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## CANADIAN FEDERAL AND PROVINCIAL ADMINISTRATIVE LEGISLATION CONTAINING ADR PROCESSES

TREVOR C. W. FARROW AND ADA HO

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### **Introduction**

This document provides a sampling of Canadian federal and provincial legislation dealing with various forms of Alternative Dispute Resolution. The legislation was found by using search terms such as “Alternative Dispute Resolution”, “Mediation” and “Arbitration” etc., and searching through federal and provincial legislation using the research tool Lexis/Nexis Quicklaw.

The Chart does not contain every instance of Alternative Dispute Resolution in Canadian legislation; rather it is a sampling of legislation throughout Canada, with a heavier focus in the areas of Health, Environment, Labour and Human Rights.

All the legislative text is taken by copying and pasting from the relevant legislation. Commentary and other facts are provided in the “Comments” section. Where there are quotation marks, the text was taken directly from the source as referenced.

To see the Administrative Tribunals which support some of the statutes, see the accompanying Administrative Tribunals document, as indicated, for particular provisions in the Comments section.

Finally, as this document is current as of the fall of 2007, some legislative provisions, rules and practices, etc. will have changed (see e.g. Ontario’s new human rights regime; or the realignment of Alberta’s Energy and Utilities Board).

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# Canada Statutes and Regulations

Jurisdiction	Legislation	History	Comments
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Canada	<p><b><u>##Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3</u></b></p> <p><b>Public Records</b> 11.1(2) The superintendent shall keep, or cause to be kept in such forms as the Superintendent deems appropriate and for the prescribed period, such other records relating to the administration of this Act as the Superintendent deems advisable</p> <p><b>Part IV Property of the Bankrupt</b> <b>Directives re standard of living factors</b> 68. (1) The Superintendent shall, by directive, establish in respect of the provinces or one or more bankruptcy districts or parts of bankruptcy districts, the standards for determining the portion of the total income of an individual bankrupt that exceeds that which is necessary to enable the bankrupt to maintain a reasonable standard of living.</p> <p><b>Interpretation</b> (2) For the purposes of this section,  <ul style="list-style-type: none"> <li>(a) "total income" referred to in subsection (1) includes, notwithstanding paragraphs 67(1)(b) and (b.1), all revenues of a bankrupt of whatever nature or source; and</li> <li>(b) a requirement that a bankrupt pay an amount to the estate of the bankrupt is enforceable against all property of the bankrupt, other than property referred to in paragraphs 67(1)(b) and (b.1).</li> </ul> </p> <p><b>Trustee to fix amount to be paid</b> (3) The trustee shall  <ul style="list-style-type: none"> <li>(a) having regard to the applicable standards established under subsection (1), and to the personal and family situation of the bankrupt, fix the amount that the bankrupt is required to pay to the estate of the bankrupt;</li> <li>(b) inform the official receiver in writing of the amount fixed under paragraph (a); and</li> <li>(c) take reasonable measures to ensure that the bankrupt complies with the requirement to pay.</li> </ul> </p> <p><b>Modification by trustee</b> (4) The trustee may, at any time, amend an amount fixed under subsection (3) to take into account  <ul style="list-style-type: none"> <li>(a) material changes that have occurred in the personal or family situation of the bankrupt; or</li> </ul> </p>	<p>Beginning spring of 1998, new provisions in the <i>Bankruptcy and Insolvency Act</i> enabled parties to consumer bankruptcy procedures to use mediation in some circumstances.# Office of the Superintendent of Bankruptcy Canada, <i>Mediation – Procedures Manual</i>. (Canada: An Agency of Industry Canada) online: Office of the Superintendent of Bankruptcy Canada. &lt;<a href="http://strategis.ic.gc.ca/epic/site/bsf-osb.nsf/en/br01029e.html">http://strategis.ic.gc.ca/epic/site/bsf-osb.nsf/en/br01029e.html</a>&gt; #</p>	<p>Mediation in this Act is subject to the <a href="#">Bankruptcy and Insolvency General Rules, C.R.C., c.368</a> Rule 105</p> <p>Section 68(6) and section 170.1(5) indicates a form of mandatory mediation</p> <p>The prescribed procedures referred to in s.68(8) is set out in the <a href="#">Mediation Procedures Manual – Part 1 Mediation procedure in cases of surplus income</a> by the Office of the Superintendent of Bankruptcy.</p> <p>The <a href="#">Mediation Procedures Manual – Part 2 Mediation procedure in cases of opposition to discharge of the bankrupt</a> deals with s.170.1</p> <p><b>Hi-lights of the Mediation-Procedures Manual</b> Mediation can only be used in situations set out in s.68(6), s.68(7) and 170.1(4), 170.1(5) No mediator or party to a mediation shall disclose to the public any confidential information concerning an issue submitted to mediation except (1) they are required to do so by law (2) they have obtained the authorization of the person to whom the confidential information relates Everything relating to mediation from time matter is referred to mediator until mediation comes to an end is confidential Mediation settlement agreement which all parties sign when an</p>
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	<p>(b) a recommendation made by the official receiver under subsection (5).</p> <p><b>Official receiver recommendation</b>  (5) Where the official receiver determines that the amount required to be paid by the bankrupt under subsection (3) or (4) is substantially not in accordance with the applicable standards established under subsection (1), the official receiver shall recommend to the trustee and to the bankrupt an amount required to be paid that the official receiver determines is in accordance with the applicable standards.</p> <p><b>Trustee may request mediation</b>  (6) Where the trustee and the bankrupt are not in agreement with the amount that the bankrupt is required to pay under subsection (3) or (4), the trustee shall, forthwith, in the prescribed form, send to the official receiver a request that the matter be determined by mediation and send a copy of the request to the bankrupt.</p> <p><b>Creditor may request mediation</b>  (7) On the request in writing of a creditor made within thirty days after the date of bankruptcy or an amendment referred to in subsection (4), the trustee shall, within the five days following the thirty day period, send to the official receiver a request in the prescribed form that the matter of the amount the bankrupt is required to pay under subsection (3) or (4) be determined by mediation and send a copy of the request to the bankrupt and the creditor.</p> <p><b>Mediation procedure</b>  (8) A mediation shall be in accordance with prescribed procedures.</p> <p><b>File</b>  (9) Documents contained in a file on the mediation of a matter under this section form part of the records referred to in subsection 11.1(2).</p> <p><b>Court determination</b>  (10) Where</p> <ul style="list-style-type: none"> <li>(a) the trustee has not implemented a recommendation made by the official receiver under subsection (5),</li> <li>(b) the issue submitted to mediation requested under subsection (6) or</li> <li>(7) is not thereby resolved, or</li> <li>(c) the bankrupt fails to comply with the requirement to pay as</li> </ul>		<p>agreement is reached is not confidential# <i>Supra</i> note 1#</p> <p>Rule 105(18) indicates once agreement reached by all parties at mediation, agreement is binding on the parties subject to any subsequent court order.</p>
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determined under this section, the trustee may, or on the request of the inspectors, any of the creditors or the official receiver shall, apply to the court for the hearing of the matter, and the court may, on the hearing, in accordance with the standards established under subsection (1) and having regard to the personal and family situation of the bankrupt, by order, fix the amount that the bankrupt is required to pay to the estate of the bankrupt.

**Fixing fair and reasonable remuneration in the case of related persons**

(11) The court may fix an amount that is fair and reasonable

- (a) as salary, wages or other remuneration for the services being performed by a bankrupt for a person employing the bankrupt, or
  - (b) as payment for or commission in respect of any services being performed by a bankrupt for a person,
- where the person is related to the bankrupt, and the court may, by order, determine the part of the salary, wages or other remuneration, or the part of the payment or commission, that shall be paid to the trustee on the basis of the amount so fixed by the court, unless it appears to the court that the services have been performed for the benefit of the bankrupt and are not of any substantial benefit to the person for whom they were performed.

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**Part IV Bankrupts**

**Discharge of Bankrupts**

**Trustee to Prepare Report**

170. (1) The trustee shall prepare a report in the prescribed form with respect to

- (a) the affairs of the bankrupt,
- (b) the causes of his bankruptcy,
- (c) the manner in which the bankrupt has performed the duties imposed on him under this Act or obeyed the orders of the court,
- (d) the conduct of the bankrupt both before and after the date of the initial bankruptcy event,
- (e) whether the bankrupt has been convicted of any offence under this Act, and
- (f) any other fact, matter or circumstance that would justify the court in refusing an unconditional order of discharge,

and the report shall be accompanied by a resolution of the inspectors declaring whether or not they approve or disapprove of the report, and in the latter case

	<p>the reasons of the disapproval shall be given.</p> <p>...</p> <p><b>Recommendation</b></p> <p>170.1 (1) The report prepared under subsection 170(1) shall include a recommendation as to whether or not the bankrupt should be discharged subject to conditions, having regard to the bankrupt's conduct and ability to make payments.</p> <p><b>Request for mediation</b></p> <p>(4) Where the bankrupt does not agree with the recommendation of the trustee, the bankrupt may, before the expiration of the ninth month after the date of the bankruptcy, send the trustee a request in writing to have the matter determined by mediation.</p> <p><b>Mediation request to be sent to official receiver</b></p> <p>(5) Where a request for mediation has been made under subsection (4) or the discharge of the bankrupt is opposed by a creditor or the trustee in whole or in part on a ground referred to in paragraph 173(1)(m) or (n), the trustee shall send an application for mediation in prescribed form to the official receiver within five days after the expiration of the nine month period referred to in subsection (4) or within such further time as the official receiver may allow.</p> <p><b>Mediation procedure</b></p> <p>(6) A mediation shall be in accordance with prescribed procedures.</p> <p><b>Court hearing</b></p> <p>(7) Where the issues submitted to mediation are not thereby resolved or the bankrupt has failed to comply with conditions that were established by the trustee or as a result of the mediation, the trustee shall forthwith apply to the court for an appointment for the hearing of the matter, which hearing shall be held</p> <ul style="list-style-type: none"> <li>(a) within thirty days after the day the appointment is made, or</li> <li>(b) at such later time as may be fixed by the court,</li> </ul> <p>and the provisions of this Part relating to applications to the court in relation to the discharge of a bankrupt apply, with such modifications as the circumstances require, in respect of an application to the court under this subsection.</p> <p><b>Certificate of discharge</b></p> <p>(8) Where the bankrupt complies with the conditions imposed on the bankrupt</p>		
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by the trustee in relation to the discharge of the bankrupt or as a result of mediation referred to in this section, the trustee shall

- (a) issue to the bankrupt a certificate of discharge in the prescribed form releasing the bankrupt from all debts other than a debt referred to in subsection 178(1); and
- (b) send a copy of the certificate of discharge to the Superintendent.

**File**

(9) Documents contained in a file on the mediation of a matter under this section form part of the records referred to in subsection 11.1(2).

