

The-Power-of---No---in-Bargaining

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SPEAKERS

Matt Greer, Chris Casillas

- M** Matt Greer 00:10
"No" might be the scariest word in negotiations, where the goal is to reach an agreement where both sides can say yes. But could there be an upside to the use of no in bargaining. Join Chris and Matt as they talk about ways a nuanced use of no can be a helpful tool in the negotiations process.
- C** Chris Casillas 00:37
Welcome to the PERColator podcast. I am grateful to be with all of you here today. My name is Chris Casillas, one of the co-hosts of the negotiation project here at PERC, and I am really excited to be joined by my colleague and fellow PERColator podcaster, Matt Greer. Matt, how you doing today?
- M** Matt Greer 00:58
I'm doing good, Chris. Hey, you want to grab lunch after this?
- C** Chris Casillas 01:02
No
- M** Matt Greer 01:05
No?!

C Chris Casillas 01:06

I'm just, I'm just, I'm just playing with you, Matt, of course I would. I would love to grab some lunch with you after this. You're one of my, one of my favorite colleagues to hang out with, and it sounds great, but I set you up there a little bit Matt, for the benefit of our listeners, because I wanted to introduce today's topic.

M Matt Greer 01:26

I'm not going to go to lunch with you anymore. I'm sorry.

C Chris Casillas 01:30

Oh, okay, okay, well, yeah, so what I guess I should say there. How'd that make you feel? Initially?

M Matt Greer 01:38

I felt rejected, like, you know, hey, I had this great idea to grab food. And, you know, I value, our friendship and you being a colleague. That'd be great to have lunch and to just say no, you know, I just felt rejected and like maybe you didn't value that in the same way. So my heart was broken, and maybe a tear. I know this is the audio format, but there may have been a tear flowing down. I don't know.

C Chris Casillas 01:59

I don't know if I can verify that, but I understand it. It can be, I think, yeah, now we were just kind of playing around there a little bit. But I think the sentiment you express there is, is a real and a natural one in in the world when you know somebody tells us no, we feel that kind of sense of of rejection, the the anxiety of like, Oh, is there something wrong? Did I do, did I say something incorrect? Have I offended you? You know, kind of, you really feel that a lot.

M Matt Greer 02:25

Right.

C Chris Casillas 02:34

But I wanted to, I wanted to start there, because in the world of of collective bargaining, I think no can have a very different connotation and meaning, at least in some circumstances, and in a somewhat kind of counterintuitive way. I think what we want to talk about today is embracing those no's in bargaining. Which sounds a little weird, yeah, I know, but I think there's some space to recognize how valuable no can really be in a bargain.

M

Matt Greer 03:13

I'm intrigued by that. Cause I think that, you know, when I'm in a, as a mediator, you know, the word that I kind of fear the most is just a flat out no from one side or the other as we're trying to find a finding an agreement. And so I think it's kind of intriguing to hear about, maybe there's a different perspective of that and how it can be a helpful piece of the process by by saying no. So I'm curious to learn more about that.

C

Chris Casillas 03:35

Yeah, because, and I think you're, of course, right. I mean, there, there are moments when, when no is just the last thing that you want to hear in in bargaining. But I don't, I don't think that's universally the case. And I kind of caught on to this idea a while back, several years ago, reading Chris Voss's book never split the difference, and he devotes a whole chapter to the word no and its importance in bargaining, and that kind of got me thinking about how it might be kind of important to kind of reorient ourselves or reframe our kind of understanding of no and recognizing its complexity in the in the negotiation process, and how valuable that word really can be, as he says in the book, I pulled some quotes to share with the audience today, because I think it really captures how valuable he sees that word. He says at one point, no is pure gold, contrasting no with yes or a maybe he says yes and maybe are often worthless, but no always alters the conversation, and he he closes out by saying no, is the start of the negotiation, not the end of it. And I think that's a really powerful thing to kind of unpack there.

M

Matt Greer 04:56

Yeah. So I'm wondering, for those of our listeners who may not have heard of of Chris Voss before. I mean, some of those quotes he gave are pretty provocative, and I wonder if maybe giving a little bit of context for for who he is and what his background is might help folks understand a little bit where he's coming from, and those those statements.

