

**ZWICKER DISPUTE RESOLUTIONS**

[www.zwickerdisputeresolutions.com](http://www.zwickerdisputeresolutions.com)

# DISPUTE RESOLUTION UPDATE

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## LETTER FROM THE PUBLISHER

Welcome to our first issue of ***Dispute Resolution Update!***

I hope that you enjoy reading this inaugural issue and find it helpful. Our plan is to publish three more quarterly issues which we will be sending to you on a complimentary basis.

I hope that ***Dispute Resolution Update*** will be informative and helpful to you in the management of your company.

As your business expands, your need for staff grows, and increased growth carries with it growth in workplace conflict. All the more so in large cosmopolitan centres like the Greater Toronto area where both the competition and the workplace are steadily becoming more multicultural.

Because conflict is a normal part of life, the question is not how to avoid it but rather how to manage it.

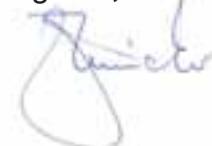
The purpose of ***Dispute Resolution Update*** is to show you how to gain ground on your competitors by improving your negotiation skills with your customers and suppliers and by managing your workplace conflicts more efficiently.

Your success in negotiating with customers and suppliers and in handling workplace conflict, has a direct effect upon your achieving a sense of security and well being for you and your staff. And because positive and negative working environments impact productivity in an opposite direction, your bottom line is always at stake.

As a business and property negotiator, mediator, lawyer, and communicator, for the past 28 years, I know how vital it is for your business to deal with conflict early and inexpensively before it escalates.

Any questions and suggestions you may have for future issues are welcome.

Regards,



**Jack Zwicker, B.A.,LL.B.,LL.M (ADR)**

**Publisher and Director,**

**Zwicker Dispute Resolutions**

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**ZWICKER DISPUTE RESOLUTIONS**

Jack Zwicker, director of Zwicker Dispute Resolutions is a lawyer who has been in private practice in Toronto since 1976.

## **Alternative Dispute Resolution**

During JACK ZWICKER'S 28 years practicing in the fields of corporate, commercial, property and estate law, Jack has assisted clients in working out practical solutions to problems so as to avoid the expense, uncertainty and business opportunity costs involved in litigation.

Since 2000, Jack has turned his combined skills as both a solicitor and a barrister, to the fields of corporate, commercial, property law and estate mediation.

Jack offers a friendly environment, and uses a business-like, practical problem solving approach to negotiation and mediation which is geared to early, cost effective resolution of disputes. He recognizes that conflict is a natural part of life. His approach is to work with clients in developing an 'early warning system' which helps to avoid intense conflict, and to mediate more difficult conflicts at an early stage.

### **More about Jack Zwicker**

Jack has published articles on dispute resolution and negotiating skills in several publications including CA Magazine and the Ontario Lawyers Weekly. He has been invited to speak and lead workshops for several organizations including OREA, (the Ontario Real Estate Association) and the Regional Municipality of York. Jack's workshops have been highly rated by participants. He will be giving a seminar to help company employees improve their communication styles. The seminar is scheduled for Oct. 20, 2005 at the Holiday Inn in Markham. Keep reading for complete details.

## **YOUR OWN EARLY WARNING SYSTEM**

The obstacles you face in your negotiations with customers and suppliers, and the difficulties you encounter in maintaining a positive working environment act as your own early warning system. If the employment data you maintain disclose growth in the level of conflict, you need to take action before these disputes take on a life of their own.

While achieving early resolution is not only easier but is also more cost effective, missing conflict signals all too often results in delay. And delay only serves to deepen the intensity and the cost of resolving conflict. If your instincts tell you that conflict is beginning to escalate, you should consider the benefits of **training, coaching and mediation**.

**Training** is an interactive process done either one on one, or in small groups, that models positive and negative communication styles. As communication style can be a source of conflict, it is important to understand the effects of communication on others.

**Coaching** is a related process which encourages you and your staff to take the lead in demonstrating your communication styles, with the coach critiquing typical communication errors along the way.

**Mediation** is a structured settlement process which allows you or a staff member, once properly trained, to facilitate discussions between others in conflict.

## **TRY THIS SURVEY**

If you are experiencing increasing difficulty in your negotiations with customers and a growth in workplace conflict? Take a few minutes to fill out and return the survey below.

1. When preparing to negotiate more complex deals with customers and suppliers, do I prepare myself in advance for those negotiations?

yes\_\_\_\_\_ no\_\_\_\_\_

2. When dealing with other customers and suppliers, do I concern myself more with my own needs and less with their needs?

yes \_\_\_\_\_ no \_\_\_\_\_

3. When my staff come to me with workplace conflicts, do I provide them with my own solutions, and discourage them from working out their own problems?

