



## A STRATEGIC NEGOTIATION MODEL

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Strategic negotiation involves two distinct categories of factors: attitudes and strategies themselves. There are the attitudes of concertation and opposition. These attitudes are actualized to varying degrees in five categories of strategies: power, relational, temporal, argumentative and informational.

Negotiating is a must, in many matters, in various organizations. Indeed, in 2007, the Supreme Court of Canada made collective bargaining a constitutional right in its BC Health decision <sup>1</sup>. In a sense, the Court was following up on *the Collective Bargaining Convention* adopted in 1981 by *the International Labor Organization* <sup>2</sup>, the purpose of which was to promote it among the governments of the world. This article proposes a model of strategic negotiation based on the aforementioned factors.

## ATTITUDES IN NEGOTIATION

There are two attitudes in negotiation: concertation and opposition. These two attitudes are concomitant values. The manifestation of concertation or opposition attitudes fluctuates in amplitude, intensity and frequency depending on the business to be handled or the disagreements that emerge and develop during the negotiation. Concertation and opposition are present in any negotiation. Depending on the observable context, it is then a negotiation of concertation or opposition. The genius of a negotiator is to know how to balance their use according to the desired outcome. Thus a negotiator can practice a concerted attitude to assert a given issue and an opposition attitude on another issue, in the same negotiation. The degree of actualization of the two aforementioned attitudes fluctuates in amplitude, intensity and frequency in various issues during the same negotiation <sup>3</sup>.

### The attitude of concertation

Concertation is a common value in society. It is inspired by the principles of tolerance specific to democratic societies. For example, it is through concertation that social groups with different beliefs



manage to achieve high standards of living. The affirmation and recognition of individual rights, especially in certain Western countries, is inspired by a principle of concertation which is a way for recognizing differences. People console themselves with their similarities and they learn from their differences.

In a situation where people with opposing values must work together, concertation will *a priori* be of greater help to them than competition, which would risk causing permanent divisions. The concertation attitude postulates that the parties concerned discuss with the idea of creating an agreement that will take into account their common needs. During a concerted negotiation, the participants negotiate with the other and not against him. The counterpart is therefore more of a partner than an adversary.

The concerted attitude has given rise to various ways of qualifying a negotiation, whether it is negotiation by problem solving, negotiation based on common interests or concerted negotiation. However, realism dictates that the concerted attitude alone is not enough to settle a negotiation in a suitable manner. Therefore, no choice to adopt sometimes an attitude of opposition.

## The attitude of opposition

The development of societies and enterprises does not take place without raising opposition forces. Creativity sometimes arises from a context of opposition insofar as this does not generate too many destructive forces.



The wealth of the world is not equally distributed. Some companies have captured a larger share than others. The same principle applies, to a lesser extent, for businesses. Some societies have reached an enviable level of wealth while others have retained an endemic state of poverty.

Successful and sustainable companies have benefited from the expertise of more competent administrators than those which are not. These administrators knew how to counter opposing forces when the dialogue did not produce the expected results.

It is not enough to oppose a project to give priority to a contrary idea. A negotiator still has to know how to do it. Successful countries and companies have reaped the rewards of their know-how. But their approach has not always manifested itself in harmony. The conduct of a negotiation generally places the parties in opposition mode, at least for some of its issues. The negotiating parties generally have divergent interests which implicitly place them in a situation of opposition. Their respective opposition should not be destructive. From the opposition, can emerge good solutions. But there is always a certain risk taking to adopt an opposition attitude.

An attitude of opposition can be an effective means of growth, but it has its own limits. Such limits stand out especially when it comes to dealing with people with whom it is subsequently necessary to establish a stable relationship. This is particularly the case in collective bargaining when an employer negotiates a collective agreement with the workers' representatives. Whatever the level of conflict in the negotiation, the parties will have to work together again under the aegis of a new collective agreement.

An opposition negotiation implies that each party essentially concentrates on the needs that it intends to defend. The form of exchange translates into a behavior which consists in drawing the best advantage

from the negotiation whatever happens to the needs of the other. Overreaching for their needs, one negotiator ultimately negotiates against the other. Therefore, a negotiation requires knowing how to oppose with perspicacity. It also postulates knowing how to measure the level of opposition to the ideas submitted by his counterpart à the bargaining table.

*Both attitudes are necessary*

Recourse to both attitudes, concertation and opposition, is generally necessary for successful negotiations. Basically, it is rare for a negotiation to take place entirely in an attitude of concertation. Because the stakes of the parties during a negotiation are often opposed. Consequently, a realistic negotiation includes phases of concertation and phases of opposition. The important factor to consider is that a negotiation takes place in such a way as to reduce the divergent interests. Practicing an attitude of opposition is often a necessary evil in negotiation. But a negotiator has to know how to get out of it in order to take the attitude of concertation which is a necessary step to conclude an agreement<sup>4</sup>.

