can serve to open up the process of negotiation more than if all were following a particular "model" of negotiation.

Given these two elements, the parties should attempt to lay a foundation for the negotiations by giving attention to both the nature of the process and the manner in which the issues will be handled. The mixed bargaining strategy will require the parties to commit themselves to a joint cooperative approach but at the same time be pragmatic as to what that cooperation might mean in practice. If the cooperation and trust develop through how situations are handled during the negotiations this will prove more durable than grand sounding commitments. At the same time, negotiators should emphasize to constituents not only the need for solidarity behind their negotiators but also the need for a collective acceptability of the process and eventual outcome. With regard to the issues, the parties should pursue an open strategy of seeking joint gain, even though there is a similar open acknowledgement of the inevitability of dealing with "shares" and even though competitive positions may be put and argued alongside the search for joint gain.

This mixed approach on process and issue would then enable the negotiation to establish its own dynamic. The negotiators would not be constrained by their initial understandings of how the process might unfold, putting the need to achieve agreement above the detail of the procedural arrangements (as in allowing those initially envisaged as mere observers to take a more significant role). Even though there will be elements of competitive behaviour, the emphasis will be on the exploration of issues and the negotiations might unfold through the use of separate processes such as work groups and sub-committees. As issues are explored and clarified it will become increasingly clear that final resolutions can only be achieved by addressing the question of share. Maintaining a multiple agenda for as long as possible provides opportunities for linkages and enables the transition from joint gain to shares to be diluted. The negotiators will have to draw upon whatever cooperation and trust they have built up during the course of the negotiation as they manage the concession-making process. Once agreement is reached, the negotiators still have to work together to secure collective endorsement of the constituencies to what has been agreed.

Giving attention to these aspects of negotiation should enable the negotiators, as Walton and McKersie (1965: 165) put it, to “face squarely both realities — the fruits of collaboration and the realities of competition inherent in share allocation.” Further research into the complex dynamics of the process will be required, particularly in the area of managing the transition in the negotiations when the focus of attention shifts towards the question of share. This would be an examination of negotiation at the behavioural level. In contrast, a more strategic perspective could be pursued through examination of cases where distributive issues were handled in the context of stable relationships based on the principles of mutual gains bargaining. Exploration of these and similar issues will contribute to a clearer understanding of the nature of competition and cooperation in industrial relations.

## ■ REFERENCES

- ANCONA, D. G., R. A. FRIEDMAN, and D. M. KOLB. 1991. “The Group and What Happens on the Way to ‘Yes.’” *Negotiation Journal*, Vol. 7, 153-173.
- BCA. 1989. *Enterprise-based Bargaining Units: A Better Way of Working*. Melbourne: Business Council of Australia.
- BLUESTONE, B. and I. BLUESTONE. 1992. *Negotiating the Future*. New York: Basic Books.
- CHAMBERLAIN, N. W. and J. W. KUHN. 1951. *Collective Bargaining*. New York: McGraw Hill.
- COHEN-ROSENTHAL, E. and C. E. BURTON. 1993. *Mutual Gains: A Guide to Union-Management Cooperation*. Ithaca, New York: ILR Press.
- CUTCHER-GERSHENFELD, J. E. 1991. “The Impact on Economic Performance of a Transformation in Workplace Relations.” *Industrial and Labor Relations Review*, Vol. 44, 241-260.
- CUTCHER-GERSHENFELD, J. E. 1994. “Bargaining Over How to Bargain in Labor-Management Negotiations.” *Negotiation Journal*, Vol. 10, 323-335.
- DEUTSCH, M. 1973. *The Resolution of Conflict*. New Haven: Yale University Press.
- FELLS, R. E. 1993. “Developing Trust in Negotiation.” *Employee Relations*, Vol. 15, 33-45.
- FISHER, R. and W. URY. 1981. *Getting to Yes*. New York: Houghton Mifflin.
- FRIEDMAN, R. A. 1992. “From Theory to Practice: Critical Choices for ‘Mutual Gains’ Training.” *Negotiation Journal*, Vol. 8, 91-98.
- FRIEDMAN, R. A. 1994. *Front Stage Backstage*. Cambridge, Mass.: MIT Press.



