

13 Tools for Resolving Conflict in the Workplace, with Customers and in Life

by Lee Jay Berman

Conflict happens. It is inevitable. It is going to happen whenever you have people with different expectations. This makes conflict management critical, whether avoiding arguments, disputes, lasting conflict or ultimately, litigation. Conflict can be avoided if steps are taken early in a discussion to diffuse anger and facilitate communication, and it can be resolved by applying a series of thoughtfully applied steps.

As a full-time mediator and trainer in the fields of negotiation and conflict resolution, I see conflict in its final stages – full blown litigation or on the verge of it in pre-litigation mode. What I have learned in seeing these disputes for 10 years is that most of them could have been resolved in the earliest stages if the people involved applied some of the skills that mediators use to resolve conflict. And wouldn't it be great if companies could resolve these disputes *before* each side spent hundreds of thousands in litigation costs, *before* the employee was terminated or *before* the customer or working relationship was gone forever?

Here are some tools for avoiding and resolving disputes in the early stages, before they become full-blown conflicts:

1. Stay Calm. Thomas Jefferson said, "Nothing gives one so much advantage over another as to remain always cool and unruffled under all circumstances." The thing that leads to conflict is escalation. What starts people escalating is their anger. Most of us stop listening to understand as we get angry. Instead, we start listening in order to argue back. Remaining calm is essential for performing these tools. To remain calm, it helps to look at the big picture. If you think about it, most every dispute gets resolved eventually. So when conflict inevitably happens, it is helpful to stop and think that, chances are, it is going to be resolved eventually. As such, why not begin problem solving now?

Finally, it is a fact that in our busy lives with rush hour traffic, cell phones, PDAs, overfilled e-mail boxes, too many clients and not enough support, that we are all a little more stressed than we would like to be. When a conflict arises, one of the most beneficial things you can do is to ask yourself, "What might I be bringing to the dispute?" We can usually look at another person and figure that maybe he/she had a conflict at home or that he/she has been under tremendous pressure. However, we are not usually self-aware enough to ask ourselves what we might have going on. It is important in avoiding later embarrassment by checking in with our own personal boiling point before responding.

2. Listen to Understand.

Now, picture a dispute in which you were recently involved. Maybe it was this morning leaving the house, with a co-worker or client or even with a family member. As you replay that experience, ask yourself how much listening was going on. My bet is that any listening was only being done to formulate an argument back to prove your point. When most of us get into a dispute, the first thing we do is stop listening.

The only way to settle a dispute or solve any kind of a problem is to listen carefully to what the other person is saying. Perhaps they will surprise you with reason, or their point is actually true. In the mediations that I do, I often learn what people's underlying interests are by letting them go on and on telling their perspective of an issue until they give me the one thing that is standing in the way of them resolving it. They may start out by degrading the product and personalizing it by saying those of us who delivered it are all incompetent, but I find that this is little more than their anger speaking. What they really want is their product fixed, not to insult us personally.

Psychologists tell us that anger is a secondary emotion and that it is usually triggered as a defense mechanism to cover up hurt or fear. When someone is angry, there is usually some hurt or fear that he/she is embarrassed about, or perhaps even unaware of because the anger is so all consuming. In order to diffuse people's anger, you must listen to them. Hear them out. Let them go until they have run out of gas. Let them vent as long as they can until they begin to calm down. You then will see a person start to slow down some, and begin to feel safe enough to finally tell you that what frustrated him or her so much was that the salesperson never returned any phone calls, and/or the customer service person kept trying to place blame elsewhere, rather than taking responsibility and apologizing for the product being unacceptable.

The best thing you can do to get people to the point where they are willing to show some vulnerability and trust you with some of the real reasons why they are upset is to engage in "Active Listening." Active listening means giving them active physical and verbal signs that you are with them and understand what they are saying. Simple things like nodding and saying, "Uh huh" or "OK, go on" can make the speaker feel as if his/her story is welcomed by you and that you want to continue. On the phone, people hear dead silence and cannot read your reaction to their complaints and thoughts. Given that we all sometimes fear the worst, people tend to shut down and stop feeling it is safe to continue telling their story.

My friend and colleague Jim Melamed, a divorce mediator and trainer based in Eugene, Ore., said: "You cannot effectively move toward conflict resolution until each participant experiences him/herself to be fully heard with regard to their perspective – what they want and why." That means, if someone says that the product he/she bought from you is unacceptable, and they are interrupted and asked what would be acceptable before they have finished telling all about the problem, that person gets the message that all you want to do is fix the problem. The impression is that you do not care about them or the problem you had with your product, and that can feel a little like being swept under the carpet. A good customer service person in a situation like this would let the client finish before asking if there were any other problems. This may seem counter-intuitive because it might bring on even more of the same, but this is what you want. People build trust as they are listened to. If they had another problem with the delivery timing or any other facet of the transaction, this is when you need to hear it – at the outset, not later once you feel as if you have met all of their original concerns. The only way to solve a problem is to get all of the broken pieces on the table at once before you begin trying to "glue it back together."