## **NEGOTIATION STRATEGIES**

Whether the negotiation attitude is concerted or opposed, various negotiation strategies can be practiced<sup>5</sup>. They are five in number: power, relational, temporal, argumentative and finally, informational strategies as explained below.

### **Power strategies:**

Power strategies refer to the ability to do something, to perform an action or to act or not with the help of others. It is, in a way, the authority or power that a negotiator holds. It is finally the general influence of an individual or a group in relation to the objectives to be achieved.

*Power strategies (concertation attitude)*

Negotiators share their powers. One does not seek to impose his will on the other. Consequently, the actions or decisions taken or to be taken are of a mutual or participatory nature. Thus, negotiators are invited to seek a result by favoring the use of a problem-solving process. At least, that is what concerted negotiation invites to do.

### *Power strategies (opposition attitude)*

On the other hand, in an opposition negotiation, the actions or decisions taken are essentially intended to subordinate the will of the other to his own. To get what he wants, a negotiator is willing to coerce his counterpart. Various actions can then be actualized, such as presenting the other with a *fait accompli* or giving him an ultimatum. For example, in terms of labor relations, strikes or lockouts (the employer's closure of a business) represent a form of *coup de force* which is inferred from a strategy of power of opposition or constraint.

### **Relational strategies:**

Relational strategies represent the relationships or links between the individuals participating in the negotiation. A negotiator is necessarily in contact with another negotiator and generally several other individuals. Relational strategies encapsulate the skills of negotiators in terms of their respective relationships. This is where the climate of the talks essentially passes. This comes from the following principle: the behavior of individuals is related to the marks of attention they receive.



### *Relational strategies (concertation attitude)*

In terms of concertation, relational strategies consist in transmitting positive marks of attention. The perspective is to value the other in order to dispose him to acquiesce to the demands made on him. It is also to arrange it well so that it is compromised more easily. In the context of concertation, relational strategies originate from all the subjects of satisfaction that one party experiences with respect to the other.

Relational strategies are concerned with creating a pleasant climate in the talks. Negotiations certainly take place better and are concluded more quickly in a pleasant atmosphere. "Climatizing" a negotiation is to organize oneself so that the talks take place in a context of calm and serenity. It is basically in this that the transmission of positive marks of attention proves to be a powerful tool.

### *Relational strategies (opposition attitude)*

On the level of the opposition, the relational strategies aim to make the other understand what we do not like and which it would therefore be in his interest to correct. Essentially, it's about finding the

optimal way to communicate disagreement. In fact, it is about what is commonly called dissatisfaction. Communicating negative marks of attention or dissatisfaction can be as important as transmitting positive marks of attention, depending on the context. It is appropriate that the negotiators understand their respective areas of dissatisfaction. Indeed, one cannot ignore what displeases the other in the context of a negotiation.

### **Temporal strategies:**

Time is a fundamental notion or a sort of infinite medium in which events follow one another. It is generally considered a force acting on the world. Concretely, it is measured in universally recognized



units. As the saying goes, “time is worth money”. There is certainly nothing more true than that during a negotiation. Time can make everything succeed as it can make everything fail. As it is worth its weight in gold during a negotiation, it is therefore part of the strategy of any good negotiator. Thus, time can facilitate or constrain a negotiation.

#### *Temporal strategies (concertation attitude)*

In terms of time, a concerted negotiation sees time as a helping resource. This is then the resource time. The one we share and which translates into actions or decisions aimed at optimizing the duration of the negotiation in a spirit of amicable agreement. The first temporal element of a concerted attitude is to share the timetable for the negotiation. From then on, each party shares without constraint the management of the agenda of the meetings. This is what the negotiators are invited to do in a concerted negotiation.

#### *Temporal strategies (opposition attitude)*

In terms of time, an opposition negotiation uses time for one and against the other. It is then a question of constraining the other in various ways by referring to time. This is the so-called “constraint” time which translates into actions or decisions aimed at rushing, slowing down the negotiation or ensuring that it does not take place. Thus, by dilatory measures and deadlines, one tries to put pressure on the other in order to force him to compromise. Temporal strategies can compel the other in various ways,

especially forcing him to slow down, or to hurry up, or to impose a short deadline to complicate things for him.

### **Argumentative strategies:**

Argumentation consists of convincing by justifying or presenting one's ideas, opinions or interests. It is an explanatory development by which one's ideas or arguments are presented to the other party. It is



then necessary to proceed to verbal presentations often supported by written means without excluding audio-visual means. Consequently, it is necessary to prove some ideas or arguments. The solid argument is inferred from the reason that supports an assertion, a thesis or a request. Arguing requires proposing, submitting an idea or a set of ideas from which one generally seeks to draw either the causes or the consequences.

