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Introduction & Plan for today's seminar

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Introduction

Bio:

Phil Darkins
Equity New Zealand

Tactics for Negotiating

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The purpose of Equity New Zealand is to make performers' lives better.

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The purpose of Equity New Zealand is to make performers' lives better.

By adhering to our core values of **Respect**, **Responsibility**, **Courage** and **Unity**,

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The purpose of Equity New Zealand is to make performers' lives better. By adhering to our core values of Respect, Responsibility, Courage and Unity, we offer all fair consideration,

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The purpose of Equity New Zealand is to make performers' lives better. By adhering to our core values of Respect, Responsibility, Courage and Unity, we offer all fair consideration, provide clear leadership and accountability,

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The purpose of Equity New Zealand is to make performers' lives better. By adhering to our core values of Respect, Responsibility, Courage and Unity, we offer all fair consideration, provide clear leadership and accountability, and stand up for our beliefs with one united voice.

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The purpose of Equity New Zealand is to make performers' lives better.

By adhering to our core values of Respect, Responsibility, Courage and Unity, we offer all fair consideration, provide clear leadership and accountability, and stand up for our beliefs with one united voice.

Kāore koe e tū mokemoke ai

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The purpose of Equity New Zealand is to make performers' lives better. By adhering to our core values of Respect, Responsibility, Courage and Unity, we offer all fair consideration, provide clear leadership and accountability, and stand up for our beliefs with one united voice. Kāore koe e tū mokemoke ai (You never stand alone).

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Kāore koe e tū mokemoke ai

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Kāore koe e tū mokemoke ai

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Why make yourself vulnerable?

There is safety and power in numbers

Kāore koe e tū mokemoke ai

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Why make yourself vulnerable?

There is safety and power in numbers

Kāore koe e tū mokemoke ai

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Kāore koe e tū mokemoke ai

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Why make yourself vulnerable?

There is safety and power in numbers

Kāore koe e tū mokemoke ai

Tactics for Negotiating

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Why make yourself vulnerable?

Ouch!...should've stayed with my colleagues!

There is safety and power in numbers

Kāore koe e tū mokemoke ai

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There is safety and power in numbers

With Equity, You Never Stand Alone



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There is safety and power in numbers

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There is safety and power in numbers

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There is safety and power in numbers

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There is safety and power in numbers

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How YOU doin'?

