

THE ROLE OF NEGOTIATION TECHNIQUES IN CONDUCTING ILLEGAL NEGOTIATIONS

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ABSTRACT: *The paper deals with the role of negotiation techniques in the successful conduct of a negotiation, highlighting how effective use of negotiation techniques can lead to the success of even an illegal negotiation. Starting from the premise that we people negotiate constantly, even in everyday life, and developing good negotiator skills, along with the particular personality traits and knowledge that a person holds propels him into a position of superiority in a negotiation process, it leads us to consider all these aspects when we are participants in such a process. In the paper is also presented an example of illegal negotiation that at first ended successfully due to the skills of good negotiators of those involved in the negotiation.*

KEY WORDS: *negotiation, negotiation techniques, negotiator, illegal negotiations.*

JEL CLASSIFICATIONS: *M29, M39.*

1. INTRODUCTION

Negotiation is a specialized communication that requires learning, experience, talent and principled. Negotiation is the form of communication that involves a communicative, dynamic process of adjustment, of establishing agreement in case of conflicts of interest, by which two or more parties, animated by different motives and having their own goals, mediate their positions to reach a mutually satisfactory understanding. Negotiation is the use of information and power to cause a change in people's behavior in a "tension network." Upon closer consideration of this broad definition, we realize that, in fact, we are negotiating all the time, both in private and professional existence. This means that we cannot always have what we want without effort, and through negotiations we can achieve it; not in all cases we can start from a

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winning negotiation, but if we do not try it is possible to lose the first thing we were longing for. Negotiations are taking increasingly different forms. We are used to having a negotiation only when we have a face-to-face discussion. Negotiation is everywhere. When you write an article on a blog, you negotiate your value, when you have a family discussion about choosing a solution, when you present an achievement of your own. When you interact with people without a specific purpose, it is still negotiation. You may just want to give an image of yourself, or you may want to put a price on what you have to offer (Rujoiu, 2011). Which is quite important, because by putting a price on what we have to offer, others will put it.

Each person has his own way, level and pace of negotiating, and the more he exercises, the better he learns the secrets of negotiating. Negotiation is basically a balance that must tilt in favor of both sides; when one of the parties is dissatisfied, the negotiation will be extended until the balance will also tilt in its favor.

Of course, not everyone has the gift of negotiating, and some people accept the proposal from the opposing side exactly as it comes; or in some situations, even if they have an idea they are trying to impose, in the end they are intimidated and the interest in winning the desired thing suffers.

In everyday life, we negotiate for the things we need or want in order to make our lives easier or better. In situations that are a bit rarer, we negotiate for big goals, which don't happen too often in a single year and which are certainly more important, so we need to give our interest more to get that something; for example, when we want to buy and we really like an apartment or a car, that is the time to give our best so that we can leave satisfied.

I believe that the most important characteristic that we need to have when we get involved in a negotiation is to be decisive. Decision determines our behavior, our way of speaking, our attitude toward the opposite side and the situation in general. A soft, insecure person has little chance of leaving the winner of that treatment.

In other words, negotiation starts from the fact that each party has direct or indirect needs and interests that it wants to satisfy. Always when the partners had tacitly considered each other's wishes, the negotiation was successfully concluded and contacts could continue; but when the needs of a party have been ignored and negotiation has been a simple game with the winner and loser, its results – especially those of negotiation and meeting needs – take the form of transactions that usually have to be mutually beneficial. This means that, in theory, a negotiator should pay attention to both his needs and those of his interlocutor.

For a negotiation to be negotiation in the true sense of the word, both parties must focus on the common interests they have, not just try to gain something from the agreement they want to make, but also to make a difference to the agreement they want to make. but to be on an equal footing with the results produced by the conclusion of the present business. But if one of the negotiators ignores the other elements of the negotiation contract and focuses only on his main interest, then he only wants to become a winner, and also to defeat the interlocutor in this negotiation game; that is, to receive what he wanted, in exchange for a small amount, thus deceiving the interlocutor.

In the case of a negotiation with the employer, for the desired job, the most important thing to be highlighted is the aptitude on which we rely most and on which we

are most sure. No entrepreneur will be convinced by a person who does not know exactly what he is doing in the field, who has doubts or, at worst, who does not have the desire to learn the secrets of the field.