In negotiation, an idea is normally supported by a set of arguments.

### *Argumentative strategies (concertation attitude)*

A concerted negotiation imposes an objective argumentation, i.e, remarks centered at the same time on the needs of oneself and the needs of the other. The proposals submitted are then checked beforehand on the written, verbal or electronic plans. The credibility of sources is a major asset in negotiation. Thus, sources from impartial persons or organizations are more credible than sources from interest groups or in conflict of interest. For example, a poll is more credible if it is non-partisan, hence the need to entrust it to a pollster external to the parties involved. Generally, state or government sources, produced by specialized teams, are deemed to be credible.

### *Argumentative strategies (opposition attitude)*

A negotiation of opposition postulates a subjective argumentation which manifests itself by remarks essentially centered on the needs of oneself. Subjectivism is a doctrine according to which all that exists has reality only according to a thinking subject or a consciousness which gives it to him. It is the attitude of someone who judges according to his personal thought alone. An oppositional argument reduces the objectivity of the argument because it essentially consists of asserting one's own needs. Subjective argument does not invite quality dialogue. Often stereotyped, a subjective proposition is

usually more attackable than an objective proposition because the latter takes into account a broader set of interests.

### **Informational strategies:**

Informational strategies consist of making information known or conveying information to one or more recipients. The quality and quantity of such information is highly variable. Indeed, information can be distributed in small or large quantities. Moreover, regardless of the quantity of information distributed, its quality may also be low or high. The quality and quantity of the information transmitted depends on the intentions of the sending party. The parties' trust in each other and their respective level of education are also determinants of information strategies. Thus, in the presence of an intense conflict, the quality of the information is attenuated. Information involves communicating. In a concerted negotiation, the information is transparent whereas it lends itself to various bluffs during an opposition negotiation.



### *Informational strategies (concertation attitudes)*

A concerted negotiation bases its information strategies on transparency. The information is then accessible according to the needs of the party requesting it. Technologies have greatly changed information strategies. This development has the merit of allowing millions of citizens to have access to better information through electronic networks. Transparency implies greater truth. It does not lend itself to white lies, manipulation of information or half-truths.

In concertation, the first characteristic of an information strategy is transparency. Transparent information is truthful information. Thus, the interlocutor will consider it likely upon receipt. Therefore, the message should be as pragmatic as possible. In the context of transparency, it is generally easy to make the connection between the facts, the law and the information received. In other words, information that is transparent is more easily verified than information that is not.



### *Informational strategies (opposition attitude)*

An oppositional negotiation lends itself to the insertion of bluff or trickery into informational strategies. Bluffing is a generally unfair process that one uses to achieve one's ends. It is a process that essentially aims to overcome a situation by acting in a deceptive way. In a negotiation, opportunities for bluffing are frequent. However, since information technology circulates an abundance of credible information, an opposition strategy based on bluff involves the risk of being unmasked and that could bring a loss of credibility.

Not all bluffs have the same consequences. Some can influence the outcome of a negotiation without undermining the integrity of the other party. The strength and merit of bluffing is that it implicitly directs the behavior of the party against whom it operates. The consequences of a bluff vary greatly depending on the situation at hand. However, they usually generate risks for the negotiator who practices them.

### **Summary table of the strategic negotiation model**

The two negotiating attitudes and the five resulting strategies are shown in the following table:

