

---

# The ABC's of Negotiation:

An Advocate's Guide to Negotiating with  
Providers to Improve Access to Health Care Services

---

February 2004

*This report was written with  
support from the  
W. K. Kellogg Foundation  
& the Annie E. Casey Foundation*



Community Catalyst, Inc.  
30 Winter Street, 10th Floor  
Boston, MA 02108  
617-338-6035  
Fax: 617-451-5838  
[www.communitycatalyst.org](http://www.communitycatalyst.org)

## Acknowledgments

---

Community Catalyst is a nonprofit, national health care advocacy organization that works to build consumer and community participation in the decisions that shape our health system to ensure quality and affordable health care for all. Community Catalyst strengthens the capacity of state and local consumer advocacy groups to participate in such discussions. The technical assistance we provide includes policy analysis, legal assistance, organizational development, strategic planning, and community organizing support. Together we're building a network of organizations dedicated to creating a more just and responsive health system.

This guide was written by James R. Whitley of Community Catalyst's Community Health Assets Project with special thanks due to Johny Lainé (formerly with Health Care for All of Boston, MA) for compiling the initial research upon which this guide is based.

Also, thanks to Dr. Rose Guercia and Donna Kass (of the Long Island Health Access Monitoring Project in New York) and Cathy Levine (of Universal Health Care Action Network in Ohio) for sharing their experience and knowledge on the subject.

We also would like to thank Lisa Kane and the Annie E. Casey Foundation, Terri Wright and the W. K. Kellogg Foundation, and Terri Langston and the Public Welfare Foundation for supporting creation of this guide and the Free Care Monitoring Project

A copy of this document can be downloaded from the [www.communitycatalyst.org](http://www.communitycatalyst.org) website. Hard copies are available by calling 617-275-2805. Individuals who wish to distribute or otherwise make widespread use of this publication are asked to notify Community Catalyst before doing so.

---

## Contents

---

Using this Guide	4
I. Introduction to Negotiation	
What is negotiation?	5
How effective negotiation can support your work	6
II. The Basics of Effective Negotiation	
Identifying the issues	7
Communicating clearly	8
Understanding power dynamics	8
Separating the people from the problem	10
Building relationships	11
III. Becoming a More Effective Negotiator	
Key strategies to strengthen your negotiation skills	12
Seven major pitfalls to avoid when negotiating	14
Appendix A: Role-Play Exercise to Practice Negotiation Skills	19
Appendix B: Other Helpful Resources for Advocates	20

## Using This Guide

---

In their efforts to improve health care access for their members and communities, health advocacy organizations and individual advocates may need to work directly with health care institutions and providers. When this happens, advocates may discover that their opinions, ideas and wishes differ from those of the health care institutions and providers whose behaviors and practices the advocates want to change. By understanding and applying some basic negotiation skills, advocates can move beyond these differences and continue pushing their agendas forward to make health care more accessible.

This guide was written as an information resource to familiarize advocates with some of the foundational concepts of effective negotiation. The ultimate goal is to help advocates become more comfortable with the practice of negotiation so that it can be a useful skill when striving to improve health care access. Toward this end, advocates will find a great deal of information in these few pages about why negotiation is often necessary in health care advocacy, how to prepare for a negotiation with a health care provider, as well as key concepts and strategies to become a more effective negotiator.

Much of the information presented in this guide was gathered from veteran health advocates who have years of experience negotiating with providers over access issues. Although this guide was written to support the work of health care advocates, the information detailed here may be more broadly applied to situations that do not involve health providers or health care (e.g., negotiating with legislators, regulators, businesses, employers or other advocacy groups on various issues).

---

# I. Introduction to Negotiation

---

## WHAT IS NEGOTIATION?

Simply stated, negotiation is a way to resolve disputes and conflicts that arise when people and groups interact with one another. Another more detailed definition of negotiation that is often quoted describes negotiation as follows:

*Negotiation is a basic means of getting what you want from others. It is a back-and-forth communication designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed.<sup>1</sup>*

This definition is particularly helpful to better understand the concept of negotiation. It says:

- ⇒ negotiation can help you get something you want from others,
- ⇒ there must be communication between you and the party you want something from (or between you and the party that wants something from you), and
- ⇒ not all of your interests will be shared by the other party.

