

CP2E: Mediate and reconcile conflicts involving service operators and consumers

REGULATORY FUNCTION: CONSUMER PROTECTION REGULATION		CP2E
OBJECTIVE CP2 There are mechanisms to monitor and review information received about consumer protection rights	ACTION CARD CP2E <h2 style="margin: 0;">MEDIATE AND RECONCILE CONFLICTS INVOLVING SERVICE OPERATORS AND CONSUMERS</h2>	
COST: Medium FREQUENCY: Regular TARGET GROUPS: Regulators, consumer associations, service operators		
DESCRIPTION Breaching service contracts often results in conflict that is first addressed by the involved parties. Failure to correct relationships with customers brings an operator’s case to a regulator. Being the key stakeholder regarding consumer protection, this action gives regulators a significant role in mediating and reconciling conflicts involving operators and consumers. Regulators perform this action by carefully analysing the evidence provided by both parties. They then rely on established mediation and arbitration mechanisms to deliver regulatory instructions to the respective parties. Failure to comply with these instructions may result in appropriate penalties.		
EXPECTED OUTCOMES <ul style="list-style-type: none"> • Conflicts are managed in a timely and adequate manner. • Service operators and consumers are prevented from further breaches of contract. • Consumers are reimbursed as appropriate. 		
EXAMPLE: TANZANIA In Tanzania , the regulator EWURA is legislated to attend to complaints against a supplier of regulated goods or services in relation to any matter connected with the supply, possible supply, or proposed supply of goods or services. Handling procedures of consumer complaints focuses on the need for service providers to provide reliable, quality, and affordable goods or services, a preference for amicable complaint settlement procedures as opposed to litigation, and ensuring a speedier, just and less bureaucratic handling procedure. The EWURA Act allows for any person, EWURA Consultative Council, group of people, or an authorized representative of an aggrieved party to submit a complaint. The authority has established Rules on Consumer Complaints Settlement Procedure (GN. No. 10 of 2013) to be applied when handling complaints. For the rules to enable a service provider to be accountable, complaints should be reported within a specified time. Limitation periods are based on the nature of complaint. A complaint lodged after the time limit shall not be considered. The main reason for setting time limits is to enable the authority to act and collect evidence in a timely manner, which helps in resolving matters with integrity. The consumer complaints settlement procedure proposes that EWURA mediates any complaint in an amicable manner within 60 days of the complaint being received. Detailed steps of the mediation procedure are outlined under the procedure link below.		
LINKS EWURA website: https://www.ewura.go.tz/water-complaints-and-resolution/		
INTERNAL CAPACITIES NEEDED AND THE ROLE OF PARTNERS A range of administrative, procurement and mediation skills must be embodied within regulators to successfully complete this action. Sustaining this power, exclusively performed by regulators, requires capacity building support from development partners, while consumer associations, mediator associations, and civil society can play supporting roles. Dedicated regulatory staff must be trained on how to analyse evidence, question the involved parties, and proceed with mediation instructions to conclude cases.		