

# Interest Based Bargaining Webinar Recording

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Thank you for taking time to join us today for the Interest Based Bargaining webinar.

This training webinar was developed by the PPO Labor/Management forum team of Mike Randall, Jane Droke, Keith Miller and me, Joanne Adams.

The key learning objectives of today's webinar are:

1. To provide an overview of IBB
2. Review the goals of IBB, and
3. Review the Principles of IBB and explain the process

The IBB model presents a different approach to the collective bargaining process, although it relies upon some skills and specific techniques common to traditional bargaining.

What is Interest-Based Bargaining?

Interest-Based Bargaining is a different way to negotiate. In the right situation, it is an alternative, replacing traditional positional bargaining with a process of joint problem-solving.

This process is known by many names and practiced in many variations and settings:

- Win-Win Bargaining
- Mutual Gains
- Principled or Interest-Based Negotiation
- Interest-Based Problem Solving
- Best Practice or Integrative Bargaining

The primary characteristic that distinguishes IBB from the traditional approach to labor negotiations is the absence of predetermined bargaining positions and proposals.

In IBB, the parties deliberately avoid adopting specific positions and drafting proposals to deal with various bargaining issues at the outset of negotiations.

Unlike traditional negotiations, IBB makes contract language drafting the last step in the bargaining process, rather than the first.

When everyone understands the interests and concerns that lead a person or group to take a position on an issue, they often find that some of those interests are mutual, that both sides at the table are trying to achieve the same goal, just taking different approaches. And they frequently discover that what at first appear to be competing interests are not really competing at all.

Dealing with each other in this way makes it possible to generate and consider options to satisfy particular interests that may never have been considered before.

Parties who participate in IBB have learned that agreements tend to address issues in more depth than those reached using traditional techniques because they are the result of a process aimed at satisfying mutual interests by consensus, not just one side's interests at the expense of the other.

Because negotiators are dealing with each other on a different level, the results usually go beyond immediate issues to address longer term interests and concerns.

In the collective bargaining context, it assumes that negotiation, like other aspects of the collective bargaining process, can enhance the labor-management relationship, and that decisions based on objective criteria obviate the need to rely only on power.

Some examples of where IBB will not work would include:

- When the negotiating teams have not received proper training in IBB.
- When the labor management relationship is not conducive.
- When there is not sufficient time to negotiate using the IBB model – contract close to expiration, or tight time frames for Impact & Implementation bargaining.

There are three primary goals of IBB:

- To reach an agreement that will be lasting and satisfying
- To be efficient and fair in the process
- To keep the relationship between the parties on good terms

IBB captures some of the highest principles originating, but not always practiced, in traditional distributive bargaining, and makes those principles consistent parts of the process:

- Sharing information. The Employer will promptly furnish the Union and any of its authorized representatives, upon written request, and to the extent not prohibited by law, all data the Employer normally maintains in the ordinary course of its business that is:
  1. Is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining, including, but not limited to, the investigation, preparation, filing, and prosecution of a grievance and unfair labor practice; and
  2. Does not constitute guidance, advice, counsel, or training for management officials or supervisors relating to collective bargaining.
- Focus on the issues, not the personalities.
- While it is important to learn from the past, in IBB the parties need to focus on the “here and now” and future.
- Focus on interests, not positions.
- Seek mutual interests and work together to create options to satisfy both mutual & separate interests - develop “win – win” solutions whenever possible.
- Evaluate options with standards, not power.

In order for IBB to be successful some of the key components which increase the likelihood of successful IBB negotiations are:

- Your experience from previous negotiations was positive and cooperative.
- Ample time to complete the IBB process including training.
- A trusting relationship between the parties and willingness to share information.
- A willingness to work together to create options that satisfy both parties’ mutual and separate interests.
- Acceptance by both parties of the IBB model and process.

IBB begins with formal training by a facilitator. Facilitators may be available from your agency, the Federal Labor Relations Administration, the Department of Labor, or even a private contractor. If participants cannot

accept the principles and assumptions that underlie the process, it is highly unlikely that they will be able to follow the steps and use the techniques during negotiations.

When the parties and the facilitator determine that IBB is appropriate, training is the next step. The program should include exercises which test participants' ability to work through the process to completion -- an indicator of how well the parties will handle the process in actual negotiations.

With a decision to proceed, mediators facilitate a joint meeting of the participants to reach agreement on ground rules and protocols under which the bargaining will be conducted, an exchange of the issues to be negotiated, and steps for a transition to traditional bargaining if the IBB process breaks down.

