Esther Walker

Union Complaints in Industrial Relations Negotiations

Abstract

This paper details the design features of a potentially highly confrontational sequence of activities which is found in formal, industrial relations negotiations: a union complaint followed by a management defence. It is observed that the complaint is accomplished implicitly and that that implicitness is a joint accomplishment of all the participants; they collaborate to ensure that the talk constitutes and facilitates cooperative discussion, thereby avoiding confrontation. Through the description of this phenomenon, the author builds an account of how the participants' orientation to 'doing negotiation' inheres in the design of the talk.

1. The papers collected in this volume share an *intercultural* perspective on work-place, institutional negotiations[1]. That is, they focus on negotiation settings involving two participating teams whose cultural distinction is easily identifiable by the analyst, on the basis of the participants' nationality or language. This attribution of culture (as opposed to, for example, gender, age or class) is then frequently used to identify and explain misunderstandings and other difficulties which arise in the talk. In contrast, this paper reports on negotiations which are not so characterizable, and this deviation from the prevailing intercultural theme requires some explanation.

The relevance of the present paper to the intercultural issue is provided by the consideration of two points: firstly, that the practice of using an *a priori* notion of culture as the resource for interpreting and understanding interaction is problematic; and secondly, that in order to construct an account of the effect of cultural difference on the talk, it is necessary to have some account of 'ordinary negotiations' in which the participants share a common cultural and linguistic background.

On a macro level various attributes are possibly relevant for the participants in any speech setting (Schegloff 1987). When one such attribute,

---

[1] Many thanks to Paul Drew and John Local for their detailed comments on an earlier draft of this paper.

like 'cultural identity', is selected as the basis for explaining specific features of the talk, the implicit assumption is that it remains pervasively and predominantly consequential. However, the relationship between context and talk is not a linear one such that the effect of a particular contextual feature on the shape of the talk is constant and determinable. Rather, the context is constituted in the talk on a moment-by-moment basis by the participants through their management of interactive tasks and activities: thus the relationship between context and talk is reflexive (Schegloff 1992b; Heyman 1989). Many possible attributes are available to the participants and may become relevant to the talk at any time; in this way they are created and sustained through the talk. But beyond that they are common sense notions rather than scientifically valid ones (Heyman 1989)[2].

It is therefore problematic to assume that there is a direct correlation between something like 'cultural identity' and the analyst's observations about what is going on in the talk such that the former can be used to explain the latter. This is a criticism Heyman (1989) makes of Gumperz's (1982) work in which he attributes the misunderstandings which can arise in interviews between people of different ethnic backgrounds in terms of their cultural knowledge of conversational interaction, including prosody and syntax. Heyman (1989) offers an alternative analysis in which the relevance of the participants' background knowledge to the occurrence of a particular problem is demonstrated by reference to the sequential organisation of the talk, rather than simply regarding background knowledge as an *a priori* fact requiring no further account.

Without such rigorous empirical work 'cultural identity' remains an object of the analyst's interpretation of talk instead of a product of the participants' orientation during the talk (Heyman 1989). The absence of this analytic constraint can lead to errors of analysis where features of the talk are explained in terms of a particular contextual aspect, when in fact they are a product of the *speech activity* rather than of the setting, or can be straightforwardly accounted for in terms of routine procedures and organizational features of interaction (see Schegloff [1992a] on Zimmerman & West [1975] and Drew & Heritage [1992b] on Sinclair & Coulthard [1975]). Thus, the effect of context on the talk is a matter for empi-

---

2   Heyman (1989) is referring to Garfinkel's (1967) distinction between scientific and common sense activities in which the investigation of a notion like 'culture' needs to be based on specific scientific rationalities for it to constitute scientific activity.

empirical investigation, the analyst's task being to construct an account of 'context' based on what is demonstrably relevant to the participants and how it is procedurally consequential to the talk (Schegloff 1992b): that is, how the participants' orientations to context "infiltrate and permeate and enter constitutively into the talk" (*ibid*:215).

