

'Sorry' can be worth its weight in gold...

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"I NOW understand the human side and the hurt you felt. It's a people business and we need to work together... I am truly sorry that this happened."

These were the words of the senior partner of a professional services firm to a client. In a face-to-face meeting, he had listened to the strong concerns expressed by the client about a transaction that had not worked out as the client had expected.

The client blamed his advisers. The firm did not accept that they were at fault. Nevertheless, by addressing the sense of frustration directly, the senior partner brought to an end what would have become a long-running and expensive dispute - both monetarily and in reputation.

We hear a lot these days about the giving of apologies at national and international level for events that have occurred generations ago.

As a mediator, however, my interest is in the frequency of occasions in which apologies can play a vital role in commercial disputes. Often, people say "It's only about the money" or "Let's cut through this and get straight to the figures".

Nearly always, even in an apparently hard-nosed commercial transaction, there is a further dimension. At a human level, someone feels slighted, offended, angry, deceived or hurt by what someone else on the other side has said or done.

If this is not addressed, the prospects of achieving a sensible negotiation and a satisfactory resolution can be greatly diminished, because the sense of being hard done by will resurface and plague discussions about the commercial aspects.

On the other hand, I have seen notional claims reduce by hundreds of thousands of pounds when a claimant has feelings of anger or hurt acknowledged. We often do not fully appreciate the value of self esteem - and the cost of ignoring it.

Take, for example, a contractor who had invested money, time and effort in a project. He felt that the beneficiaries of this, with whom he had a number of contracts, had deliberately tried to put him out of business. There were claims and counter-claims. In reality, however, until the sense of injustice had been explored and understood, recognised and acknowledged, no progress could be made.

Or take a long-serving and dedicated employee who felt that she had been bullied and harassed by a superior. Internal grievance procedures had found no evidence of wrongdoing but the sense of hurt at the treatment she perceived she had received at the hands of her employer was deep-seated.

She became ill and clinically depressed. She made a large claim against her employer. The matter dragged on for many months. It took a series of face-to-face meetings for the scale of the impact on all concerned to be appreciated.

When her employer expressly recognised her feelings, acknowledged the impact on her family, and apologised for the effect that events had had on her, the lifting of a heavy burden was palpable.

This did not constitute an acceptance by the employer of liability for what had happened but it created an environment for constructive conversations about how to move on.

There are distinctions between apologies, acknowledgements and expressions of regret.

Saying "I am sorry that this happened to you" is different from saying "I am sorry for what we did that day".

Different again is saying "I understand what you have said and appreciate what you have been through".

Each may have its place according to the circumstances.

It is important that whatever is said is expressed thoughtfully, clearly, unequivocally and sincerely - and face-to-face if at all possible. A follow-up letter reinforcing the points made can be helpful, as people often don't absorb everything in the anxiety of the moment. Consistency is critical.

They say that "sorry seems to be the hardest word" but it can be worth its weight in gold.