



Anne Fisher

Ask Annie

My Sales Team Is Making Deals That Totally Stink

Dear Annie: I recently took a position as chief financial officer at a startup whose revenues have been growing steadily for the past few years, but whose profits are slim and, in fact, shrinking. The CEO asked me to figure out why this is so, and it's clear to me that the main reason is the approach our salespeople are taking. To hold on to several very big, important customers, they've been giving out all kinds of special deals and concessions that are whittling our margins, in some cases to zero. Of course we want to keep these customers, but we need to learn how to do it without letting them eat our lunch. Can you or your readers recommend any books or training programs that we could use to become more effective at negotiating sales contracts? — *At a Loss*

Dear Loss: I'd be willing to bet that your salespeople have been drilled in a style of negotiating known as "win-win," wherein the idea is that both sides make compromises in order to reach an agreement. The trouble is, "win-win" negotiating—which is based on the rules for collective bargaining in labor relations, as spelled out by the National Labor Relations Act of 1935—too often in other contexts leads people to make deals that are really win-lose, because one side ends up compromising much more than the other, even to the point (as you've noticed) of giving away the store. One suggestion: Take a look at a fascinating book called *Start With No* (Crown Business, \$22.95). The author, Jim Camp, has coached people through thousands of negotiations at companies like Motorola, Texas Instruments, Merrill Lynch, IBM, and Prudential.

Start With No is all about how to get over the hurdles—including "saving the relationship," or confusing a business arrangement with a friendship—that often keep salespeople and other negotiators from protecting their own best interests. The book is loaded with case studies, like the one about the young, eager, inexperienced Silicon Valley entrepreneurs who, until Camp stepped into the picture, very nearly sold \$8 million worth of proprietary technology to a Japanese conglomerate for \$400,000. Ouch. If you read the book and want your salespeople to learn how to use its ideas, check out Camp's training course—including a self-paced online tutorial and in-person coaching—at www.startwithno.com. It's terrific stuff, and it may turn out to be just what you're looking for.

Dear Annie: After 21 years happily moving up the ranks at a FORTUNE 500 company, I've run into a situation I've never encountered before. A colleague who joined my work group two years ago has turned my life into a nightmare. He is

hostile, sarcastic, and abusive, and for the past ten months the two of us have had confrontations in team meetings that led to shouting matches. Now things have escalated to where he is making false accusations about me to our boss, and even though I can document the facts (which contradict what he's saying), the boss believes him. The whole thing has me so depressed and alienated that I almost never leave my cubicle, and it's affecting my work and my health. Do I have grounds for a hostile-environment lawsuit? Is it a viable option? — *Lila*

Dear Lila: No. Unless there's a strong element of racial, sexual, or religious discrimination involved, what your obnoxious co-worker is doing is not illegal. "The law doesn't attempt to regulate civility in the workplace," says Stephen Poor, managing partner of Chicago employment law firm Seyfarth Shaw. "Unfortunately, it's inevitable that there will be personality conflicts. How would you ever enforce laws against that?" He adds that most big companies such as yours have "ombudspeople, HR staffers trained in conflict resolution, and specific procedures for handling situations like this. Have you really exhausted all of those avenues? Try going through those channels and see whether you can work this out." If not, Poor suggests, "Go to senior management, explain what's happening, and ask, 'Is this really the kind of organization we want to be?' If higher-ups see nothing wrong with your colleague's behavior, you may need to find a job at a different company, one where this kind of thing is not tolerated. But it's not a legal problem." Good luck.

Dear Annie: The company where I work is about to go through its third round of layoffs, which are supposed to take place in stages over the next 12 months. I've been planning to leave next year and travel through Asia, so I'd like to volunteer to take the severance package and start my trip sooner. But in the meantime, I don't want to be seen as someone who isn't committed to the company. What's the best way to indicate that I would like to be laid off? — *Eastward Ho*

Dear E.H.: "The fact is, if you're planning to quit anyway, you're not committed to the company. You're just hoping no one will give you a hard time about it," observes China Gorman, chief operating officer of global outplacement and career-services giant Lee Hecht Harrison (www.lhh.com). "In every downsizing, there are always a few people who want to get 'on the list,' so just go to your boss and say so. You could frame it as 'If my leaving could help save someone else's job, I'd be willing to do that.'" How noble of you. Bon voyage! **F**

"Win-win" negotiating often leads to deals that are really win-lose, because one side ultimately gives up too much.

Send questions to askannie@fortunemail.com. Annie offers advice weekly at www.askannie.com.