C

Chris Casillas 05:13

Yeah, he is a former hostage negotiator with the FBI. And so his his world, comes out of that particular context, which I know is in many ways, quite different than what we see in public sector collective bargaining, at least hopefully and and so he definitely has a unique background and a unique perspective, particularly when it comes to negotiations, because his lived experience is negotiating with people who have taken people hostage, and all the connotations that come with that. So it's a somewhat, you know, different, different setting. But in many ways, you'd have to agree, you know, like him or not, his perspective or not. You know he was involved in some pretty high stakes negotiations, and you know for him to say, as a lesson from those experiences, that he actually really valued hearing no in those negotiations with people who had taken, you know, another individual or a group of people hostage. Really is a little bit mind bending, but I think when you start to unpack it a little bit, starts to make some some sense.





Matt Greer 06:39

Yeah, no, it's interesting to hear somebody who's working in those really life and death high stakes negotiations, and even for them, no can be a positive thing. I think that's reassuring in a weird way, for folks in our world, perhaps the labor relations, collective bargaining world.



Chris Casillas 06:53

Yeah, I think because, because you're right, it can be reassuring in the sense that, or I think how we get there is, is reimagining or changing our understanding or perspective of what No, what kind of information somebody is really conveying to you when they say no. And it's not, it's not simply a rejection of you or your idea, but often it has, as Voss says, a hidden meaning behind it. And no can really mean a number of different things. And I like this part in his book because he he gives some examples of what, when someone says no, what they really mean is, Dot. Dot, dot. For example, I'm not yet ready to agree, or you're making me feel uncomfortable, or I don't understand, or I can't afford it, or I want something else. I need more information. I need to talk it over further or think through it more. Probably, most of our experiences that that resonates somewhat, somewhat, because it's easier for us in a conversation, or when we get a proposal passed, just to say no, but, but often there, there's, there's layers underneath that. And I think it's, it's helpful to kind of point out the fact that there's often kind of that hidden meaning behind the no and so as negotiators, I would say your your job in that situation is, is at least two things. One is a kind of recognize the the layered kind of nuance and meaning there. But also, as Voss points out in his book, this is a great opportunity to ask some solution based questions and really try and get at the underlying interests of the parties.



Matt Greer 08:51

Yeah, I was thinking there's a parallel to the whole yes and improv exercise that some folks have seen, maybe at conferences and things where you kind of use that improv tool where you never say no, right? It's always yes and even if you're like saying the opposite or going in a totally different direction from the original idea, you try to keep the conversation going. And I've heard some folks in the labor relations world say that that's challenging because they only kind of may send the wrong message if you're saying yes and start off with it when you really aren't saying yes or can't say yes. And so most wondering if maybe there's a no, and parallel to that, where it's like, Nope, can't, can't agree to that, and, or but, or, here's more, here's why I can't say no. And kind of have a, have an opening there for that interest conversation, where you delve into the underlying interests that are there, that you're always trying to get at in the bargaining conversations, if you're trying to get to an agreement in the end.



Chris Casillas 09:41

So, yeah, I think that's a really great parallel between those concepts and even I would just kind of add there that even if, even if your partner on the other side of the table doesn't, kind of add the and to the No, you as the negotiator can, can essentially, kind of call that question for yourself by following up with them and saying, you know, something to the effect of, you know, what about this doesn't work for you, and not in an accusatory way. Of course, we have to kind of be careful with our with our tone there, and how we how we frame that, but with a really kind of inquisitive purpose in mind. Or what would you need here to kind of make this idea

work? Those are really kind of great questions in that moment of no to actually open up the conversation and discover some of those underlying interests. And I think that's where the attraction of the word really lies for Voss, because it's such a definitive declaration. It has its impact. It has a lot of meaning associated with it. And the problem for negotiators, I think, is what he's arguing, is that if we stop there, if we just feel that as a rejection, as a single, layered kind of response, that's really, that's really a mistake. And it really should be an opportunity to dig in, because now you know, somebody's taken a pretty hard position on a particular issue, and here's your opportunity to better understand why.