Canada	<p><b><u>##<i>Boards of Trade Act, R.S.C. 1985, c. B-6</i></u></b></p> <p><b>Board of Arbitration</b></p> <p>32. (1) At the time appointed pursuant to section 12 for the election of the council of a corporation, and in the same manner, the members of the corporation may elect from their number twelve persons who shall form a board, which shall be called the Board of Arbitration.</p> <p><b>Powers</b></p> <p>(2) Any three persons elected under subsection (1) have power to arbitrate on, and make their award in, any commercial case or difference that is voluntarily referred to them by the parties concerned.</p> <p><b>Three arbitrators to act</b></p> <p>(3) Where parties in a case referred to in subsection (2) agree to bind themselves, by bond or otherwise, to submit a matter in dispute between them to the decision of the Board of Arbitration, the submission shall be deemed to be made to any three members of the Board, who may, either by the special order of the Board or by virtue of any general rules adopted by the Board, or under any by-law of the corporation relating to the consideration of any cases so submitted, be appointed to hear, arbitrate and decide on the matter.</p> <p><b>Decision binding</b></p> <p>(4) A decision made under subsection (3) is binding on the Board of Arbitration and the parties making the submission.</p>		Arbitration is voluntary, decision is binding
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Canada	<p><b><u>##<i>British Columbia Grain Handling Operations Act</i>, S.C. 1991, c. 25</u></b></p> <p><b>Part I: Vancouver Grain Handling Operations</b></p> <p><b>Appointment of mediator-arbitrator</b></p> <p>8. (1) The Minister shall, after the coming into force of this Part, appoint a mediator-arbitrator and refer to the mediator-arbitrator all matters relating to the amendment or revision of the collective agreement that, at the time of the appointment, remain in dispute between the union and the employers' association.</p> <p><b>Duties</b></p> <p>(2) The mediator-arbitrator shall, within ninety days after the mediator-arbitrator's appointment or such longer period as the Minister may allow,</p> <ul style="list-style-type: none"> <li>(a) endeavour to mediate all the matters referred to in subsection (1) and to bring about agreement between the union and the employers' association on those matters;</li> <li>(b) if the mediator-arbitrator is unable to bring about agreement in respect of any such matter, hear the union and the employers' association on the matter, arbitrate the matter and render a decision in respect thereof; and</li> <li>(c) report to the Minister on the resolution of all such matters.</li> </ul> <p><b>Powers</b></p> <p>(3) The mediator-arbitrator has, with such modifications as the circumstances require,</p> <ul style="list-style-type: none"> <li>(a) for the purposes of the mediation referred to in paragraph (2)(a), all the powers of a conciliation commissioner under section 84 of the Canada Labour Code; and</li> <li>(b) for the purposes of the arbitration referred to in paragraph (2)(b), all the powers and duties of an arbitrator under sections 60 and 61 of that Act.</li> </ul> <p><b>Form of decision</b></p> <p>(4) The decision of the mediator-arbitrator in respect of any matter arbitrated by the mediator-arbitrator shall be set out in such form as will enable the decision to be incorporated into the collective agreement in accordance with section 9.</p> <p><b>Incorporation in collective agreement</b></p> <p>9. When the mediator-arbitrator reports to the Minister pursuant to subsection</p>		
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	<p>8(2), the collective agreement shall be deemed to be amended by the incorporation therein of any amendments agreed to by the union and the employers' association pursuant to the mediation and any decision of the mediator-arbitrator in respect of a matter arbitrated by the mediator-arbitrator, and the agreement, as so amended, constitutes a new collective agreement that shall be deemed to have effect on and after January 1, 1990.</p> <p><b>Part II Prince Rupert Grain Handling Operations</b></p> <p><b>Appointment of mediator-arbitrator</b></p> <p>19. (1) The Minister shall, after the coming into force of this Part, appoint a mediator-arbitrator and refer to the mediator-arbitrator all matters relating to the amendment or revision of the collective agreement that, at the time of the appointment, remain in dispute between the union and the employer.</p> <p><b>Duties</b></p> <p>(2) The mediator-arbitrator shall, within ninety days after the mediator-arbitrator's appointment or such longer period as the</p> <p><b>Minister may allow,</b></p> <ul style="list-style-type: none"> <li>(a) endeavour to mediate all the matters referred to in subsection (1) and to bring about agreement between the union and the employer on those matters;</li> <li>(b) if the mediator-arbitrator is unable to bring about agreement in respect of any such matter, hear the union and the employer on the matter, arbitrate the matter and render a decision in respect thereof; and</li> <li>(c) report to the Minister on the resolution of all such matters.</li> </ul> <p><b>Powers</b></p> <p>(3) The mediator-arbitrator has, with such modifications as the circumstances require,</p> <ul style="list-style-type: none"> <li>(a) for the purposes of the mediation referred to in paragraph (2)(a), all the powers of a conciliation commissioner under section 84 of the Canada Labour Code; and</li> <li>(b) for the purposes of the arbitration referred to in paragraph (2)(b), all the powers and duties of an arbitrator under sections 60 and 61 of that Act.</li> </ul> <p><b>Form of decision</b></p> <p>(4) The decision of the mediator-arbitrator in respect of any matter arbitrated</p>		
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	<p>by the mediator-arbitrator shall be set out in such form as will enable the decision to be incorporated into the collective agreement in accordance with section 20.</p> <p><b>Incorporation in collective agreement</b></p> <p>20. When the mediator-arbitrator reports to the Minister pursuant to subsection 19(2), the collective agreement shall be deemed to be amended by the incorporation therein of any amendments agreed to by the union and the employer pursuant to the mediation and any decision of the mediator-arbitrator in respect of a matter arbitrated by the mediator-arbitrator, and the agreement, as so amended, constitutes a new collective agreement that shall be deemed to have effect on and after January 1, 1990.</p>		
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Canada	<p><b>##<a href="#"><u>Broadcasting Act, S.C. 1991, c. 11</u></a></b>  <b>Regulations generally</b>  10. (1) The Commission may, in furtherance of its objects, make regulations (h) for resolving, by way of mediation or otherwise, any disputes arising between programming undertakings and distribution undertakings concerning the carriage of programming originated by the programming undertakings;</p>		As of March 25, 2007 the Commission has not enacted regulations regarding mediation.
Canada	<p><b>##<a href="#"><u>Canada Cooperatives Act, S.C. 1998, c. 1</u></a></b>  <b>Incorporation, Structure and Organization</b>  <b>By-laws</b>  15(2) The by-laws of a cooperative may provide for (c) the referral of disputes between a member and the cooperative to a process of dispute resolution; and...</p>		This <i>Act</i> provides that by-laws of cooperatives may provide for the referral of disputes to a process of dispute resolution.
Canada	<p><b>##<a href="#"><u>Canada Health Act, R.S.C. 1985, c. C-6</u></a></b>  <b>Accessibility</b>  12. (1) In order to satisfy the criterion respecting accessibility, the health care insurance plan of a province...  (c) must provide for reasonable compensation for all insured health services rendered by medical practitioners or dentists; and...</p> <p><b>Reasonable compensation</b>  (2) In respect of any province in which extra-billing is not permitted, paragraph (1)(c) shall be deemed to be complied with if the province has chosen to enter into, and has entered into, an agreement with the medical practitioners and dentists of the province that provides  (a) for negotiations relating to compensation for insured health services between the province and provincial organizations that represent practising medical practitioners or dentists in the province;  (b) for the settlement of disputes relating to compensation through, at the option of the appropriate provincial organizations referred to in paragraph (a), conciliation or binding arbitration by a panel that is equally representative of the provincial organizations and the province and that has an independent chairman; and  (c) that a decision of a panel referred to in paragraph (b) may not be altered except by an Act of the legislature of the province.</p>		This <i>Act</i> is the basis for the requirement of Provincial legislation to have a provision for the settlement of disputes relating to compensation using conciliation or binding arbitration in situations where extra-billing is not permitted.