Although the concept of negotiating to resolve conflicts might initially sound like a strategy useful only in complex business deals, it is likely that we have all negotiated at different times in our lives, in some form or another. Common examples of negotiation scenarios are:

- ⇒ A father wants his young daughter to eat her carrots at dinner. The daughter wants to toss the vegetable and eat chocolate cake. They negotiate and agree that she can have a small slice of cake for dessert if she finishes half of the carrots on her plate.
- ⇒ An office receptionist wants to be paid \$3 more per hour. Her boss doesn't want to increase her salary, but needs someone to handle the accounting for the small but expanding business. They negotiate and agree to a \$2 per hour raise if the receptionist takes on the added duties of tracking accounts receivable and payable.
- ⇒ A school principal wants to implement a uniform dress code for students. Some parents, worried about the costs of new outfits, protest the change. They negotiate and agree to a dress code, but the parents pick the outfit, thus making it possible to use inexpensive clothing that most of the children already own.

These and several other familiar interactions show that basic negotiation is an essential part of everyday life. Although we often don't recognize these interactions for what they are, negotiation is a productive way to get at least some of what we want from others through compromise and agreement. The following information will enable advocates to better identify and prepare for negotiating opportunities that could be used to advance their health agendas.

---

## HOW EFFECTIVE NEGOTIATION CAN SUPPORT YOUR WORK

Advocates who negotiate effectively are often more successful at achieving their goals and more likely to experience continued success in their efforts. This is because effective negotiation requires a willingness to work with others to reach solutions that everyone can live with. This approach generally leaves both parties feeling respected, and builds more productive and lasting working relationships.

Effective negotiation engages both parties involved and encourages them to actively participate in the decision-making process to resolve the conflict between them. It also provides an opportunity to better understand and appreciate the motivations and core concerns of others.

Remember, however, that negotiation is just one way to resolve conflicts and disputes. There are, however, other strategies that can be used to put an end to conflicts. Some of these other strategies are:

**AVOIDANCE:** this usually means you are ignoring or running away from the issue instead of working to resolve it. The trouble with this strategy is that many problems will need to be confronted eventually and may worsen if not addressed sooner, so the more you avoid them, the harder they are to resolve when you finally have to deal with them (e.g., you are concerned about the lack of information available from the local hospital on financial assistance programs to help consumers pay for medical treatment, but do nothing about it until a family member who is eligible for such financial assistance is sued by the hospital for outstanding medical debt),

**GIVING IN:** this means you simply let the other party do whatever that party wants to do. This strategy can be useful where you don't believe a conflict is important enough to spend your time or other resources on. Trouble can arise, however, if you simply agree to something now that you later realize is a big problem (e.g., your advocacy organization challenges the neighborhood nonprofit hospital on several issues, but doesn't question a proposal to sell the hospital and then realizes that many of your members can no longer afford care at the private boutique hospital that replaces it), and

**FORCED ACCEPTANCE:** in this case, one party uses its power over the other party to do what it wants without considering the input of the weaker party. While this strategy may be suitable where emergency action is needed and there is no time to fully discuss the issue with other parties, it is generally not conducive to building trusting working relationships (e.g., a new for-profit boutique hospital refuses to meet with local health advocates about offering financial assistance to help displaced community residents access health care at the facility and suffers from bad press coverage, eventually attracting the negative attention of legislators and regulators).

Looking at this short list, it should be clear that advocates who use negotiation to address conflicts directly and fairly, rather than one of the strategies above, are less likely to have their efforts thwarted by these types of unfortunate consequences. Effective negotiation skills should, thus, be viewed as an invaluable part of the advocate's arsenal to successfully manage inevitable conflicts when working to improve access to health care.

## II. The Basics of Effective Negotiation

### IDENTIFYING THE ISSUES

It is crucial that you identify the important issues *before* you approach the other party for a meeting. Identifying the issues requires that you recognize and be able to articulate your understanding of the nature of the problem at the source of the conflict between you and the other party. You and your allies should continue researching and discussing the issues in preparation for your actual negotiation meeting once it is scheduled and throughout the process of actual negotiation, which often requires many meetings over extended periods of time.

Some of the specific questions that need to be answered to identify the issues at stake for your advocacy work include:

- ⇒ What is the other party doing (or not doing) that you believe is a problem?,
- ⇒ How and why should the other party change its behaviors or practices?,
- ⇒ Who has the power to make the changes you would like made?, and
- ⇒ Are you approaching the appropriate party to negotiate with? (i.e., is this the person or group that is authorized to make the changes you want?).