The most useful phrases in this part of the process (what mediators call the "Opening Statement") are questions such as, "Can I ask you - what about that bothered you so much?" or "What about that was so important to you?" These invite people to go deeper into the problem

and tell you what the “real” problem is. Usually, this is where you hear that their boss is upset and they are afraid for their job or some underlying concern. This is a problem that might be handled with something as simple as a letter of apology, from you, the salesman or the president of your company, addressed to them with a copy to their boss, taking full responsibility and apologizing for the problem. Then, you will have a customer you might be able to keep.

3. Accentuate the Positive. It is important to find some commonalities, or create them, between you and the person on the other end. It is helpful and empathetic to say, “Oh boy, I know what you are going through. I’ve had a similar situation just recently. Let me see what I can do about this.” This serves to normalize the situation. It tells someone that he/she is not the only one who has gone through this and that his or her reaction to it is normal. That calms people right away.

4. State Your Case Tactfully. The key here is to help people understand your perspective on things without making them defensive. To the extent you can disarm them, they will be more able to hear what you are really saying. A couple of tips are to own what is yours – apologize for what you or your team did wrong and do it first. This enables them to hear what you have to say next. Also, try not to state issues of difference as fact. Leave a little benefit of the doubt. Rather than insisting something arrived on schedule, it is better to acknowledge any room for doubt by acknowledging, “My information shows them arriving on schedule. I’ll have to take a closer look into this.” While you may still be right, clearly you have to gather more information to convince them of that, and if you are not right, then you do not have to apologize for misstating things.

It also is helpful to state your position along with your interests. What that means is that instead of maintaining that there is nothing wrong with your product, which is purely argumentative and does not offer any support for your position, it is better to offer something helpful, such as providing another perspective by sending someone over to inspect the product in person. That way, the customer can show and describe exactly why the product is not working as necessary. Your position is the bottom line of what you are willing to do. Your interests are the reasons behind that decision. For example, it might be your position that you cannot take any product back or rescind the contract. However, your reason for that - your interest - may be that your bonus is tied directly to your returns, and that you have every incentive in the world to solve this problem another way. You may also offer what some of those things are, so that you are not just taking away something from them or denying their request, but offering positive alternatives in its place.

One way to do this is to use “I Messages.” An “I” message sounds like, “When you didn’t come home last night, your father and I got really worried. What we would like you to do next time is call if you’re going to be late, so that we know you’re OK because we love you and care about you.” That is how most of our parents were when we were teenagers, right? Seriously, can you imagine how we would have reacted if they had put it this way instead of the scenario we remember of being grounded for life while stomping off to bed? “I” messages are important because they describe the experience through the speaker’s eyes, rather than simply the position (in this case the punishment). That disarms the person you are speaking to, and it takes the fight out of their next statement back to you.

5. Attack the Problem, Not the Person. Your points will be heard more clearly if you can depersonalize your comments and point only at the issue. Rather than accusing people of “always messing things up,” it is better to say, “We’ll have to take a closer look at why this keeps happening.” In most statements that we make in a dispute, we are fighting with our own anger and are tempted to put a zinger into the point we are trying to get across. You will be heard better and improve your chances of resolving the issue the way you want if you can catch yourself and take the zinger out. Obviously, this is easier with e-mail and requires great concentration when in a face-to-face disagreement.

6. Avoid the Blame Game. Assigning blame is only helpful in one instance in problem solving – if you assign it to yourself. Generally speaking, figuring out whose fault something is does not do any good if the goal is to fix a problem. It is a diversion and sometimes a costly one because if a person feels blamed, he/she often checks out of a conversation. The trick to resolving clashes is to focus on problem solving, rather than pointing fingers. Focus on what you and the others can do to solve a problem and make it better, and it will be behind you before you know it.

7. Focus on the Future, Not the Past. In the past tense, we have the purchase order, the contract, the agreement and the deal as it was understood by all involved. The present and future tenses are where the solution ends. Rather than focusing on what went wrong or who should have done what, the secret to dispute resolution is to treat it like problem solving and focus on what can be done to resolve the problem. Once that is done, companies can look to the past tense to analyze what went wrong and how to improve quality control and efficiency. However, when there is a problem that has an angry customer or a disgruntled employee, the solution is all that anyone is interested in.