## A STRATEGIC NEGOTIATION MODEL

| TYPES OF STRATEGIES                | DESCRIPTION OF ACTIONS OR DECISIONS TO BE TAKEN   |  |
|------------------------------------|---|--|
|                                    | CONCERTATION ATTITUDE   | OPPOSITION ATTITUDE  |
| <b>1. Power strategies</b>         | <p style="text-align: center;"><b>Participation</b></p> <p style="text-align: center;">Mutual actions or decisions to plan with the other</p> <p><i>Target means:</i><br/>Joint goals, joint decisions</p>  | <p style="text-align: center;"><b>Coercion</b></p> <p style="text-align: center;">Unilateral actions or decisions intended to coerce the other</p> <p><i>Target means:</i><br/>Accomplishment, ultimatum, coup de force</p>  |
| <b>2. Relational strategies</b>    | <p style="text-align: center;"><b>Positive signs of attention</b></p> <p style="text-align: center;">Satisfactions to pass on to others</p> <p><i>Target means:</i><br/>Identify the strengths of the other and share them with them in a timely manner</p>         | <p style="text-align: center;"><b>Negative marks of attention</b></p> <p style="text-align: center;">Dissatisfactions to transmit to the other</p> <p><i>Target means:</i><br/>Identify what the other should correct and let them know in a timely manner</p>                   |
| <b>3. Temporal strategies</b>      | <p style="text-align: center;"><b>Resource time</b></p> <p style="text-align: center;">Actions aimed at optimizing the duration of the negotiation in a spirit of amicable agreement</p> <p><i>Target means:</i><br/>Joint management of the negotiation agenda</p> | <p style="text-align: center;"><b>Time constraint</b></p> <p style="text-align: center;">Actions aimed at slowing down, postponing the negotiation or ensuring that it does not take place.</p> <p><i>Target means:</i><br/>Dilatory measures, deadlines</p>                     |
| <b>4. Argumentative strategies</b> | <p style="text-align: center;"><b>Argument based on unbiased data</b></p> <p style="text-align: center;">Verified proposals</p> <p><i>Target means:</i><br/>Compelling Ideas: Solid ideas, writings from credible sources for each other</p>                        | <p style="text-align: center;"><b>Argument based on biased data</b></p> <p style="text-align: center;">Unverified Proposals</p> <p><i>Target means:</i><br/>Unconvincing ideas: stereotypes, emotional remarks, coming from sources that are not very credible for the other</p> |
| <b>5. Informational strategies</b> | <p style="text-align: center;"><b>Transparency</b></p> <p style="text-align: center;">Actions aimed at informing the other correctly</p> <p><i>Target means:</i><br/>Words or writings based on the truth</p>   | <p style="text-align: center;"><b>Opacity-Bluff</b></p> <p style="text-align: center;">Actions aimed at marking, directing or modifying what the other must know of the truth</p> <p><i>Target means:</i><br/>Misinformation, insufficient information, misinformation</p>       |

**As a conclusion**, a negotiation cannot be improvised. Like any scientific field, it must meet a number of criteria to ensure its success. Each negotiation session must be the subject of appropriate preparation.

Any negotiator must on the one hand see the ins and outs of his strategies. But he must better understand the strategy of his counterpart. He must also analyze how all the strategies, his own and those of his counterpart, cohabit mutually. He must also be able to anticipate crossings or strategic meeting points. The reaction of the other party to an argument can be very useful in anticipating the scope of a possible argument.

Admittedly, a negotiator must take the measure of attitudes, whether it is a matter of concertation or opposition, and adapt the strategy to be put forward according to the reactions observed. For this, it is important that the negotiation is correctly monitored by an observer. A negotiator cannot both argue and closely observe the progress of the negotiation. The roles must therefore be adequately distributed among the members of a team.

Ultimately, a trader must master the five categories of trading strategies. Is his power perceived or real? What are the characteristics of the other party's negotiator at the relational level? Who has the best time reserve? What sources are likely to convince the other party? Finally, how to play the information card? These questions must be answered, as far as possible, before starting the negotiation. In addition, the course of the negotiation will make it possible to make the usual annotations. By appropriating the two attitudes and the five strategies of the strategic negotiation model, the negotiator concerned will be one step ahead of the negotiator who does not master it. A negotiation is an active process which requires to be understood in order to be better followed. This model of strategic negotiation intends to increase the chances of success of any negotiator anxious to apply it.

## NEGOTIATION MONITORING TABLE

| Date | Subject discussed | Self argument | Other's argument | Attitude Strategy | Result of the exchange |
|------|-------------------|---------------|------------------|-------------------|------------------------|
|      |                   |               |                  |                   |                        |

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<sup>1</sup>Health Services and Support - Facilities Subsector Bargaining Assn. vs. British Columbia, 2007 SCC 27 (CanLII), [2007] 2 SCR 391

<sup>2</sup>International Labor Organization, Convention No. 154, *Promoting Collective Bargaining*, 1981 <https://uqtr.on.worldcat.org/search/detail/911968516?lang=fr&queryString=Collective%20bargaining&clusterResults=true&stickyFacetsChecked=true&groupVariantRecords=false>

<sup>3</sup>See the excellent document published in 2015 by the International Labor Organization, *Collective Bargaining: A Policy Guide*, 2011, ILO <https://uqtr.on.worldcat.org/search/detail/951972659?lang=en&queryString=collective%20bargaining&clusterResults=true&stickyFacetsChecked=true&groupVariantRecords=false>

<sup>4</sup>On the subject in English, see: Cole Bill and Sanderson John, *The Art of Collective Bargaining*, Third Edition, Softbound Book, 2017 <https://store.thomsonreuters.ca/en-ca/products/the-art-of-collective-bargaining-third-edition-308355>

<sup>5</sup>On the subject in French, see: Bergeron Jean-Guy and Paquet Renaud, *Négociation collective*, Chenelière Éducation, 2017, 3rd edition.