Yes \_\_\_\_\_ no \_\_\_\_\_

4. When I find myself in serious conflict with a customer or supplier, do I automatically think of suing that party?

yes \_\_\_\_\_ no \_\_\_\_\_

5. When my managers report to me about workplace conflict, do I tell them to use their own judgment in working out ad hoc solutions?

yes \_\_\_\_\_ no \_\_\_\_\_

6. When multi-cultural staff members clash with one another, do I instruct them to resolve their problems using my own approach to problem solving?

yes \_\_\_\_\_ no \_\_\_\_\_

7. When my managers encounter conflict in their dealings with customers and suppliers, do I tell them to always try to get the best possible deal in the short term?

yes \_\_\_\_\_ no \_\_\_\_\_

**Return the completed survey to:**

**zwickerdisputeresolutions@rogers.com**

**Fax: (905) 470-2571  
Phone: (905) 470-2544**

If you found that some of these questions might just as easily be answered with a **yes** or a **no**, then keep on reading.

## SOME IMPORTANT PRINCIPLES

✓ Every successful negotiation requires proper preparation before the negotiating begins. Proper preparation includes a detailed understanding of the other party's needs and resources. The more complex the transaction, the more you need to prepare.

✓ Part of your preparation involves adjusting your negotiating strategy as you come to know the other side. Is he or she a 'soft bargainer' or a 'hard bargainer'?

✓ Where there are cultural factors which may explain another person's bargaining style, you need to sufficiently familiarize yourself with these cultural dynamics so that you don't mistake the other person's meaning.

✓ When you negotiate before any conflict develops, you need to focus on mutual needs in order to create a win/win, not a win/lose.

✓ When you negotiate after conflict arises, you need to focus even more strongly on meeting mutual needs by making realistic commitments, so as to build trust and repair damage to the relationship.

✓ When you deal with workplace conflict, it is vital to keep your communications open so that you can understand the needs of your staff. Often those needs are psychological, not financial, and reflect the need to be valued as an employee.

✓ If your staff are required to report to one of your managers, it is vital that your managers understand the basic principles of 'interest-based negotiation'. Without that understanding, there is no way for your managers to mediate conflict and meet the mutual needs of your staff and your company.

## **DISPUTE RESOLUTION UPDATE: FALL ISSUE**

Our next issue will appear this fall and will provide you with tips on how to gain ground against your competitors by improving your negotiating skills with customers and suppliers. As well, we will deal with some strategies to improve your employees' interactive listening skills in dealing with you, with one another and with other businesses.

Please e-mail or fax any questions you may have and I will try to answer as many as I can in our next issue. I look forward to hearing from you.



,LL.B.,LL.M (ADR)  
[www.zwickerdisputeresolutions.com](http://www.zwickerdisputeresolutions.com)

### **Training Workshop Planned**

**Zwicker Dispute Resolutions** will be hosting an interactive, three-part training workshop at the Holiday Inn located at 7095 Woodbine Avenue in Markham.

Mark this date on your calendar and reply as soon as possible to reserve, as space is limited to 20 participants:

**Date: Thursday, Oct. 20, 2005**

**Time: 7 pm to 9:30 pm**

**Place: Holiday Inn**

**7095 Woodbine Avenue  
Markham, Ontario**

**Cost: \$100 per company (based on one company representative)**

This workshop is intended to help you improve your interactive listening skills; to help your employees improve their communication styles; and to demonstrate how these skills, backed up by workplace mediation, are the lifeblood of early conflict resolution.

Please fill out the form below if you are interested in attending this workshop. Because small groups tend to work best, registration is limited.

You can e-mail or fax the name, address, and telephone number of your company, and the name of the person who will be representing you, in the space provided below. Written confirmation of your registration will be forwarded to you upon receipt of your form.

Make your cheque for \$100 payable to:

**ZWICKER DISPUTE RESOLUTIONS  
7100 Woodbine Avenue, Suite 306,  
Markham, Ontario, L3R 5J2**



**Company  
Name:** \_\_\_\_\_

**Company**

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone  
number:** \_\_\_\_\_

**E-mail  
address:** \_\_\_\_\_

**Fax  
number:** \_\_\_\_\_

**Name of  
representative:** \_\_\_\_\_

**DON'T MISS THIS INFORMATIVE SEMINAR  
THAT CAN MAKE A HUGE DIFFERENCE IN  
RESOLVING WORKPLACE DISPUTES.**