Canada	<p><b><u>##<a href="#">Canada Transportation Act, S.C. 1996, c. 10</a></u></b></p> <p><b>Application</b> 3. This Act applies in respect of transportation matters under the legislative authority of Parliament.</p> <p>7. (1) The agency known as the National Transportation Agency is continued as the Canadian Transportation Agency.</p> <p><b>Air Travel Complaints Commissioner</b> <b>Designation</b> 85.1 (1) The Minister shall designate a temporary member to act as the Air Travel Complaints Commissioner for the purposes of this section.</p> <p><b>Filing of complaints</b> (2) A person shall file in writing with the Air Travel Complaints Commissioner a complaint against a licensee in respect of its air service if the person made the complaint to the licensee and the complaint was not resolved to the person's satisfaction.</p> <p><b>Review and mediation</b> (3) The Commissioner, or a person authorized to act on the Commissioner's behalf, shall review and attempt to resolve every complaint filed under subsection (2) for which no other remedy exists and may, if appropriate, mediate or arrange for the mediation of a complaint filed under that subsection.</p> <p><b>Production of documents</b> (4) On request by the Commissioner or a person authorized to act on the Commissioner's behalf, a person shall produce for examination by the Commissioner any document, record or thing that is in the possession or under the control of the person and is, in the opinion of the Commissioner, relevant to a complaint.</p> <p><b>Report to parties</b> (5) The Commissioner or a person authorized to act on the Commissioner's behalf shall provide to the parties a report that outlines their positions and any settlement that they reached.</p> <p><b>Publicly available report</b></p>		<p>Further information on the Canadian Transportation Agency which is the administrative tribunal that deals with this <i>Act</i>, can be found in <a href="#">Schedule A</a></p> <p>The Canadian Transportation Agency deals with Accessible Transportation Air Transportation Rail Transportation Marine Transportation ** Mediation is now available for all four areas</p> <p>The semi-annual Air Travel Complaints Report as prescribed by s.85.1(6) as prepared by the commissioner can be accessed in the <a href="#">Canadian Transportation Agency – Air Travel Complaints Reports</a></p>
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	<p>(6) The Commissioner shall, at least semi-annually, prepare a report to the Governor-in-Council through the Minister setting out the number and nature of complaints filed under subsection (2), including the names of the licensees against whom the complaints were made and describing the manner in which they were dealt with and any systemic problems observed. The Agency shall include the Commissioner's reports in its annual report.</p>		
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Canada	<p><b>##<u><a href="#">Canadian Environmental Assessment Act, S.C. 1992, c. 37</a></u></b></p> <p><b>Definitions</b></p> <p>2. (1) In this Act...</p> <p>"mediation" means an environmental assessment that is conducted with the assistance of a mediator appointed pursuant to section 30 and that includes a consideration of the factors required to be considered under subsections 16(1) and (2)...</p> <p><b>Purposes</b></p> <p>4. (1) The purposes of this Act are</p> <ul style="list-style-type: none"> <li>(a) to ensure that projects are considered in a careful and precautionary manner before federal authorities take action in connection with them, in order to ensure that such projects do not cause significant adverse environmental effects;</li> <li>(b) to encourage responsible authorities to take actions that promote sustainable development and thereby achieve or maintain a healthy environment and a healthy economy;</li> <li>(b.1) to ensure that responsible authorities carry out their responsibilities in a coordinated manner with a view to eliminating unnecessary duplication in the environmental assessment process;</li> <li>(b.2) to promote cooperation and coordinated action between federal and provincial governments with respect to environmental assessment processes for projects;</li> <li>(b.3) to promote communication and cooperation between responsible authorities and Aboriginal peoples with respect to environmental assessment;</li> <li>(c) to ensure that projects that are to be carried out in Canada or on federal lands do not cause significant adverse environmental effects outside the jurisdictions in which the projects are carried out; and</li> <li>(d) to ensure that there be opportunities for timely and meaningful public participation throughout the environmental assessment process.</li> </ul> <p><b>Environmental assessment process</b></p> <p>14. The environmental assessment process includes, where applicable,</p> <ul style="list-style-type: none"> <li>(a) a screening or comprehensive study and the preparation of a screening report or a comprehensive study report;</li> <li>(b) a mediation or assessment by a review panel as provided in section 29 and the preparation of a report; and</li> </ul>	<p>Section 4(1)(c) indicates there are elements of public engagement</p> <p>Section 29(1)(a) indicates that there is ministerial discretion regarding option to mediate</p> <p>Section 29(2) indicates mediation is voluntary</p> <p>Section 32(1) indicates the mediator shall prepare and submit a report to the Minister and responsible authority at the conclusion of mediation</p> <p>Section 36 indicates that the Minister shall make available to the public the report submitted by a mediator or review panel in any manner the Minister considers appropriate to facilitate public access. This indicates the mediation report is not completely confidential.</p>
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	<p>(c) the design and implementation of a follow-up program.</p> <p><b>Factors to be considered</b></p> <p>16. (1) Every screening or comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the following factors:</p> <ul style="list-style-type: none"> <li>(a) the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;</li> <li>(b) the significance of the effects referred to in paragraph (a);</li> <li>(c) comments from the public that are received in accordance with this Act and the regulations;</li> <li>(d) measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project; and</li> <li>(e) any other matter relevant to the screening, comprehensive study, mediation or assessment by a review panel, such as the need for the project and alternatives to the project, that the responsible authority or, except in the case of a screening, the Minister after consulting with the responsible authority, may require to be considered.</li> </ul> <p><b>Additional factors</b></p> <p>(2) In addition to the factors set out in subsection (1), every comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the following factors:</p> <ul style="list-style-type: none"> <li>(a) the purpose of the project;</li> <li>(b) alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means;</li> <li>(c) the need for, and the requirements of, any follow-up program in respect of the project; and</li> <li>(d) the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future.</li> </ul> <p><b>Determination of factors</b></p> <p>(3) The scope of the factors to be taken into consideration pursuant to paragraphs (1)(a), (b) and (d) and (2)(b), (c) and (d) shall be determined</p>		
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	<p>(a) by the responsible authority; or  (b) where a project is referred to a mediator or a review panel, by the Minister, after consulting the responsible authority, when fixing the terms of reference of the mediation or review panel.</p> <p><b>Factors not included</b>  (4) An environmental assessment of a project is not required to include a consideration of the environmental effects that could result from carrying out the project in response to a national emergency for which special temporary measures are taken under the Emergencies Act.</p> <p><b>Initial referral to mediator or review panel</b>  29. (1) Subject to subsection (2), where a project is to be referred to a mediator or a review panel, the Minister shall</p> <ul style="list-style-type: none"> <li>(a) refer the environmental assessment relating to the project to <ul style="list-style-type: none"> <li>(i) a mediator, or</li> <li>(ii) a review panel; or</li> </ul> </li> <li>(b) refer part of the environmental assessment relating to the project to a mediator and part of that assessment to a review panel.</li> </ul> <p><b>Condition on reference to mediator</b>  (2) An environmental assessment or a part thereof shall not be referred to a mediator unless the interested parties have been identified and are willing to participate in the mediation.</p> <p><b>Subsequent reference to a mediator</b>  (3) The Minister may, at any time, refer any issue relating to an assessment by a review panel to a mediator where the Minister is of the opinion, after consulting with the review panel, that mediation is appropriate in respect of that issue.</p> <p><b>When mediation fails</b>  (4) Where, at any time after an environmental assessment or part of an environmental assessment of a project has been referred to a mediator, the Minister or the mediator determines that the mediation is not likely to produce a result that is satisfactory to all the participants, the Minister shall order the conclusion of the mediation.</p> <p><b>Appointment of mediator</b>  30. (1) Where a reference is made under subparagraph 29(1)(a)(i) in relation to</p>		
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	<p>a project, the Minister shall, after consulting with the responsible authority and all parties who are to participate in the mediation,</p> <ul style="list-style-type: none"> <li>(a) appoint as mediator any person who <ul style="list-style-type: none"> <li>(i) is unbiased and free from any conflict of interest relative to the project and who has knowledge or experience in acting as a mediator, and</li> <li>(ii) may have been selected from a roster established pursuant to subsection (2); and</li> </ul> </li> <li>(b) fix the terms of reference of the mediation.</li> </ul> <p><b>Establishment of roster</b></p> <p>(2) The Minister may establish a roster of persons to act as mediators to be appointed pursuant to paragraph (1)(a).</p> <p><b>Additional participants</b></p> <p>31. The mediator may, at any time, allow an additional interested party to participate in a mediation.</p> <p><b>Mediation report</b></p> <p>32. (1) A mediator shall, at the conclusion of the mediation, prepare and submit a report to the Minister and to the responsible authority.</p> <p><b>Privilege</b></p> <p>(2) No evidence of or relating to a statement made by a mediator or a participant to the mediation during the course of and for the purposes of the mediation is admissible without the consent of the mediator or participant, in any proceeding before a review panel, court, tribunal, body or person with jurisdiction to compel the production of evidence.</p> <p><b>Public Notice</b></p> <p>36 On receiving a report submitted by a mediator or a review panel, the Minister shall make the report available to the public in any manner the Minister considers appropriate to facilitate public access and shall advise the public that the report is available</p> <p><b>Decision of responsible authority</b></p> <p>37. (1) Subject to subsections (1.1) to (1.3), the responsible authority shall take one of the following courses of action in respect of a project after taking into consideration the report submitted by a mediator or a review panel or, in the case of a project referred back to the responsible authority pursuant to</p>		
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	<p>subsection 23(1), the comprehensive study report:</p> <p>(a) where, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate,</p> <p>(i) the project is not likely to cause significant adverse environmental effects, or</p> <p>(ii) the project is likely to cause significant adverse environmental effects that can be justified in the circumstances,</p> <p>the responsible authority may exercise any power or perform any duty or function that would permit the project to be carried out in whole or in part; or</p> <p>(b) where, taking into account the implementation of any mitigation measures that the responsible authority considers appropriate, the project is likely to cause significant adverse environmental effects that cannot be justified in the circumstances, the responsible authority shall not exercise any power or perform any duty or function conferred on it by or under any Act of Parliament that would permit the project to be carried out in whole or in part.</p>		
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Canada	<p><b>##<u><a href="#">Canadian Human Rights Act, R.S.C. 1985, c. H-6</a></u></b></p> <p><b>Purpose of the Act</b></p> <p>2. The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted.</p> <p><b>Hate Messages</b></p> <p>13. (1) It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.</p> <p>(2) For greater certainty, subsection (1) applies in respect of a matter that is communicated by means of a computer or a group of interconnected or related computers, including the Internet, or any similar means of communication, but does not apply in respect of a matter that is communicated in whole or in part by means of the facilities of a broadcasting undertaking.</p> <p>(3) For the purposes of this section, no owner or operator of a telecommunication undertaking communicates or causes to be communicated any matter described in subsection (1) by reason only that the facilities of a telecommunication undertaking owned or operated by that person are used by other persons for the transmission of that matter.</p> <p><b>Commission established</b></p> <p>26. (1) A commission is hereby established to be known as the Canadian Human Rights Commission, in this Part and Part III referred to as the "Commission", consisting of a Chief Commissioner, a Deputy Chief Commissioner and not less than three or more than six other members, to be appointed by the Governor in Council.</p> <p>...</p>	<p>This <i>Act</i> is implemented by the Canadian Human Rights Commission. For an overview of the work of the Commission with respect to Alternative Dispute Resolution, please see <a href="#">Schedule A</a></p> <p>“In late 2005, the Commission brought all of its services related to the resolution of human rights disputes under a single umbrella. The creation of the Dispute Resolution Branch, with its emphasis on conflict resolution, is another step in the Commission's broadening of the range of tools available to address human rights issues. The Branch's new mandate reflects the Commission's increasing emphasis on discrimination prevention, and its work with federally regulated employers and service providers to find better ways to handle disputes.”# Canadian Human Rights Commission, <i>Resources: Resolving Disputes</i> (Canada: Government of Canada) online: Canadian Human Rights Commission &lt; <a href="http://www.chrc-ccdp.ca/publications/ar_2006_ra/page6-en.asp">http://www.chrc-ccdp.ca/publications/ar_2006_ra/page6-en.asp</a>&gt;#</p>
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	<p><b>Designation of investigator</b></p> <p>43. (1) The Commission may designate a person, in this Part referred to as an "investigator", to investigate a complaint.</p> <p>...</p> <p><b>Appointment of conciliator</b></p> <p>47. (1) Subject to subsection (2), the Commission may, on the filing of a complaint, or if the complaint has not been</p> <ul style="list-style-type: none"> <li>(a) settled in the course of investigation by an investigator,</li> <li>(b) referred or dismissed under subsection 44(2) or (3) or paragraph 45(2)(a) or 46(2)(a), or</li> <li>(c) settled after receipt by the parties of the notice referred to in subsection 44(4),</li> </ul> <p>appoint a person, in this Part referred to as a "conciliator", for the purpose of attempting to bring about a settlement of the complaint.</p> <p><b>Eligibility</b></p> <p>(2) A person is not eligible to act as a conciliator in respect of a complaint if that person has already acted as an investigator in respect of that complaint.</p> <p><b>Confidentiality</b></p> <p>(3) Any information received by a conciliator in the course of attempting to reach a settlement of a complaint is confidential and may not be disclosed except with the consent of the person who gave the information.</p> <p><b>Referral of a settlement to Commission</b></p> <p>48. (1) When, at any stage after the filing of a complaint and before the commencement of a hearing before a Human Rights Tribunal in respect thereof, a settlement is agreed on by the parties, the terms of the settlement shall be referred to the Commission for approval or rejection</p> <p><b>Certificate</b></p> <p>(2) If the Commission approves or rejects the terms of a settlement referred to in subsection (1), it shall so certify and notify the parties.</p> <p><b>Enforcement of settlement</b></p> <p>(3) A settlement approved under this section may, for the purpose of enforcement, be made an order of the Federal Court on application to that Court by the Commission or a party to the settlement.</p> <p><b>Canadian Human Rights Tribunal</b></p>		
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	<p><b>Remedial and disciplinary measures</b></p> <p>48.3 (1) The Chairperson of the Tribunal may request the Minister of Justice to decide whether a member should be subject to remedial or disciplinary measures for any reason set out in paragraphs (13)(a) to (d).</p> <p><b>Measures</b></p> <p>(2) On receipt of the request, the Minister may take one or more of the following measures:</p> <ul style="list-style-type: none"> <li>(a) obtain, in an informal and expeditious manner, any information that the Minister considers necessary;</li> <li>(b) refer the matter for mediation, if the Minister is satisfied that the issues in relation to the request may be appropriately resolved by mediation;</li> <li>(c) request of the Governor in Council that an inquiry be held under subsection (3); or</li> <li>(d) advise the Chairperson that the Minister considers that it is not necessary to take further measures under this Act.</li> </ul> <p>...</p> <p><b>Recommendations</b></p> <p>(13) The judge may, in the report, recommend that the member be suspended without pay or removed from office or that any other disciplinary measure or any remedial measure be taken if, in the judge's opinion, the member</p> <ul style="list-style-type: none"> <li>(a) has become incapacitated from the proper execution of that office by reason of infirmity;</li> <li>(b) has been guilty of misconduct;</li> <li>(c) has failed in the proper execution of that office; or</li> <li>(d) has been placed, by conduct or otherwise, in a position that is incompatible with the due execution of that office.</li> </ul> <p>...</p>		
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Canada	<p><b><u>##<i>Civil Air Navigation Services Commercialization Act</i>, S.C. 1996, c. 20</u></b></p> <p><b>Application</b></p> <p>4. This Act applies in respect of every aircraft in Canadian airspace or any other airspace in respect of which Canada has responsibility for the provision of air traffic control services.</p> <p><b>Services to Humanitarian or Emergency Flights</b></p> <p><b>Obligation to provide services</b></p> <p>74. In the event of a work stoppage the Corporation shall continue to provide civil air navigation services necessary for humanitarian or emergency flights.</p> <p><b>Parties to enter into agreement</b></p> <p>75. The Corporation and every trade union shall, in respect of each bargaining unit represented by the trade union, enter into an emergency support agreement and, immediately on its execution, the Corporation shall file a copy of the agreement with the Minister of Labour.</p> <p><b>Selection of mediator-arbitrator by parties</b></p> <p>76. (1) Where no emergency support agreement with respect to a bargaining unit is in force 90 days before the expiration of the collective agreement applicable to that unit, the Corporation and the trade union shall select a mediator-arbitrator within 15 days.</p> <p><b>Selection of mediator-arbitrator by Minister</b></p> <p>(2) Where the Corporation and a trade union are unable to agree to the selection of a mediator-arbitrator in the 15-day period, they shall so notify the Minister of Labour in writing, who shall, after such inquiry as that Minister considers necessary, appoint a mediator arbitrator and inform them of the appointment.</p> <p><b>Duties of mediator-arbitrator</b></p> <p>77. (1) Within 60 days after the mediator arbitrator's selection or appointment, the mediator-arbitrator shall</p> <ul style="list-style-type: none"> <li>(a) for the purpose of concluding an emergency support agreement between the Corporation and the trade union, <ul style="list-style-type: none"> <li>(i) endeavour to mediate the matters in dispute and to bring about an emergency support agreement, and</li> <li>(ii) if unable to bring about an emergency support agreement, hear the Corporation and the trade union on the matters in dispute, arbitrate the matters and render a decision in the</li> </ul> </li> </ul>	<p>This <i>Act</i> contains a prohibitive clause (s.81) where no orders shall be made, no process shall be entered into and no proceeding shall be taken in any court to (a) question the appointment of a mediator-arbitrator; or (b) to review, prohibit, or restrain any proceeding or decision of a mediator-arbitrator.</p> <p>s.84 of the <i>Canada Labour Code</i> refers to when an officer may mediate between an employer and an employee for the purpose of settling or compromising differences between them.</p>
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	<p>form of an emergency support agreement; and</p> <p>(b) file a copy of any decision under subparagraph (a)(ii) with the Minister of Labour.</p> <p><b>Late decision not invalid</b></p> <p>(2) The failure of a mediator-arbitrator to make a decision within the 60-day period does not affect the jurisdiction of the mediator-arbitrator to continue with and complete the arbitration proceedings, and any decision made by the mediator-arbitrator after the expiration of those 60 days is not for that reason invalid.</p> <p><b>Powers of mediator-arbitrator</b></p> <p>78. A mediator-arbitrator has, with such modifications as the circumstances require,</p> <p>(a) for the purposes of the mediation referred to in subparagraph 77(1)(a)(i), all the powers of a conciliation commissioner under section 84 of the Canada Labour Code; and</p> <p>(b) for the purposes of the arbitration referred to in subparagraph 77(1)(a)(ii), all the powers and duties of an arbitrator under sections 60 and 61 of that Act.</p> <p><b>Fees and expenses of mediator-arbitrator</b></p> <p>79. The fees and expenses of a mediator-arbitrator shall be paid equally by the Corporation and the trade union.</p> <p><b>Deemed agreement</b></p> <p>80. As of the day a mediator-arbitrator makes a decision under subparagraph 77(1)(a)(ii), the emergency support agreement that results from that decision is deemed to have been entered into by the Corporation and the trade union in respect of the bargaining unit to which the agreement applies, and that agreement is binding on the Corporation, on the trade union and on the employees in the bargaining unit.</p> <p><b>Proceedings prohibited</b></p> <p>81. No order shall be made, no process shall be entered into and no proceeding shall be taken in any court</p> <p>(a) to question the appointment of a mediator-arbitrator; or</p> <p>(b) to review, prohibit or restrain any proceeding or decision of a mediator-arbitrator.</p>		
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Canada	<p><b><u>##<a href="#">Divorce Act, R.S.C. 1985, c. 3</a></u></b></p> <p><b>Duty of legal adviser</b></p> <p>9. (1) It is the duty of every barrister, solicitor, lawyer or advocate who undertakes to act on behalf of a spouse in a divorce proceeding</p> <ul style="list-style-type: none"> <li>(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses, and</li> <li>(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to him or her that might be able to assist the spouses to achieve a reconciliation,</li> </ul> <p>unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so.</p> <p><b>Idem</b></p> <p>(2) It is the duty of every barrister, solicitor, lawyer or advocate who undertakes to act on behalf of a spouse in a divorce proceeding to discuss with the spouse the advisability of negotiating the matters that may be the subject of a support order or a custody order and to inform the spouse of the mediation facilities known to him or her that might be able to assist the spouses in negotiating those matters.</p> <p><b>Certification</b></p> <p>(3) Every document presented to a court by a barrister, solicitor, lawyer or advocate that formally commences a divorce proceeding shall contain a statement by him or her certifying that he or she has complied with this section.</p>		
Canada	<p><b><u>##<a href="#">Employment Equity Act, 1995, c. 44</a></u></b></p>		<p>This statute does not expressly provide for ADR, however ADR is administered by the Canadian Human Rights Commission. For an overview of the work of the Commission with respect to Alternative Dispute Resolution, please see <a href="#">Schedule A</a></p>