There is safety and power in numbers

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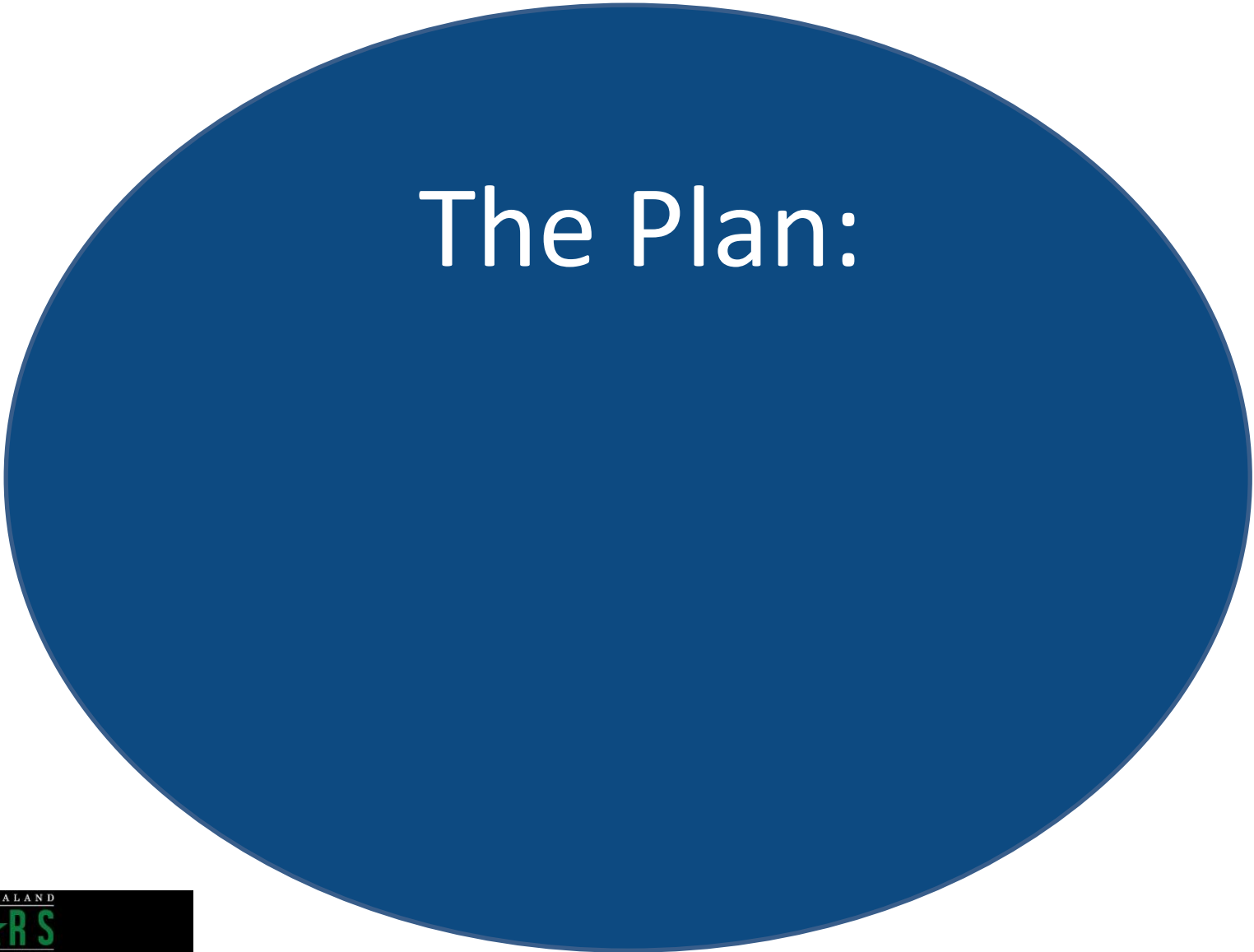
How YOU
doin'?

There is safety and power in numbers

With Equity, You Never Stand Alone

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The Plan:

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The Plan:

1. Registration

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The Plan:

1. Registration
2. The Actors' Benevolent Fund

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The Plan:

1. Registration
2. The Actors' Benevolent Fund
3. Who's here & why?

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The Plan:

1. Registration
2. The Actors' Benevolent Fund
3. Who's here & why?
4. Rules of Engagement (ROE)

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The Plan:

1. Registration
2. The Actors' Benevolent Fund
3. Who's here & why?
4. Rules of Engagement (ROE)
5. The Purpose of the Seminar

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The Plan:

1. Registration
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3. Who's here & why?
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5. The Purpose of the Seminar
6. Contracts

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The Plan:

1. Registration
2. The Actors' Benevolent Fund
3. Who's here & why?
4. Rules of Engagement (ROE)
5. The Purpose of the Seminar
6. Contracts
7. Negotiating

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1. Registration

Why fill in the form?

- Join the Equity mailing list
- Receive the free hand outs
 - Coping with difficult people
 - Negotiation gambits
 - Quotations about conflict & dispute resolution
 - The text of the presenter's guide
 - The PowerPoint slides

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2. The Actors' Benevolent Fund



- A registered charity established in 2013.
- The patrons are Sam Neill and Dame Kiri Te Kanawa.
- For ANY performer unable to work due to injury, illness or disability.
- Administered by a fundraising committee and board.
- Confidential.

• www.nzabf.org.nz



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3. Who's in the house?

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4. Rules of Engagement (ROE)

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4. Rules of Engagement (ROE)

How we will behave towards each other

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5. The Purpose of the Seminar

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5. The Purpose of the Seminar

We want you to start negotiating.

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5. The Purpose of the Seminar

We want you to start negotiating.
What do you want?

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Agents

Don't *they* do the
negotiating
of
contracts?

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6. Contracts

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6. Contracts

What is a contract?

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6. Contracts

What is a contract?

n. /kóntrakt/ **1** a written or spoken agreement between two or more parties, intended to be enforceable by law. **2** a document recording this.