8. Ask the Right Kind of Questions. Questions such as “Why is that?” or “What did you think it would be?” make a person who you are talking to defensive. They inherently question the person’s judgment or opinion, as well as coming off as curt. More often than not, people ask these short, direct questions, the type that can sound like a police officer’s interrogation or a lawyer’s cross-examination. These questions are designed to get just what you want from someone, rather than to permit them to tell you what *they* want *you* to know about something. If you want someone to answer you with real information, rather than just arguing back, it is best to give them a little information first. For example, “Since I don’t have a copy of the P.O. in front of me, it would help me to investigate this if you could tell me more about how the colors on your order are described.” Telling them why you are asking, puts your intent first, so they don’t have to guess it. This questioning style tells a person that you are trying to do your job and to figure out some facts to get to reach a solution. By delivering your request in a poised and attentive tone, , it makes the person you are asking less defensive and gets you more of what you want.

The other type of question that is especially helpful when you are trying to gather information is an open-ended question. These are the opposite of directive questions, and they invite the other person to tell you what he or she thinks is important about the situation. “Can you tell me what happened from the beginning?” or “Sounds as if this was really frustrating for you” can give you information that you might later use to problem solve.

9. Pick Your Battles. It is also important when asking questions to remember to Pick Your Battles. Human nature makes us want to be right, even to the point of being defensive or arguing points that do not matter in the big picture. It is even fair game to ask the other person, “On a scale of one-to-10, how important is this issue to you?” If an issue is a five to you and a nine to the person you are talking to, it is best to give that point up and use the same scale when an item is really important to you. After all, business relations are, like my brother’s future father-in-law once told him about marriage, a “60-60 proposition.” Most people think it is supposed to be 50-50, but the truth is, when adjusted for each person’s perspective on how much they give vs. how much they receive, it really is a 60-60 proposition. Another marital proposition is also helpful here, do you want to be right, or do you want to be happy?

10. Link Offers. Car salesmen do this all the time. They ask you what you want your monthly payment to be and then set the price of the car and the interest rate on the loan or lease so that they can match your monthly payment. Essentially, it’s a way of saying, “I can either do this or that, which would be better for you?” It really is just sales skills – giving people the choice between two positives, so that they feel as if you are trying to help.

11. Be Creative. Brainstorm. Remember that everything is negotiable. Feel free to think outside of the box in order to expand the pie. Make it so that no idea is too far fetched. Being creative with resolutions takes longer, but can yield a true win-win solution. The best solution to a dispute is to get more business out of it. As such, one common problem-solving technique is to propose that instead of a cash refund, giving clients a deep discount on future orders in order to show what a good job you are capable of doing for them. Many of the lawsuits I settle come away with win-win solutions, where instead of just compromising, we actually collaborate to reach a solution that benefits everyone. This requires listening when asking the open-ended questions and gathering morsels of good information that you will later use to formulate proposals that meet their interests. For example, you might learn about particulars that affected an order. From here, you can propose creative solutions that replace things such as broken items, or instead of using the money to re-do the entire order, you can use less money to ship a few dozen shirts with their logo on them so that your counterpart can look like a hero in front of the boss. These kinds of fixes make clients look good and keep them loyal to you, even after an initial dispute.

12. Be Confident. You can do this! Many people are afraid of confrontation and shy away from it. I have taught everyone, from housewives and high school grads to named senior partners in law firms and CEOs, how to do these simple steps. The process works. All you have to do is follow the steps.

Furthermore, you must do this. Now that you have these tools, it is imperative that you do something about it. You owe it to your customers and your co-workers.

13. Celebrate Agreement! This kind of negotiation is a hard process. It requires two people to remain in an uncomfortable, potentially confrontational position for a long time to rebuild trust and be creative while trying to figure out the best, rather than the fastest, solution. Once it is accomplished, both you and the person you are talking to deserve a good pat on the back. There is nothing wrong with going to lunch or dinner to celebrate the resolution of a dispute that could have been destructive, but that ended with a win-win solution where everyone was satisfied. This

is an important process for avoiding more serious disputes such as lawsuits and losing hard-earned customers. Congratulate yourself and your partner in this solution.

After all, nothing is more important than your company and its survival. Nothing is better for your company's survival than learning to make peace and resolve the inevitable disputes that will arise. Learn to cultivate peace with customers, suppliers, employees, labor and management.

Utilizing these tools takes patience and generally requires changing old behaviors. However, if people on the front lines, in human resources, customer service and client relations, use simple tools such as these, they would resolve most disputes at that level, keeping them out of the legal department and out of the mediator's office.

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