Canada	<p><b><u>##<i>Farm Debt Mediation Act, S.C. 1997, c. 21</i></u></b></p> <p>An Act to provide for mediation between insolvent farmers and their creditors, to amend the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Farm Debt Review Act</p> <p><b>Communication of information</b></p> <p>24. (1) Except as authorized by subsection (2), no person shall knowingly communicate or knowingly allow to be communicated to any person any information obtained under this Act from a farmer or from any creditor of a farmer, or knowingly allow any person to inspect or have access to any such information.</p> <p><b>Exception</b></p> <p>(2) A person engaged in the administration of this Act may communicate or allow to be communicated, or allow inspection of or access to, any information referred to in subsection (1) to or by any other person engaged in the administration of this Act or any person otherwise legally entitled thereto.</p> <p><b>Protection of witness</b></p> <p>(3) A person engaged in the administration of this Act, including a mediator or expert referred to in subsection 4(4), is not compellable to answer questions concerning the information, or to produce records or other documents containing the information, as evidence in any proceedings not directly concerned with the enforcement or interpretation of this Act or the regulations.</p>		<p>This Act also provides for the appointment and termination of the mediator. It also includes a confidentiality aspect (section 24).</p>
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Canada	<p><b><u>##<i>Immigration and Refugee Protection Act, S.C. 2001,</i></u></b>  <b><u>c. 27</u></b>  <b>Immigration and Refugee Board</b>  <b>Remedial and Disciplinary Measures</b>  <b>Request</b>  176. (1) The Chairperson may request the Minister to decide whether any member, except a member of the Immigration Division, should be subject to remedial or disciplinary measures for a reason set out in subsection (2).  Reasons</p> <p>(2) The request is to be based on the reason that the member has become incapacitated from the proper execution of that office by reason of infirmity, has been guilty of misconduct, has failed in the proper execution of that office or has been placed, by conduct or otherwise, in a position that is incompatible with due execution of that office.</p> <p><b>Measures</b>  177. On receipt of the request, the Minister may take one or more of the following measures:</p> <ul style="list-style-type: none"> <li>(a) obtain, in an informal and expeditious manner, any information that the Minister considers necessary;</li> <li>(b) refer the matter for mediation, if the Minister is satisfied that the issues in relation to the request may be appropriately resolved by mediation;</li> <li>(c) request of the Governor in Council that an inquiry be held under section 178; or</li> <li>(d) advise the Chairperson that the Minister considers that it is not necessary to take further measures under this section or sections 178 to 185.</li> </ul>		
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Canada	<p><b>##<u><a href="#">Judges Act, R.S.C. 1985, c. J-1</a></u></b></p> <p><b>Extra-judicial Employment</b></p> <p><b>Acting as commissioner, etc.</b></p> <p>56. (1) No judge shall act as commissioner, arbitrator, adjudicator, referee, conciliator or mediator on any commission or on any inquiry or other proceeding unless</p> <ul style="list-style-type: none"> <li>(a) in the case of any matter within the legislative authority of Parliament, the judge is by an Act of Parliament expressly authorized so to act or the judge is thereunto appointed or so authorized by the Governor in Council; or</li> <li>(b) in the case of any matter within the legislative authority of the legislature of a province, the judge is by an Act of the legislature of the province expressly authorized so to act or the judge is thereunto appointed or so authorized by the lieutenant governor in council of the province.</li> </ul> <p><b>Acting as statutory assessor or arbitrator</b></p> <p>(2) Subsection (1) does not apply to judges acting as arbitrators or assessors of compensation or damages under any public Act, whether of general or local application, of Canada or of a province, whereby a judge is required or authorized without authority from the Governor in Council or lieutenant governor in council to assess or ascertain compensation or damages.</p>		
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Canada	<p><b><u>##Mackenzie Valley Resource Management Act, S.C. 1998, c. 25</u></b></p> <p><b>Land and Water Regulation</b></p> <p><b>Compensation - Tlicho First Nation</b></p> <p><b>Referral of compensation to Wekeezhii Board</b></p> <p>79.3 (1) If a compensation agreement referred to in paragraph 79.1(b) or 79.2(3)(a), as the case may be, is not entered into, the applicant or the Tlicho Government may, after having participated in mediation under chapter 6 of the Tlicho Agreement, apply to the Wekeezhii Land and Water Board for a determination of compensation.</p> <p><b>Determination of compensation</b></p> <p>(2) On an application under subsection (1), the Board shall determine the compensation payable in respect of the proposed use of waters or deposit of waste, taking into consideration</p> <ul style="list-style-type: none"> <li>(a) the effect of the proposed use or deposit on <ul style="list-style-type: none"> <li>(i) the use by Tlicho citizens of waters when on or flowing through Tlicho lands, or waters adjacent to Tlicho lands,</li> <li>(ii) Tlicho lands, taking into account any cultural or special value of those lands to the Tlicho First Nation, and</li> <li>(iii) wildlife harvesting carried on by Tlicho citizens;</li> </ul> </li> <li>(b) the nuisance or inconvenience, including noise, caused by the proposed use or deposit to Tlicho citizens on Tlicho lands; and</li> <li>(c) any other factor that the Board considers relevant in the circumstances.</li> </ul> <p><b>Form of compensation</b></p> <p>(3) The compensation may be in the form of a lump sum payment or periodic payments or non-monetary compensation, including replacement of, or substitution for, damaged or lost property or relocation of Tlicho citizens or their property, or any combination of those forms of compensation.</p> <p><b>Duty to supply - Tlicho Government</b></p> <p>80.1 (1) The Tlicho Government shall supply, and permit access to, sand, gravel, clay and like construction materials situated on Tlicho lands to any person that requests it, including any department or agency of the federal or territorial government or any local government of a Tlicho community.</p> <p><b>Exception</b></p> <p>(2) Subsection (1) does not apply if the materials are to be used on lands other</p>	<p>“The Tlicho Agreement was initiated by the Chief Negotiators of the Dogrib Treaty 11 Council, the Government of the Northwest Territories (GNWT) and the Government of Canada at the 11th Tlicho Gathering at Wha Ti, NWT. It is the first combined land claim and self-government agreement in the NWT”# Indian and Northern Affairs Canada, <i>News Release: Tlicho Agreement Initialled in Wha Ti, Northwest Territories</i>, (Canada: Indian and Northern Affairs Canada, 2002), online: Indian and Northern Affairs Canada &lt;<a href="http://www.ainc-inac.gc.ca/nr/prs/s-d2002/2-02198_e.html">http://www.ainc-inac.gc.ca/nr/prs/s-d2002/2-02198_e.html</a>&gt;#.</p> <p>The Tlicho agreement is available at <a href="http://www.ainc-inac.gc.ca/pr/agr/nwts/tliagr_e.pdf">http://www.ainc-inac.gc.ca/pr/agr/nwts/tliagr_e.pdf</a></p> <p>Chapter 6 deals with Dispute Resolution and it provides that before invoking a court process to resolve a dispute which falls under:</p> <ul style="list-style-type: none"> <li>any matter which Agreement stipulates may be resolved in accordance with chapter</li> <li>dispute between government and Tlicho government concerning interpretation of Agreement</li> <li>any matter which an agreement between government and Tlicho Government stipulates may be resolved in accordance with chapter</li> </ul> <p>A party to the dispute <b>shall</b> attempt to resolve dispute through discussion and by mediation</p> <p>The agreement also provides that an administrator shall not accept a</p>
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	<p>than Tlicho lands, unless no alternate source of supply is reasonably available in an area closer to the lands where the materials are to be used.</p> <p><b>Compensation - Tlicho Government</b>  (3) The Tlicho Government is entitled to be paid for the value of materials supplied under subsection (1) and for the exercise of a right of access to the materials under that subsection, unless the materials are to be used for a public purpose on Tlicho lands or in a Tlicho community or for a public road contiguous to Tlicho lands or to a Tlicho community.</p> <p><b>Reference to Wekeezhii Land and Water Board</b>  (4) On application by any person, department, agency or government requesting the supply of, or access to, materials under subsection (1) and after the applicant has participated in mediation under chapter 6 of the Tlicho Agreement, the Wekeezhii Land and Water Board shall ...  (c) resolve any dispute concerning terms or conditions of supply or access, excluding the amount to be paid under subsection (3); or  (d) resolve any dispute concerning conflicting uses of materials referred to in subsection (1) by the applicant and by the Tlicho Government or Tlicho citizens.</p> <p><b>Reference to Board by Tlicho Government</b>  (5) In the case of a dispute referred to in paragraph (4)(d), an application for its resolution may also be made to the Board by the Tlicho Government after it has participated in mediation under chapter 6 of the Tlicho Agreement.</p> <p><b>Agreement - national interest referral</b>  138.1 (1) If a proposal for a development that, as determined by the Review Board, is to be carried out partly outside the Mackenzie Valley and either is to be carried out partly in Wekeezhii or might have an impact on the environment in Wekeezhii is referred to the Minister of the Environment under paragraph 130(1)(c), then the Review Board shall enter into an agreement with the Minister of the Environment for the purpose of jointly establishing a review panel and prescribing the manner of its examination of the impact on the environment of the development in accordance with subsection 40(2.1) of the Canadian Environmental Assessment Act.</p> <p><b>Mediation</b>  (2) If the Review Board and the Minister of the Environment have not entered into an agreement under subsection (1) within the period fixed by any</p>		<p>request for mediation until that party has attempted to resolve that dispute by discussion and the administrator shall not accept a request to arbitrate, unless the party has participated in mediation.# Indian and Northern Affairs Canada, <i>Land Claims and Self Government Agreement</i>, (Canada: Indian and Northern Affairs Canada, 2002), online: Indian and Northern Affairs Canada, &lt;<a href="http://www.ainc-inac.gc.ca/pr/agr/nwts/tliagr_e.pdf">http://www.ainc-inac.gc.ca/pr/agr/nwts/tliagr_e.pdf</a>&gt;#</p> <p>Mediation is required involving matters of public interest</p> <p>Arbitration occurs after mediation for any unresolved matters.</p>
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	<p>regulations, they shall participate in mediation in accordance with those regulations for the purpose of reaching an agreement under subsection (1).</p> <p><b>Arbitration</b></p> <p>(3) If the Review Board and the Minister of the Environment have not entered into an agreement under subsection (1) by the end of any mediation required under subsection (2), they may, within the period fixed by any regulations, by mutual agreement refer any unresolved matter to arbitration in accordance with those regulations.</p> <p>Where no agreement</p> <p>(4) Despite subsections (1) to (3), if, within the period fixed by the regulations, an agreement has not been entered into under this section, a panel of the Review Board shall conduct an environmental impact review of the development, but the review shall be limited to the part of the development to be carried out in the Mackenzie Valley.</p> <p><b>Regulations</b></p> <p>143. (1) The Governor in Council may, following consultation by the federal Minister with the territorial Minister, first nations and the Tlicho Government, make regulations for carrying out the purposes and provisions of this Part and, in particular, regulations...</p> <ul style="list-style-type: none"> <li>(e) fixing a period for the purposes of subsection 138.1(2) and respecting mediation referred to in that subsection;</li> <li>(f) fixing the period within which a matter may be referred to arbitration under subsection 138.1(3) and respecting arbitration under that subsection; and</li> <li>(g) fixing a period for the purposes of subsections 138.1(4) and 141(4).</li> </ul> <p>Consultation with Review Board</p> <p>(2) Regulations may only be made under paragraph (1)(a), (d), (e), (f) or (g), or amended under paragraph (1)(b) or (c), following consultation by the federal Minister with the Review Board.</p>		
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Canada	<p><b><u>##Maintenance of Railway Operations Act, 1995, S.C. 1995, c. 6</u></b></p> <p><b>Part I</b></p> <p><b>Canadian National Railway Company</b></p> <p><b>Interpretation</b></p> <p><b>Definitions</b></p> <p>2. (1) In this Part...</p> <p>"Commission"</p> <p>"Commission" means a Mediation-Arbitration Commission established under this Part;...</p> <p><b>Mediation-Arbitration Commissions</b></p> <p>9. After the coming into force of this Part, a Mediation-Arbitration Commission shall be established in accordance with section 10 in respect of each of the following bargaining units and the Minister shall, subject to subsection 10(8), refer to each Commission all matters that at the time of the establishment of the Commission remain in dispute between the parties in relation to the conclusion of a new collective agreement:</p> <ul style="list-style-type: none"> <li>(a) the bargaining unit of clerical employees represented by the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW - Canada);</li> <li>(b) the bargaining unit of shopcraft employees represented by the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW - Canada) pursuant to an order issued by the Canada Labour Relations Board on June 29, 1994;</li> <li>(c) the bargaining unit of maintenance of way employees represented by the Brotherhood of Maintenance of Way Employees;</li> <li>(d) the bargaining unit of all running trades employees represented by the Canadian Council of Railway Operating Unions pursuant to an order issued by the Canada Labour Relations Board on August 9, 1993;</li> <li>(e) the bargaining unit of security personnel represented by the Canadian National Railways Police Association;</li> <li>(f) the bargaining unit of signallers and other employees represented by the International Brotherhood of Electrical Workers; and</li> <li>(g) the bargaining unit of traffic controllers and other employees represented by the Rail Canada Traffic Controllers.</li> </ul> <p><b>Part II</b></p> <p><b>Canada Pacific Limited</b></p>		<p>The act establishes which bargaining units in the Canadian National Railway Company, Canadian Pacific Limited and VIA Rail Canada Ltd. are subject to the creation of a Mediation-Arbitration commission, and the formation, powers and duties of each commission</p>