An understanding of the configuration between the interaction and the context can be gained by comparing the organisational and sequential features of the talk with those that are observed in other kinds of settings. Thus, in conversation analytic work (henceforth CA), the institutional character of talk has been investigated by reference to the interactional organisation of 'ordinary conversation' and of other related institutional settings (see Drew & Heritage 1992a). Erickson & Schultz (1982) examine interviews between school careers counsellors and students in which the aim is to offer advice and reach decisions which may ultimately affect the student's future. The participants are unequal in terms of authority and of familiarity with the conversational organisation of the interview. Before the counsellor can offer advice or begin to make decisions s/he needs to determine *who the student is*, not only in the context of the outside world, but also in the context of the present face-to-face interview. The counsellor forms such an impression from the student's ways of interacting during the course of the interview, and, by the same token, the student is able to form an impression of the counsellor. Thus the outcome, in terms of advice offered and of decisions made, is a result of the participants' inferential frameworks through which they interpret interactional behaviour. Erickson & Schultz (*ibid*) note that when the participants share ethnicity (i.e. white counsellor/white student) there is a behavioral regularity, and in particular a rhythmic regularity, which contrasts with the 'fits and starts' which characterise interethnic interviews (i.e. white counsellor/black student). This suggests that there is a relationship between behaviorial regularity and the presence of a shared interpretive framework (*ibid*:143). The location of this interactional difference, and its attribution to the interethnic character of the setting, are provided by the use of comparative analyses in this study.

This kind of comparative analysis has also been used by a small number of researchers to build an account of the institutional character of 'negotiation' and 'mediation' talk. For example, Francis (1982, 1986) and Garcia (1992) refer to interactional structures of ordinary conversation in order to demonstrate how 'negotiation' and 'mediation' (respectively) are constituted in the organisation of the talk. Francis (*ibid*) de-

scribes the ways in which the constituent properties of industrial relations negotiations (e.g. that there are 'issues' and 'parties') are interactionally realised; for instance, when a speaker wants to reinvoke something from an earlier point in the talks, they signal that their turn is not topically coherent with the immediately prior turn with some prefatory component; however, such prefatory components are unlike those found in ordinary conversation in that they inhere in the character of "negotiator's returns". Turn-taking organisation is one of the interactional features which Garcia (1992) examines to discover how 'mediation talk' works as a dispute-resolution process. She describes how the modification to the turn-taking organisation effected by the role of mediator alleviates confrontation between the disputants and encourages cooperation.

In order to understand how the intercultural character of negotiation meetings effects the talk, specifically how it might interfere with the negotiation process, it is therefore necessary to have some account of 'negotiation talk' *per se*. Otherwise there is no way of knowing whether a feature of the talk is a consequence of the intercultural setting or simply part of what constitutes 'doing negotiation'. By reporting on the design of one sequential structure which is found in formal negotiations between shop stewards and management in the north-east of England, this paper aims to go a little way in redressing the balance.

2. The research reported here differs from much of the work on negotiation in three respects: data, perspective and methodology. **Data**: overwhelmingly, simulated negotiations are used to investigate the effect on the negotiation process of particular variables. The control of variables afforded by the laboratory setting enables the analyst to set up experimental 'negotiation meetings' for comparative research. It is frequently acknowledged that although naturally occurring negotiations are desirable for research purposes, the sensitivity surrounding them makes it difficult for researchers to gain access and hence to obtain such data. The present study examines audio-recordings of actual industrial relations negotiation meetings in which the researcher was as unobtrusive an observer as possible.

Perspective: a prevalent aim of research on negotiation and communication is to account for successful outcome, and interaction is perceived to be an important factor determining that outcome (Putnam & Roloff 1992); thus, securing a relatively successful agreement is a consequence of skilled negotiating behaviour which is manifest in the employment of

'successful' negotiating strategies and tactics. This perspective conceives of negotiation interaction as goaldriven, and this is ratified by the methodologies which are adopted as a consequence.

Methodology: in behaviourial analytic studies coding schemes are constructed in which various activities (e.g. 'promise', 'threat' and 'proposal') are categorised and attributed to certain overarching negotiating strategies (*competitive/cooperative*) (Donohue 1981; Putnam & Jones 1982). So, for example, 'making concessions' is regarded as poor negotiating performance and the employment of such behaviour directly contributes to unsuccessful outcome (e.g. Donohue 1981). In this way patterns of negotiating behaviour can be identified and quantitative analyses can be compiled for comparing the behaviour of the two sides. Thus the negotiating process is treated as a game of strategy determined by individual motivations and intentions instead of as a socially and contextually constructed activity (Francis 1982; Maynard 1984; Firth 1991). The practice of coding the interaction according to categories of action relies on some notion of intentionality and focusses the analyst's attention on behaviours underlying the talk rather than on the talk itself. The failure to examine the details of the talk stems in part from the consideration that the 'negotiation activity' is conterminous with the 'negotiation event' (or meeting). This view frees the researcher from the responsibility of having to justify their treatment of this talk as 'negotiation'; *any* talk that occurs within the negotiation event is regarded as a product of that negotiation setting and thus it is completely disassociated from talk that occurs elsewhere.