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At what stage of your
career should you begin
using contracts?

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At what stage of your
career should you begin
using contracts?

YESTERDAY

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When do you need a
contract?

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When do you need a
contract?

Whenever anyone
expects you to share
the fruits of your
labour as a performer.

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Who do you have
contracts with?

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Who do you have
contracts with?
Anyone that you
rely on.
Anyone who relies
on you.

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Co-op Agreements

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Co-op

Agreements

Equity has created a standard Co-op Agreement. It's free to members. Just fill in the blanks and you've got yourself a contract.

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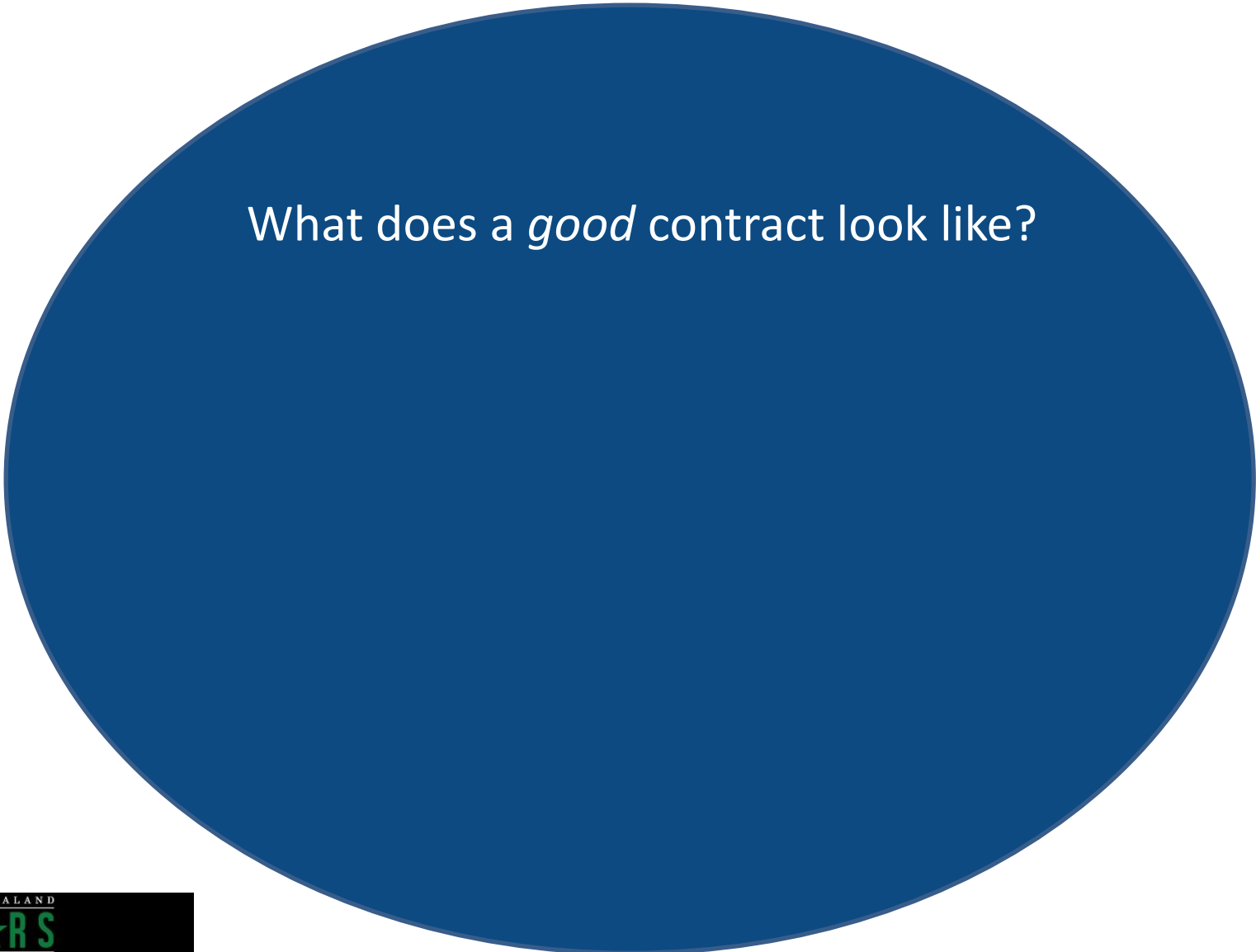
Why are contracts essential?