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	<p><b>Mediation-Arbitration Commissions</b></p> <p>31. After the coming into force of this Part, a Mediation-Arbitration Commission shall be established in accordance with section 32 in respect of each of the following bargaining units and the Minister shall, subject to subsection 32(8), refer to each Commission all matters that at the time of the establishment of the Commission remain in dispute between the parties in relation to the conclusion of a new collective agreement:</p> <ul style="list-style-type: none"> <li>(a) the bargaining unit of clerical employees represented by the Transportation Communications International Union;</li> <li>(b) the bargaining unit of shopcraft employees represented by the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW - Canada) pursuant to an order issued by the Canada Labour Relations Board on April 22, 1994;</li> <li>(c) the bargaining unit of maintenance of way employees represented by the Brotherhood of Maintenance of Way Employees;</li> <li>(d) the bargaining unit of all running trades employees represented by the Canadian Council of Railway Operating Unions pursuant to an order issued by the Canada Labour Relations Board on August 9, 1993;</li> <li>(e) the bargaining unit of security personnel represented by the Canadian Pacific Police Association;</li> <li>(f) the bargaining unit of signallers and other employees represented by the International Brotherhood of Electrical Workers; and</li> <li>(g) the bargaining unit of traffic controllers and other employees represented by the Rail Canada Traffic Controllers.</li> </ul> <p><b>Part III</b></p> <p><b>VIA Rail Canada Inc.</b></p> <p><b>Mediation-Arbitration Commissions</b></p> <p>53. After the coming into force of this Part, a Mediation-Arbitration Commission shall be established in accordance with section 54 in respect of each of the following bargaining units and the Minister shall, subject to subsection 54(8), refer to each Commission all matters that at the time of the establishment of the Commission remain in dispute between the parties in relation to the conclusion of a new collective agreement:</p> <ul style="list-style-type: none"> <li>(a) the bargaining unit of locomotive engineers represented by the Brotherhood of Locomotive Engineers;</li> <li>(b) the bargaining unit of shopcraft employees represented by the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW - Canada) pursuant to an order</li> </ul>		
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	<p>issued by the Canada Labour Relations Board on April 27, 1994;</p> <p>(c) the bargaining unit of maintenance of way employees represented by the Brotherhood of Maintenance of Way Employees;</p> <p>(d) the bargaining unit of off-train employees referred to in an order issued by the Canada Labour Relations Board on January 25, 1985 represented by the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW - Canada);</p> <p>(e) the bargaining unit of on-board service employees represented by the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW - Canada); and</p> <p>(f) the bargaining unit of all running trades employees represented by the United Transportation Union.</p>		
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Canada	<p><b><u>##<i>Nunavut Waters and Nunavut Surface Rights Tribunal Act, S.C. 2002, c. 10</i></u></b></p> <p><b>Procedures, mediation and costs</b></p> <p>130. (1) The Tribunal may make rules</p> <ul style="list-style-type: none"> <li>(a) respecting the practice and procedure in relation to applications to and hearings before the Tribunal, including the service of documents and the imposition of reasonable time limits;</li> <li>(b) establishing procedures that may be followed in the mediation of matters in dispute; and</li> <li>(c) respecting the allowance of costs, including rules <ul style="list-style-type: none"> <li>(i) establishing a schedule of fees and other expenses incurred by a party in relation to applications to or hearings before the Tribunal that may be allowed as part of that party's costs under this Part, and</li> <li>(ii) respecting the circumstances under which the Tribunal may allow costs with respect to matters dealt with in the schedule of fees and other expenses on a basis other than that established by the schedule.</li> </ul> </li> </ul> <p><b>Negotiations</b></p> <p>(2) The Tribunal shall make rules establishing procedures to be followed in the conduct of negotiations for the purposes of subsection 117(1), either generally or with respect to any class of applications.</p>		
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Canada	<p><b><u>##<i>Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5</i></u></b>  <b>Protection of Personal Information in the Private Sector</b>  <b>Investigations of Complaints</b></p> <p><b>Remedies</b>  <b>Powers of Commissioner</b>  12. (1) The Commissioner shall conduct an investigation in respect of a complaint and, for that purpose, may</p> <ul style="list-style-type: none"> <li>(a) summon and enforce the appearance of persons before the Commissioner and compel them to give oral or written evidence on oath and to produce any records and things that the Commissioner considers necessary to investigate the complaint, in the same manner and to the same extent as a superior court of record;</li> <li>(b) administer oaths;</li> <li>(c) receive and accept any evidence and other information, whether on oath, by affidavit or otherwise, that the Commissioner sees fit, whether or not it is or would be admissible in a court of law;</li> <li>(d) at any reasonable time, enter any premises, other than a dwelling-house, occupied by an organization on satisfying any security requirements of the organization relating to the premises;</li> <li>(e) converse in private with any person in any premises entered under paragraph (d) and otherwise carry out in those premises any inquiries that the Commissioner sees fit; and</li> <li>(f) examine or obtain copies of or extracts from records found in any premises entered under paragraph (d) that contain any matter relevant to the investigation.</li> </ul> <p><b>Dispute resolution mechanisms</b>  (2) The Commissioner may attempt to resolve complaints by means of dispute resolution mechanisms such as mediation and conciliation.</p>		<p>Under s.12(1) the Commissioner <b>may</b> attempt to resolve complaints by means of dispute resolution mechanisms such as mediation and conciliation</p>
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Canada	<p><b>##<u>Physical Activity and Sport Act, S.C. 2003, c. 2</u></b></p> <p><b>Object and Mandate</b></p> <p>5. The objects of this Act are to encourage, promote and develop physical activity and sport in Canada. The Minister may take any measures that the Minister considers appropriate to further those objects, and in particular may</p> <p>(p) encourage and support ##alternative dispute resolution for sport</p> <p><b>Establishment of Centre</b></p> <p>9. (1) A not-for-profit corporation is hereby established to be called the Sport Dispute Resolution Centre of Canada, in this Act referred to as “the Centre”, which shall include a dispute resolution secretariat and a resource centre.</p> <p>(2) The centre is not an agent for her Majesty</p> <p>(3) The Centre is not a departmental corporation or a Crown corporation within the meaning of the <i>Financial Administration Act</i>.</p> <p>(4) For the purposes of the Federal Courts Act, the Centre or an arbitrator or mediator who provides services under the auspices of the Centre is not a federal board, commission or other tribunal within the meaning of that Act.</p> <p>(5) The Centre shall offer its services to, and communicate with, the public in both official languages of Canada.</p> <p>(6) The head office of the Centre shall be at the place in Canada that is designated in the by-laws of the Centre.</p> <p><b>#Mission and Powers</b></p> <p>10. (1) The mission of the Centre is to provide to the sport community</p> <p>(a) a national alternative dispute resolution service for sport disputes; and</p> <p>(b) expertise and assistance regarding alternative dispute resolution.</p> <p>(2) For the purposes of subsection (1), a sport dispute includes disputes among sport organizations and disputes between a sport organization and persons affiliated with it, including its members.</p> <p>11. (1) In carrying out its mission, the Centre has the capacity and powers of a natural person, including the power to</p> <p>(a) use any funds that may be provided to it, subject to any terms on</p>	<p>The Physical Activity and Sport Act was developed to replace the Fitness and Amateur Sport Act (1961).</p> <p>In September 2001, a working group composed of experts from the sport community recommended a national alternate dispute resolution (ADR) system be developed for sport, this resulted in the creation of Bill C-54.# Heritage Canada, <i>Sport Dispute Resolution Centre of Canada</i>, (Canada: Heritage Canada), online: Heritage Canada, &lt;<a href="http://www.pch.gc.ca/progs/sc/legislation/c-54_01_e.cfm">http://www.pch.gc.ca/progs/sc/legislation/c-54_01_e.cfm</a>&gt;#</p> <p>Bill C-54 resulted in the creation of this Act and the Sports Dispute Resolution Centre of Canada.# Heritage Canada. <i>An Act to Promote Physical Activity and Sport: Bill C-54</i>, (Canada: Heritage Canada), online: Heritage Canada, &lt;<a href="http://www.pch.gc.ca/progs/sc/legislation/c-54_e.cfm">http://www.pch.gc.ca/progs/sc/legislation/c-54_e.cfm</a>&gt;#</p>	<p>“The Sport Dispute Resolution Center was established to provide the sport community an ADR service for Sports dispute. Its intention was to contribute to the timely, fair and transparent resolution of disputes in sport. The Physical Activity and Sport Act enable the creation of the Centre, and also set out the process for the establishment and operation of the Centre.”# <i>Supra</i> note 3#</p>
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	<p>which the funds are provided;</p> <p>(b) enter into contracts or agreements in its own name;</p> <p>(c) conduct studies with respect to the exercise of its powers; and</p> <p>(d) do any other things that are conducive to the fulfilment of its mission and the exercise of its powers.</p> <p>(2) Despite subsection (1), the Centre</p> <p>(a) may not acquire or construct real property or immovables for valuable consideration, other than those required for its head office;</p> <p>(b) shall expressly state in its contracts and agreements that it is entering into the contract or agreement on its own behalf;</p> <p>(c) may not procure the incorporation of a corporation any shares of which, on incorporation, would be held by, on behalf of or in trust for the Centre; and</p> <p>(d) may not acquire shares of a corporation that, on acquisition, would be held by, on behalf of or in trust for the Centre.</p> <p><b>By-laws</b></p> <p>17. (1) The board of directors may make by-laws with respect to the conduct and management of the affairs of the Centre and the carrying out of the duties and functions of the board under this Act, including by-laws providing for</p> <p>(a) the establishment of committees of the board of directors, including an executive committee, and the duties, functions and powers of the committees;</p> <p>(b) the duties, functions and powers of the chairperson and the officers of the Centre, including the executive director;</p> <p>(c) the appointment and remuneration of the officers of the Centre;</p> <p>(d) the delegation of any functions of the board of directors to an executive committee and the manner in which those functions are to be performed;</p> <p>(e) the mandate, duties and functions of the dispute resolution secretariat, the resource centre and any other part of the Centre;</p> <p>(f) the terms and conditions of eligibility for services provided by the Centre;</p> <p>(g) the establishment of a policy respecting the official languages of Canada that includes</p> <p>(i) principles governing the use of English and French by the staff of the Centre in their communications, provision of services and daily work, and</p> <p>(ii) a mechanism for resolving disputes related to the</p>		
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	<p>application of the policy;</p> <p>(h) the fixing of fees and charges to be paid for the services and facilities provided by the Centre or the determination of a manner for calculating those fees and charges;</p> <p>(i) the establishment of mediation and arbitration procedures for resolving sport disputes, including a mechanism for determining the manner in which the parties may select an arbitrator or mediator and the language, according to the needs of the parties, in which the parties may be heard and the decision rendered;</p> <p>(j) the qualifications for arbitrators or mediators;</p> <p>(k) the establishment of a code of ethics for directors, officers and employees of the Centre, as well as for arbitrators and mediators who provide dispute resolution services under the auspices of the Centre; and</p> <p>(l) personnel management, including terms and conditions of employment of persons employed by the Centre.</p> <p><b>By-laws available to the public</b></p> <p>(2) A copy of every by-law shall be kept at the head office of the Centre. Anyone is entitled, during the usual business hours of the Centre, to examine the by-laws and, on payment of a reasonable fee, to photocopy them in whole or in part.</p> <p><b>Statutory Instruments Act does not apply</b></p> <p>(3) By-laws made under subsection (1) are not statutory instruments for the purposes of the Statutory Instruments Act.</p> <p><b>Arbitrators and Mediators</b></p> <p><b>Responsibilities of the Centre</b></p> <p>29. The Centre shall ensure that arbitrators and mediators who provide dispute resolution services under the auspices of the Centre</p> <p>(a) meet the qualifications established by its by- laws;</p> <p>(b) are independent of the Centre; and</p> <p>(c) are, as a group, able to provide services in one or the other of the official languages of Canada or in both, according to the needs of the parties.</p>		