Identifying the critical issues that need to be addressed before you approach the other party not only helps you to ready yourself for the actual meeting, but also to be certain which outcomes you want to negotiate for and why. For advocates working as part of a larger group (e.g., as part of an advocacy organization or a coalition)<sup>2</sup>, this identification process is a great opportunity to:

- ⇒ **share information and ideas about the perceived problem with your members**-What do your members know about the issue? Where did they get this information? Does the group need more information about the issue to act on it? What do members think about what they've learned?,
- ⇒ **ensure that there is consensus regarding the organization's stance**-Do all the members agree that the issue is a problem and that the organization needs to address it?,
- ⇒ **develop the organization's action plan and message**-How will the group work on the issue? How will the group articulate its position on the issue?,
- ⇒ **strategize and agree upon next action steps**-What are the group's options to move on this work and begin to address the identified issue? Which options are better for the group to pursue? Why?, and
- ⇒ **assign specific tasks and duties to various members**-Which members will be responsible for doing what to begin working to address the issue?

During this process, advocates should also try to identify what concerns and interests are likely shared with the other party. Although these shared concerns and interests will become clearer once the parties actually meet and discuss the issues, this type of forethought is a helpful way to further prepare for that meeting. Yet another goal during the identification process is to list what choices are available to consider as outcomes and which of these options would be more favorable to the others. Careful identification of the issues is the best way for advocates to prepare for an effective negotiation meeting and improve health care access.

## COMMUNICATING CLEARLY

One of the key components of effective negotiation is clear communication between the parties involved. If both parties are committed to this goal, the negotiation process becomes an opportunity to learn from one another and join together to solve problems.

After identifying the issues to be discussed and negotiated, advocates must then communicate the issues clearly to the other party. In its simplest form, clear communication involves three essential skills, specifically:

- ⇒ **speaking directly**-each party should be prepared to explain the problem as each sees it, articulate shared and unshared interests, and work together toward resolution,
- ⇒ **listening intently**-each party pays full attention to the other and actively considers what the other is saying, and
- ⇒ **understanding what the other party is saying**-each party needs to appreciate the value and meaning of the other's opinions and ideas.

If two parties do not communicate clearly when they meet to negotiate, the result will likely be failure. If the parties do not speak directly to one another, listen intently or understand what the other is saying, the process will break down and become unproductive. To prevent a communications problem, advocates should avoid using the meeting primarily as a chance to attract attention or publicity. If one party feels used in this way that party is unlikely to agree to continue meeting. An example would be where a hospital administrator agrees to meet with an advocacy group to discuss the possibility of accepting more Medicaid patients, but the advocates talk over the administrator because they see a media crew nearby and want to grandstand for the camera.

Also, poor attention to or lack of focus in a meeting can make the other party feel unappreciated and taken for granted. It is important to avoid these communication problems so that the meeting between the parties does not lead to misunderstandings, inappropriate decision-making and continued unresolved conflict.

## UNDERSTANDING POWER DYNAMICS

In every relationship, there is a difference of power that exists between the two people or groups. The same will be true in a negotiation setting where advocates meet with health care providers. One obvious example is where a small group of community advocates approaches a large hospital to negotiate how it could better provide information to health consumers



about free care programs to assist the uninsured and underinsured.

Given the size and wealth of the health insurer, many would say that the corporation is more powerful than the advocacy group and that there is no real possibility to negotiate because of the power differences. It is important to note, however, that *although there are differences in power, each party wields different types of power*. Health advocates, therefore, need to be aware of the power they have and how that power can be leveraged to support their work.

While no method of negotiation will ever completely overcome real differences in power, advocates should use the power they do have in the most strategic ways possible. This means that rather than competing with the size and wealth of the multi-million dollar health insurer, the small community advocacy group should make the most of the resources and assets that weigh more in its favor. If used creatively, these other sources of power can, in many ways, level the playing field between the insurer and advocacy group. Some examples of these other sources include:

- ⇒ **the power of support networks**-identify the connections your members may have to people (e.g., legislators, community leaders, public figures) or organizations (e.g., community businesses, professional associations) who can share resources and support your efforts. Another idea is to expand your existing network of allies by building a community coalition<sup>3</sup>,
- ⇒ **the power of diversity**-engage and form partnerships with diverse groups of people and organizations to further expand your network and to signal to the other party that your ideas have broad support in the community,
- ⇒ **the power of research, statistics and data analysis**-gather information related to the problem you are concerned about (e.g., the number of uninsured families in your community, residents' feedback on their treatment at local hospitals, etc.) and, if possible, present it in a report-style format to attract attention to your work and support your position<sup>4</sup>,
- ⇒ **the power of the law**-research the current laws related to your problem and, as much as you are able to, use them to support your arguments for change,
- ⇒ **the power of public perception and the media**-use the media and other means of publicity (e.g., newsletters, community forums<sup>5</sup>) to draw attention to the importance of your work.