1. So that there is equity; the agreement is fair to all and everyone knows precisely what is expected of them.
2. To demonstrate mutual respect.
3. To provide the rules of engagement.
4. To explain the process to be followed if things go wrong.

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What does a *good* contract look like?

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What does a *good* contract look like?

It is equitable; taking into account the concerns of all parties and does so in a manner that is respectful and professional.

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What does a *good* contract look like?

It is equitable; taking into account the concerns of all parties and does so in a manner that is respectful and professional.

What does a *bad* contract look like?

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What does a *good* contract look like?

It is equitable; taking into account the concerns of all parties and does so in a manner that is respectful and professional.

What does a *bad* contract look like?

It is non-specific or one-sided; giving unfair advantage to one party over another.

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Who can I go
to for genuinely
independent advice?

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Who can I go
to for genuinely
independent advice?

Contract lawyer - expensive

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Who can I go
to for genuinely
independent advice?

- Contract lawyer - expensive
- Your union or professional association – free to members

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Who can I go
to for genuinely
independent advice?

- Contract lawyer - expensive
- Your union or professional association – free to members
- Trusted senior colleagues - free

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Who can I go
to for genuinely
independent advice?

Why not *necessarily* your agent?

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Who can I go
to for genuinely
independent advice?

Why not *necessarily* your agent?

- You're only one of your agent's clients

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Who can I go
to for genuinely
independent advice?

Why not *necessarily* your agent?

- You're only one of your agent's clients
- Potential conflict of interest

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Who can I go
to for genuinely
independent advice?

Why not *necessarily* your agent?

- You're only one of your agent's clients
- Potential conflict of interest
- You enlist the services of an agent to exploit their skill set as they exploit yours.

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Who can I go
to for genuinely
independent advice?

Why not *necessarily* your agent?

- You're only one of your agent's clients
- Potential conflict of interest
- You enlist the services of an agent to exploit their skill set as they exploit yours.
- You hold your agent accountable to your *reasonable* expectations.

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Where can I get
examples of good
contracts?

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Where can I get
examples of good
contracts?

1. Equity's Co-op Kit: A straight forward agreement that covers all bases simply.

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Where can I get
examples of good
contracts?

1. Equity's Co-op Kit: A straight forward agreement that covers all bases simply.
2. Equity/SPADA Agreement: A lengthy, complicated and detailed document which, in effect, defines the term 'Respect for Performers'

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Questions?

Discussion on Contracts

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7. Negotiating

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How Do We
Become Expert
at Something?

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How Do We
Become Expert
at Something?
The Road to
Unconscious Competence

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Unconscious Incompetence

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Unconscious
Incompetence
I don't know what I don't know

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Unconscious Incompetence

I don't know what I don't know



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Unconscious Incompetence

I don't know what I don't know



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Unconscious Incompetence

I don't know what I don't know



What do you mean by, "negotiate"?

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Conscious Incompetence

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Conscious
Incompetence
I know what I don't know

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Conscious Incompetence

I know what I don't know



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Conscious Incompetence

I know what I don't know



I don't know how to negotiate.

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Conscious Competence



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Conscious Competence

visualphotos.com

I know how to do it



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Conscious Competence

visualphotos.com
I know how to do it



I know how to dance.