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Canada	<p><b>##<a href="#">Pilotage Act, R.S.C. 1985, c. P-14</a></b></p> <p><b>Renewal of contract</b>  15.1 (1) Where a contract for services referred to in subsection 15(2) does not provide a mechanism for the resolution of disputes in the contract renewal process, fifty days before the contract expires, the parties to the contract shall jointly choose a mediator and an arbitrator and shall refer to the mediator all issues related to the renewal of the contract that remain unresolved.</p> <p><b>No agreement</b>  (2) The Minister shall choose the mediator or arbitrator if the parties cannot agree on one or if the one they choose is unavailable.</p> <p><b>Mediation</b>  (3) The mediator has thirty days in which to bring the parties to agreement on the outstanding issues, at the end of which time the parties to the contract shall refer all of the remaining outstanding issues to the arbitrator.</p> <p><b>Final offers</b>  15.2 (1) The parties to the contract shall each submit a final offer in respect of the outstanding issues to each other and to the arbitrator within five days after the date on which those issues are referred to the arbitrator.</p> <p><b>Decision of arbitrator</b>  (2) Within fifteen days, the arbitrator shall choose one or other of the final offers in its entirety.</p> <p><b>Effect of decision</b>  (3) The final offer chosen by the arbitrator is final and binding and becomes part of the new contract for services that is effective on the day after the former contract expires.</p> <p><b>Sharing of costs</b>  (4) The parties to the contract shall share equally the cost of the fees of the mediator or arbitrator.</p>		<p>Under s.15(1) where a contract for services does not provide a mechanism for resolution of disputes in the contract renewal process, that parties <b>shall</b> jointly choose a mediator and an arbitrator and <b>shall</b> refer to mediator all issues related to the renewal of the contract that remain unsolved.</p> <p>Under s.15.2(3) the decision of the arbitrator is binding and final</p>
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Canada	<p><b><u>##<i>Postal Services Continuation Act, 1997, S.C. 1997, c. 34</i></u></b></p> <p><b>Appointment of mediator-arbitrator</b></p> <p>8. (1) The Minister shall, after the coming into force of this Act, appoint a mediator-arbitrator and refer to the mediator-arbitrator all matters that, at the time of the appointment, remain in dispute between the parties in relation to the conclusion of a new collective agreement.</p> <p><b>Duties</b></p> <p>(2) The mediator-arbitrator shall, within ninety days after being appointed,</p> <ul style="list-style-type: none"> <li>(a) endeavour to mediate all the matters referred to in subsection (1) and to bring about an agreement between the parties on those matters;</li> <li>(b) if the mediator-arbitrator is unable to do so, hear the parties on the matter, arbitrate the matter and render a decision;</li> <li>(c) ensure that any agreement or decision referred to in paragraph (a) or (b) is in appropriate contractual language so as to allow its incorporation into the collective agreement; and</li> <li>(d) report to the Minister on the resolution of all such matters.</li> </ul> <p><b>Powers</b></p> <p>(3) The mediator-arbitrator has, with any modifications that the circumstances require,</p> <ul style="list-style-type: none"> <li>(a) for the purposes of the mediation referred to in paragraph (2)(a), all the powers of a conciliation commissioner under section 84 of the Canada Labour Code; and</li> <li>(b) for the purposes of the arbitration referred to in paragraph (2)(b), all the powers and duties of an arbitrator under sections 60 and 61 of that Act.</li> </ul> <p><b>Technical experts</b></p> <p>(4) The mediator-arbitrator may, with the approval of the Minister, engage the services of any technical advisers or other experts or assistants that the mediator-arbitrator considers necessary.</p> <p><b>Extension of time</b></p> <p>(5) The time during which the mediator-arbitrator may perform the duties and exercise the powers under this section may be extended by the Minister or by mutual consent of the employer and the union.</p> <p><b>Guiding principle</b></p>		<p>Under s.8(1) a mediator-arbitrator to determine all matters that remain in dispute in relation to the conclusion of a new collective agreement is required.</p> <p>Under s.11 the report of the mediator-arbitrator to the Minister on the resolution of matters in dispute becomes part of the New collective agreement and is binding</p>
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	<p>9. The mediator-arbitrator shall be guided by the need for terms and conditions of employment that are consistent with the Canada Post Corporation Act and the viability and financial stability of Canada Post, taking into account</p> <ul style="list-style-type: none"> <li>(a) that the Canada Post Corporation must, without recourse to undue increases in postal rates, <ul style="list-style-type: none"> <li>(i) operate efficiently,</li> <li>(ii) improve productivity, and</li> <li>(iii) meet acceptable standards of service; and</li> </ul> </li> <li>(b) the importance of good labour-management relations between the Canada Post Corporation and the union.</li> </ul> <p><b>Incorporation in collective agreement</b></p> <p>11. As of the day that the mediator-arbitrator reports to the Minister under paragraph 8(2)(d), the collective agreement shall be deemed to be amended by the incorporation into it of</p> <ul style="list-style-type: none"> <li>(a) any agreement resolving the matters in dispute between the employer and the union arrived at before, or pursuant to, mediation; and</li> <li>(b) any decision of the mediator-arbitrator in respect of any matters that were arbitrated.</li> </ul> <p><b>New collective agreement</b></p> <p>13. The collective agreement amended by sections 11 and 12 constitutes a new collective agreement that, subject to section 14, comes into effect and is binding on the parties to it for the period beginning on the day that the mediator-arbitrator reports to the Minister under paragraph 8(2)(d) and ending on July 31, 2000, despite anything in Part I of the Canada Labour Code. That Part applies in respect of the new collective agreement as if it had been entered into pursuant to that Part.</p>		
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Canada	<p><b>##<u><i>Public Service Employment Act, S.C. 2003, c. 22</i></u></b></p> <p><b>Public Service Staffing Tribunal</b></p> <p><b>Composition and Mandate</b></p> <p><b>Human resources</b></p> <p>95. (1) The Chairperson may employ persons for the proper conduct of the Tribunal's work, fix their period of employment, establish their probationary periods, reject them on probation and lay them off.</p> <p><b>Experts and advisers</b></p> <p>(2) The Chairperson may retain on a temporary basis the services of mediators and other experts or persons having technical or special knowledge to assist the Tribunal in an advisory capacity and, subject to the approval of the Treasury Board, fix their remuneration.</p> <p><b>Complaint Procedure</b></p> <p><b>Mediation services</b></p> <p>97. (1) The Tribunal may provide mediation services at any stage of a proceeding in order to resolve a complaint.</p> <p><b>Member as mediator</b></p> <p>(2) The provision of mediation services by a member at any stage of hearing a complaint does not prevent that member from continuing to hear the complaint with respect to any issues that have not been resolved, unless the Commission or any person entitled to be heard objects to that member continuing.</p> <p><b>Notes and drafts not to be disclosed</b></p> <p>105. None of the following may be disclosed without the consent of the person who made them:</p> <ul style="list-style-type: none"> <li>(a) notes or draft orders or decisions of the members of the Tribunal;</li> <li>and</li> <li>(b) notes of any person providing mediation services under this Part.</li> </ul>		<p>Under s.97(1) The Tribunal <b>may</b> provide mediation services which are confidential under s.105.</p>
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Canada	<p><b><u>##Public Service Labour Relations Act, S.C. 2003, c. 22</u></b>  <b>Public Service Labour Relations Board</b>  <b>Mandate</b>  13. The Board's mandate is to provide adjudication services, mediation services and compensation analysis and research services in accordance with this Act.</p> <p><b>Mediation services</b>  15. The mediation services to be provided by the Board consist of  (a) assisting parties in the negotiation of collective agreements and their renewal;  (b) assisting parties in the management of the relations resulting from the implementation of collective agreements;  (c) mediating in relation to grievances; and  (d) assisting the Chairperson in discharging his or her responsibilities under this Act.</p> <p><b>Experts and advisers</b>  50. (1) The Chairperson may engage on a temporary basis the services of mediators and other experts or persons having technical or special knowledge to assist the Board in an advisory capacity and, subject to the approval of the Governor in Council, fix their remuneration.</p> <p><b>Non-application of Public Service Superannuation Act</b>  (2) A person engaged under subsection (1) is not to be considered as being employed in the public service for the purposes of the Public Service Superannuation Act by reason only of being so engaged.</p> <p><b>Appointment of mediator</b>  108. (1) The Chairperson may at any time, if requested to do so or on his or her own initiative, appoint a mediator to confer with the parties to a dispute and to endeavour to assist them in settling the dispute by any means that the mediator considers appropriate, including mediation, facilitation and fact- finding, subject to any direction that the Chairperson may give.</p> <p><b>Recommendations</b>  (2) At the request of the parties or the Chairperson, the mediator may make recommendations for settlement of the dispute.</p> <p><b>Powers</b>  226. (1) An adjudicator may, in relation to any matter referred to adjudication,</p>	<p>This <i>Act</i> has been replaced with the new Public Service Labour Relations Act which came into force April 1, 2005.</p>	<p>The new Public Service Labour Relations Act, which came into force April 1, 2005:  enables co-development of workplace improvements;  enhances conciliation (for example: through the appointment of a Public Interest Commission);  provides for negotiated essential services agreements;  established a new Public Service Labour Relations Board, with a mandate to provide compensation research and analysis, adjudication and mediation services;  established more comprehensive unfair labour practices provisions;  creates more comprehensive grievance and adjudication mechanisms; and  requires a secret ballot before a strike.  “Under the new Act, each deputy head is required to establish and promote an informal conflict management system and a Labour-Management Consultation Committee within the organization. Deputy heads also have the authority to demote, discipline and terminate employees, subject to Treasury Board Secretariat directives. Managers have the opportunity to develop performance standards and measurement processes, to use alternative dispute resolution systems, and to become more involved in the negotiation of Essential Service Agreements.”#  Public Resources Management Agency Human Resources of Canada, <i>Overview of the Public</i></p>
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	<p>(a) summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath in the same manner as a superior court of record;</p> <p>(b) order that a hearing or a pre-hearing conference be conducted using a means of telecommunication that permits the parties and the adjudicator to communicate with each other simultaneously;</p> <p>(c) administer oaths and solemn affirmations;</p> <p>(d) accept any evidence, whether admissible in a court of law or not;</p> <p>(e) compel, at any stage of a proceeding, any person to produce the documents and things that may be relevant;</p> <p>(f) subject to any limitations that the Governor in Council may establish in the interests of defence or security, enter any premises of the employer where work is being or has been done by employees, inspect and view any work, material, machinery, appliance or article in the premises and require any person in the premises to answer all questions relating to the matter being adjudicated;</p> <p>(g) interpret and apply the Canadian Human Rights Act and any other Act of Parliament relating to employment matters, other than the provisions of the Canadian Human Rights Act related to the right to equal pay for work of equal value, whether or not there is a conflict between the Act being interpreted and applied and the collective agreement, if any;</p> <p>(h) give relief in accordance with paragraph 53(2)(e) or subsection 53(3) of the Canadian Human Rights Act;</p> <p>(i) award interest in the case of grievances involving termination, demotion, suspension or financial penalty at a rate and for a period that the adjudicator considers appropriate; and</p> <p>(j) summarily dismiss grievances that in the opinion of the adjudicator are frivolous or vexatious.</p> <p><b>Power to mediate</b></p> <p>(2) At any stage of a proceeding before an adjudicator, the adjudicator may, if the parties agree, assist the parties in resolving the difference at issue without prejudice to the power of the adjudicator to continue the adjudication with respect to the issues that have not been resolved.</p> <p><b>Evidence respecting information obtained</b></p> <p>243. Members of the Board, members of arbitration boards, members of public interest commissions, mediators, adjudicators, persons seized of referrals under subsection 182(1), persons employed by the Board and persons engaged under</p>		<p><i>Service Modernization Act</i> (Canada: Public Resources Management Agency Human Resources of Canada) online: Public Resources Management Agency Human Resources of Canada &lt; <a href="http://www.hrma-agrh.gc.ca/hrmm-mgrh/mhrm-mgrh/opsma-almfp_e.asp">#"&gt;http://www.hrma-agrh.gc.ca/hrmm-mgrh/mhrm-mgrh/opsma-almfp_e.asp</a>&gt;#</p> <p>Mediation is permissive and confidential</p>
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subsection 50(1) are not required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of functions under this Act.