- FRIEDMAN, R. A. and S. GAL. 1991. "Managing Around Roles: Building Groups in Labor Negotiations." *Journal of Applied Behavioral Science*, Vol. 27, 356-378.
- HECKSCHER, C. 1993. "Searching for Mutual Gains in Labor Relations." *Negotiation. Strategies for Mutual Gain*. L. Hall, ed. Newbury Park, Calif.: Sage Publications, 86-104.
- HECKSCHER, C. and L. HALL. 1994. "Mutual Gains and Beyond: Two Levels of Intervention." *Negotiation Journal*, Vol. 10, 253-248.
- HUNTER, L. W. and R. B. MCKERSIE. 1992. "Can 'Mutual Gains' Training Change Labor-Management Relationships?" *Negotiation Journal*, Vol. 8, 319-330.
- KOCHAN, T. A. and P. OSTERMAN. 1994. *The Mutual Gains Enterprise*. Boston, Mass.: Harvard Business School Press.
- LAX, D. A. and J. K. SEBENIUS. 1986. *The Manager as a Negotiator*. New York: The Free Press.
- LEWICKI, R. J., J. A. LITTERER, J. W. MINTON and D. M. SAUNDERS. 1994. *Negotiation*. Burr Ridge, Ill.: Richard D. Irwin.
- POST, F. R. and R. BENNETT. 1994. "Use of the Collaborative Collective Bargaining Process in Labor Negotiations." *International Journal of Conflict Management*, Vol. 5, 34-61.
- PRUITT, D. G. 1981. *Negotiation Behavior*. New York: Academic Press.
- PRUITT, D. G. and S. A. LEWIS. 1977. "The Psychology of Integrative Bargaining." *Negotiations*. D. Druckman, ed. Beverly Hills: Sage Publications, 161-192.
- RAIFFA, H. 1982. *The Art and Science of Negotiating*. Cambridge, Mass.: Harvard University Press.
- RUBIN, J. Z. and B. R. BROWN. 1975. *The Social Psychology of Bargaining and Negotiation*. New York.: Academic Press.
- SUSSKIND, L. and E. M. LANDRY. 1991. "Implementing a Mutual Gains Approach to Collective Bargaining." *Negotiation Journal*, Vol. 7, 5-10.
- TRACY, L. and R. B. PETERSON. 1986. "A Behavioral Theory of Labor Negotiations: How Well Has It Aged?" *Negotiation Journal*, Vol. 2, 93-108.
- WALTON, R. E. and R. B. MCKERSIE. 1965. *A Behavioral Theory of Labor Negotiation*. New York: McGraw-Hill.
- WALTON, R. E. and R. B. MCKERSIE. 1966. "Behavioral Dilemmas in Mixed-Motive Decision Making." *Behavioral Science*, Vol. 11, 370-384.
- WALTON, R. E., J. E. CUTCHER-GERSHENFELD and R. B. MCKERSIE. 1994. *Strategic Negotiations*. Boston, Mass.: Harvard University Press.
- WARR, P. 1973. *Psychology and Collective Bargaining*. London: Hutchinson.

WELLS, D. 1993. "Are Strong Unions Compatible with the New Model of Human Resource Management?" *Relations industrielles/Industrial Relations*, Vol. 48, 56-84.

WEINGART, L. R., L. L. THOMPSON, M. H. BAZERMAN and J. CARROLL. 1990. "Tactical Behavior and Negotiation Outcomes." *International Journal of Conflict Management*, Vol. 1, 7-31.

## RÉSUMÉ

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### Solutionner les dilemmes dans la stratégie mixte de négociation de Walton et McKersie

Walton et McKersie, dans leur livre intitulé *Behavioral Theory of Labor Negotiations*, offre un cadre tant pour la recherche que pour la pratique de la négociation en relations industrielles. On a surtout retenu leurs modèles de négociation distributive et intégrative. La première est plus compétitive alors que l'autre modèle de négociation a une orientation plus coopérative. Vu ce contraste, il est compréhensible que la préférence aille à la négociation intégrative. Récemment, ce dernier type de négociation s'est transformé en une négociation des gains mutuels, un processus qui aide les parties à mettre de côté leur passé compétitif pour approcher les problèmes avec de nouvelles perspectives. Malgré les difficultés empêchant les parties de bénéficier pleinement de cette approche, on la présente encore comme l'alternative préférable à l'approche distributive ou compétitive à la négociation.

Cependant, Walton et McKersie ont eux-mêmes noté que peu de négociations collectives sont autres choses qu'un ordre du jour mixte que les parties doivent traiter. La plupart des programmes de négociation contiennent des éléments significatifs de conflit et un considérable potentiel d'intégration. Ils explorent les stratégies appliquées en une telle situation et concluent que les parties devraient d'abord négocier de façon intégrative pour accroître les gains mutuels pour ensuite négocier de façon distributive pour maximiser leur part relative. Alors qu'ils notent qu'il s'agit là de la meilleure stratégie, ils ajoutent que c'est la plus difficile, identifiant un certain nombre de difficultés et de dilemmes auxquels les négociateurs doivent faire face dans son implantation. Essentiellement, ils croient que les éléments compétitifs pourraient miner les tentatives de coopération. C'est probablement à cause de ces difficultés que praticiens et chercheurs se sont concentrés sur l'alternative de négociation distributive et

de négociation intégrative même si, en pratique, on ne retrouve aucune de ces deux formules dans sa forme pure.