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Conscious
Competence
I know how to do it

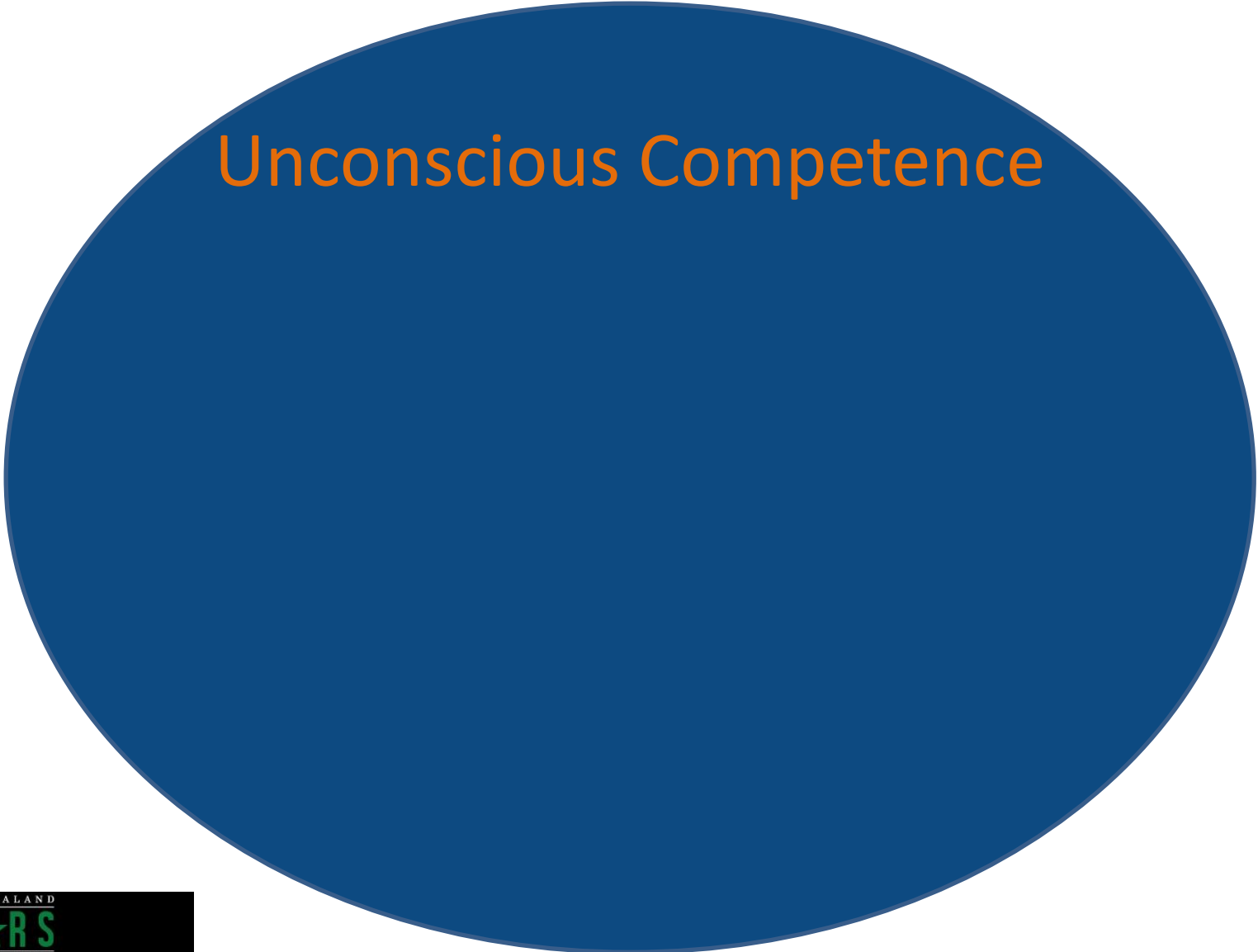


I know how to negotiate.

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Unconscious Competence

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Unconscious Competence



Tactics for Negotiating Better Performance Contracts

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Unconscious Competence



I dance

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Unconscious Competence



I negotiate

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7. Negotiating

What is a negotiation?

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7. Negotiating

What is a negotiation?

Discussion, mediation, arbitration, bargaining, parley, talk; deal, bargain, transaction.

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Why do we
negotiate?

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Why do we
negotiate?

To get what we want

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*When do we
negotiate?*

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*When do we
negotiate?*

Every day in myriad ways

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*When do we
negotiate?*

Every day in myriad ways
With all sorts of people

Proudly supported by



*When do we
negotiate?*

Every day in myriad ways
With all sorts of people
Over all manner of things

Tactics for Negotiating

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When do we negotiate?

