



@CCoFiji



Consumer Council of Fiji



[www.consumersfiji.org](http://www.consumersfiji.org)



Mobile App

26 January 2024

Feature Article

### **An Examination of Customer Service in Private Practices in Fiji**

In the field of customer service most professionals will tell you that there is an implicit pact between skilled professionals and their clients, formed on the principles of trust, competence, and the unwavering commitment to a duty of care. However, recent cases at the Consumer Council of Fiji shed a disconcerting light on the experiences of individuals seeking justice and healthcare from private legal and medical practitioners. This feature looks into the duty of care owed by professionals in these spheres, scrutinizing instances where competence falters, greed overshadows service provision, and communication with clients falls short.

In recent times, there have been consumer complaints filed with the Council against private legal practitioners. These grievances include issues including excessively high fees, subpar work quality, and a noticeable lack of communication. Consumers are growing increasingly dissatisfied, expressing a sentiment that, despite paying premium prices, they are not receiving commensurate value for their money.

#### **Case Study 1**

In the first case study, a distressed complainant found herself entangled in a legal battle that extended over several years. Her allegations against a prominent law firm in Fiji paint a troubling picture of exorbitant fees, perceived incompetence, and a lack of tangible results. The complainant's fight for custody of her daughter became not only a legal battle but a struggle for the fulfillment of the duty of care she expected from her legal representatives.

The crux of the matter lies in the perceived lack of competence of the assigned solicitor. The complainant describes her legal representative as timid and quiet, qualities she deems unsuitable for effective representation in court. This, coupled with a demand for more money after seemingly fruitless court appearances, raises serious questions not only about the duty of care but also the ethical boundaries that legal practitioners should uphold.

These challenges extend beyond the realm of legal practitioners. In recent years, consumers have increasingly raised apprehensions about private medical practitioners. Despite the availability of free primary healthcare services through government hospitals and health centers, certain consumers choose to engage with private practitioners for a more premium healthcare experience. The decision to pay higher prices for healthcare from private

#### **Head Office**

Level 5 Vanua House  
Victoria Parade GPO, Suva  
Phone: 3300792/3310183  
CEO: 3305864  
Fax: 3300115  
Email: [complaints@consumersfiji.org](mailto:complaints@consumersfiji.org)

#### **Lautoka/West**

Suite 4 Popular Building  
Vidilo Street  
P.O. Box 5396, Lautoka  
Phone: 6664987  
Email: [consumerlwk@connect.com.fj](mailto:consumerlwk@connect.com.fj)

#### **Labasa/North**

Shop 2, Mudaliar Investment  
Sangam Avenue Street  
P.O. Box 64, Labasa  
Phone: 8812559  
Email: [colbs@connect.com.fj](mailto:colbs@connect.com.fj)



@CCoFiji



Consumer Council of Fiji



[www.consumersfiji.org](http://www.consumersfiji.org)



Mobile App

practitioners is accompanied by specific expectations, such as expedited customer service in contrast to the prolonged lines and waiting times in public health facilities. Additionally, individuals anticipate more dedicated doctor-patient interaction, with health providers taking the time to understand the issues and cultivate a robust relationship with the patient, thereby facilitating a thorough and informed diagnosis.

### Case Study 2

The second case study revolves around a complainant, Jane Doe, who sought medical attention from a renowned private practitioners' clinic. Her concerns, however, extend beyond misdiagnosis or inadequate medical care. Jane alleges that Dr. John Doe prioritized financial gains over her well-being, with fees and costs frequently coming up during her interactions at every level.

Jane's decision to voice her dissatisfaction on social media ignited a storm of similar sentiments from other users who shared comparable experiences. The response from Dr. John Doe's legal team, issuing a notice to retract the review, raises questions about the delicate balance between professional reputation and customer feedback.

### Competence, Greed, and Communication

In both case studies, a common thread emerges — the anticipated competence of skilled professionals and the detrimental impact when this expectation is not met. Skilled professionals, be the lawyers or doctors, are entrusted with a duty of care that extends beyond the confines of their offices or courtrooms. Because of the skills these professionals possess, their expected duty of care exceeds that of ordinary professions. Competence, not just in technical expertise but also in effective communication and client understanding, forms the bedrock of a successful professional-client relationship. It is imperative for legal and medical practitioners alike to reassess their commitment to this duty, placing it at the forefront of their practices.

The cases also highlight the concerning influence of financial interests. While fees are an integral part of professional services, they should not eclipse the fundamental responsibility of providing genuine and effective assistance. The blurred lines between financial considerations and professional obligations raise questions about the ethical underpinnings of these practices.