M

Matt Greer 11:25

Right, and I think your point about the tone of it is really important. I mean, no is a very short, staccato type word, and it can be said in a variety of ways. And I think you know, those of you, or of us who've been doing this work for a while can have heard nos in various contexts, and it can be very much like, no, very emphatic no. We sent a message, and then it was like, Well, we thought about this for a long time, but we just have to say no, then it kind of has a little bit of an opening there, right? And even if you don't say it out loud, it kind of has a different tone to it, different message to it. And I think that, I do think that has a big impact here, in terms of where the conversation goes after the no was put out there.

C

Chris Casillas 12:02

Well, that reminds me too, we had, we had, as we were thinking about this episode, we had come across this article from James Sebenius that includes this discussion on what he calls "the three kinds of no", kind of recognizing that no can have some very different connotations and mean different things in different circumstances. So what do you think about that concept like this, this idea that there's, there's not really a singular No. There's at least, like three versions of No. And it can be really important to understand that at a point of impasse, because recognizing what kind of no you're getting, really sends you in some different directions.

M

Matt Greer 12:47

Yeah, I thought it was really fascinating, and I'm sure we'll get into defining the three no's that that he kind of identifies there, but I think it makes a lot of sense, because I do. I feel like every no is full of context and tone and the message that you're trying to send, and you know, the context of the full conversation, where you've been before, that will, will kind of inform, you know, how it's received and how it's delivered. And there's some interesting possibilities for people when they're either saying the No, making the No, and also receiving it. And I think, thinking it through that prism is useful and interesting as well.

C

Chris Casillas 13:25

Yeah, well let's come back to that in a bit here. But I did also want to mention this other concept that Voss kind of introduces to us in his book. And he actually kind of references another book by Jim Camp called "Start with No", I really like this concept that that Camp introduces for us as well, and it ties into some other things that we've actually discussed

here on the PERColator podcast. And what he argues is that it's really important to empower your partner at the bargaining table to actually say no during negotiations, kind of make clear or create space for nos to happen.

M

Matt Greer 14:09

And you're, he's referring to your bargaining partner at the on the other side of the table, right? Kind of powering them to say Not, not necessarily people who are sitting with you on your side of the table, and giving them the Empowered he's talking about, the actual your your opponent, so to speak, and the bargain sending that message to them that no is okay, which I thought was really counterintuitive, but really interesting.

C

Chris Casillas 14:31

Yeah totally, kind of makes you kind of take a step back and say, really like you want to, do you really want to encourage your opponent to say no to your proposals or your ideas, or what he calls kind of empowering them to have this right to veto. I think the again, kind of, if you dig into this a little bit, what seems counterintuitive at first, starts to make some sense. Because I think what he's centering on there, and Voss really kind of highlights as well in his own writing, is the importance of creating a sense of autonomy and control for everyone in the process. And we've talked about that, the importance of autonomy before, when we discussed a while back, core concerns approach, and responding to kind of tough emotional situations, and instead of kind of directly confronting the emotions in the room, finding ways to address those core concerns. And one of those core concerns is, is autonomy as humans, we we really value our independence and ability to kind of act and think on our own. And I think what he's saying here, what's being argued here, is that when you empower somebody to be able to say no, to feel like they can safely say that, it creates a huge amount of autonomy for them, and they feel more in control of the situation. And when people feel like they have agency and autonomy, they're they tend to be more creative, they tend to be more thoughtful, they can be more empathetic. And these can be really valuable skills at the bargaining table. I think when you kind of it's a little bit, there's a few steps there. But I think if you kind of tie that logical train together, you can see why, what something at first that seems like. Why would I ever do that actually makes a lot of sense.

M

Matt Greer 16:35

Yeah, it's interesting, but how do you send that message at the bargaining team? I'm envisioning that being like an initial conversation, if you're bargaining a contract, which may be a months long process, you know, do you come in at the beginning and say, Hey, it's okay to say no to what we're what we're asking for. That seems like a really weird message and collective bargaining to send. And I'm, I'm curious, I don't know, Chris, if you've given any thought to how that conversation might look or how that message could be sent, because I can think in some some circumstances, that I've been a mediator in where, if that message is sent, the other party is going to happily take up that offer and in use that ability freely at that various points in the process. So I don't know, what do you think is there? Is there? Do you think Have you thought of through the effective ways of doing that that will kind of touch on some of these more positive elements of doing that.