In contrast, CA focusses on the sequential organisation of the talk and builds an *a posteriori* account by observing the details of activity management and turn design. The analysis does not presume any notion of intentionality but rather is informed by looking at the recipient's understanding which is displayed in the next turn; consequently the focus is on what *the participants* make of their talk on a turn-by-turn basis. Activities are not identified as 'complaints' or 'promises' by virtue of the attribution of a particular theoretically constructed label, but by virtue of describable and recognizable structural and design features. The onus is therefore on the analyst to provide a warrant for the use of a particular descriptive label. Importantly, CA treats structure and organisation in interaction as matters for empirical investigation rather than as premises for research. Thus, the analytic perspective on formal negotiations taken by this paper, pays attention to sequences of talk and on activity manage-

ment and not on the identification of underlying strategic patterns of the whole negotiation.

3.   The data comprise audio-recordings from two sources: one is a large engineering company in the north-east of England in which various in-house industrial relations negotiation meetings were recorded, and the other source is meetings which took place in a variety of locations between management representatives of various organisations and a full time trade union official whose job it was to represent the groups of workers concerned. Analyses of these data reveal that the negotiation process is constituted by identifiable sequences of talk ('negotiation sequences') in which issues are raised and discussed with a view to finding a resolution. The 'negotiation sequence' is initiated by one party taking a position on an issue and thereby eliciting a counter-position from the other party; these initial positions subsequently undergo reformulations and modifications until either agreement is reached or the talk moves on to some related issue.

The focus of this paper is the union's initial position, and the way in which that position emerges through the production of a complaint; specifically, it is observed that the complaint is accomplished implicitly and that that implicitness is a collaborative achievement of *all* the participants, thus instantiating their orientation to 'doing negotiating'. Space constraints limit the discussion to a consideration of one case, but the structural observations made are characteristic of the analytic findings of the whole data corpus.

(1)   [PORT:LWK:375] (simplified)[3]

```
 1  Sam:    't 'hhhh THIS REdeployment of workers into bay six. (0.4) wha's (0.3)
 2          what's tha' abou'.
 3          (0.5)
 4  Brian:  well er I mean it was er (0.3) initially  Ron's id[ea? tryin' te]
 5  John:                                           [Ron's (yeh) ]
 6          (0.4)
 7  John:   here we go?=
 8  Brian:  =hhh [try]in' to er (0.6) sor' somea' ou' he (asked most of us)=
 9  John:   [(y)-]
10  Brian:  =as well if they're gonna (0.4) try: (0.4) anything like tha'
```

```
11          it's gonna've to be on a voluntary basis to star['with?]
12  John:                                      [you know] as
13          well as I do they'll pu' th[e- you  pu' a not]ice up
14  Brian:                              [an' ye' you won',]
15          (0.4)
16  Sam:    mm hm
17          (0.2)
18  John:   [an' nobody'll come forward [°( )°.
19  Brian:  [(my)                     [(my) opinion you won' ge' any
20          (coming for[ward)
21  Sam:              [the(s) tr- (0.2) the problem is. (1.0) tha' we: (.)
22          have a situation at the momen' where (0.3) we have (0.2) people (0.2)
23          workin' (.) in the wrong areas.
24          (1.1)
25  Sam:    we have to pu' people in the machine shop an' fabrication  (0.5) an' we
26          have to move    [people from (fr'm) the fi'in' areas,
27  John:                   [°mm hm°
28  Sam:    (0.5) there is no work in those areas
```

Extract 1 is taken from the first data source (the engineering company), and is an in-house meeting between a workshop manager (Sam) and two shop stewards (John and Brian). This is a subsequent meeting, arranged so that Sam can report back to the stewards on his investigation into the union allegation, made at the prior meeting, that wages are being adversely affected by a change in the type of work the company is attracting. Before this agenda commences (i.e. during the preliminary talk) the stewards present Sam with a list of grievances which they want to discuss. Once discussions on the agenda item have reached a mutually acceptable resolution, Sam proceeds to refer to the list of grievances, raising each, in turn, for discussion. Thus at line 1 in the extract Sam is referring to the next item on the list: redeployment of workers. In order to understand the two sides' perspectives on this issue some contextual information is relevant at this point.

The negotiation meetings recorded with this company took place during Spring 1991, a time when the depressed economic climate was becoming increasingly problematic for the company. The amount of orders received had reached such a low point that the Fitters had no work to do and were basically being paid for doing any odd job that could be found. Of course this situation was not one the company felt it could sustain for long. However, other areas of the workshop were seeing a

sudden (although temporary) rise in orders (in the machine shop where sheet metal is cut and made into silos). This situation promoted the possibility of workers being redeployed, a move which caused some consternation among the workforce who foresaw various unacceptable consequences, including the possibility that they might be redeployed against their will and thence be made redundant if they can not perform their new job satisfactorily. In the extract, the union are relating their concern about how such a policy of redeployment is likely to be introduced; that concern is suggested in their report of the foreman's (Ron) assurance that redeployment will initially be voluntary which is disputed by the stewards' knowledge of the workers; in sum, they are worried that redeployment will be involuntary, whilst the management side regard this as the only viable option. The extract shows only the beginning of this 'negotiation sequence', it continues for about ten minutes.

