

Negotiation & Managing Conflict Relative to H&S

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“In a controversy the instant we feel anger we have already ceased striving for the truth, and have begun striving for ourselves” – The Buddha





Presentation Layout

1. Triggers to H&S Conflict
2. What is Conflict
3. Is H&S Conflict Bad?
4. Conflict Resolution Methods
5. What is Negotiation and it's outcomes?
6. H&S Negotiation Stages
7. H&S Negotiating Pit Stops
8. H&S Negotiation Mistakes
9. Defining a successful H&S Negotiation
10. Conclusion
11. Questions





1. Triggers to H&S Conflict

- Conflict or Disputes seem to be present in all human relationship and in all societies.
- Societal Risk – “Competency” and “Professionalism”
- Individual Perception of H&S Risk
- Lack of formal guidance
- Misinterpretation of the Statutes
- Misinforming the purchasing public



2. What is Conflict? – English Dictionary Definition

- “An active disagreement between people with opposing opinions or principles”
- “Fighting between two or more groups of people or countries”

“Conflict occurs at the intersection of unresolved problems and underdeveloped skills”





Vijay Verma conflict views in “Managing the Project Team”

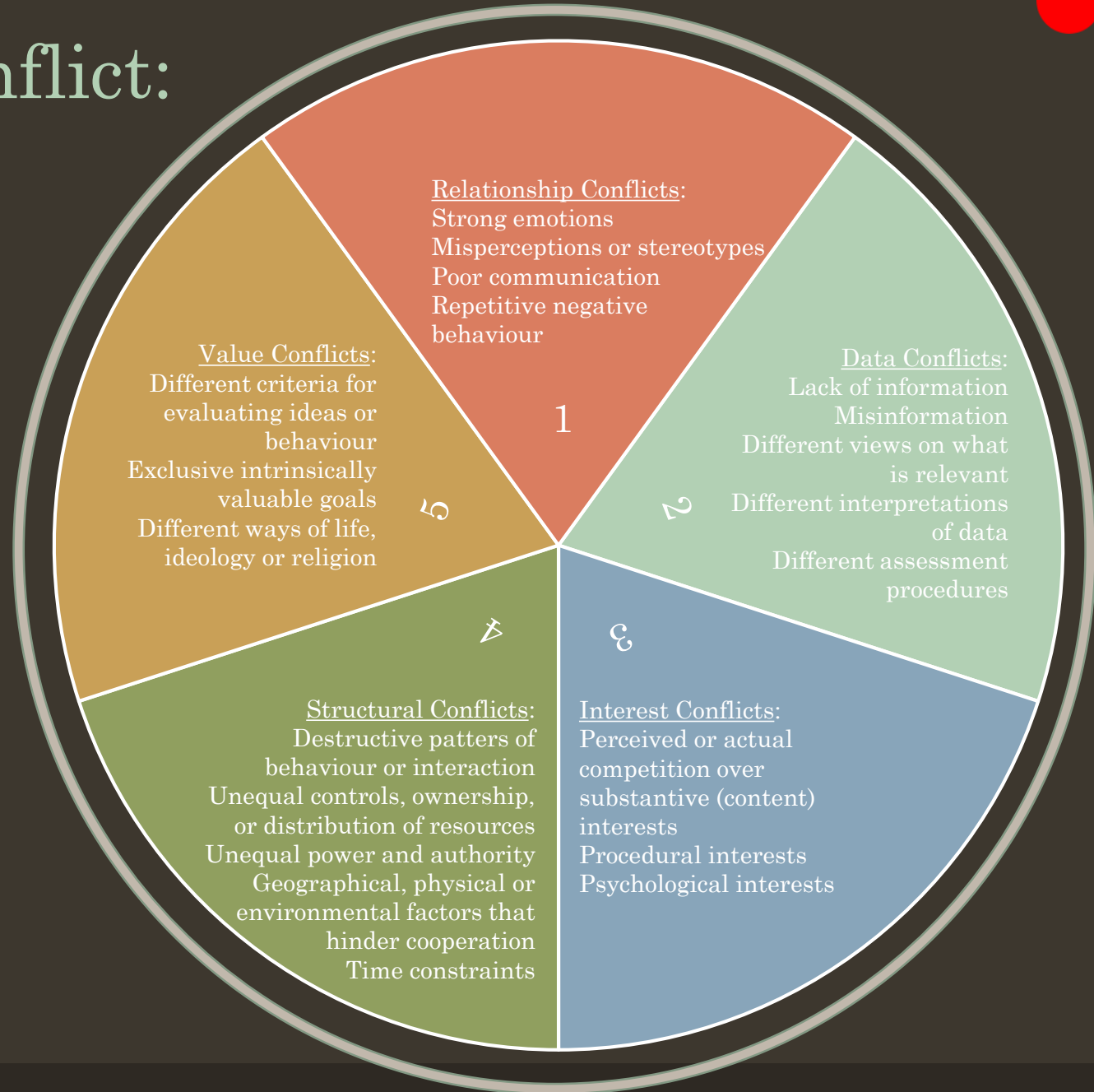
- First view is that conflict is bad and must be eliminated through the use of authority – this is not a good view for Project Teams and Projects!
- The interactionist view is that conflict is desirable and necessary for high performance teams. Conflict should be encouraged – this is the generally acceptable view.
- The Contemporary View that conflict is inevitable. It may be positive and it may be negative, but it must be managed to be beneficial. Conflict can be seen as a sign that the Project Team is committed (PMBOK View)