**No disclosure of notes and drafts**

244. The following may not be disclosed without the consent of the person who made them:

- (a) notes or draft orders or decisions of the Board or any of its members or of an adjudicator;
- (b) notes or draft reports of a mediator, a public interest commission or a person authorized or designated by the Board to assist in resolving a complaint or issue in dispute before the Board; and
- (c) notes or a draft arbitral award of an arbitration board.

**Criminal or civil proceedings**

245. No criminal or civil proceedings lie against a member of the Board, a member of an arbitration board, a member of a public interest commission, a mediator, an adjudicator, a person seized of a referral under subsection 182(1), a person employed by the Board or a person engaged under subsection 50(1) for anything done, reported or said in good faith in the course of the exercise or performance or purported exercise or performance of any power, duty or function under this Act.

Canada	<p><b><u>##<i>Royal Canadian Mounted Police Act, R.S.C. 1985, c. R-10</i></u></b></p> <p><b>Establishment of Commission</b></p> <p>45.29 (1) There is hereby established a commission, to be known as the Royal Canadian Mounted Police Public Complaints Commission, consisting of a Chairman, a Vice-Chairman, a member for each contracting province and not more than three other members, to be appointed by order of the Governor in Council.</p> <p><b>Informal Disposition</b></p> <p>45.36 (1) The Commissioner shall consider whether a complaint under subsection 45.35(1) can be disposed of informally and, with the consent of the complainant and the member or other person whose conduct is the subject-matter of the complaint, may attempt to so dispose of the complaint.</p> <p><b>Statements not Admissable</b></p> <p>(2) No answer or statement made, in the course of attempting to dispose of a complaint informally, by the complainant or the member or other person whose conduct is the subject-matter of the complaint shall be used or receivable in any criminal, civil or administrative proceedings other than, where the answer or statement was made by a member, a hearing under section 45.1 into an allegation that with intent to mislead the member gave the answer or statement knowing it to be false.</p> <p><b>Record of Informal Disposition</b></p> <p>(3) Where a complaint is disposed of informally, a record shall be made of the manner in which the complaint was disposed of, the complainant's agreement to the disposition shall be signified in writing by the complainant and the member or other person whose conduct is the subject-matter of the complaint shall be informed of the disposition.</p>		<p>The Commission for Public Complaints (CPC) against the RCMP was created in 1988 pursuant to the powers under this <i>Act</i>. For more on the powers of the CPC see <a href="#">Schedule A</a>.</p>
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Canada	<p><b><u>##<i>Status of the Artist Act, S.C. 1992, c. 33</i></u></b></p> <p>An Act respecting the status of the artist and professional relations between artists and producers in Canada</p> <p><b>Settlement of Labour Disputes</b></p> <p><b>Mediation</b></p> <p>45. The Minister may, on request or of the Minister's own motion, name a mediator to confer with parties who are unable to reach agreement and to assist them to enter into a scale agreement.</p> <p><b>Documents as evidence</b></p> <p>60. (1) Any document purporting to contain or to be a copy of a determination of the Tribunal and to be signed by a member thereof is admissible in evidence in any court without proof of the signature or official character of the member or any further proof.</p> <p><b>Certificate of Minister is evidence</b></p> <p>(2) A certificate, purporting to be signed by the Minister or an official of the Federal Mediation and Conciliation Service, stating that any document referred to in this Part was or was not received or given by the Minister pursuant to this Part and, if received or given, stating the date that it was received or given, is admissible in evidence in any court without proof of the signature or official character of the Minister or official, or any further proof.</p>		
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Canada	<p><b><u>##<i>Thunder Bay Grain Handling Operations Act, S.C. 1991, c. 31</i></u></b></p> <p>An Act to provide for the resumption and continuance of grain handling operations at Thunder Bay, Ontario</p> <p><b>Extension of collective agreement</b></p> <p>6. (1) The term of the collective agreement is extended to include the period beginning on February 1, 1991 and ending on a date to be fixed by the mediator-arbitrator, which date shall not be earlier than January 31, 1993 or later than January 31, 1994.</p> <p><b>Collective agreement binding for extended term</b></p> <p>(2) The collective agreement, as amended by or pursuant to this Act, is effective and binding on the parties thereto for the period for which the agreement is extended by subsection (1) notwithstanding anything in Part I of the Canada Labour Code or in the agreement, and Part I of that Act applies in respect of the agreement, as so amended, as if that period were the term of the agreement.</p> <p><b>Appointment of mediator-arbitrator</b></p> <p>8. (1) The Minister shall, after the coming into force of this Act, appoint a mediator-arbitrator and refer to the mediator-arbitrator all matters relating to the amendment or revision of the collective agreement that, at the time of the appointment, remain in dispute between the union and the employer.</p> <p>*[Note: Act in force on the day immediately after the day on which this Act is assented to (assent date being October 11, 1991), but not before the twelfth hour after the time at which this Act is assented to, see section 14.]</p> <p><b>Duties</b></p> <p>(2) The mediator-arbitrator shall, within ninety days after the mediator-arbitrator's appointment or such longer period as the Minister may allow,</p> <ul style="list-style-type: none"> <li>(a) endeavour to mediate all the matters referred to in subsection (1) and to bring about agreement between the union and the employer on those matters;</li> <li>(b) if the mediator-arbitrator is unable to bring about agreement in respect of any such matter, hear the union and the employer on the matter, arbitrate the matter and render a decision in respect thereof; and</li> <li>(c) report to the Minister on the resolution of all such matters.</li> </ul> <p><b>Powers</b></p>		<p>This Act was created to facilitate the resumption of grain handling operations in Thunder Bay</p> <p>Under s.8(1) a mediator-arbitrator is mandatory to resolve matters in dispute between union and employer.</p> <p>s.8(4) the decision of the mediator-arbitrator in respect of any matter arbitrated shall be set out in such form as will enable the decision to be incorporated into the collective agreement and becomes binding as part of the new collective agreement.</p>
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	<p>(3) The mediator-arbitrator has, with such modifications as the circumstances require,</p> <ul style="list-style-type: none"> <li>(a) for the purposes of the mediation referred to in paragraph (2)(a), all the powers of a conciliation commissioner under section 84 of the Canada Labour Code; and</li> <li>(b) for the purposes of the arbitration referred to in paragraph (2)(b), all the powers and duties of an arbitrator under sections 60 and 61 of that Act.</li> </ul> <p><b>Form of decision</b></p> <p>(4) The decision of the mediator-arbitrator in respect of any matter arbitrated by the mediator-arbitrator shall be set out in such form as will enable the decision to be incorporated into the collective agreement in accordance with section 9.</p> <p><b>Incorporation in collective agreement</b></p> <p>9. When the mediator-arbitrator reports to the Minister pursuant to subsection 8(2), the collective agreement shall be deemed to be amended by the incorporation therein of any amendments agreed to by the union and the employer pursuant to the mediation and any decision of the mediator-arbitrator in respect of a matter arbitrated by the mediator-arbitrator, and the agreement, as so amended, constitutes a new collective agreement that shall be deemed to have effect on and after February 1, 1991.</p>		
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Canada	<p><b><u>##<i>West Coast Ports Operations Act, 1995, S.C. 1995, c. 2</i></u></b></p> <p>An Act respecting the supervision of longshoring and related operations at west coast ports</p> <p><b>Extension of collective agreement</b></p> <p>6. (1) The term of the collective agreement is extended to include the period beginning on January 1, 1993 and ending on the date fixed by the mediator-arbitrator.</p> <p><b>Collective agreement binding for extended term</b></p> <p>(2) The collective agreement, as amended by or pursuant to this Act, is effective and binding on the parties to the collective agreement for the period for which the collective agreement is extended by subsection (1) notwithstanding anything in Part I of the Canada Labour Code or in the collective agreement, and Part I of that Act applies in respect of the collective agreement, as so amended, as if that period were the term of the collective agreement.</p> <p><b>Appointment of mediator-arbitrator</b></p> <p>8. (1) The Minister shall, after the coming into force of this Act, appoint a mediator-arbitrator and refer to the mediator-arbitrator all matters relating to the amendment or revision of the collective agreement that, at the time of the appointment, remain in dispute between the parties to the collective agreement.</p> <p><b>Duties</b></p> <p>(2) The mediator-arbitrator shall, within ninety days after the mediator-arbitrator's appointment or such longer period as the Minister may allow,</p> <ul style="list-style-type: none"> <li>(a) endeavour to mediate all the matters referred to in subsection (1) and to bring about agreement between the parties on those matters;</li> <li>(b) if the mediator-arbitrator is unable to bring about agreement in respect of any such matter, hear the parties on the matter, arbitrate the matter after taking cognizance of the report of the conciliation commissioner released to the parties on February 10, 1995, and render a decision in respect thereof;</li> <li>(c) fix a date for the termination of the collective agreement, which date may not be earlier than December 31, 1996; and</li> <li>(d) report to the Minister on the resolution of all such matters.</li> </ul> <p><b>Powers</b></p> <p>(3) The mediator-arbitrator has, with such modifications as the circumstances</p>		<p>This Act was created to facilitate the resumption or continuance of supervision of longshoring and related operations at ports on the west coast of Canada.</p> <p>Under s.8(1) a mediator-arbitrator is mandatory to resolve matters in dispute between union and employer.</p> <p>s.8(4) the decision of the mediator-arbitrator in respect of any matter arbitrated shall be set out in such form as will enable the decision to be incorporated into the collective agreement and becomes binding as part of the new collective agreement.</p>
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	<p>require,</p> <ul style="list-style-type: none"> <li>(a) for the purposes of the mediation referred to in paragraph (2)(a), all the powers of a conciliation commissioner under section 84 of the Canada Labour Code; and</li> <li>(b) for the purposes of the arbitration referred to in paragraph (2)(b), all the powers and duties of an arbitrator under sections 60 and 61 of that Act.</li> </ul> <p><b>Form of decision</b></p> <p>(4) The decision of the mediator-arbitrator in respect of any matter arbitrated by the mediator-arbitrator shall be set out in such form as will enable the decision to be incorporated into the collective agreement in accordance with section 9.</p> <p><b>Incorporation in collective agreement</b></p> <p>9. When the mediator-arbitrator reports to the Minister pursuant to subsection 8(2), the collective agreement shall be deemed to be amended by the incorporation therein of any amendments agreed to by the parties to the collective agreement pursuant to the mediation and any decision of the mediator-arbitrator in respect of a matter arbitrated by the mediator-arbitrator, and the collective agreement, as so amended, constitutes a new collective agreement that shall be deemed to have effect on and after January 1, 1993.</p> <p><b>Costs</b></p> <p>10. (1) All costs incurred by Her Majesty in right of Canada relating to the appointment of the mediator-arbitrator and the exercise of the mediator-arbitrator's duties under this Act are debts due to Her Majesty in right of Canada and may be recovered as such in any court of competent jurisdiction as follows:</p> <ul style="list-style-type: none"> <li>(a) one half from the employers, and</li> <li>(b) one half from the union.</li> </ul> <p><b>Employers are jointly and severally liable</b></p> <p>(2) The employers are jointly and severally liable for payment of the amount that may be recovered from the employers under subsection (1).</p>		
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Canada	<p><b><u>##<i>Youth Criminal Justice Act, S.C. 2002, c. 1</i></u></b></p> <p><b>Conferences may be convened</b></p> <p>19. (1) A youth justice court judge, the provincial director, a police officer, a justice of the peace, a prosecutor or a youth worker may convene or cause to be convened a conference for the purpose of making a decision required to be made under this Act.</p> <p><b>Mandate of a conference</b></p> <p>(2) The mandate of a conference may be, among other things, to give advice on appropriate extrajudicial measures, conditions for judicial interim release, sentences, including the review of sentences, and reintegration plans.</p> <p><b>Rules for conferences</b></p> <p>(3) The Attorney General or any other minister designated by the lieutenant governor in council of a province may establish rules for the convening and conducting of conferences other than conferences convened or caused to be convened by a youth justice court judge or a justice of the peace.</p> <p><b>Rules to apply</b></p> <p>(4) In provinces where rules are established under subsection (3), the conferences to which those rules apply must be convened and conducted in accordance with those rules.</p> <p><b>Community-based programs</b></p> <p>157. The Attorney General of Canada or a minister designated by the lieutenant governor in council of a province may establish the following types of community-based programs:</p> <ul style="list-style-type: none"> <li>(a) programs that are an alternative to judicial proceedings, such as victim-offender reconciliation programs, mediation programs and restitution programs;</li> <li>(b) programs that are an alternative to detention before sentencing, such as bail supervision programs; and</li> <li>(c) programs that are an alternative to custody, such as intensive support and supervision programs, and programs to carry out attendance orders.</li> </ul>		<p>“There is an increasing use of conferences to assist in the decision making regarding young persons involved in the youth justice system. “Conference” refers to various types of processes such as family group conferencing, youth justice committees, community accountability panels, sentencing circles, and inter-agency case conferences.</p> <p>The use of conferences is to provide for more creative solutions and increased involvement of the victim and other community members in the youth justice system. It could be a restorative mechanism focused on developing proposals to repair the harm done on the victim of a young offender’s offence.</p> <p>The Youth Justice Act authorizes and encourages the convening of conferences to assist decision makers in the youth justice system.”#</p> <p>Department of Justice Canada, <i>The Youth Criminal Justice Act: Summary and Background</i>, (Canada: Department of Justice Canada), online: Department of Justice Canada &lt;<a href="http://www.justice.gc.ca/en/ps/yj/ycja/explan.html">http://www.justice.gc.ca/en/ps/yj/ycja/explan.html</a>&gt;#</p>
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## Alberta Statutes and Regulation