Advocates should acknowledge the power they wield when negotiating with health care providers and use it appropriately to move forward their agendas. Advocates should also recognize that different providers will have different styles of negotiation. While some will be more respectful and receptive to negotiating, others may try to stonewall or ignore efforts to change their current business practices. The unfortunate reality may be that an unreasonable provider may only respond to threats of bad publicity. While such use of power should not be the advocates' initial strategy, knowing which types of power are at your command in a negotiation situation could allow you to make some progress even if the provider initially

refuses to cooperate with you. Ultimately, advocates should know that they have power to influence the behaviors and practices of even the largest health care institutions and wealthiest providers, and need not be intimidated or feel powerless to approach and engage them.

## **SEPERATING THE PEOPLE FROM THE PROBLEM**

Although health advocates are generally committed to and passionate about their work, they should not let their emotions interfere with their ability to negotiate effectively. Given the personal involvement that health advocates often have with their work, separating the people in a negotiation from the problems needing resolution can sometimes be difficult. With some planning and effort, however, advocates can avoid the blaming and negativity that can result from seeing the other party as the problem rather than the specific practices or behaviors that are the real problems.

To reduce the chances that negative feelings about the problem will be transferred onto the people who can help to make necessary changes and potentially become part of the solution to the problem, advocates should prepare for negotiation meetings by discussing any preconceived notions and make a concerted effort not to confuse the sources of their feelings. It is important not to assume that the other party wants to cause the problem you feel needs to be addressed or will necessarily act in accordance with your worst fears and expectations. Advocates who appear biased and negative at the outset of a negotiation meeting will likely cause the other party to feel uncomfortable and defensive.

It is also important to be aware that some health care institutions and providers may be biased against advocates. This bias may result from the discomfort experienced when advocates ask the institutions and providers to change the way they do business. If these feelings go unaddressed and unchecked, they can make it extremely difficult, if not impossible, for the parties to build a trusting and productive relationship.

Some questions to answer that will help to separate the people from the problems are:

- ⇒ What biases do you have against the health insurer, the hospital or their administrators?
- ⇒ Are there personal experiences or experiences you have heard recounted from others that make you feel this way?
- ⇒ How might these biases cloud your perceptions and make you a less effective negotiator when meeting with the other party?
- ⇒ What can you do to work against these biases and prevent them from decreasing your effectiveness during the negotiations? and
- ⇒ What are some of the possible biases that the hospital may have against you, your advocacy group, patients or community members you represent?

One suggestion for advocates is to acknowledge possible biases, perhaps verbally, at the start of the first meeting with the other party and make a commitment to work to get rid of them. Both parties should view the meeting as an opportunity to dispel rather than reinforce preju-

dices and misperceptions about one another. This is also the perfect time to let the other party know that your intentions are to work together to improve health care access in ways that will benefit both sides. Using this approach, both parties can begin dealing with some early concerns and better focus on resolving the actual conflict together.

## **BUILDING RELATIONSHIPS**

One of the many benefits of using negotiation to resolve conflicts is that, unlike other strategies, it is more conducive to building and maintaining relationships between the parties. A more adversarial or less participatory approach to solving problems generally stirs up feelings of defensiveness and mistrust. The emphasis on compromise and joint decision-making in negotiations leads to outcomes that don't require either party to be labeled as a "winner" or "loser".

When meeting with health care institutions and providers who may already be suspicious of advocates (and extremely concerned about the impact proposed changes to their business practices might have on their bottom line), participation and relationship-building should be clearly-stated goals. Articulating these goals should help alleviate some tensions the other party may feel. It also reframes the negotiation process as an opportunity for parties to better understand one another and develop a productive partnership. Since the process of agreeing on and implementing health care improvements usually requires several meetings between the parties over extended periods of time, building a lasting relationship may actually be a necessity not an option.