Every day in myriad ways
With all sorts of people
Over all manner of things

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When do we negotiate?

Every day in myriad ways
With all sorts of people
Over all manner of things

The following tactics for negotiation apply to EVERY type of negotiation, regardless of how trivial or enormous it is; from an informal discussion between friends, through to a performers' co-op production, to high-powered bargaining between nations.

Tactics for Negotiating

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When do we negotiate?

Every day in myriad ways
With all sorts of people
Over all manner of things

The following tactics for negotiation apply to EVERY type of negotiation, regardless of how trivial or enormous it is; from an informal discussion between friends, through to a performers' co-op production, to high-powered bargaining between nations.

The process of negotiation is an integral part of human communication. Fundamentally, it has remained unchanged since the dawn of mankind.

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What is meant by
'good faith bargaining'?

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What is meant by
'good faith bargaining'?

- Two or more parties have decided, with sincerity, to find a solution by negotiating a deal.

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What is meant by 'good faith bargaining'?

- Two or more parties have decided, with sincerity, to find a solution by negotiating a deal.
- Bad faith is the *appearance* of doing so with no genuine desire to reach agreement; going through the motions; pretending to negotiate.

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The Stages of Negotiation

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The Stages of Negotiation

1. Prepare – What do you want?

Proudly supported by



The Stages of Negotiation

1. Prepare – What do you want?
2. Debate – What do they want?

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The Stages of Negotiation

1. Prepare – What do you want?
2. Debate – What do they want?
3. Propose – What could you trade?

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The Stages of Negotiation

1. Prepare – What do you want?
2. Debate – What do they want?
3. Propose – What could you trade?
4. Bargain – What will you trade?

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The Stages of Negotiation

...apply to EVERY type of negotiation; regardless of the people, the situation and the environment involved.

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The Stages of Negotiation

...apply to EVERY type of negotiation; regardless of the people, the situation and the environment involved.
Negotiation is negotiation.

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The Stages of Negotiation

...apply to EVERY type of negotiation; regardless of the people, the situation and the environment involved.

Negotiation is negotiation.

No matter what the situation is, these principles always apply.

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The Stages of Negotiation

1. Prepare – What do you want?

If you don't know what you want, how will you know when you get it?

Decide and prioritise.

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The Stages of Negotiation

1. Prepare – What do you want?

Four Steps to Accomplishment

1. Plan Purposefully.
2. Prepare Prayerfully.
3. Proceed Positively.
4. Pursue Persistently.

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What is Leverage?

/léevərij/ n. 3 a means of accomplishing a purpose; power, influence.

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What is Leverage?

/léevərij/ n. 3 a means of accomplishing a purpose; power, influence.

When a producer has a role that they know you covet, they have leverage over you.

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What is Leverage?

/léevərij/ n. 3 a means of accomplishing a purpose; power, influence.

When a producer has a role that they know you covet, they have leverage over you.

When you are the only person known to that producer who can perform that role, you have leverage over the producer.

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The Stages of Negotiation

2. Debate – What do they want?

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The Stages of Negotiation

2. Debate – What do they want?

Ask open questions: What? Why?
When? How? Who? Where?

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The Stages of Negotiation

2. Debate – What do they want?

Ask open questions: What? Why?
When? How? Who? Where?

Listen closely for a willingness to move.

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The Stages of Negotiation

2. Debate – What do they want?

Ask open questions: What? Why?
When? How? Who? Where?

Listen closely for a willingness to move.

Look for common ground;
a great starting point

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The Stages of Negotiation

2. Debate – What do they want?

Use the S.P.I.N. method to find out:

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The Stages of Negotiation

2. Debate – What do they want?

Use the S.P.I.N. method to find out:

S: Situation

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The Stages of Negotiation

2. Debate – What do they want?

Use the S.P.I.N. method to find out:

S: Situation

P: Problem

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The Stages of Negotiation

2. Debate – What do they want?

Use the S.P.I.N. method to find out:

S: Situation

P: Problem

I: Implication

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The Stages of Negotiation

2. Debate – What do they want?

Use the S.P.I.N. method to find out:

S: Situation

P: Problem

I: Implication

N: Need

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The Stages of Negotiation

2. Debate – What do they want?

Explicit & Implicit Needs:

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The Stages of Negotiation

2. Debate – What do they want?

Explicit & Implicit Needs:

Explicit Needs:

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The Stages of Negotiation

2. Debate – What do they want?

Explicit & Implicit Needs:

Explicit Needs: The stuff that they are comfortable enough sharing with you.

