

4-1-2001

## ADR in the third age

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### Recommended Citation

Pettersson, Scott (2001) "ADR in the third age," *ADR Bulletin*: Vol. 3: No. 8, Article 5.  
Available at: <http://epublications.bond.edu.au/adr/vol3/iss8/5>

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Mediation scheme for older people

## ADR in the third age

*Scott Pettersson*

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It has been said that the only constant is change. Alvin Toffler put a similar proposition in his work *Future Shock*, which demonstrated that the rate of change and information requirements in our society are accelerating.

While these are quaint truisms, I invite you to view them from the perspective of people who have left the workforce some years ago. In the past, technological advances were only considered in science fiction works and cartoons. Now, large parts of the everyday conversation of people outside their generation are filled with unintelligible slang and the pace of living appears frantic.

These are all factors which are shattering the communication lines between generations. Without effective communication we have a fertile ground for disputes. Disputes are

stressful and intimidating for most of us, but can devastate a person who is feeling disempowered, technically or intellectually deficient (often for the first time in their lives) and is entirely or partially removed from a support network of friends. Unfortunately, this is an apt description of the position of many of the aged in our community.

Australian societal structures do not venerate the aged or recognise their ability to contribute in an ongoing and useful way. ADR professionals can assist to redress this imbalance when dealing with the aged in a professional capacity.

This article highlights some of the factors which can assist in this empowerment process and introduces one scheme, the Aged and Community Care Mediation Scheme, as one formal response incorporating these ►



► factors. Some basic guidance is offered in the following paragraphs, with a brief explanation of the Aged and Community Care Mediation Scheme.

### The third age

The term 'third age' does not appear to be definitively attributable to any particular person or group,<sup>1</sup> though it has spawned a number of websites,<sup>2</sup> facilities and other centres that bear the name in the title. While it appears to have been accepted in Australia as descriptive of the 'post-retirement' phase of a person's life, in some other areas the age reduces markedly to the post-40s.

### Retirement

Most people who have been in business for many years and then retire have not lost their capacity to understand issues. They may, however, not be across the latest terms used. Consider for example:

We use the 'PeopleSoft' HRM system and it is linked into the Oracle database to secure our backroom functions. These have indicated a cost negative result when we profile your proposition, which did not align with the prima facie impression. Do you want me to show you the differentials per line?

This compares with:

We looked at your suggestion in terms of the staff requirements and tried to forecast the actual costs to the centre. While it did appear that it would not cost us money to do what you suggested, we now believe that it will. I can show you how the costs change if you want me to.

These paragraphs say almost exactly the same thing; however, the first is littered with jargon of the last five years. One intimidates, one offers information. While it is a standard part of the ADR professional's (in this case, the mediator's) toolkit to convert information into a common form, they must look for clear explanations which reflect the terminology of the era of the recipient, not necessarily his or her business skills.

Equally, it may be that additional complications exist, such as a language barrier. Here the interpreter may be able to change the language but may have difficulty translating for the experience zone of the party.

It is not uncommon to find a resident of an aged care facility who, regardless of having lived in Australia for 30 years, has never moved out of a close knit community representing both their ethnic background and era.

It is therefore imperative that the mediator ensures that the passage of information between the parties is confirmed back in the words of the recipient.

### Changing values

Maslow<sup>3</sup> created a hierarchy of needs which is familiar to students of psychology and business. This has been shown to be valid for much of the population but in my experience it can be significantly varied in the aged. While the physiological needs are dominant for most of a person's life, this may

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be less true for the older person who may have moved their concerns to such matters as what inheritance they can leave their heirs and an increasing need to be part of a community (and valued as such). Indeed, personal wellbeing may be displaced by several other 'needs' depending on the age and health of the party.

These are very powerful forces and must be understood as such. Equally they may be outside the experiences of both the mediator and the other party to a dispute. This variance from the normal value change can alter the available solutions and will often require additional time from the mediator to

explore the possible solutions with all participants.

### Social values

All mediators are aware of the value of a polite and friendly demeanour in their contact and discussion with participants. Rarely can this be more true than with the aged who may hold differing values from a younger mediator. Polite use of title, such as 'Thank you Mr Walker', or 'Mr and Mrs Walker's point of view is ....' as distinct from 'The Walker's point of view is ...' may make all the difference. While such distinctions may appear trivial, they do denote a level of respect and professional distance which is so often expected.

### Balance of power

A mediator will often need to deal with a power imbalance between parties in mediation. This can be more marked, but is often less obvious in the aged community than others. For example, in some residential circumstances, the facility owner or manager can move people, adjust their diets and may be holding the vast majority of the residents' assets if they have bought into a residential care scheme. They will control the transport into and out of the premises, the activities that are offered and when these activities can occur. In making these observations the writer is not suggesting some tyrannical scheme is in place or that these facilities are not run, almost without exception, by caring professional staff. However, the imbalance is huge in these circumstances and it is important for the mediator in a resident facility dispute to understand the parameters of the relationship in addition to the issues of the dispute.

### A rewarding experience

Mediation with particular community sectors is personally rewarding for the mediator. Few times can this be more truly stated than when the issues are truly community based and the outcomes affect the quality of life of the participants. This is true in dealing with disputants in the third age, and the satisfaction of participating in a process with positive life altering outcomes can be most fulfilling. ►

### The Aged and Community Care Mediation Service

► This service was established by the Aged Services Association (ASA), Council on the Ageing (COTA) for NSW and the ACT, Carers NSW and LEADR as a response to the dearth of appropriate dispute resolution options available to meet the needs of people in the third age. The service provides a low cost access route for members of the ASA to secure mediators who are familiar with the special needs of third age participants and facility owners and managers.

The speed of access to a mediator, sustainable outcomes and non-confrontational nature of mediation delivers benefits to all participants. This service provides a valuable process for addressing disputes outside a fully operational dispute system in the small business structure of aged care. More information regarding the service can be

obtained from LEADR or the other participating organisations. ●

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#### Endnotes

1. Though most frequently it is considered to have been the creation of Peter Laslett as displayed in his work *A Fresh Map of Life*.
2. See for example [www.intercoast.com.au/sydneyu3a](http://www.intercoast.com.au/sydneyu3a) or [www.thirdage.com](http://www.thirdage.com).
3. Abraham Maslow was a behavioural scientist who created a pyramid of needs. More information can be found at [www.yourmba.co.uk/maslow.htm](http://www.yourmba.co.uk/maslow.htm).

is a Prospect publication

**PUBLISHING EDITOR:**  
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**SUBSCRIPTIONS:**  
\$412.50 a year including postage, handling and GST within Australia, posted 10 times a year.

Letters to the editor should be sent to the above address.

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ISSN 1440-4540

Print Post Approved PP 255003-03417

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ABN: 91 003 316 201



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## Asian Pacific World Mediation Forum

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The World Mediation Forum (WMF) is a not-for-profit global organisation committed to the ideals of continuing education, learning and promotion in the field of conflict management and dispute resolution. Regional forums are convened in various regions biennially, in the years between the global forums. The inaugural Asian Pacific WMF will be held in Adelaide from 29 November to 1 December 2001.

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