

DISTINGUISHING BETWEEN POSITIONS AND INTERESTS

POSITIONS

- the result or answer that one person is seeking
- positions can be met in only one way (by saying “yes”)
- peoples’ positions are frequently in conflict

INTERESTS

- wants, needs, desires, and concerns that drive the position
- focus on the underlying interests behind positions
- interests can be satisfied many ways

GETTING AT INTERESTS

HOW DO PEOPLE GET EFFECTIVELY AT INTERESTS?

- Open-ended questions
 - Why do you want that? What is important about that?
- Ask for reasoning behind positions
 - Can you tell me how that helps you?
- Listen effectively
- Paraphrase and clarify what they have indicated they want
- Get them to discuss ideal or future situation
 - What will this business look like in 3 years...?
- Ask why they don’t like some other proposal
 - Why not do X? What is your concern about X?
- Explain your interests and model by your own example
- Point out the benefit of understanding interests
- Prioritize the interests expressed
 - You’ve talked about safety a fair bit, but I’m hearing concern about price as well. How important is safety relative to price to you?
- Distinguish between “wants” and “needs”. You may not be able to get them all that they want, but may be able to satisfy the key needs.



FRAMING ISSUES

WHAT IS FRAMING?

Framing is defining issues in a dispute so that the parties can have a constructive discussion about the issues and generate options for resolution.

HOW TO USE FRAMING?

How issues are framed for the agenda can have a significant impact on the parties subsequent discussions and, therefore, the mediation as a whole. When framing the issues for discussion, there are several points to keep in mind:

- If possible, frame the issues in an open, neutral way. Avoid questions which may be answered with a “yes” or “no”.
- If possible, frame the issues so as to reflect the concerns of both parties in the same statement.
- Frame issues as a joint problem to be solved, with multiple solutions if possible.
 - How can we....?
 - What can be done to....?
- Frame issues so that the people are separated from the problem, and so that they can focus on the future.
- Remember that the list of issues must always be reviewed with the clients to ensure that they believe that all their issues have been captured and that they are satisfied with the framing of the list of issues.

THE SIX PRIMARY CHALLENGES OF DIFFICULT CONVERSATIONS

1

WHAT HAPPENED*

Each of us has his or her own narrative (story) of the facts leading up to a conversation. We have a strong need to convince others that our version is correct (which often implies that their version is incorrect) and vice versa.

2

IDENTITY*

Conversations can be upsetting when, consciously or unconsciously, someone feels that their sense of self or their key values/traits are being attacked, challenged or disrespected.

3

EMOTIONS*

The presence of strong emotions on one or all sides can make a conversation challenging, even if those emotions are not openly expressed.

4

ASSUMPTIONS/EXPECTATIONS

Everyone brings unstated positive and negative assumptions and expectations to a conversation. Both negative and positive assumptions and expectations may impact our ability to have a productive conversation.

5

PROCESS ISSUES

A poor communication process (i.e. location, mode of communication, time of day, length of time, etc.) can create or increase the difficulty of a challenging conversation.

6

WHAT LIES BENEATH

Many challenges arise because of things that are unspoken (e.g. assumptions or emotions). However, there may also be other issues which, consciously or unconsciously, are left or remain unspoken and they may be the real issues that lie beneath the surface.

* This material is based on concepts contained in *Difficult Conversations: How to Discuss What Matters Most* by Douglas Stone, Bruce Patton and Sheila Heen.



IDENTITY

Some conversations are upsetting to us because we believe that one of the key attributes of how we define ourselves is under attack.

If a conversation may challenge our sense of identity, there is the risk that it will become a difficult conversation.

Challenges to one's identity are most common when people have an "either/or" view of their identity.

If one views the world in absolutes ("either you are a good person or you are not"), then almost any negative feedback is liable to raise identity issues. Either the person will take it in too hard or they will resist the input at all costs ("It's not my fault ...") so as to protect their identity.

Tips to Avoid Being Triggered:

- Know your triggers
- Recognize when you are being triggered
- Share your triggers
- Anticipate being triggered and plan for it

Tips to Avoid Triggering Others:

- Learn/know their triggers
- Acknowledge potential triggers
- Be mindful of topics that may be challenging
- Take a break



EMOTIONS

How one feels during a conversation can be determinative of whether one experiences the conversation as a difficult conversation.

In terms of suppressing your emotions, in most cases, emotions will eventually come out. Either you will act out your emotions immediately (i.e. become sarcastic, raising voice, weeping, etc.) or you may act them out in your behaviour towards the other people in the long run.

Below are some reminders about feelings and tips to help to discuss emotions more effectively:

- Emotions just are
- Feelings can interfere with listening
- Emotions are part of who you are
- Good people have difficult emotions
- Don't confuse judgments with feelings
- Remember that their emotions are as important as yours
- Learn that your emotions are as important as theirs

Tips for Managing Emotions

- Sometimes what we “feel” is not really how we feel
- Find the bundle of emotions behind the simple labels
- Don't treat feelings as gospel; negotiate with them
- Don't vent; describe feelings carefully
- Frame feelings back into the problem
- Express the full spectrum of your feelings