4. A routine feature of the interactional organisation of institutional talk is the participants' management of specific kinds of activities in sequence, and their orientation to such sequential structures as requirements of the orderly accomplishment of the talk (see Drew & Heritage 1992a). This has been noted with respect to dispute-resolution and decision-making talk. Maynard (1984) observes that the decision making process in plea-bargaining sessions is constituted in, and realised by, specific patterns of activities constrained by the 'bargaining sequence'. This sequence comprises two turns: a first speaker announces a preference or makes a proposal, in response to which a second speaker exhibits agreement or disagreement. A decision is arrived at when they both agree to take the same position. Also, in his work on telenegotiations between buyers and sellers, Firth (1991) identifies what he calls the 'purchasing sequence' which comprises three parts[4]: firstly a request from the buyer for a price quote; secondly the provision of that quote by the seller; and thirdly the buyer's acceptance. Both these descriptions are of sequences in their unextended, basic form - they may be extended at any stage, for example, in the 'purchasing sequence' by the buyer who requests a modification to the initial quote. Within this context we can identify the 'negotiation sequence', characterised by its occurrence in a disputatious environment such that when one side takes an initial position on an issue

---

4   The sequence comprises `parts' rather than `turns' because it transcends the spatio-temporal constraints of a single communication session or communication mode (i.e. the various component parts may be realised by telex or telephone).

the other side can be expected to take a counter-position. However, it differs from the 'argument sequence' identified by Coulter (1990) in two important respects: firstly, the 'negotiation sequence' is constrained by the requirement of cooperation aimed at resolving dispute which is absent from the 'argument sequence'; and secondly, dispute is occasioned by the initial turn in the 'argument sequence' whereas it is a precondition of the 'negotiation sequence', either because the issue raised is on the agenda for discussion (e.g. in excerpt 1), or because the participants' identities (i.e. union/management) presume disagreement between the two parties.

Industrial relations negotiations provide formal means of resolving disputes within the workplace between two mutually exclusive although interdependent groups of people. During the preliminary talk the participants' status is that of individuals; however, once the chairperson (or equivalent) opens the meeting by turning to business, their 'negotiation roles' become relevant. A participant's team membership and role within that team become operable (e.g. spokesperson, silent observer) at this transition point and remain so for the duration of the meeting, although the participant's individual status is still available and may be made relevant at any point. The concept 'team' has two aspects: firstly it extends to include all members, whether present or not, thus even when a negotiating team consists of only one person (e.g. the management team in the case under discussion), that person assumes the role of representative of the other (non-present) team members; and secondly it describes team membership between participants within the meeting.

Meetings are typically prompted by a union grievance and thus it is relevant for the union to initiate the negotiation of that issue by stating what that grievance is and any proposed solution the members may have in mind. Such complaints are routinely about work practices or conditions and the intention is to secure some desirable change from those who have the power and ultimate responsibility to bring about that change - i.e. management. Thus the issue is raised in an expectedly disputatious environment and negotiated with a view to reestablishing harmony within the order. In ordinary conversation the activity of taking a confrontational position is likely to invite a similarly confrontational position from the recipient and thence escalation into argument (Coulter 1990; Goodwin & Goodwin 1987; 1990). This susceptibility is obviated in 'mediation talk' by the presence of the mediator; it is they, rather than the incriminated party, who are the direct recipient of any dispute-relevant

96

activities performed in a speaking turn (Garcia 1992). The mediator then addresses the turn to the incriminated party but in the process antagonistic remarks can be dropped and it can be reformulated to be more constructive and conducive to discussion.

In 'negotiation talk' the participants have to deal with the task of avoiding an escalation of confrontation without the intervention of a third party. By investigating how initial positions are taken, we can gain some insight into the procedures through which 'cooperative management' of dispute is accomplished, and thereby also begin to build an account of what constitutes 'doing negotiation'.

