The 2004-2005 NHL Labor Dispute: What to Do Next?

Clifford Kincaid

Amberton University

How do two parties involved in negotiations make progress after many months of discord and mistrust? Our text describes the case of the 2004-2005 National Hockey League lockout, a particularly acrimonious labor and wage disagreement that cost billions. The disagreement and subsequent negotiations were also unique in that they unfolded inside the public forum (Lewicki, Saunders, & Barry, 2010). There are many steps that both sides can take in this dispute to enable more successful negotiations in the future which will hopefully lead to a successful resolution amenable to both parties.

The first important area to consider is the importance of intangibles in the negotiation process. Certainly dollar values and beginning positions in negotiation are important, but the importance of intangibles cannot be understated. These include items like the "need to win…the need to look good…the need to defend an important principle…the need to appear 'fair,' or 'honorable'…the need to maintain a good relationship with the other party" (Lewicki, Saunders, & Barry, 2011, p. 8). The negotiators on both sides must recognize the effect that intangibles are having on the negotiations. The League, by initially drawing lines in the sand on salary caps and linking salary to revenue, created a position from which it was difficult to back down, and threatened their "looking good." On the NHLPA's part, refusing to initially even discuss these proposals possibly made the process more difficult.

It is also important to note into what category of negotiation the NHL dispute falls. It is clear that this is a distributive bargaining situation- there is only so much revenue available and if the owners get more money, the players get less and vice versa. With this backdrop, it is important to consider what kinds of negotiators have been found to be most effective in this situation. Dimotakis, Conlon, and Ilies conducted a research study examining the personality of

negotiators and its linkage with the negotiation process. Specifically they examined the relation

of the personality trait of agreeableness. They found that in a distributive bargaining situation,

there is a better fit with those negotiators scoring lower on the trait of agreeableness (2012).

It is possible then, that the personalities of the two main negotiators in the dispute are

not well suited to the negotiation process. Perhaps bringing in additional negotiators with

different personality traits would be beneficial to both sides.

Additionally, the emotions of the negotiators have been found to play a large role in

whether certain concessions are given. Specifically important is conveying the emotion of

disappointment in certain circumstances. Disappointment can "serve a 'supplication' function.

A key characteristic of supplication functions is that they serve as a call for help" (Lelieveld, Dijk,

Beest & Kleef, 2013, p. 605). In other words, conveying disappointment can make the other

party feel guilty, and can elicit more generous concessions and offers. This disappointment

certainly does not have to feigned. A genuine disappointment is most certainly felt by both

parties in the NHL dispute- perhaps conveying this may lead to more progress in the

negotiations.

The two sides must also consider giving up the use of certain hardball tactics, specifically

with regards to the League. The release of league financials by the independent auditor could

have been a very helpful event in moving the process forward. Instead, the League only gave

the NHLPA one day's notice before releasing the information to the public. Our text defines a

snow job as a situation in which a lot of information is released, some pertinent, but most not,

without sufficient time to sift through all of this information. Releasing this document could

certainly be considered a snow job hardball tactic. It can be agreed that the release of this

information with so little notice merely entrenched union positions, and did nothing to help

push the negotiations along (Lewicki, Saunders, & Barry, 2011).

Another hardball tactic that needs to stop is the use of the chicken tactic. The chicken

tactic is defined by setting an ultimatum that, if not followed, will result in an extremely

undesirable situation, usually for both parties (Lewicki, Saunders, & Barry, 2011). In this case,

the League threatened to cancel the entire 2004 season should the NHLPA not agree to their

offer. When the NHLPA refused the offer, the League did indeed cancel the entire season. This

resulted in the loss of billions in revenue (Lewicki, Saunders, & Barry, 2010). Ceasing the use of

these hardball tactics should go a long way to establishing trust and allowing more meaningful

and substantive negotiations to take place.

This case serves to illustrate the intractable positions that can make negotiations close

to impossible even when both sides serve to lose millions. However, by recognizing the

importance of intangibles and the value of emotions in the debate, it is hoped that the two

sides can move forward. Additionally, by ceasing the use of hardball tactics, a rekindling of trust

and respect may be able to take root. Finally, it may be that public pressure of the fans to be

able to watch hockey may do more than anything else for both sides to reach a consensus.

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