The process begins by identifying your interests, not positions. Positions are the concrete things you want – but behind your positions are your INTERESTS.

Your INTERESTS are the intangible motivations that lead you to a position. They are your needs, desires, concerns and fears. You discover your INTERESTS by asking the question, Why? Why do I want that?

Focusing on INTERESTS, not positions, leads you to choices or options that could never be considered if you focused on your concrete positions.

Options are not rigid objectives; they are potential solutions that would satisfy most, if not all, interests that people have if they want to solve a problem.

Positions are one party's solution to an issue.

Positions tend to focus on a particular solution that is favorable to one party.

Positions also tend to be in the form of a demand which can lead to confrontation between the parties before a problem has been clearly defined.

Key differences between positions and interests are

- Position is one party's proposed solution to an issue; the how.
- A position statement focuses on a particular solution, makes a demand, and sets up confrontation before the problem has been clearly defined.
- Interest is one party's concern, need, or desire behind an issue; why the issue is being raised.

An interest statement focuses on the problem, articulates one of a range of needs and, establishes a climate and a common language for discussion so that the real issue or problem can be understood, discussed, and negotiated. Perhaps the best way to truly identify a problem that either or both parties have an interest is to develop an Issue statement.

You ask: What is the problem? What do we need to change? What is not working?

This may include reflecting on examples of what is occurring. You tell the story of what is going on.

An interest is a fear, a need, a worry, or a concern relative to a problem or issue which can be resolved by a variety of solutions which may, after discussion, be acceptable to both parties.

One of the most common ways of identifying solutions to a problem is by "brainstorming".

When brainstorming an "interest" it is important to remember the rules of brainstorming:

- Make No Criticism, Judging is Forbidden. No idea is a bad idea in brainstorming.
- Understand these are Ideas, not offers or proposals.
- Be Free-Wheeling use imagination, take risks.
- Go for quantity. More ideas, the better. More variety, the better.

After brainstorming is exhausted, the group should consolidate the ideas.

When consolidating:

- Combine, expand, "Hitch-Hike Ideas".
- List on Chart Paper .
- Everyone should have opportunity to suggest.

After consolidating the ideas into possible solutions, the next step is to evaluate the solutions.

In doing so, the group should determine if the solution is: feasible, is it legal, affordable, workable, understandable.

Is the solution Beneficial - satisfy important interests, is it better than what you have today?

Is the solution acceptable, fair and equitable, will it pass agency head review.

After you have identified possible solutions the next step is to build consensus.

Benefits of Consensus are:

- Builds trust
- Builds ownership of decisions
- Builds support and lessens opposition
- Eases implementation of changes
- It is very powerful

When building Consensus you should:

- Listen actively
- Encourage others to participate
- Share information
- Don't change your mind to get along
- Yield to reason not pressure
- Listen to all ideas
- Don't bargain
- Work collaboratively
- Combine ideas creatively
- Don't argue for an idea because it's yours
- Look for mutual gains approaches

If there are dissenters to a possible solution, dissenters have an obligation to explain why they object and propose a counter solution by building on or modifying a proposed solution.

Next is testing consensus among participants. In testing for consensus among all parties and participants, think about if everyone has had an opportunity to express their opinion or concern. Ask "is there anyone who cannot live with the proposed solution?"

To summarize, when using the Interest Based Bargaining model:

- Focus on issues – not personalities or the past

- Describe the problem, don't accuse or assign motivation
- Focus on interests – not positions
- Understand interests – don't judge them
- Defer evaluating during the option-generating stage
- Evaluate options with standards
- Share Information
- Respect the roles and responsibilities of others – listen
- Be open to reasoned argument
- Be willing to change your mind
- Sustain the relationship and process

For more information, please contact:

- Mike Randal, NAAE (USDA APHIS PPQ)  
[Mike.e.randall@aphis.usda.gov](mailto:Mike.e.randall@aphis.usda.gov)  
808-838-2705
- Stephanie "Jane" Droke, NAPPQOSE (USDA APHIS PPQ)  
[Stephanie.j.droke@aphis.usda.gov](mailto:Stephanie.j.droke@aphis.usda.gov)  
501-324-5258
- Keith Miller, PPQ Management (USDA APHIS PPQ)  
[Keith.g.miller@aphis.usda.gov](mailto:Keith.g.miller@aphis.usda.gov)  
301-851-2013
- Joanne Adams, Labor Relations Specialist (USDA APHIS MRPBS)  
[Joanne.b.adams@aphis.usda.gov](mailto:Joanne.b.adams@aphis.usda.gov)  
301-851-2941