

DISPUTE AVOIDANCE THROUGH COMMUNICATION

Presented by Peter Barnes
FCIArb, FCIOB, MRICS, MICE, MCIInstCES, MSc
MELBURY CONSTRUCTION CONSULTANTS LTD.
Tel No. 01992 704704 or 07515 104307
E-mail: peter.barnes@melburyconsulting.com

Disputes

- A dispute can be defined as being a disagreement, an argument, or a debate.
- We are interested in dispute avoidance – so we are interested in preventing a dispute from coming into existence.
- But surely this must be an impossible dream.

Discussion

- Taking it a step at a time, there cannot be a disagreement or an argument, unless there has been some discussion or exchange of views.
- How can you avoid the disagreement or exchange of views from developing into a dispute?

Communication

- Communication may be defined as “A means of giving or receiving information”.
- Communication may be made by speech, by listening, by writing, by reading, by drawing, by gesture, and by body language (amongst many other means).

Conflict

- Through communication a conflict of views may be expressed.
- The key is to prevent that conflict of views from turning into a dispute.

Effective Communication

- Conflict arises from a clash of perceptions, goals, or values in an arena where people care about the outcome.
- Effective communication is the means by which a dispute can be prevented, managed or resolved.

Ineffective Communication



EFFECTIVE COMMUNICATION

- The key to this is clear and effective communication.
- This is more important today than ever before-as we operate at greater pace with much less margin for error in our business decision-making. It's Formula 1 versus the old bangers of yesteryear!

EFFECTIVE COMMUNICATION



EFFECTIVE COMMUNICATION

- Now that data can be shipped around the world in bigger and bigger volumes and at higher and higher speeds it's easy to get the impression that we are communicating more - in fact it's just the opposite. The key messages that we need to get across are often lost in a blizzard of e-mails and other electronic junk.



EFFECTIVE COMMUNICATION

- Don't forget what we are trying to do, that is, to exchange information in a meaningful way.
- The key word is "exchange", it means that the process is two way, so that communication must never be a monologue!
- That gives us a clue as to how we can start to communicate better - first of all, do some serious listening.

EFFECTIVE COMMUNICATION

- Listening does not mean closing your mouth for a short while, whilst you think about the next point that you wish to make, with no real interest in what the speaker says or thinks.
- You can often see the “I’m bored “ sign in the listener’s eyes; please don’t let it be you.
- Two ears and one mouth should give you a clue that perhaps you should use them in that proportion.

EFFECTIVE COMMUNICATION



EFFECTIVE COMMUNICATION

- Think about your message, what do you want to get across? If you’re unclear about this then how can the other party stand a chance at understanding?
- So ask yourself the question; “what is it that I need to say?” Be clear!
- Give the other people involved as much information as they need, to understand where you’re coming from – this helps them to get up to speed much quicker.

EFFECTIVE COMMUNICATION



EFFECTIVE COMMUNICATION

- Check as you go along that the understanding is there, give people a chance to ask for clarification, ask them to pass back their interpretation of the situation, encourage this feedback.
- Ask questions yourself; don't leave any room for ambiguity; as it's bound to cause trouble later.
- Recap your understanding of the discussions at the end of the exchange.

COMMUNICATION PROBLEMS

- **Complex messages**
However complex you think the message is it can always be broken down into smaller concise packages. Feed the communication in small easily digested bite-sized parts.

COMMUNICATION PROBLEMS

- **Language barriers**
Not just French v Spanish but also Sales v Research.
Move some distance towards the other person's form of speech. Don't use heavy jargon - unless it's the mutual language!

COMMUNICATION PROBLEMS

- **More than the words**
Remember that verbal messages only form a small part of any communication, so use non-verbal skills to reinforce the message.
There's lot's of evidence that our words only comprise a tiny proportion of our total message, body language and voice tone contribute an enormous amount.

COMMUNICATION BARRIERS

- Try to see the other person's point of view
- Respond to criticism with empathy
- Use "I" messages rather than "You" messages
- Look for a compromise
- Take a break
- Don't give up

COMMUNICATION QUOTES

- "Most conversations are simply monologues delivered in the presence of a witness." Margaret Miller
- "When the eyes say one thing, and the tongue another, a practiced man relies on the language of the first." Ralph Waldo Emerson

COMMUNICATION QUOTES

- " These are my principles. If you don't like them I have others." Groucho Marx
- "The tongue is the only instrument that gets sharper with use." Washington Irving
- "I feel that if a person has problems communicating the very least he can do is to shut up." Tom Lehrer