Establishing a respectful and lasting relationship between the parties should make it easier to interact again if there is a need for future collaboration. Advocates may find that they have gained an unexpected and resourceful ally to work with on other issues if relationships are nurtured during negotiation meetings. Advocates should always take this longer-term approach to negotiation.

---

## III. Becoming a More Effective Negotiator

---

### KEY STRATEGIES TO STRENGTHEN YOUR NEGOTIATION SKILLS

Below are some strategies that can help advocates become more effective negotiators. These are listed in no particular order and all should be considered equally important. If possible, advocacy groups should conduct a role-play or at least have a discussion of these strategies with their members who want training to improve their negotiation skills. This will provide group members with an opportunity to practice applying these strategies and to become more comfortable with them before participating in an actual negotiation meeting.

Some of the strategies health advocates should become more familiar with to become more effective negotiators include:

**BE ASSERTIVE AND CONFIDENT:** This does not mean the advocate should be pushy or threatening however. It may take some advocates a little practice to learn how to assert themselves without seeming overly demanding or rude. Still, it's crucial that the other party treat you as an equal partner, despite any perceived differences in power or influence. Make it clear that you expect to be taken seriously and treated respectfully, but also that the other party can expect to be treated similarly by you.

**BE RELIABLE:** It is important to follow through with negotiated agreements. Negotiation implies a commitment to accept the outcome that is ultimately decided on. Developing a "plan of action" that spells out who is going to do what, where, when and how is helpful. The success of any negotiation and of any negotiated solution depends on everyone's fullest cooperation and participation. The individuals involved in the negotiation can become reliable and trustworthy partners as a result.

**COLLABORATE:** Remember that true negotiation doesn't mean "giving in" to the demands and goals of another. Negotiation requires that the parties involved work together to find a solution that is acceptable to both sides. A negotiated solution almost always means that both parties will give up some things that each wanted initially in order to find an answer that benefits both in some ways. In other words, it should be expected that neither party will get everything that it was hoping for, but each party will gain something.

**DISCUSS EXPECTATIONS FOR NEGOTIATION MEETING:** This should be done very early at the start of every meeting. Any discrepancies between the answers given by the two sides should be addressed immediately and the responses should be recorded in the notes of the meeting. This is a necessary first step to ensure clear communication between the negotiating parties.

**ESTABLISH AGREED UPON PROCESS FOR NEGOTIATION MEETING:** Both sides in a negotiation should participate in deciding the specifics of the negotiation. Some of

these important process-related elements include: meeting facilitation, note-taking responsibilities and dissemination procedure, meeting times and spaces, etc...

**FRAME POSSIBLE SOLUTIONS IN A WAY THAT MAY BENEFIT THE OTHER**

**PARTY:** This strategy follows directly from the previous one (i.e., once you understand what the other party's concerns are, you will be better able to address them with any solutions you propose). By doing this, you reaffirm that both parties can benefit from the solution and that no "winner" or "loser" is necessary. Also, the more beneficial a solution seems to be to the other party, the more likely it is that the other party will accept it.

Some common benefits health institutions and providers can often expect when making changes to increase access are:

- ⇒ positive publicity,
- ⇒ improved stature in the community,
- ⇒ reputation building (which matters a great deal to any business),
- ⇒ increased efficiency,
- ⇒ general good will, and
- ⇒ reduction of wasted resources.

To help frame your solution ideas as benefits to the other party, consider these questions:

- ⇒ What are the concerns of the other party?
- ⇒ How will implementing the changes you desire affect the other party's concerns (if at all)?
- ⇒ What financial, operational or other benefits might the other party expect to result from implementing your ideas? and
- ⇒ How can you express your ideas to highlight the potential benefits the other party might derive from accepting your solution ideas?

**PREPARE FOR THE NEGOTIATION MEETINGS:** Advocates who want to be as successful as they can be should plan to succeed by preparing thoroughly for their negotiation meetings. Proper preparation entails identifying issues (mentioned earlier), outlining meeting strategies (i.e., what is the group's message be? How do you want the other party to change its behavior?, etc.), getting consensus from group members as to the group's plan to proceed, and assigning necessary tasks before and during the negotiation meetings. It is also recommended that the group try to predict what responses it will receive from the other party during the negotiation meetings and plan how it will address them.