Circle of H&S Conflict: Causes

Underlying causes of conflict:

1. Differences in Perception
2. Differences in Beliefs
3. Differences in Values
4. Resistance to Change
5. Failure to recognize Common Ground





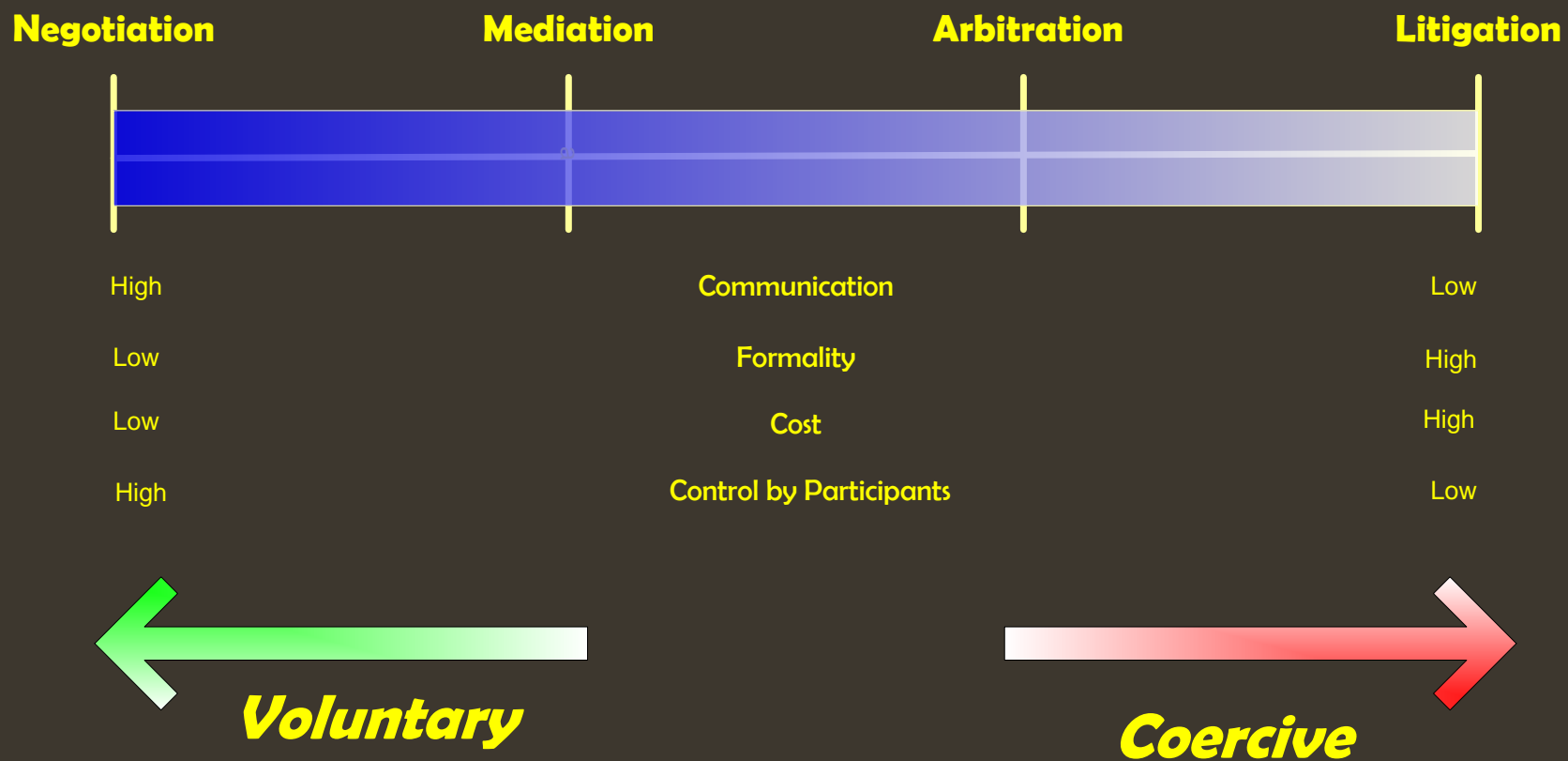
3. Is H&S Conflict Bad?