5.   The process of taking positions and counter-positions is intrinsic to the negotiating activity; it is through subsequent formulations that each others' positions can be explored and a resolution arrived at. Position-taking may involve the accomplishment of many different kinds of activities (e.g. 'proposing', 'disagreeing', 'demanding') and is frequently a combination of more than one, notably activities through which a position is initially stated (e.g. with a 'demand') and then subsequently explicated (e.g. with a 'complaint'). As with position-taking in any context, until the reasons for taking that position have been provided, the recipient is unable to construct a counter-position. Given that industrial relations meetings are prompted by union grievances[5], complaining is an expected, and thus oriented to, activity with which the union's initial position is realised. The subsequent management counter-position is typified by that team explaining their perspective on the complainable situation outlined by the union. So if we return briefly to the extract, the sequential implicativeness of Sam's initial turn in lines 1-2 in which he raises the issue of redeployment, is that the union side give an account of why it is included on their list of grievances, i.e. the appropriate activity to occur in this slot is a complaint.

Positions are oriented to by the participants as identifiable chunks of talk. They may be jointly constructed by co-team members and thus be realised by more than one speaking turn[6]. When one team is formulating their position, the recipient team may perform various speech activities: but these activities display 'recipient-mode' (for example, Sam's

---

[5]   The exception to this in the data corpus is a series of meetings through which an annual wage agreement is negotiated.

[6]   See Francis (1982) for a discussion of `team-talk' and the team construction of positions.

acknowledgement token in line 16 displays that he understands that the union position is not yet complete and that he is still listening), or they are aimed at enhancing the recipient team's understanding of the position under construction (for example by requesting clarification). When the recipient team recognizes the (possible) completion of the position, they assume speakership and construct a counter-position.

It is commonly observed that part of the negotiation process includes the prior specification of preferred outcomes (see Putnam & Roloff 1992). These 'bottom-line' goals are then frequently treated as constants informing the strategic behaviour of the participants throughout the negotiation (for example in social psychological and experimental research), such that initial goals can be used to assess the relative success of the outcome (however, see Hosking & Morley 1991). In contrast, a central characteristic of these 'real life' industrial relations negotiations is the emergence of a joint perspective. A team may realise, in the process of talking, that the perspective on which their initial goal was built requires revision, thus removing the relevance of that goal. Workforce and management perspectives on what is going on in the work place inevitably contrast, but if they are not in regular and good contact with one another, that difference is likely to increase. The meeting place provides an opportunity for remedying this, each side learns of the other's perspective and in the process their perspectives undergo change. So the exchange of positions and counter-positions may at times be characterisable in terms of relating two sides of a 'story'.

6. Focussing again on the extract, the stewards, in response to a solicitation from management, present their position on the issue of redeployment (lines 4-20), and that position is formulated as a complaint: firstly they report an event in which Ron assured them that if redeployment was introduced it would initially be on a voluntary basis; and secondly they express their opinion that no worker would volunteer. This opinion does not explicitly identify why the reported event concerning Ron is a matter for complaint, but its occurrence invites a particular, prejudicial interpretation of his action. John's assertion that Sam knows as well as he (line 12) that no-one will volunteer for redeployment identifies this knowledge as widely available to management as well as to the union. The implication is that when Ron made the assurance to the union he was fully aware of the infeasibility of voluntary redeployment; he was therefore intentionally misinforming them and intentionally misrepre-

senting himself, pretending that he was acting out of genuine concern for the workers when in fact his motivations were less honourable: he is thus portrayed as being morally culpable. Why this suspected deceit should be important enough to warrant a complaint to management is tied up with the union's suspicions regarding Ron's real motive. Because involuntary redeployment would greatly affect the workforce, it can be presumed that if the issue crops up they would want to know about it and that they would oppose it. This provides a motive for management to pretend to the union that the situation is non-threatening (i.e. that redeployment would be voluntary) so that they may implement their policy of involuntary redeployment without arousing union opposition. This is the motive which the union are implicitly attributing to Ron in their complaint. So the complaint is engendered by the union's concern about involuntary redeployment and their awareness of management's possible reactions to that concern. But note that neither the complaint about Ron's (and therein management's) moral culpability, nor the underlying union concern about involuntary redeployment are made explicit, rather they are inferred from the details provided by the union in the formulation of their position.

   Sam's response (line 21-26) displays that he understands the union position to be designed to accomplish just this.

```
(2)        [PORT:LWK:375] (detail)
 19  Brian:  [(my)            [my opinion you won' ge' any
 20           (coming for[ward)
 21  Sam:              [the(s) tr- (0.2) the problem is. (1.0) tha' we: (.)
 22           have a situation at the momen' where (0.3) we have (0.2) people (0.2)
 23           workin' (.) in the wrong areas.
 24           (1.1)
 25  Sam:    we have to pu' people in the machine shop an' fabrication (0.5) an' we
 26           have to move [people from (fr'm) the fi'in' areas,
 27  John:                [°mm hm°
 28  Sam:    (0.5) there is no work in those areas.
```

