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**Interest-Based Bargaining (IBB) 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.**

#### **A Different Way to Negotiate**

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. No matter which variation is used, Interest-Based Bargaining (IBB) may offer parties more flexibility than traditional bargaining, not locking them into predetermined issues and bargaining positions. Instead, the process begins with understanding the problem and identifying the interests that underlie each side's issues and positions.

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.

#### **The Principles of Interest-Based Bargaining**

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. And 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.

Interest-based bargaining is a process that enables traditional negotiators to become joint problem-solvers. It assumes that mutual gain is possible, that solutions which satisfy mutual interests are more durable, that the parties should help each other achieve a positive result.

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. 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 relevant information is critical for effective solutions.
- Focus on issues, not personalities.
- Focus on the present and future, not the past.

- Focus on the interests underlying the issues.
- Focus on mutual interests, and helping to satisfy the other party's interests as well as your own.
- Options developed to satisfy those interests should be evaluated by objective criteria, rather than power or leverage.

### **Where IBB Works Best**

Interest-based bargaining is not -- nor should it be -- a universal replacement for positional or distributive negotiating. In an appropriate setting it offers an alternative with certain advantages. Outside that setting, IBB will probably fail. The parties will switch back to traditional bargaining, but with increased suspicion and distrust, and their relationship may suffer additional damage. Some of the necessary components which increase the likelihood of successful IBB negotiations are:

1. In a collective bargaining environment, evidence of labor-management cooperation during the past contract term.
2. Sufficient time remaining prior to contract expiration to complete the sequence of decision-making about IBB, training and application of the process.
3. Willingness of the parties to fully share relevant bargaining information.
4. Willingness to forgo power as the sole method of "winning."
5. Understanding and acceptance of the process by all participants and their constituents.

### **Is IBB Right For Your Organization?**

Effective IBB begins with an orientation by FMCS mediators. 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 FMCS determine that IBB is appropriate, training is the next step. The program includes 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.