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SEE YOU IN COURT



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Holda has worked for 4 years as a front of house, Customer Service Coordinator at a well-known hotel chain in Munich, Germany. During this time she always worked on Saturdays and Sundays as she was simultaneously studying Law at university. She needed to balance her time and her income.

As the time demands of her degree increased in her final year, Holda realised that in addition to her mid-week attendance at university she needed to spend every Sunday studying. She knew this would mean a reduced income from the hotel, but she was happy to continue to work on Saturdays and she needed the extra money that her supervisory position provided.

Holda approached her manager, Xavier, to explain her situation and her desire to no longer work on Sundays. She had a good relationship with her manager; she was respectful, rational and logical in her approach to him, though she was adamant that she needed to have Sundays free for study.

Xavier *'Okay, I see your point, but it's not a decision I can make alone. Let me speak to the management team and I'll come back to you.'*

3 weeks later Holda took a telephone call from Xavier...

Xavier *'Holda, if you want to drop your Sunday shift that's fine, but in that case I am afraid you will have to lose your front-of house customer service position. We will need you to work in the back office.'*

Holda *'That sounds to me like a demotion. What's the logic and reason behind me having to lose my front of house role on Saturdays?'*

Xavier [Silence... for about 5 seconds, but which felt like 5 minutes]

Holda *'Xavier, are you still there? I was asking you about the logic and rationale behind the decision.'*

Xavier *'Yes, sorry. I don't really know what to say other than it's a decision that's been made by the whole of the management team, and yes, it would mean a demotion to back office.'*

Holda *'On what basis? I need to understand the reason behind this decision, and you can't just cut my wages.'*

Xavier *'Holda, this was your request not ours. I wasn't at the meeting but I think it was something to do with the hotel needing one person to do the front-of-house role for the whole weekend.'*

Holda *'So why is it then that the weekday staff rotate their roles continuously throughout the week and even rotate parts of each day?'*

Xavier [Silence... for about 6 seconds, but which felt like 6 hours!]

Holda *'Xavier, I'm currently studying a module on 'Employment Law'; let me look into the legalities of this situation and I will come back to you within 48 hours.'*

47 hours later...

Holda [Summary of letter, to Xavier and Simon – HR Director]
'Dear Xavier and Simon, I am hereby electing, from 1st September 2016 to opt out of Sunday trading hours, in accordance with current employment law. I believe, by submitting this letter, I have given you the required statutory notice. I will continue to work on Saturdays as front-of-house Customer Service Coordinator as per my contract of employment.'

3 days later...

Xavier *'Holda, I've spoken to HR and the management team have been advised by HR to grant your request to drop your Sunday hours due to education reasons.'*

Sequel

10 months later Holda achieved a distinction in her Law degree.

She now holds a position as a defence lawyer supporting people in employment tribunals.

On Saturdays, Holda works at a 5 star hotel in Utrecht, Netherlands.

She is the duty Customer Service Director.

Despite her senior position Holda prefers to work 'front-of-house' with customers rather than in the management office with people whom she describes as not even able to run a bath!

INSIGHTS AND LEARNING

Be clear of your facts

Did the hotel management team really investigate the legalities of this situation or did they just react on the basis of what they thought should happen? If they had sought the facts then they may have responded differently and would not have been caught out by Holda's superior knowledge.

Stick to logic in such situations, not emotion

Did the management team react in an 'emotional' way because they felt that they were in charge, and who was this young person to dictate to them their own terms of employment?

Anecdotal evidence from Holda suggests that the 'management' in the German hotel regarded themselves as several tiers above the general staff and that their edicts were to be regarded as law - not to be questioned.

Beware of people hiding behind 'others'

Did Xavier even put Holda's request to the management team, or could his awkwardness and silence be a symptom of him 'hiding' behind a management team that had not even been consulted?

It happens, particularly with weak individuals who do not want to confront difficult issues and so hide behind corporate policy, procedures or the decisions of senior management, even if none of these things are true.

HOW CAN I USE THIS?

Be assertive

Easy to say - not so easy to do for some people.

However, the message here is to not take everything you are told or presented with at face value.

You can challenge people's assertions respectfully; you don't need to be rude or aggressive about it, but if you feel that something is not right, and the issue is important enough, you can and should push back.

Use data, information, precedent, logic and reason

These things are difficult to argue with. Present your case (even if you're not a lawyer!), and wait for the response from the other party. Show how what is being proposed does not 'fit' with what has been done in other identical or similar cases.

Use third party data, information or other forms of rational evidence to show that it is not just you who is saying this or making this point, it's backed up by 'significant others'.

If they can't substantiate their position then they will pause, stutter, splutter and stumble, make excuses or come out with some half-baked explanation that won't stand up in the corridor let alone in a court of law.

Notice when people go silent

Xavier may be a person who's slow to respond in general. However, a 3-week gap between Holda's simple rota request and a response from him is questionable.

When someone does not respond in a reasonable time frame then it may be because they don't know, they don't care, they've forgotten, the issue is not important to them, they have other priorities or something else is going on that you're not aware of.

It's important not to assume the reason for a lack of response; though you are owed some sort of reply. So, seek to understand the situation and pursue the answer to your question. Assuming you're not just being an annoying pest dealing in trivia, you're not being irrational,

overly fixated or otherwise unstable, you're only asking for respect and professionalism from the other party; put the question back to them.

If until now you've been using email try a phone call instead – that way it's more difficult for them to avoid you.

Are you a man or a mouse, a woman or a worm?

In negotiations, nobody likes to feel they lost out or did not get a reasonable deal, a just hearing or a fair bargain.

Don't be the person who later, often repeatedly, thinks back to, harps on about, or otherwise beats him or herself up because they did not stand up for themselves when the situation presented itself and warranted it.

Often in negotiations you need to act in the moment and not let an opportunity or situation pass without taking timely appropriate action.

Holda did, and look where she is now.

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