À partir de l'observation directe de négociations collectives, nous examinons à nouveau la stratégie de négociation mixte. Les réformes dans les relations industrielles australiennes fournissent une occasion unique d'étudier le processus de négociation puisqu'en plusieurs cas, les parties négocient pour la première fois. Elles ont alors l'occasion de s'engager dans le processus de négociation coopérative, libre de tout héritage compétitif. L'exemple typique en est la première négociation entre la ville de Rockingham et les syndicats représentant ses employés. Dès le début, les négociateurs ont adopté une approche coopérative et un des syndicats a adopté la stratégie de travailler avec la Ville pour accroître les champs de gains mutuels avant de négocier la rémunération. C'est là l'essence de la stratégie mixte. Les négociations ont duré plusieurs mois. Les parties ont alors travaillé sur des problèmes conjoints à la table de négociation, chacune y ajoutant ses propres préoccupations. Des groupes de travail et des sous-comités furent formés pour traiter d'un certain nombre de questions. À la fin, un petit sous-comité regroupant les principaux négociateurs s'est appliqué, à de nombreuses occasions, à régler les problèmes importants.

Notre étude de cas se penche sur la façon dont les négociateurs ont solutionné les difficultés et les dilemmes que Walton et McKersie voyaient comme nuisibles à la stratégie mixte de négociation. D'abord, les parties ont été capables d'établir un contexte coopératif pour la négociation, contexte qui a servi de référence pour les discussions subséquentes sur des points particuliers. Ensuite, l'utilisation de différents processus dans les discussions sur certains points a contribué à séparer les efforts de gains mutuels des calculs égoïstes. De plus, l'étude de cas démontre que le lien entre une proposition et les gains en découlant se perdait avec d'autres facteurs influençant la solution finale. Walton et McKersie prévoyaient que l'utilisation d'un point particulier, ici la rémunération, pour compenser les pertes perçues ailleurs ne serait pas facile. Notre étude suggère que la nature collective du processus, et en particulier le rôle des assemblées générales, ait servi de processus d'accommodation qui a rendu l'entente finale acceptable. On croyait aussi que les négociateurs utiliseraient la coopération comme une tactique à leur avantage. Mais la stratégie ouverte des négociateurs a éliminé toute suspicion. On croyait également que les négociateurs seraient incapables de passer de la négociation coopérative ouverte à la négociation compétitive pour la distribution finale. En fait, les étapes finales des négociations ont été un mélange d'interactions compétitives et d'aspects intégratifs. Les négociations de Rockingham confirment que le processus d'atteinte d'une entente implique des stratégies et des

comportements qualifiés de distributifs même lorsque les parties essaient d'être coopératives et intégratives. Le dernier dilemme à examiner est celui du rôle de la confiance, concept central à la négociation intégrative. En pratique, on peut exagérer l'importance de la confiance. Les négociateurs de Rockingham ont appris, par un certain nombre de circonstances difficiles, à se faire confiance à mesure que les négociations progressaient.

Les négociateurs de Rockingham ont démontré qu'ils ont vaincu les difficultés prévues à l'utilisation d'une stratégie mixte malgré des facteurs tels la séparation des processus, la dilution du lien entre les gains et les parts mutuels, le processus d'acceptabilité collective, l'ouverture de la stratégie et la durabilité de la coopération dans les étapes finales de la négociation. La négociation est une interaction à motivations mixtes exigeant des éléments tant compétitifs que coopératifs. Cela suggère que la stratégie mixte de négociation soit préférable à une emphase sur la négociation uniquement coopérative. Le désir de coopération déborde la table de négociation pour atteindre la nature même de l'ensemble des relations du travail. Par exemple, on trouve que la négociation de gains mutuels devient l'entreprise de gains mutuels. La signification d'une perspective de motivations mixtes est à l'effet que l'insistance à établir la coopération — que ce soit dans les relations d'emploi, dans les négociations ou dans les relations patronales-syndicales — devrait explicitement permettre aux parties de s'adonner à des activités compétitives sans qu'on puisse les accuser de nier leurs intentions de coopération.

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## RESÚMEN

### Sobrepasando los dilemas de la estrategia de negociación de Walton y McKersie

Mucha mas atención a sido concedida a los modelos interactivos y distributivos de negociación colectiva realizados por Walton y McKersie que a sus estrategias en situaciones de negociación mixta ; en particular el énfasis a sido puesto en desarrollar colaboraciones mediante la utilización de los métodos de integración y de mutuo beneficio. Este documento examina el modelos de negociación mixta y, mediante las conclusiones del caso tipo, identifica un numero de características de la negociación que permiten a las partes el sobreponerse a las dificultades asociadas con esta estrategia. Se sugiere que el modelo de negociación mixta es mas apropiado para las relaciones de tipo industrial que otros métodos basados en la cooperación.