

Resolving a Complaint using the Pathology Technology Australia Reconciliation Process



Suggestions to help you prepare for the Pathology Technology Australia reconciliation process

This booklet is based on a workbook for reconciliation published by the Office of the Information Commissioner, Northern Territory, that was prepared by the Community Justice Centre (www.infocomm.nt.gov.au/publications/documents/preparing_for_mediation_booklet.pdf).

1.	About the Process	2
2.	About the Complaint	3
3.	About Resolving the Complaint	4
4.	What is the procedure for a face-to-face meeting?	5
5.	After Reconciliation	6
6.	What the reconciliation process does not do:	6
7.	What the intermediary will do:	6

1. About the Process

Reconciliation is an essential component for the Pathology Technology Industry Code of Practice

The Pathology Technology Industry Code of Practice ('the Code') provides that companies who have concerns about any perceived breaches of the Code may consult the CEO with a view to engaging in a reconciliation process. Should resolution not be reached by reconciliation, the Complainant may elect to submit a formal complaint to the Pathology Technology Australia Code Complaints Committee (CCC).

Appendix 1 of the Code states:

The CEO shall provide a report to each CAC meeting on all requests for advice received from Members, the nature of the advice given and any other relevant information. The CAC will review the advice and, where considered appropriate, will endorse the advice given for incorporation into explanatory notes to the Code. Explanatory notes will be issued within one month following their endorsement by the CAC.

Who participates in a reconciliation process?

In some cases, reconciliation can be achieved via telephone and / or email conversations, which may be facilitated by the Pathology Technology Australia CEO. If the CEO believes that a face-to-face meeting would be more successful, they will recommend to both parties to the complaint, and chose a location, date and time. If the parties are not located within the same State/Territory of Australia, the meeting will be held in the ACT, or some other mutually convenient location.

If a face-face meeting is needed / requested, in all cases, the complainant and respondent will be expected to participate in person. Please note that representation must be by a person with the authority to represent the organisation who has the power to make or accept offers on behalf of their organisation.

With the CEO's approval, a support person, who is not a legal practitioner, may accompany either party but there should be no more than two people representing either party.

You should set aside at least two hours for the reconciliation meeting and ensure that this time is uninterrupted so you can give it your full attention. If you drive your car to the reconciliation, make sure that it is parked in place where you will not get a parking ticket.

Preparing for Reconciliation

Before participating in reconciliation, it is important to be clear in your own mind about the facts of the complaint and to think about some possible solutions that may help to resolve it. This booklet aims to help you organise your thoughts for the reconciliation session. It should help you plan what to say and how to say it and ensure that you remember to raise all the points that you believe are important.

You are encouraged to bring this booklet to your reconciliation meeting to ensure that you cover all the important issues. The booklet is confidential and will not be given to the intermediary or the other party.

2. About the Complaint

What is the complaint about?

Briefly outline what you think the complaint is about

How would you like to resolve the complaint?

Briefly write what you would like to happen

What do you want to happen and why?

You should separate what you want to happen from why you want it to happen. Also think about any underlying concerns or interests that you may have.

What I want	Why I want it	Underlying concerns

The other party's point of view

Try to also think about the complaint from the other party's point of view. Do you have an idea what their concerns and interests may be? How might you feel if you were in their position?

What the other party may want	Why the other party may want it	Underlying concerns they might have

3. About Resolving the Complaint

Generating options

Now that you have identified interests and concerns, try to think about possible ways to resolve the conflict in light of why you want issues resolved rather than what you want. Remember that the main aim of reconciliation is to seek an outcome that is beneficial to everyone. If you are not prepared to consider the other parties' interests, then you will not be able to reach a resolution.

Be realistic. Think about alternatives.

Different options that may be proposed at reconciliation

Is your future relationship with the other party a concern?

Write down your thoughts about a future relationship with the other party. Is it important to you that you and the other party can have a future relationship?

What is the worst possible outcome for you if you can't reach agreement?

4. What is the procedure for a face-to-face meeting?

What happens if we have a face-face reconciliation meeting?

The intermediary will create a structured discussion whereby both parties will be able to air their concerns and generate options for resolving the matter by agreement. Both parties will have the opportunity to put forward their view. Usually the complainant will be given the opportunity to speak first.

The reconciliation process is confidential. However, the CEO is required, under Appendix 1 of the Code, to report the outcomes of any such reconciliation to the CAC for incorporation into explanatory notes to the Code.

Preparing your opening statement

List your key concerns and issues to give yourself some notes to refer to when you are making your opening statement. Keep the points short and to the point. Try to write objectively, without using negative words.

It may also be helpful to think about how you will talk to the other party during the reconciliation.

Tips on how to communicate effectively

- Listen carefully to what everyone is saying.
- Try to speak clearly and calmly.
- Take turns when speaking, don't interrupt the other party or speak over them.
- If there is something you need to respond to, write it down.
- Make sure that you understand exactly what is being said.
- Ask questions if you don't understand something.
- Maintain appropriate eye contact with the person you are addressing.
- Stay positive.

5. After Reconciliation

At the end of the reconciliation, you may or may not have reached agreement. If you have, the intermediary will assist everyone to draft the agreement.

If you don't reach an agreement, the intermediary will end the session, make a time for another reconciliation session, or refer the matter to hearing.

Conclusion

By reading and completing this booklet, you should have a greater chance of resolving some or all of the issues in dispute.

6. What the reconciliation process does not do:

It does not impose a solution on the parties.

It cannot make any decisions for the parties.

It does not give legal advice (if the parties reach an agreement which the intermediary considers would be unenforceable they will advise the parties to obtain legal advice).

The intermediary does not have investigative or enforcement powers.

Professional Assistance

Pathology Technology Australia will from time to time develop policies and guidelines to assist and provide guidance to decision-makers to exercise discretion. Unlike the Pathology Technology Industry Code of Practice, these policies and guidelines do not have the force and effect of the Code and they should not be inconsistent with the Code. If they are, the Code takes precedence.

These guidance documents have been prepared by the CEO to assist you with understanding and implementing our Code of Practice.

You must not rely on the information on this website as an alternative to legal advice from your solicitor or other professional legal services provider. If you have any specific questions about any legal matter you should consult your solicitor or other professional legal services provider. You should never delay seeking legal advice, disregard legal advice, or commence or discontinue any legal action because of information in this information sheet or on the Pathology Technology Australia website.

7. What the intermediary will do:

- Control the process (parties control the content of what is covered)
- Create an environment where parties have a chance to hear and listen to each other in a respectful manner
- Help keep emotions in check
- Guide parties through discussions about the issues
- Make sure all relevant issues are covered
- Help parties explore a variety of options
- Provide time for private sessions during the reconciliation
- Help parties write down details of any agreement reached.