   He addresses the implicit union concern about involuntary redeployment but formulates it as a defensive account which counters the, again implicit, union suspicion that management are reprehensible. The prefatory component projects that the turn is identifying a difficulty which management are faced with (the(s) tr- (0.2) the problem is). Sam is presenting management's side of the story in which his team are shown to be constrained by the demands of the situation: redeployment

is necessary regardless of whether *either side* are in favour of it. By designing the account in this way Sam is orienting to the relevance of an explanation which 'puts the record straight'. Thus a complaint about the foreman is treated as being a complaint about management in general; Sam does not offer a defence of Ron but rather a defence of management. In this way he is also responding to the underlying fears that are being alluded to in the union's initial position. However it is important to note that although Sam's turn 'speaks to' the issue of involuntary redeployment, it does not explicitly do so; the management opinion that redeployment is inevitable and thus beyond their control is, again, inferred from the details he provides: by formulating the movement of workers from one place to another in two parts (i.e. "we have to put people in X and we have to move people from Y") the process of redeployment, and its necessity, are described without Sam having to adopt the explicit formulation "forcible redeployment".

The activity which is being accomplished in this initial position is potentially highly confrontational. The union team need to express their complaint in order to elicit an explanation and possible reassurance from management, without which their suspicions cannot be dispelled. In other words, the union team are required to perform the risky activity of accusing management if this issue is to be negotiated, and the management team are required to deal with the uncomfortable task of giving some account of themselves. However, that potential for confrontation is avoided through the implicit and mitigated form in which the complaint is done; these activities are managed by the participants in a way which constitutes and facilitates cooperative discussion rather than in a way which increases the dispute between them. This is a joint accomplishment, requiring the collaboration both of the stewards in their construction of the team position, and of the manager in the design of his response.

The implicitness of the union complaint is maintained throughout the formulation of their position. Team effort in the construction of their position provides important evidence that the participants share a mutual understanding of how to design their talk so that it constitutes 'doing negotiation'. The position is started by Brian (line 4) and although John's comment, "Ron's (yeah) (0.4) here we go", contributes to the projection of a complaint by insinuating that Ron's involvement has inevitable consequences, it is designed as an aside, he is not competing with Brian to be main speaker. Immediately the report about Ron is complete (line 11), John takes over as main speaker to express the opinion which

causes them to doubt Ron's assurance. He employs the formulaic "you know as well as I do" which evokes Sam's and his own personal identities, temporarily postponing the relevance of team-membership, and thus inviting Sam's complicity. However, this necessitates excluding Sam from the subsequent reference to the management team ("they'll put the" [notice up]); John initiates self-repair at this point, reformulating what he was about to say so that Sam is re-identified as a member of the management team ("you pu' the notice up"). In overlap with this, Brian begins to provide the next component in this argument (i.e. firstly: "they'll put the" [notice up] and secondly: "and yet you won't" [get anyone coming forward]) but he drops out, perhaps prompted by his realisation that John has initiated self-repair. Both John (line 18) and Brian (line 19) then start up to provide the next component; again Brian drops out, but restarts at the end of John's turn constructional unit (line 19). In his version of this opinion, John formulates it as his own rather than the team's position; however, Brian's assertion that it is *his* opinion ensures that the *team* nature of the position is maintained. During this construction, Brian and John are orienting to the appropriateness of specific components at specific junctures in the talk. The indirectness of the position is jointly constructed and maintained and herein lies the observed requirement of *cooperation* in negotiation.

Management also cooperate in the avoidance of confrontation by orienting to, and collaborating in the implicit, mitigated design of the talk. At the point where Sam begins his counter-position an explicit formulation of the complaint against Ron has not yet been made, and thus the union position may be deemed unfinished. In ordinary conversation complaints about a third party are routinely explicitly formulated out of the complaint-relevant details provided (Drew 1992). Further, Pomerantz (1978) notes that where an 'unhappy incident' is reported but no attribution of blame has been made, various operations may be performed in order that responsibility be attributed to someone; one such operation is the recipient's orientation to the telling as not-yet-compete by formulating an actor-agent in the next slot thereby prompting the provision of further details. It is therefore significant that Sam orients to the transition relevance of this point (line 21), by assuming speakership in order to construct a counter-position rather than to request further clarification or explication from the union about their complaint. Thus, the union might have formulated their complaint explicitly, or management might have pursued that explicitness, and the observation that such explicitness is routinely *not* sought in these data is an important one.