**SEEK A VARIETY OF SOLUTIONS:** Brainstorming is one way to gather many creative ideas rapidly. This process allows everyone to contribute ideas and openly make suggestions. After all the suggestions have been shared, they should be reviewed to determine whether there are similarities and/or compatible ideas that were presented. The goal of the negotiation at this point is generally to identify the solution idea that generates no objection or the

least objection among the individuals negotiating.

**SHOW ONE ASPECT OF YOUR GROUP'S STRENGTH BY SELECTING A DIVERSE GROUP OF MEMBERS TO PARTICIPATE IN THE NEGOTIATIONS:**

The group attending the negotiation meetings should be as diverse as possible. A more diverse negotiation team (e.g., genders, ethnicities and races, health issues, disabilities, ages, incomes, etc.) is likely to be seen as more representative of the larger community by the health institution or providers you meet with. For the best turnout at the meetings, schedule them for locations, days and times that are convenient for your members and allies to attend.

**THINK CREATIVELY AND BE FLEXIBLE:** This is important both when preparing for and during the negotiation meetings. A little imagination and compromise can keep discussions moving forward and save your efforts if the negotiations run into problems involving scheduling, misunderstandings, or anything else. It might help remember that the goals of negotiation are to understand one another better, find an acceptable solution together, and build a working relationship.

**TRY TO UNDERSTAND THE OTHER PARTY'S PERSPECTIVE:** This doesn't mean you should adopt the other party's perspective, just that you should make a sincere effort to appreciate the other concerns on the table. Listening intently to the other party and asking questions for clarification should help. Again, you don't have to agree with the other perspectives being given, but listening to them should help you better prepare for possible challenges to your ideas and signals to those you are negotiating with that you take their concerns seriously.

**WORK TO BUILD A COMFORT LEVEL AND TRUST WITH THE OTHER PARTY:** This will be most difficult during the initial meeting when the other party will likely be most defensive. A pleasant cooperative demeanor and verbal commitment to work together should help to start this process. Sticking to agreements, treating the other party with respect, and showing some flexibility during the negotiations should help even more. Showing a genuine interest in other parties and their contributions to finding solutions will also help to build the trust that is essential to establishing a lasting working relationship.

**SEVEN MAJOR PITFALLS TO AVOID WHEN NEGOTIATING**

Listed below are seven common mistakes that can prevent effective negotiation from happening. Advocates who wish to sharpen their negotiation skills should review this list and prepare to encounter these potential pitfalls without allowing them to derail a negotiation that would otherwise be effective and rewarding.

The most effective negotiators:

**DON'T BLAME THE OTHER PARTY FOR CREATING THE PROBLEM.** Even if you honestly believe that the other party is responsible for creating the problem, finger-pointing is likely to make the other party uncomfortable and defensive. Ultimately, blaming can

cause the other party to attack you in response and destroy a potentially fruitful negotiation. Blaming in a negotiation should be considered counterproductive to your goals as an effective negotiator.

On the other hand, positive language can help to reduce defensiveness and develop the working relationship you want to build. As an example, rather than using words like "this is your fault" or "you screwed up when..." try asking "how could that have been done differently?," which gives the other party an opportunity to consider better ideas without feeling scolded for a less desirable decision that was made. Rather than focusing on blame or guilt, move on to generating solution ideas.

**DON'T USE THREATS.** Threats are less effective at motivating agreement and building rapport than are beneficial offers. Using threats as a possible means of getting the other party to agree to a solution will almost definitely result in mistrust and tension. It is important to remember, however, that if a health provider is not negotiating with your advocacy group in good faith, this might indicate that you will not be able to build a lasting working relationship despite your best efforts. In this case, where the provider is not negotiating fairly and there is almost no chance of working jointly in the future, the strategic and careful use of threats as leverage may become necessary to continue moving your advocacy agenda forward.

**DON'T ASSUME THAT A COMMENT MADE BY THE OTHER PARTY IS INTENDED TO BE NEGATIVE EVEN IF IT SEEMS LIKE IT IS.** Being clear about what is not only said, but also meant by a comment is crucial to communicating well during the negotiations. Misunderstandings may be more likely during negotiations since some or all of the individuals participating may have strong opinions and emotions about the issues being discussed. As an effective negotiator, you should give the other party an opportunity to either clarify or retract a seemingly negative statement before you respond directly.