2. TECHNIQUES OF NEGOTIATION

There are five techniques of negotiation that can lead to a positive result:

1. convince him that he needs it;
2. convince him that what you propose increases his security;
3. convince him that those who have done so before have made a good choice and by choosing that thing have access to a select community;
4. convince him that what you propose to him gives him an addition to others;
5. convince him that he is doing a good business and that he will have a sense of fulfillment, thus exceeding the current condition.

Point one deals with the needs of the person with whom we are trying to conclude the negotiation, if they do not know or are not sure what they want, then it will make our work easier because we will tell them what they need. It is therefore necessary to convince him that what we offer him is also useful to him. Today, there are many needs that we did not know about until recently, did not exist, or were not necessary. With the development of society, new personal needs appear, which cannot be ignored, for example, in the last 20 years have appeared: The need to own a car, the need for current water at any hour of the day and night, the need to have a diversified diet at will. New needs of humanity arise every day, and we can take advantage of this by giving them to the person we are trying to make a deal with.

The second thing that the interlocutor must be convinced of is that his security will be increased through the good or service that we propose for negotiation. In its essence, the security of the person is a category that reflects a complex social phenomenon, which is characterized by an organic connection of man in danger with the social environment, with society. Each of us tends toward safety in absolutely every area of our life, we want security and confirmation from the person with whom we share our daily living, we want security in the building where we live, we want tomorrow to be assured in terms of supplies and utilities, in other words, safety is one of the principles that guides our lives. So, during a negotiation, we have to convince our interlocutor that our product will help him, the intellect needs confirmation that his security will be sportsmanlike.

Point number three, urges us to convince the person on the other side of the negotiation that the people who have negotiated with us before, and who have accepted the conditions as they are, they made a good choice and were not disappointed at the end of the negotiation. For this we need to rely on a real history, which means that we need to be fair in all our actions so that we can boast of them later.

As humans, we usually act when we see that the people who acted before us have succeeded and are not disappointed with that choice and in this technique, the person we are negotiating with is looking for certainty, the certainty that that that negotiation will not be a total failure that he will regret later. Of course, this is up to the negotiator if he wants to be as honest as possible with the interlocutor, or he just wants

to sell his product as quickly as possible, not caring about the subsequent opinion of the person with whom he concluded the agreement.

The next step urges us to convince the interlocutor that what he will get from this negotiation will help him to have something in addition to the other people who are trying to build something similar to his. Generally, as humans, we are more motivated when we see that we manage to get higher than other people. We are built to strive for personal evolution from all points of view: Affective, material, health, etc., and by this we realize that other people want more from life every day, and when we give them additional arguments, we are able to make the most of it. That he is one step ahead of others, the motivation will be even greater, and that person will want to act as quickly as possible in the situation. And the most important thing that the interlocutor with whom we are trying to conclude a negotiation should be convinced is that he will make a good deal that should not be missed.

We must convince him that he must not miss this opportunity with which he will feel fulfilled and through which he will evolve, passing the level at which he is at the moment. Some people might recognize a profitable business from the very first moment that is not worth missing, but others should be convinced of it. But if the negotiator will insist on solid arguments, without being agasant, he will succeed in gaining the trust of the person with whom he wants to conclude the deal.

There are four main negotiation techniques:

- ✓ Lose-Lose. This technique focuses the efforts of the partners for the other to lose in the negotiation. Each of the participants no longer focuses on their own gain, or even their own and the others, but uses all their resources to make the other lose. Thus, that negotiation is no longer really a negotiation, but a game of the ego, the ego of each is nourished by the fact that the other will lose. So nothing will be negotiated, but everyone will lose in this activity and no one will leave satisfied without being able to get what they wanted from the beginning.
- ✓ Lose-Win. This technique is used when all efforts have been focused on the wishes and needs of the interlocutor; that is, you have focused more on his desires than on his own, and the negotiating partner has focused more on his desires than on common interests. "The lose-win strategy is a strategy in which you lose and your partner wins. Most of the time, in the long run, this lose-win turns into lose-lose.
- ✓ Win-Lose. This technique is the most common, and in Romania it is at the top of the favorite strategies because every trader or negotiator tries to win at any cost. There is a hilarious situation in which the negotiator's goal is for the other to lose; there seems to be a malice, an envy, in which we cannot think of the partnership relationship, but that of the opponent. A partner is an enemy that must be defeated. This situation is common to each of us, which is why behind any transaction there are feelings of mistrust and suspicion, so that the negotiator focuses his efforts, both for him to win and for the other to lose. He sees his interlocutor as an opponent who does not have the same right to win, but it is necessary for him to lose. The negotiator does not imagine that there can be two winners, because he sees everything as a competition and not as a negotiation, where all actions should be equal and balanced.

- ✓ **Win-Win.** Using this negotiation technique ensures the mutual satisfaction that will be achieved by using the win-win collaborative style in a negotiation involves going through three important phases: Gaining confidence; ensuring devotion; taming the opponent. We are all aware that a person's trust is hard to gain, and paradoxically it is lost pretty quickly if we are careless. Gaining confidence in a negotiation involves devotion and especially the desire to do so with our interlocutor. He must be convinced that he is doing the right thing and that he is on the right track if he finishes the business. These things must also be true, not just empty promises that anyone can make. Ensuring devotion is closely linked to gaining trust, so we must convince the negotiator that we are committed to him and that we are aiming to achieve the goals of both the negotiating partner and our personal, so that the negotiation is fair and all parties get the gains.

3. EXAMPLE OF ILLEGAL NEGOTIATION

In the autumn of 2020, a difficult year for many of us due to the pandemic situation we have experienced, there were wage negotiations for Metrorex employees, which ultimately proved not to be exactly legal. Due to the fact that, under pandemic conditions, and being on high alert, wage negotiations were prohibited. Thus: The management of Metrorex would have negotiated with the trade unionist's salary increases of no less than 18% for the future employment contract. The agreement was registered with the territorial Labour Inspectorate, although the law does not allow negotiations of employment contracts during the state of alert and for the "madness" to be complete the negotiations led by the Metrorex executive management were not recognized by the Board of Directors. Metrorex Board members have now rejected the minutes concluded at the end of September after negotiations with underground trade unionists on the collective labor contract, on the grounds that it "does not reflect the reality of the discussions".

A document later appeared in the press shows that Metrorex negotiators, most likely the company's executive management, did not inform the Board of Directors of the outcome of the discussions before being validated by the minutes of the negotiations. As a result, "the members of the Board of Directors, meeting in the Board of Directors meeting on 27.10.2020, do not support and do not assume the result of the negotiations of the collective employment contract for 2020/2021, already registered with ITM". Also, "the responsibility for the financial and economic consequences, with effect on the company, falls exclusively to the negotiating commission. We mention that the minutes of the meeting dated 28.09.2020 do not reflect the reality of the discussions, which is why the Board of Directors does not assume and does not sign it," reads the document adopted by the Board of Directors.

The parties were required to initiate collective bargaining within 45 days of the end of the alert state. "The parties have the obligation to initiate collective bargaining within 45 days of the end of the alert state," the legal provisions said. The negotiations took place on September 28, and their result was very good for the trade unionists. At a time when Romanians in the private sector were losing their jobs and other railway

employees suffered from the pandemic and crisis, the salaries of almost 6,000 Metrorex employees increased by 18%, well above the inflation rate and despite the significant increase in the budget deficit for that year and the fact that, however, Metrorex is a company that receives important subsidies from the state budget. The gross monthly salary expenses per employee were 7,326 lei.

Later, Ion Rădoi's trade unionists were dismissed from the Board of Directors meeting. According to a press release issued by the Free Metro Trade Union, the unit was "for the first time in the 30 years of trade Union activity when such a situation happens, although on the agenda of the meeting of the C.A. there were points regarding the economic and social problems of the Society".