   By sustaining the implicitness with which the complaint is managed, the participants collaborate to minimise confrontation. If the union team had directly voiced their suspicions about Ron, it would be relevant for Sam to refute them in his response. Thus the sequential implicativenss of the union position would move in the direction of confrontation. Excerpt 3 provides an illustration of a complaint which leads to confrontation in just this way. It occurs during the preliminary talk of the same meeting. John is explaining why he feels like standing down as shop steward and a major part of the reason is that nothing ever gets done about the workers' grievances; he has been to Ron about a number of issues (the list of grievances) and nothing has happened. However he does not stop at that point but goes on to articulate his explanation for this lack of action - Ron's professional misconduct (line 12-13) - occasioning a refutation from the manager (line 15) which is followed by a concessionary reassertion from John (line 18).

(3)   [PORT:LWK:000]
   1 John: SO: ? (0.7) I am sick to death (0.5) of coming up against(1.3) people
   2   tha' are not interested in the problems that go on round the workshops
   3   (0.3) especially in our area.
   4   (0.8)
   5 John: I've go' a list there. (0.7) of all things that we've been to Ron Smith
   6   abou' (0.8) an' got no: (2.0) well no
   7   move[men' (there) wha]tsoever.
   8 Brian: [n o j o y]
   9   (0.3)
  10 Brian: nothing whatsoever.
  11   (0.4)
  12 John: 'e either passes the buck on to you? (0.4) or he doesn't wanna
  13   know. (0.3) full stop.
  14   (0.8)
  15 Sam: oh that's [no' strictly true,
  16 John: [so
  17   (1.0)
  18 John: well that's wha[' it [seems like to me.[so
  19 Sam: [(b)- [(bu-   [oh well look the
  20   small batch (   ) is wha' we're here to talk about this mornin'....

However, note that even when direct confrontation emerges in the talk, it is mitigated and the participants quickly move away from it: Sam's "oh that's <u>no'</u> strictly <u>true</u>" is not categorical in its rejection of John's accusation but is mitigated by allowing that his complaint may have *some* degree of truth. In his response, John retreats from his prior, unmitigated version of Ron's professional misconduct by reformulating it as "wha' it seems like to" him. And subsequently, Sam does not continue to challenge John but averts an escalation of confrontation by shifting to a consideration of the list of grievances (line 19). So an explicit formulation of the complaint alters the sequential implicativeness of the position being taken. The union position in excerpt 1 sets up a next slot in which it is appropriate for management to provide a defensive account but accomplishes that without directly soliciting one.

The design of these complaint activities displays a particular preference which Pomerantz (1978) describes thus: "...sequences may be organized to permit and prefer attributing blame to self (e.g. apologies, admissions, confessions) over attributing blame to co-participant (e.g. blamings, complaints, accusations)." (*ibid*:120). In negotiation talk where it is essential to avoid doing things which may antagonise the other side and so jeopardize discussions, such a preference is highly appropriate[7], and the analysis of this particular case provides illustration of how that preference is interactionally accomplished.

7. In sum, implicitness and mitigation provide a way of constraining the sequential implicativeness of a potentially provocative action. The turns in which the union position is constructed are designed with a view to minimising the likelihood of a response which is damaging to the negotiation process; they are designed to minimise confrontation. Of course, there remains the possibility that Sam will be provoked and will respond as if the union allegation had been overt. This suggests that in order to sustain cooperative discussion *all* participants need to be orienting to its maintenance in the design of their talk. 'Indirectness' and 'implicitness' have been associated with politeness which is usually regarded as a manifestation of the speaker's orientation to social mores and power relations, and thus superfluous to the speech act being performed and consequently to the essential focus of linguistic research (see

---

7   This is in contrast to argument sequences wherein this kind of preference is not found (see Coulter 1990; Goodwin & Goodwin 1987; 1990).

Brown & Levinson 1987; Green 1989). However, identifying the categories of action (or speech acts) which occur in negotiations tells us nothing about the nature of the negotiation process - about what constitutes *doing negotiating*. All those activities which occur in the negotiating setting (e.g. 'complaints', 'accusations', 'proposals' etc) can arise in any speech setting and thus talk is not 'negotiation' by virtue of their occurrence alone (Firth 1991; Francis 1982). The participants' orientation to 'what it is to do negotiating' inheres in the design of the talk and it is through detailed analyses of the way such activities are accomplished that we can begin to build an account of that talk's 'negotiation' character. When we have that account it can then be used to carry out comparative analyses on different kinds of negotiation settings, in order to, for example, investigate the 'intercultural' character of negotiation talk.

References

Atkinson, J.M. & Heritage, J. (1984): *Structures of Social Action: Studies in Conversation Analysis.* Cambridge: CUP.

Brown, P. & Levinson, S. (1987): *Politeness: Some Universals in Language Usage.* Cambridge: CUP.

Coulter, J. (1990): Elementary Properties of Argument Sequences. In: G. Psathas (ed) *Interaction Competence: Studies in Ethnomethodology and Conversation Analysis.* University Press of America: Maryland, 181-204.