- H&S conflict is neither good nor bad – is simply is.
- How stakeholders respond to it is what matters most.
- Stakeholders who avoid and suppress conflict, deprive themselves of opportunities to grow.
- When Stakeholders transcend conflict, they can move on to new learning experiences and challenges which are the backbone of projects and growth.





4. Conflict Resolution Methods





5. What is Negotiation?

- “Interaction that occurs when two or more parties attempt to agree on a mutually acceptable outcome in a situation where their preferences for outcomes are negatively related.”
- “Use of information and power to affect the other party’s behavior within a web of tension.”



The Wiethoff, 2004 Definition

- “Coordinating preferences to ensure mutually acceptable gains.”



What is Negotiation For and it's Outcomes:

- Conflict resolution
 - To broker a compromise between parties (possibly project stakeholders)
 - To avoid litigation
 - To resolve non-legal conflict

- Relationship/deal creation
 - To establish and maintain a positive working relationship
 - To produce a win-win H&S solution that all parties agree to on a project



6. H&S Negotiating Stages

Stage 1: Separate the people from the H&S problem

- Learn to separate people difficulties from substantive H&S issues
- Be soft on the people and hard on the H&S problem
- Use psychological tools to handle psychological difficulties, analytical tools to address substantive H&S issues

Stage 2: Focus on H&S interests, not positions

- Positional bargaining causes people to “dig in their heels” and maintain their position to avoid losing face
- Learn to look behind positions for project H&S interests, some of which you may share



"To be a successful negotiator, you'll need courage, cunning, and stamina. If that doesn't work, try rock, paper, scissors."



Stage 3: Invent H&S options for mutual gain

- Work with your opponent to create additional H&S options to explore (the third alternative)
- Use brainstorming techniques to create a larger number of quality H&S ideas to serve your and the project's common interests

Stage 4: Insist on objective H&S criteria

- Appeal to objective H&S standards and outside sources to judge the quality of your H&S agreements
- This not only helps "separate the people from the problem", but also allows negotiators to work together to identify possible measures of fairness

Stage 5: H&S implementation

- Make it part of the Bargaining Mix
- Write it down with other H&S components of the deal
- Where necessary, write down agreed dates, actions etc. and ensure that you stick to the deal



7. H&S Negotiating Pit Stops

- In Health & Safety and Professional CH&S there are a number of opportunities to allow for fruitful negotiation between various parties prior to and during a construction project.
 1. OHS Act (No. 85 of 1993) – Section 37 (37,2 Agreement)
 2. CR (2014) – 5. Duties of Client 1(I) “discuss and negotiate with the Principal Contractor the contents of the CH&S plan”
 3. Negotiation on the submission of Pr. CHSA RFQ proposals.
 4. At the end of each SACPCMP stage gate.
 5. Certain SACPCMP defined services and deliverables with various stakeholders – examples being CH&S brief and advising on other consultants “competency and resources”.
 6. DfCH&S deliverables and DRM records before and during the construction project.
 7. Formatting the Structure / Building OHS File – to manage the future maintenance and safe use of such structure / building



8. Negotiating Mistakes

- Never make an enemy of your inside champion
- It is always risky to start with your bottom line – this undermines the goal of the H&S negotiation process
- Never start an H&S negotiation without adequate preparation or knowledge of your own and the project H&S needs and limitations
- Abrasive, arrogant, and aggressive styles rarely work in situations where ongoing relationships are anticipated – this also gives the other side incentive to fight harder
- Trying to be someone you are not
- Losing Composure – If not feeling up to it, reschedule, select an alternate venue, or excuse yourself to re-group



9. Defining a successful H&S Negotiation?

- Both parties win
- You get what you and the project requires
- Each side gives up something for a greater cause
- The deal gets done and off your desk – time to focus
- You can live with the end result
- The other side backs down





Win-win project H&S solution

- Win-win needs the conflict to exist in a relationship that has the following core values:
 - Mutual benefit & non-harming
 - Trust
 - Honesty
 - Respect
 - Optimal resolution sought – what is best for the construction project
 - Non – attachment