Instead of assuming that a statement made by the other party was intended to be negative or offensive, ask for clarification. For example, simply asking "What did you mean by that?" gives the other party a chance to explain the seemingly negative comment to prevent a misunderstanding that could prove fatal to the negotiation process. Another tactic is to repeat the comment made by the other party followed with your understanding of it and ask for clarification (e.g., "I'm not sure I understood you. When you said "the community doesn't deserve what it is getting," did you mean that it deserves less than it has now?). Asking for clarification also gives the other party an opportunity to retract and change a negative comment that was made in haste, without the need to argue and risk derailing the negotiation.

**DON'T REACT TO PROVOCATIONS.** Even if the other party makes an intentionally negative or offensive comment, don't lose your temper. By keeping a level head and staying cool, you may be able to salvage the negotiation. If you need to, step away from the negotiation to calm down. Be sure to carefully plan your response and choose words that don't further escalate the negativity.

One tip to help defuse negative feelings is to address them as soon as possible by using "I"

statements to explain how you understood a particular comment that was made and how that comment made you feel (e.g., "I felt both saddened and concerned when I heard the comment that was just made about the uninsured and I think it's so central to the health care access problem in our community that I'd like for us to discuss it a bit more before we move on"). It might also help to restate the group's goal to collaborate to reach a solution that benefits everyone at the negotiation table. You may want to ask for a recommitment from everyone to this goal and brainstorm suggestions from the group that might prevent similar disruptions during the negotiations.

**DON'T DISMISS THE FEELINGS, IDEAS, OR OPINIONS OF OTHERS.** The rule in the negotiation process is that everyone counts and everyone's contributions will be respected. During the sometimes frustrating negotiation process, people may speak or respond emotionally out of fear or anger. To properly deal with these emotions that can ruin a potentially effective negotiation, it is important to acknowledge them and to try to understand their source. Dismissing another's feelings or opinions as unreasonable can provoke an even more intense negative emotional response.

Also, people who feel that their ideas and comments will be taken seriously are more likely to participate. Try to create and maintain an atmosphere where everyone feels more inclined to actively contribute and work toward finding a solution that satisfies both parties.

**DON'T DISAGREE WITH THEIR OWN GROUP MEMBERS IN FRONT OF THE OTHER PARTY.** To be taken seriously by the other party, it is important that your group show its solidarity and professionalism during the negotiation. Disagreements among your own group members indicate a lack of consensus and may lead the other party to think that your group is disorganized or that it hasn't thought through the issues carefully enough before requesting the meeting. To avoid disagreeing with other members of your group in front of the other party:

- ⇒ fully discuss the issues and the group's position with your members before requesting the meeting with the other party,
- ⇒ share all information relevant to the issue and the group's position with all members of your group (e.g., through newsletters, email, regular group meetings, etc.),
- ⇒ encourage members to ask questions related to the issue and the group's position,
- ⇒ clearly and openly state the "official" version of the group's position regarding the issue and ask for member feedback,
- ⇒ agree on process issues and speaking parts as a group (e.g., do your group members understand and agree on who will contact the other party to request a meeting or respond to inquiries the other party may have about the group?, are your members clear how the meeting will be conducted and what the agenda will be?), and
- ⇒ remember that it is better to offer to the other party that you will respond to a question at a later date rather than to argue with other group members over what an appropriate answer might be.



**DON'T THINK OF THE NEGOTIATION AS A "WIN-OR-LOSE" PROPOSITION.**

You should avoid the all-or-nothing way of thinking by focusing on shared interests and goals. To agree upon a resolution to the problem, each party should try to suggest solutions that the other side would find appealing given its concerns and interests. Also, remember that, in a negotiation, compromise should be an expected part of the process. Stay focused on your goal to improve access to health care and accept that, in order to reach an agreement with the other party, you probably won't get everything you want, but you can make some great progress for your members and your community.

## Endnotes

---

- 1 This quote is from what is perhaps the most important reference manual on negotiation skills: Roger Fisher and William Ury's *Getting to Yes: Negotiating Agreement Without Giving In*, (Penguin Books).
- 2 When possible, advocates should work together with allies striving to achieve similar goals. For more information on how to start a coalition to support your advocacy efforts, see *Strength in Numbers: A Guide to Building Community Coalitions*, which can be downloaded from the [communitycatalyst.org](http://communitycatalyst.org) website.
- 3 See footnote #2.
- 4 Examples of reports produced by health advocates that were able to negotiate with hospitals to improve access to free care in their communities are available on the [communitycatalyst.org](http://communitycatalyst.org) website.
- 5 For more details on how to use public informational forums to support your work, see *A Guide to Organizing Community Forums*, which can be downloaded from the [communitycatalyst.org](http://communitycatalyst.org) website.