#### Head Office

Level 5 Vanua House  
Victoria Parade GPO, Suva  
Phone: 3300792/3310183  
CEO: 3305864  
Fax: 3300115  
Email: [complaints@consumersfiji.org](mailto:complaints@consumersfiji.org)

#### Lautoka/West

Suite 4 Popular Building  
Vidilo Street  
P.O. Box 5396, Lautoka  
Phone: 6664987  
Email: [consumerlwk@connect.com.fj](mailto:consumerlwk@connect.com.fj)

#### Labasa/North

Shop 2, Mudaliar Investment  
Sangam Avenue Street  
P.O. Box 64, Labasa  
Phone: 8812559  
Email: [colbs@connect.com.fj](mailto:colbs@connect.com.fj)



@CCoFiji



Consumer Council of Fiji



[www.consumersfiji.org](http://www.consumersfiji.org)



Mobile App

In professions like medicine and law, where individuals possess specialized skills and knowledge, specific duties and responsibilities are paramount in ensuring consumer trust and protection. These duties, encompassing fiduciary obligations and a duty of care, are essential for upholding ethical standards and safeguarding the interests of clients or patients. By delineating these specific responsibilities, professionals can better fulfill their obligations and contribute to a culture of accountability and consumer welfare.

### 1. Fiduciary Responsibilities:

- **Duty of Loyalty:** Professionals owe a duty of loyalty to their clients or patients, requiring them to prioritize their interests above their own. This duty entails avoiding conflicts of interest and acting solely in the best interests of those they serve.
- **Duty of Confidentiality:** Maintaining client confidentiality is paramount in professions like law and medicine. Professionals are obligated to safeguard sensitive information shared by clients or patients and refrain from disclosing it without consent, except in limited circumstances mandated by law.
- **Duty of Disclosure:** Professionals must provide clients or patients with relevant information necessary for making informed decisions about their care or legal matters. This includes disclosing potential risks, benefits, and alternative courses of action in a clear and understandable manner.

### 2. Duty of Care:

#### a. Medical Professionals:

- **Standard of Care:** Physicians and healthcare providers are expected to adhere to a standard of care consistent with the level of competence and expertise expected of reasonably skilled practitioners in similar circumstances. However, this standard represents the baseline. Patients who seek the services of private practitioners and incur premium costs should anticipate not only reduced waiting times but also a more substantial allocation of time dedicated to doctor-patient interactions.
- **Diagnosis and Treatment Costs:** To prevent misunderstandings, service providers should transparently outline all associated fees and charges upfront, instead of introducing unforeseen costs at various stages. Patients ought to be well-informed about the practitioner's approach to diagnosis or treatment initiation, empowering customers with agency throughout the process.
- **Informed Consent:** Obtaining informed consent from patients before performing medical procedures or treatments is essential. This involves explaining potential risks,

#### Head Office

Level 5 Vanua House  
Victoria Parade GPO, Suva  
Phone: 3300792/3310183  
CEO: 3305864  
Fax: 3300115  
Email: [complaints@consumersfiji.org](mailto:complaints@consumersfiji.org)

#### Lautoka/West

Suite 4 Popular Building  
Vidilo Street  
P.O. Box 5396, Lautoka  
Phone: 6664987  
Email: [consumeritk@connect.com.fj](mailto:consumeritk@connect.com.fj)

#### Labasa/North

Shop 2, Mudaliar Investment  
Sangam Avenue Street  
P.O. Box 64, Labasa  
Phone: 8812559  
Email: [colbs@connect.com.fj](mailto:colbs@connect.com.fj)



@CCoFiji



Consumer Council of Fiji



[www.consumersfiji.org](http://www.consumersfiji.org)



Mobile App

benefits, and alternatives to enable patients to make autonomous decisions about their healthcare.

Commented [cc1]: Is this a pointer?

#### **b. Legal Professionals:**

- **Competent Representation:** Lawyers are obligated to provide competent representation to their clients, which entails possessing the necessary knowledge, skills, and diligence to effectively handle legal matters.
- **Conflict Resolution:** Lawyers must navigate conflicts of interest effectively and prioritize the interests of their clients above their own or those of third parties.
- **Communication and Advocacy:** Effective communication with clients and advocacy on their behalf are central to fulfilling the duty of care. Lawyers must keep clients informed about the progress of their cases and advocate zealously for their legal rights and interests.

#### **Conclusion**

The cases presented by the Consumer Council of Fiji serve as a reminder that the duty of care owed by skilled professionals extends far beyond technical expertise. It encompasses ethical conduct, effective communication, and a genuine commitment to the well-being of clients. As consumers, it is crucial to demand and expect nothing less than the highest standards of professionalism from those we entrust with our legal battles and healthcare needs. Only through a collective commitment to upholding the duty of care can we ensure a harmonious intersection of competence, ethical practice, and genuine service provision in the realms of law and medicine.

#### **Head Office**

Level 5 Vanua House  
Victoria Parade GPO, Suva  
Phone: 3300792/3310183  
CEO: 3305864  
Fax: 3300115  
Email: [complaints@consumersfiji.org](mailto:complaints@consumersfiji.org)

#### **Lautoka/West**

Suite 4 Popular Building  
Vidilo Street  
P.O. Box 5396, Lautoka  
Phone: 6664987  
Email: [consumerlwk@connect.com.fj](mailto:consumerlwk@connect.com.fj)

#### **Labasa/North**

Shop 2, Mudaliar Investment  
Sangam Avenue Street  
P.O. Box 64, Labasa  
Phone: 8812559  
Email: [colbs@connect.com.fj](mailto:colbs@connect.com.fj)