According to the new increases, a head of service would have had a net salary of 11,000 lei, while the directors of the company would have earned 1,500 lei more than the general manager who would have had a salary of about 15,000 lei. Even if in the last five years preceding this illegal salary negotiation, Metrorex salaries increased by almost 80% following the trade Union's annual negotiations, under the threat of a general strike, with the leadership of the Transport Ministry on the collective Labour contract, the press reported. According to information published in the press, in 2016 wages increased by 9.5%, in 2017 by 12%, in 2018 by 21%, in 2019 by 18.5%, and following the negotiations in 2020 salaries would have been increased by 18%.

Given that even the people working in the office received underground increase, it is quite clear that this negotiation was not a legal and fair one, the more the principles of morality were violated. In this case, we can also talk about discriminatory elements, because the same bonus was to be allocated both to people who were subject to certain risks and to those who had absolutely nothing to do with those risks, or to the area where the works were taking place. So, the people in the offices did not put in the physical effort to which the underground workers were subjected. and the likelihood of something happening to them during the service was far more excusable than for those who were really in a position to perform the tasks that were assigned to them in the job description. After these conditions of negotiation, the advantages of those in the office were as follows:

- Risk of low work injury during working hours;
- Material benefits equal to those who are subject to physical risks;
- Working in a clean environment without dust, noise, smoke;
- Working in comfortable thermal conditions for the human body;
- Minimum amount of physical effort.

According to the Minister of Transport of that period, Cătălin Drula, the expenses of persons from Metrorex became in 2020 by 201 million lei more this year than last year. As a result of the so-called collective labor contract negotiations of September 2020 under conditions of pandemic, loss of income, financial imbalance, wages increased by 18%. The difference in expenses with 2020-2021 staff became 210 million lei, only the increase, a company that ended up with state subsidies of 1.1 million lei, which were five years ago of 300 million lei. He said the average salary at Metrorex doubled in five years The metro increase, which should be received by those who really work in harder conditions, is received indiscriminately and by those who sit in the office, receive the increase of difficult conditions, the minister also exemplified.

In these circumstances, Cătălin Drula claimed that there were two options: Either to renegotiate that employment contract under normal conditions for the financial condition of the company or the same amount of money cannot reach the entire staff. He accused the fact that last year's negotiation was done with irresponsibility and says there was no need for a renegotiation, given that during the alert state, collective agreements extended their validity.

The Board of Directors was supposed to negotiate, the Board of Directors was dismissed and delegated to a negotiating committee made up of 15 people, of which 10 were members of the Union, which meant that it had been negotiated with the trade Union itself, the Minister of Transport said. He also mentioned that following the report of the Control body there were indications that several laws were violated and claimed that several institutions, including the Court of accounts or DNA, will be notified. In other words, the Board of Directors at that time would need new members, the old ones being dismissed, in order to continue their activities.

So, the Board of Directors that was dismissed, and also the one that was supposed to carry out the negotiations, was to be investigated by several institutions in order to reach a conclusion, in particular with a view to how many laws were violated in this negotiation which took place without regard to several legal and moral rules and principles. As an old saying from the people says, "to err is human", but in this case, it is much more serious because the mistakes were made intentionally.

4. CONCLUSIONS

We can conclude that in order to maintain a negotiation and carry it out, it is necessary to prepare in advance. Not all people are made to negotiate because we each have different skills, so it would be useful to call another person, a mediator or a professional negotiator to help us conclude that negotiation successfully. If, however, we believe that we can manage ourselves, it is essential not to forget that this is a negotiation and not a competition, the interests of the person before us are as important as ours.

The term negotiation it self refers to falling to a deal, finding a compromise in which both negotiating partners leave the subject of negotiation, finalize an action or obtain a service they have wanted from the beginning of the negotiation process. In order for a negotiation in the true sense of the word to take place and to conclude successfully, we must not lose sight of the following elements: Self-interest; interest of the negotiating partner; the time we have to negotiate; the purpose and object of the negotiation; information required about the ongoing action.

If we are the kind of people who have the desire to drag others down in negotiations, there is a good chance that by doing so we too will be pulled down, and that negotiation will be a great failure for both negotiators, just because of us. Achieving the goal is very important because it is the main purpose for which we are there, but that does not mean that we need to destroy the objective of the negotiating partner; just because we destroy it does not necessarily mean that we will win.

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