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The Stages of Negotiation

2. Debate – What do they want?

Explicit & Implicit Needs:

Explicit Needs: The stuff that they are comfortable enough sharing with you.

Implicit Needs:

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The Stages of Negotiation

2. Debate – What do they want?

Explicit & Implicit Needs:

Explicit Needs: The stuff that they are comfortable enough sharing with you.

Implicit Needs: The things they won't tell you up front because... trust isn't yet established... or they're embarrassed to admit them... etc.

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The Stages of Negotiation

2. Debate – What do they want?

Use *Active Listening* to Uncover
Their Implicit Needs

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The Stages of Negotiation

2. Debate – What do they want?

Use *Active Listening* to Uncover
Their Implicit Needs

Ask open questions

Never interrupt the answers

Give feedback

Summarise in their precise words

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The Stages of Negotiation

2. Debate – What do they want?

*Meeting their **IMPLICIT** needs is the real answer to what they want. If your proposal goes some way towards providing a plausible solution to those issues, and also gives you what you want, you will negotiate a deal.*

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The Stages of Negotiation

2. Debate – What do they want?

Only when you fully understand what they want, and they understand what you want, should you move into the proposal phase.

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The Stages of Negotiation

2. Debate – What do they want?

Avoid Arguing

No point-scoring

No attacking or blaming

No sarcasm

No insults or threats

Ascribe no ulterior motives

Do not allow yourself to be provoked

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The Stages of Negotiation

2. Debate – What do they want?

Build Rapport

Regardless of what they do...

- *Show and earn respect*
- *Be courteous and professional*
- *Be trustworthy*

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The Stages of Negotiation

3. Propose— What could you trade?

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The Stages of Negotiation

3. Propose— What could you trade?

Use, “If...then...”; Offer something for something; a quid pro quo.

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The Stages of Negotiation

3. Propose— What could you trade?

Use, “If...then...”; Offer something for something; a quid pro quo.
Silence is golden; Listen.

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The Stages of Negotiation

3. Propose— What could you trade?

Use, “If...then...”; Offer something for something; a quid pro quo.
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Never interrupt a proposal.

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The Stages of Negotiation

3. Propose— What could you trade?

Use, “If...then...”; Offer something for something; a quid pro quo.

Silence is golden; Listen.

Never interrupt a proposal.

Summarise their proposal in their words... The Echo (Echo) Effect...

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The Echo (Echo) Effect

We interrupt this seminar to bring you an astounding fact that almost defies belief:

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The Echo (Echo) Effect

We interrupt this seminar to bring you an astounding fact that almost defies belief:

If, when a person is trying to get a point across to you, you repeat – verbatim from your p.o.v. – what they have said, in most cases they will not be conscious of what you have done. And they will develop trust in you, because you have demonstrated to them that you understand.

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The Echo (Echo) Effect

We interrupt this seminar to bring you an astounding fact that almost defies belief:

If, when a person is trying to get a point across to you, you repeat – verbatim from your p.o.v. – what they have said, in most cases they will not be conscious of what you have done. And they will develop trust in you, because you have demonstrated to them that you understand.

As Ralph Waldo Emerson famously stated,
“It is a luxury to be understood.”

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The Stages of Negotiation

3. Propose— What could you trade?

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The Stages of Negotiation

3. Propose— What could you trade?

Proposals advance negotiations.

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The Stages of Negotiation

3. Propose— What could you trade?

Proposals advance negotiations.
Unrealistic proposals create division.

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The Stages of Negotiation

3. Propose— What could you trade?

Proposals advance negotiations.
Unrealistic proposals create division.
Be assertive: “I need...”, “I must have...”
and “I prefer...”