C

Chris Casillas 17:24

Yeah, I, interestingly enough, maybe we've been working together so long now, Matt, that I actually thought you would ask that question, even though you didn't share that with me ahead of time. And so I did. I did think about it, because I had the same question myself to be, to be honest, because it is, it is awkward. Like, how do you, how do you effectuate that? How do you, how do you empower someone to say no? Because it, and I don't think it's just to, like, sit down and be like, hey, you know, before we get started with this bargain, just so you know, like, I love no so, you know, go for it. I don't, I don't think that's I don't think that's it. What came to mind for me is really just when, when you're in the moment when somebody has said no to an idea, this won't work, you can't do it, instead of, I mean, I think, you know, as a former negotiator, that sounds like a recovering alcoholic or something, but as a, as a, as someone who kind of used to sit at the bargaining table representing parties, I think my kind of gut visceral reaction to that normally is like to feel how I would feel in any relationship when somebody had told me no like to feel that frustration and to kind of push back and maybe be aggressive or kind of angry or upset in hearing that, but I think to kind of shift that here and think about how we can embrace no, or create an environment in which that's welcome is to really switch that that reaction up, and maybe you're not going to be, you know, doing cartwheels when somebody rejects your idea, but really making clear that you welcome that response and that you're, you know, it's unfortunate that we are not lined up, but you hear them and then, and then transition into some of those questions that I mentioned earlier to kind of show through example that it's okay to to reject some of these ideas. I'm not going to jump down your throat every time you say no to something you know, that I said. That to me is probably the best way I could think of of creating that safe space.

M

Matt Greer 19:41

Yeah, that seems to make sense. More of an organic as things flow, not necessarily at the beginning, some big, grand statement about how no is a good thing or you're okay with it, more like when it actually happens, saying, you know, kind of dealing with it in a way that shows that, as opposed to, like saying that, right? Yeah, I can see that being much more meaningful.

C

Chris Casillas 20:00

Yeah so, I mean, that's, that's what I came up with in terms of thinking about it, and it feels authentic. I think I could see those, those moments where we really have to kind of check ourselves, and that frustration in the moment and and kind of switch over to, oh, this is a, this is actually an impactful moment. And I can learn something here to help us move forward, right? And that's, I think that's a mental, mental shift and a training that all of us as negotiators have to go through. Well, I mentioned earlier that other article by James Sebenius on talking about these kind of three kinds of no and situated in this context of kind of thinking about what, what you do when you hit a point of impasse because, because you've heard a no, and we've all been there, right? We're all, we've all been in those moments where we just feel stuck. So you've just put out this great idea and and you get a no kind of back, and you feel stuck as a consequence of that, and you're you're thinking about what your next steps are, and as part of that, I think what he's saying in the article is that there's these different different versions of no that inform kind of what we do next. He talks about one being kind of this tactical no, which is

really just kind of like saying no to the deal at that point in time, in the hopes that you know something else will emerge later. So it's not really a rejection of the whole idea or the process. It's almost like I'm just not ready yet, and that that feels different than what the other types of no he mentions, the second one being the reset no where you're you're trying to, you're rejecting the idea, on the premise that some of the kind of overarching parameters around the negotiation really need to be changed. You're not ready to kind of move forward under the current set of conditions, but you still kind of want to, still want to do it, re engage at some point, and that's all different than kind of the most obvious form of no, which is like a final the final no, like this is it. We're we're going to go in a completely different direction and do something totally different if we can't get an agreement here.

M

Matt Greer 22:18

Would you, would you when you say that final no is kind of what people hear when they just hear the word no, they kind of hear a final No, or they kind of assume that the final No, and it's, it's hard, I think, to get the more nuanced on the reset and kind of tactical when you're saying those no's, those kind of intentions, to send that message. Because I think people, when they hear no, they're, they're thinking final No, right? And how do you kind of reframe it so it's more of an opening, and maybe you don't want to say to your bargaining partner or the other team that you're make doing a tactical No or a reset No. But I think there's some some value there, right? And kind of you can, in a way, kind of mentioned that, I mean, on the Reset No, like, we're recording this the day after the machine has rejected Boeing's most recent offer. And to me, that kind of is a great example of a Reset No right to their say no, and they're hoping that something's going to change on the outside, through the strike and ongoing strike, that's going to change the dynamics of that bargain. That seems like a classic in the bargaining sense, a Reset No, and it's probably fresh in the news as we're recording this, but, but, yeah, but it's hard to say that. I mean, it sounds like I'm sure Boeing this morning is all they're hearing. Is that No, right? And what do we do now? I know nothing other than what I've seen in the news. No insight there, but, but that's kind of imagining that dynamic playing out there.