Donohue, W. A. (1981): Analyzing negotiation tactics: Development of a Negotiation Interact System. In: *Human Communication Research* 7, 273-87.

Drew, P. (1992): On Morality and Conduct: Complaints about Transgressions and Misconduct. Paper delivered at the meeting on "Moral Dimensions in Dialogue" Werner-Reimers-Stiftung, Bad Homburg, Germany, 11-14th November 1992.

Drew, P & Heritage, J. (eds) (1992a): *Talk at Work: Interaction in Institutional Settings.* Cambridge: CUP.

Drew, P. & Heritage, J. (1992b): Analyzing talk at work: an introduction. In: P. Drew & J. Heritage (eds) *Talk at Work: Interaction in Institutional Settings.* Cambridge: CUP, 3-65.

Erickson, F. & Schultz, J. (1982): *The Counselor as Gatekeeper: Social Interaction in Interviews.* London: Academic Press.

Firth, A. (1991): *Discourse at Work: Negotiating by Telex, Fax, and 'Phone* unpublished PhD thesis, University of Aalborg, Denmark.

Francis, D. W. (1982): *Some Features of Accounts in Industrial Conflicts* unpublished PhD thesis, University of Manchester.

Francis, D. W. (1986): Some Structures of Negotiation Talk. In: *Language & Society* 15,

53-80.

Garfinkel, H. (1967): *Studies in Ethnomethodology*. Englewood Cliffs, N.J.: Prentice-Hall. Paperback edition, 1984: Studies in Ethnomethodology. Cambridge: Polity Press.

Garcia, A. (1991): Dispute Resolution without Disputing: How the Interactional Organization of Mediation Hearings Minimizes Argument. In: *American Sociological Review* vol 56 December, 818-835.

Goodwin, M.H. & Goodwin, C. (1987): Children's Arguing. In: S. Philips, S. Steele & C. Tanz (eds) *Language, Gender, and Sex in Comparative Perspective.* Cambridge: CUP, 200-248.

Goodwin, C. & Goodwin, M.H. (1990): Interstitial Argument. In: A. Grimshaw (ed) *Conflict Talk: Sociolinguistic Investigations of Arguments in Conversations.* Cambridge: CUP, 85-117.

Green, G.M. (1989): *Pragmatics and Natural Language Understanding.* Hillsdale: Erlbaum.

Gumperz, J. (1982): *Discourse Strategies.* Cambridge: CUP.

Heyman, R. (1989): Cultural difference in Conversational Interaction: Science or Common Sense. Paper delivered to the ISA Sociolinguistics conference on "Conversation, Discourse and Conflict". Dublin: Trinity College.

Hosking, D. & Morley, I. (1991): *A Social Psychology of Organizing: People, Processes and Contexts* Harvester. Hemel Hempstead: Wheatsheaf.

Maynard, D. W. (1984): The Structure of Discourse in Misdemeanour Plea Bargaining. In: *Law & Society Review* volume 18, No. 1.

Pomerantz, A. (1978): Attributions of Responsibility: Blamings. In: *Sociology* Vol 12 no. 1, 115-121.

Psathas, G. (ed) (1990): *Interaction Competence: Studies in Ethnomethodology and Conversation Analysis.* Maryland: University Press of America.

Putnam, L.L. & Jones, T.S. (1982): The role of communication in bargaining. In: *Human Communication Research* 8/3, 262-280.

Putnam, L.L. & Roloff, M.E. (1992): Communication Perspectives on Negotiation. In: Putnam, L.L. & Roloff, M.E. (eds) *Communication and Negotiation.* London: Sage Publications.

Schegloff, E. A. (1987): Between Macro and Micro: Contexts and Other Connections. In: J. Alexander, B. Giesen, R. Munch, and N. Smelser (eds) *The Micro-Macro Link* (Berkeley and Los Angeles: University of California Press).

Schegloff, E. A. (1992a) : On Talk and its Institutional Occasions. In: P. Drew & J. Heritage (eds) *Talk at Work: Interaction in Institutional Settings.* Cambridge: CUP.

Schegloff, E. A. (1992b) : In Another Context. In: A. Duranti & C. Goodwin (eds) *Rethinking Context: Language as an Interactive Phenomenon.* Cambridge: CUP.

Sinclair, J.M. & Coulthard, R.M. (1975) : *Towards an Analysis of Discourse: the English Used by Teachers and Pupils.* London: OUP.

Zimmerman, D. & West, c. (1975): Sex roles, interruptions and silences in conversation. In: B. Thorne & N. Henley (eds) *Language and Sex: Difference and Dominanc.* Newbury House: Rowley MA, 105-29.