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The Stages of Negotiation

3. Propose— What could you trade?

There Are Two Elements to a Proposal

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The Stages of Negotiation

3. Propose— What could you trade?

There Are Two Elements to a Proposal

1. The condition states what you want

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The Stages of Negotiation

3. Propose— What could you trade?

There Are Two Elements to a Proposal

1. The condition states what you want
2. The offer states what you might trade

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The Stages of Negotiation

3. Propose— What could you trade?

There Are Two Elements to a Proposal

1. The condition states what you want
2. The offer states what you might trade

Make your *offer* vague and tentative; it signals that there is flexibility.

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The Stages of Negotiation

4. Bargain – What will you trade?

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The Stages of Negotiation

4. Bargain – What will you trade?

Be prepared to trade some of your wants for specific solutions.

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The Stages of Negotiation

4. Bargain – What will you trade?

Be prepared to trade some of your wants for specific solutions.

Always make them conditional;
“If...then...”

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The Stages of Negotiation

4. Bargain – What will you trade?

Be prepared to trade some of your wants for specific solutions.

Always make them conditional;

“If...then...”

Record what has been agreed.

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The Stages of Negotiation

4. Bargain – What will you trade?

Nothing is settled until *everything* is settled; each element is an essential part of the whole.

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Negotiations are
Dynamic & Fluid
Not Linear

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Negotiations are
Dynamic & Fluid

Not Linear
Negotiations go like this, right?

Tactics for Negotiating

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Not Linear

Negotiations go like this, right?

Prepare → Debate → Propose → Bargain → Settle.

Tactics for Negotiating

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Negotiations are Dynamic & Fluid

Not Linear

Negotiations go like this, right?

Prepare → Debate → Propose → Bargain → Settle.
Nope!

Tactics for Negotiating

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Negotiations are Dynamic & Fluid

Not Linear

Negotiations go like this, right?

Prepare → Debate → Propose → Bargain → Settle.

Nope!

More like this:

Debate → Break → Prepare → Debate →
Propose → Debate → Break → Propose →
Bargain → Settle.

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Negotiations are Dynamic & Fluid

Not Linear

Know which stage you're in: Prepare/Debate/Propose/Bargain?

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Negotiations are Dynamic & Fluid

Not Linear

Know which stage you're in: Prepare/Debate/Propose/Bargain?
Use the appropriate techniques for that stage.

Tactics for Negotiating

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Negotiations are Dynamic & Fluid

Not Linear

Know which stage you're in: Prepare/Debate/Propose/Bargain?

Use the appropriate techniques for that stage.

e.g. If you're in Debate, tell them what you want but don't tell them the circumstances under which you would settle; save that for the Bargaining stage.

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Closing and Settling

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Closing and Settling

Nothing is settled until everything is settled.

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Closing and Settling

Nothing is settled until everything is settled.
The Final Offer bluff.

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Summarise in their words wherever possible.

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Summarise in their words wherever possible.
If adjourning, know why and have a firm date
for recommencing negotiations.

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If closing negotiations, is everyone agreed?

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Summarise in their words wherever possible.
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If closing negotiations, is everyone agreed?
Yay! We have an agreement!

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Summarise in their words wherever possible.
If adjourning, know why and have a firm date
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If closing negotiations, is everyone agreed?
Yay! We have an agreement!

Not...so...fast...

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Closing and Settling

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The Euphoric Error -

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Closing and Settling

Nothing is settled until everything is settled.

The Euphoric Error -

In the euphoria of having reached agreement, it is best to remain silent but grateful; grateful because you have succeeded in putting an equitable deal together; silent because the euphoria of the moment sees many a novice negotiator running off at the mouth and offering all manner of concessions that they had previously never intended; thereby undoing the equity of their own negotiation in one fell swoop.

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Closing and Settling

Nothing is settled until everything is settled

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Closing and Settling

Nothing is settled until everything is settled

...written down and signed.

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Closing and Settling

Nothing is settled until everything is settled

...written down and signed.

Do it then and there.

The negotiation is not over until it is all down in writing and signed off.

Tactics for Negotiating Better Performance Contracts

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Done!

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Done!

Questions, Concerns, Challenges and Thoughts

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Discussion