C

Chris Casillas 23:41

I think that's a perfect example of what he's talking about here. And you're right that again, kind of consistent with what we've been talking about over the last half hour is, you know, no is a really complex, layered reaction to proposals or ideas and bargaining, and this, this article, in this point of there being kind of these three different types of no's, only further expands on that, that idea, and you're right that, I think for the kind of less savvy negotiator, when we hear no, our minds immediately go to kind of the final No, like this, is it, it's, we're done. We're, you know, it's not going to work. And as your example points out, I mean, we obviously have no kind of inside information about what's going on with the Boeing Company and the Machinists right now. That's kind of outside our purview. But I think your kind of outside observation that that rejection of the contract is is not really a final, no. It's more of a Reset No. It really crystallizes how there are these kind of layers and kind of tactical uses of the word no, or structured uses of the word no to kind of suggest different meanings. And as a response to that, when you hear that as a negotiator, kind of trying to recognize that, so you think about what to do next, because if you just assume everything's a kind of a final No, you're going to get stuck a lot. Things are going to break down a lot, and in some cases, people aren't really trying to send that message.

M

Matt Greer 25:14

I think it's true, but I also wonder there is some value in the final no being the final no in bargain, like I've seen circumstances and Chris, I won't put you on the spot when you were in negotiator for your for parties, for labor organizations, maybe you've had some idea out there that you put out there as kind of a, I don't know something that I want, a want to have, but also knowing there's probably not a whole lot of chance that you know the other side is going to agree to it, but maybe your constituency or the management team or your representative really want that, so you have to make a show of like asking for it and fighting hard for it. But as a as a negotiator, you realize, okay, this is never going to happen, and you are just kind of hoping the other side eventually just sends a really strong message, saying there's no way this is going to work, and you can kind of make the case that you made the best effort, and now you have a final no, and you can move on from that, right, and knowing that's not going to be part of your your deal, and reassess at that point. So I think there is some value in that too. And I've seen some parties who are happy to get that final note where they say, Okay, now we know we've really done our job, and we're gonna know and and we will realize that, and we'll re we'll kind of move forward from there in whatever way makes sense to us. I don't know that that makes sense to you at all, as former negotiator?

C

Chris Casillas 26:28

I can neither confirm nor deny I ever engage in those kind of tactics. Hahaha, but, but it does certainly resonate with me as a mediator in the sense that I've definitely had conversations with parties sometimes where you know that one team is really kind of reluctant to kind of make that final no, like they're, they're very, kind of firm about with me, and it's, it's just something that they're explaining, like, this is Something we can't, we just can't do, like, logistically, financially, whatever the whatever the justification may be, can't do it, but they don't want to, don't want to, kind of say that in bargaining. And we, of course, have to be very conscientious in our world of the good faith bargaining obligation. And so, right, yep, you know, I totally, I totally understand that, and that has to be part of the equation for us in the world of collective bargaining. But at the same time, sometimes it can be important to really convey to people that this, the No I'm saying here, is really, really kind of the end of the line for us, and that can actually allow you to move forward, because maybe, as you had suggested, you know, the other side was pushing on that issue because they wanted to see it and it was important to them, but it wasn't, you know, maybe a deal breaker for them. And so that hearing that final no was kind of the way to say, Okay, well, we did our best, we made our arguments, we tried, we tried to get there, and it just, it wasn't going to come together. And so now we need to move on. Yeah, all right. Well, that's, that was a, that was a fun conversation, Matt, I appreciate it, yeah, um, kind of taking a..

M

Matt Greer 28:11

Thought provoking for sure. Maybe think about no in a very different, different way. I'll be maybe thinking about a more nuanced, approach. And not thinking about it always as a bad thing. Like, when we get a deal, you need to hear more yes's than no. But you know, I see some opportunities in no now.



Chris Casillas 28:26

Good! Well, I'm glad, I'm glad you felt that, and I hope some of our listeners did as well. Always a pleasure to join you here at the PERColator, and we look forward to connecting with all of you again in a future episode.