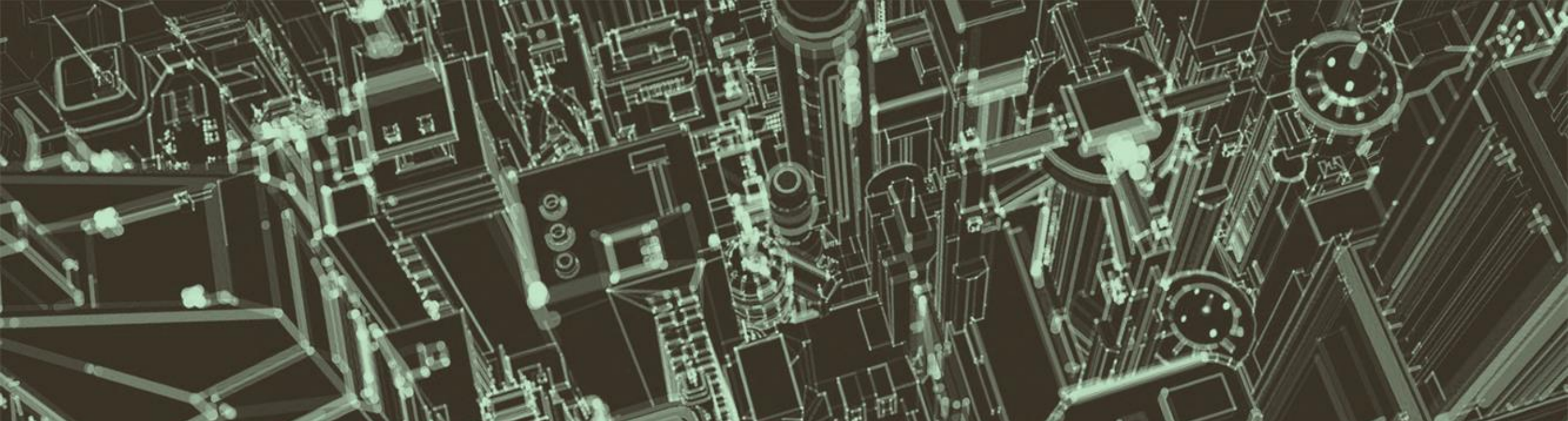


Much of the success in managing H&S conflict depends on the timing of the Pr.CHSA appointment.

Adequate time and negotiating skills are critical resources in defining project H&S requirements, success and also in avoiding potential conflict and disputes during a construction project.



QUESTIONS ?

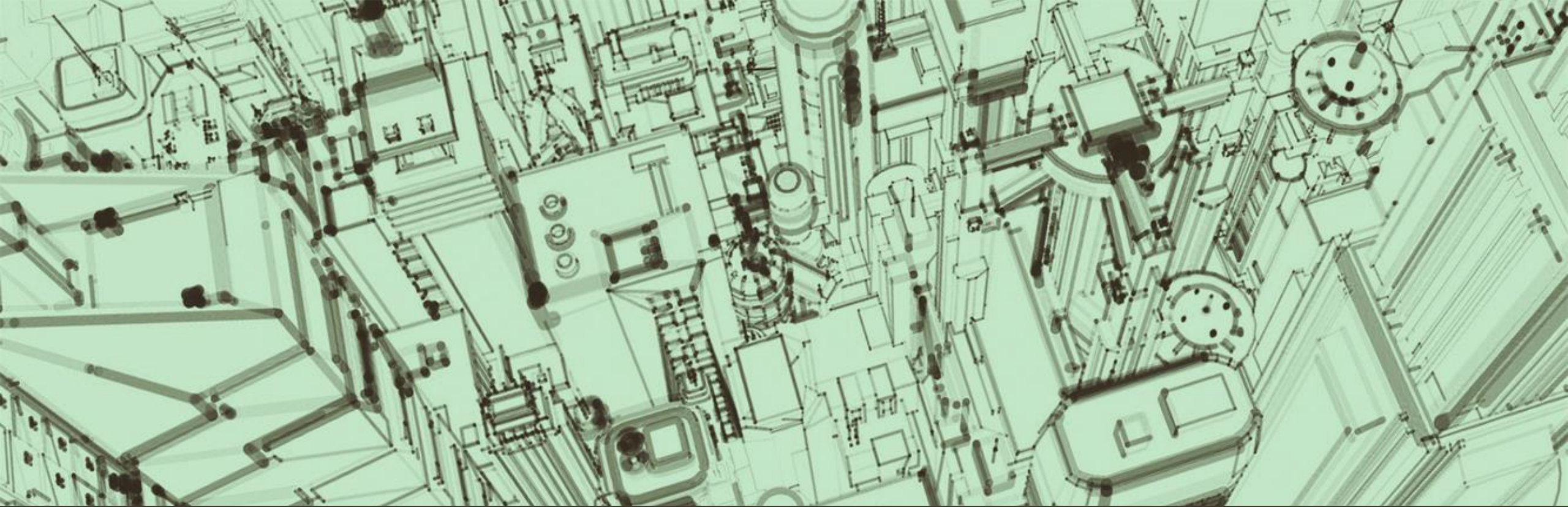



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