

Adopting a mixed methods approach both qualitative and quantitative study toward concepts of fairness, trust and security in ODR

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Introduction

- The research reported is basically the PhD research of Dr. Fahimeh Abedi; *Abedi, F., 2017. Universal standards for the concepts of fairness, trust and security in online dispute resolution in B2C e-disputes* (Doctoral dissertation, Victoria University) <http://vuir.vu.edu.au/35013/>
- Currently, there is no universal agreement about the concept of trust in ODR systems, although this issue has been widely discussed in the field of ADR.
- This study used a quantitative (survey) and mainly qualitative approach (interview) for gathering data.
- After analysing data this research identified several elements as standards in ODR systems for measuring trust.
- These results led to several implications and recommendations for ODR providers, consumer organizations, e-commerce companies and future studies.

Trust

- Ebner (2012), acknowledges three aspects of trust in ODR:
 - - ODR as a facilitator
 - - Users' faith in ODR as a functional way of solving disputes
 - - Interpersonal trust
- We have conducted previous research in the area
- Ebner, Noam and Zeleznikow, John (2015) "Fairness, Trust and Security in Online Dispute Resolution," *Hamline University's School of Law's Journal of Public Law and Policy*: Vol. 36: Iss. 2, Article 6.
- Ebner, Noam and Zeleznikow, John (2016), "No Sheriff in Town: Governance for the ODR Field" *Negotiation Journal* 32(4):297-323

Trust

- Trust is the main factor in the growing use of online services and relates to how a business behaves and treats a buyer when a dispute occurs.
- A dispute provides a good opportunity for that marketplace to resolve the dispute and to make a positive and lasting impression on the user
- In addition, consumers indicated that a simple and accessible redress procedure increased their confidence and trust in online shopping
- Practitioners in ODR reported that jointly creating ground rules, building positive relationships, inviting disputants to value other's reputation, or using a brief biography and photo to introduce themselves will maximise trust.
- One important legal issue related to ODR is trust which has various meanings such as facilitating access to justice (fairness).
- ODR is a facilitator for e-commerce; it enhances trust in the e-commerce space.

Research Methodology

- Data was collected and analysed in three separate phases.
- In the first phase of collecting qualitative data, face-to-face semi-structured interviews with 6 ODR providers were undertaken.
- In the second phase, an survey of 108 Ecommerce users was conducted determine user satisfaction with the availability of online dispute resolution services.
- Finally, phase three included interpretation of both qualitative and quantitative data to obtain results and answer the research questions.
- Themes identified after a phemonological analysis of the qualitative data were
 - Knowledge
 - Expectation of fairness
 - Code of Ethics

Knowledge and Fairness

- It is important that individuals have adequate information and knowledge about ODR systems, in order to trust them.
- Moreover, there is a strong relationship between reputation of government authorities and trust.
- Therefore, a well-designed ODR platform provides knowledge for individuals; this could occur in two ways:
 - Reputation and endorsement by official bodies.
 - Transparency of the procedure.
- Individuals in any ODR process expect some level of fairness that makes them trust the system, including informing them about their rights, providing them with correct and trustable data about the ODR process and enhancing trust in decision makers.

Fairness

- In an ODR mechanism, an expectation of fairness is gained by:
 - Confidentiality of personal data;
 - Integrity and honesty of decision makers such as mediators;
 - The existence of biographies and identifying images which establish parties' confidence and familiarity with each other and neutrals;
 - Consistency of outcomes; and
 - Simple and accessible redress procedures.

Code of Ethics

- The reason for the importance of a code of ethics in ODR systems is that its existence will help individuals feel confident and trust that the neutrals and decision makers are working professionally without any biased behaviour.
- Moreover, the existence of such elements not only enhances trust but also increases fairness in ODR systems.
- Therefore, a code of ethics in ODR systems includes an official certification for neutrals and decision makers to ensure their impartiality and professional competence.
- This research has recognized that the existence of a code of ethics in ODR mechanisms is necessary to create some level of trust for users.

Implications

- The findings of this research have practical implications for: ODR providers, E-commerce companies and consumer organizations.
- *ODR providers*: Elements of trust can be implemented by ODR providers in a new dispute resolution framework which is internationally accepted.
- One of the advantages of this framework is that it encompasses the attitudes of both ODR providers and consumers and therefore meets as many of their needs and interests of as possible.
- The existence of such an ODR framework will produce trust for users as they will see that all ODR providers are consistent in achieving a fair outcome because they all follow certain laws and rules.
- *E-commerce companies*: The practical implication of this research for E-commerce companies is that they should work closely with ODR providers to implement efficient online resolution systems that will promote the online market.
- When consumers consider they are protected in their online transactions their communication, whether it is negative or positive with e-commerce holders, will be enhanced.
- *Consumer organizations*: The concept of consumer protection online is very important.
- The implications of the findings of this research on consumer organizations are that consumers trust consumer organizations to protect their rights.
- It is their duty to provide consumers with adequate information and knowledge about their legal rights when purchasing online and about the existence of online redress mechanisms' namely ODR systems