## Appendix A

### Role-Play Exercise to Practice Negotiation Skills

#### DIRECTIONS

For this role-play exercise, you will need to schedule 90 minutes and divide your group into two teams. Team A will represent a group of advocates who want to negotiate improvements to charity care (and other types of financial assistance to help patients with their medical bills) with a local health care provider (e.g., a hospital or health clinic). Team B will represent a group of executives from the local health provider who are concerned about rising medical costs and increasing levels of uninsured patients, but does not want to spend a lot of money providing care without any compensation.

Participants in this exercise meet with their team members for at least 5-10 minutes before the start of the role play to strategize and prepare. After 10 minutes of strategizing, both teams come together and begin a negotiation session based on the improvements Team A proposes. Ideally, the negotiation session should last for about 30 minutes. When the negotiation session is over, the entire group should spend at least 30-45 minutes discussing the role-play experience, what was learned, and how this might help prepare for actual negotiations with health providers.

To make this exercise as relevant to your advocacy work as possible, the health issue should be one that your group is already working on or one that is important to your members. Alter the scenario of this role-play to fit your group's needs.

#### NOTES FOR THE TEAM OF ADVOCATES

Some questions that Team A should consider when meeting to strategize and prepare for the role-play are:

- ⇒ What are three specific changes that it wants the provider team (Team B) to adopt?
- ⇒ What are some of the strongest arguments in favor of these changes?
- ⇒ What challenges does Team A expect that Team B will use to argue against the proposed changes?
- ⇒ Can Team A frame its changes in ways that will show a benefit for Team B?
- ⇒ What are some of the ways Team A's proposed changes could be changed to make them seem most appealing to Team B (especially considering the expected challenges that Team B will put forth)?

#### NOTES FOR THE TEAM OF HEALTH CARE PROVIDERS

Some questions that Team B should consider when meeting to strategize and prepare for the role-play are:

- ⇒ What changes do you anticipate Team A will ask you to make?
- ⇒ What are your strongest arguments against these changes?

---

## Appendix B

### Other Helpful Resources for Advocates

---

#### RECOMMENDED BOOKS

- a) Roger Fisher and William Ury's *Getting to Yes: Negotiating Agreement Without Giving In*. (New York: Penguin Books, 1991).
- b) Natalie Seto and Bess Karger Weiskopf's *Community Benefits: The Need for Action, an Opportunity for Healthcare Change--A Workbook for Grassroots Leaders and Community Organizations*. (The Access Project, 2000).

#### INFORMATION ONLINE

- a) [http://www.legacies.ca/pl\\_chapter\\_2.htm](http://www.legacies.ca/pl_chapter_2.htm)
- b) <http://www.negotiationskills.com/articles.html>
- c) <http://www.muextension.missouri.edu/explore/hesguide/humanrel/gh6830.htm>

#### DOWNLOAD FROM COMMUNITY CATALYST

Examples of reports that other health care advocates have used to negotiate with providers to improve access to health care (all can be downloaded from the [www.communitycatalyst.org](http://www.communitycatalyst.org) website):

- a) "Neglected and Invisible: Understanding the Unmet Healthcare Needs of People on Long Island" LI Health Access Monitoring Project, ©2002.
- b) "A Well Kept Secret: The Challenge of Finding Out About Hospital Free Care in Cleveland Ohio" UHCAN Ohio, ©2003.
- c) "Holes in Our Safety Net: The Difficulty of Accessing Hospital Free Care in Hartford, CT" Building Parent Power, ©2003.
- d) "Not There When You Need It: The Search for Free Hospital Care" Community Catalyst, ©2003.

Other useful publications for advocates (these can also be downloaded from the [www.communitycatalyst.org](http://www.communitycatalyst.org) website):

- a) "A Guide to Organizing Community Forums" Community Catalyst, 2002.
- b) "Strength in Numbers: A Guide to Building Community Coalitions" Community Catalyst, 2003.
- c) "Holding On: Fighting to Preserve Essential Services at a Community Hospital: A manual for advocates by advocates, based on the closure of Waltham Hospital in Waltham, MA" Community Catalyst, 2003.