Alberta	## <u><i>Administrative Procedures and Jurisdiction Act,</i></u> <u><b>R.S.A. 2000, c. A-3</b></u>		
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Alberta	<p><b><u>##<i>Agricultural Operation Practices Act, RSA 2000, c. A-7</i></u></b></p> <p><b>Practice review committee</b></p> <p>5(2) One or more practice review committees may exist and consider applications and referrals and mediate at the same time.</p> <p>Nuisance</p> <p><b>Investigation, mediation</b></p> <p>8 (1) A practice review committee, when acting as a mediator, may assist the parties in reaching their own mutually acceptable settlement by structuring negotiations, facilitating communication and identifying the issues and interests of the parties.</p> <p>(2) The practice review committee may inquire into and assist the parties in resolving the dispute and, if the matter is not resolved, may recommend to the Minister what should constitute a generally accepted agricultural practice in respect of that agricultural operation.</p> <p><b>Considerations on approvals</b></p> <p>20 (1) In considering an application for an approval or an amendment of an approval, an approval officer must consider whether the applicant meets the requirements of this Part and the regulations and whether the application is consistent with the municipal development plan land use provisions, and if in the opinion of the approval officer,</p> <ul style="list-style-type: none"> <li>(a) the requirements are not met or there is an inconsistency with the municipal development plan land use provisions, the approval officer must deny the application, or</li> <li>(b) there is no inconsistency with the municipal development plan land use provisions and the requirements are met or a variance may be granted under section 17 and compliance with the variance meets the requirements of the regulations, the approval officer...</li> <li>(v) may provide or facilitate mediation among directly affected parties...</li> </ul> <p><b>Considerations on approvals</b></p> <p>In considering an application for an approval or an amendment of an approval, an approval officer must consider whether the applicant meets the requirements of this Part and the regulations and whether the application is consistent with the municipal development plan and if, in the opinion of the approval officer...</p> <ul style="list-style-type: none"> <li>(v) may provide or facilitate mediation among directly affected</li> </ul>		<p>Under s.3.1(1) alternative dispute resolution is voluntary with the agreement of a director. All information provided orally during the process is confidential as well as all documents and records created as a result of ADR.</p> <p>For regulations created pursuant to this <i>Act</i> see below.</p>
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	<p>parties...</p> <p><b>Review</b></p> <p>25 (1) The Board must, within 10 working days of receiving an application under section 20(5), 22(4) or 23(3) and within 10 working days of the Board's determination under section 20(8) that a person or organization is a directly affected party,</p> <p style="padding-left: 40px;">(a) dismiss the application for review, if in the opinion of the Board, the issues raised in the application for review were adequately dealt with by the approval officer or the issues raised are of little merit, or</p> <p style="padding-left: 40px;">(b) schedule a review.</p> <p>...</p> <p>(4) In conducting a review the Board</p> <p style="padding-left: 40px;">(a) may arrange a mediation among the applicant and the directly affected parties...</p> <p>(5) If a Board member participates in a mediation process under subsection (4)(a), that member may not participate in the review of the application.</p>		
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Alberta	<p><b>##<a href="#">Alberta Energy and Utilities Board Act, R.S.A. 2000, c. A-17</a></b>  <b>Establishment of the Board</b>  2 The Alberta Energy and Utilities Board is established as a corporation consisting of its members.  1994 cA-19.5 s2</p>		<p>The Alberta Energy and Utilities Board established under this <i>Act</i> developed an ADR program. For more information on this program, please see <a href="#">Schedule A</a>.</p>
Alberta	<p><b>##<a href="#">Arbitration Act, RSA 2000, c. A-43</a></b>  <b>Application of Act</b>  2(1) This Act applies to an arbitration conducted under an arbitration agreement or authorized or required under an enactment unless  (a) the application of this Act is excluded by an agreement of the parties or by law, or  (b) Part 2 of the International Commercial Arbitration Act applies to the arbitration.</p> <p>(2) If there is a conflict between this Act and the other enactment that authorized or required the arbitration, the other enactment prevails.</p> <p>(3) This Act does not apply to an arbitration authorized or required under any of the following:  (a) repealed 2003 cP-19.5 s133;  (b) Cancer Programs Act;  (c) repealed 2003 cP-19.5 s133;  (d) Labour Relations Code;  (e) Police Officers Collective Bargaining Act;  (e.1) Post-secondary Learning Act;  (f) Public Service Employee Relations Act;  (g),(h) repealed 2003 cP-19.5 s133;  (i) any other enactment set out in the regulations.</p>		<p>The <i>Arbitration Act</i> was created in 2000 to give parties to a dispute wide discretion in the way they choose an arbitrator</p> <p>This <i>Act</i> sets out the terms of an arbitration agreement, the composition of an Arbitral Tribunals, the powers of the courts with respect to arbitration and other issues regarding the process of arbitration.</p> <p>Settlements agreed to under arbitration are binding unless it is set aside or varied</p> <p>To see the full <i>Act</i> go to this <a href="#">link</a>, or click on the title of the <i>Act</i>.</p> <p>Note: Currently there is no legislation governing the practice and procedure of mediation# Alberta Arbitration and Mediation Centre.  <a href="http://www.aams.ab.ca/#">http://www.aams.ab.ca/#</a></p>

Alberta	<p><b><u>##Architects Act, RSA 2000, c. A-44</u></b></p> <p><b>Practice Review and Discipline</b></p> <p><b>Complaints</b></p> <p>31 (1) A person may complain to the Registrar about the conduct of an authorized entity, and the complaint shall be dealt with in accordance with this Part.</p> <p>(2) A complaint respecting the conduct of an authorized entity whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within one year following the date of cancellation of the registration as if the cancellation had not occurred.</p> <p>(3) A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar if the complainant and the person about whose conduct the complaint was made so agree, but if within 30 days from the date of receipt of the complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall, if it is in writing, be referred forthwith by the mediator to the chair.</p> <p><b>Initial review by Committee chair</b></p> <p>32 (1) The chair shall review the conduct of an authorized entity within 30 days from the date on which a complaint respecting that conduct</p> <ul style="list-style-type: none"> <li>(a) is brought to the chair's attention by a complainant or any other person, or</li> <li>(b) when section 31(3) applies, is referred to the chair by a mediator.</li> </ul> <p>(2) The Council may at the request of the chair extend the 30-day period mentioned in subsection (1).</p> <p>(3) The chair may, at any time during a review under this section, or on a review of conduct when no complaint has been made, conduct a preliminary investigation or appoint a person to conduct a preliminary investigation to ascertain facts relating to the conduct or alleged conduct of an authorized entity.</p>		
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Alberta	<p><b><u>##<i>Child, Youth and Family Enhancement Act, RSA 2000, c. C-12</i></u></b></p> <p><b>Alternative Dispute Resolution</b></p> <p>3.1(1) Subject to the regulations, a child, the guardian of a child or a person who in the opinion of a director has a significant connection to a child may, with the agreement of the director, enter into alternative dispute resolution, as defined in the regulations, with the director with respect to any decision made by the director with respect to the child.</p> <p>(2) All information provided orally during alternative dispute resolution is confidential and is the privileged information of the person providing it, and all documents and records created as a result of alternative dispute resolution are confidential and are privileged documents and records of the person creating them.</p> <p>(3) No person shall disclose or be compelled to disclose the documents, records or information described in subsection (2) except</p> <ul style="list-style-type: none"> <li>(a) with the consent of all who participated in the alternative dispute resolution,</li> <li>(b) if disclosure is necessary to make or to carry out an agreement under this Act,</li> <li>(c) if disclosure is pursuant to an order of the Court granted with the consent of all the parties to the Court application,</li> <li>(d) to the extent that the disclosure is necessary to protect the survival, security or development of the child, or</li> <li>(e) for the purposes of disclosure required by section 4.</li> </ul> <p>(4) If there is a conflict or inconsistency between subsection (2) or (3) and the Freedom of Information and Protection of Privacy Act, subsection (2) or (3) prevails despite that Act.</p> <p>(5) No action may be brought against a person who conducts alternative dispute resolution under this section for any act done or omitted to be done with respect to the alternative dispute resolution unless it is proved that the person acted maliciously and without reasonable and probable cause</p> <p><b>Regulations</b></p> <p>131 (2) The Minister may make regulations</p> <ul style="list-style-type: none"> <li>(nn) defining alternative dispute resolution;</li> <li>(oo) respecting alternative dispute resolution;</li> </ul>		
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	(pp) respecting the qualifications of persons conducting alternative dispute resolution;		
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Alberta	<p><b><u>##<i>Child, Youth and Family Enhancement Regulation, Alta. Reg. 160/2004</i></u></b></p> <p><b>Definitions</b></p> <p>1(1) In this Regulation, "Act" means the Child, Youth and Family Enhancement Act.</p> <p>(2) For the purposes of Part 1, Division 5 and Part 2 of the Act, "qualified person" means</p> <ul style="list-style-type: none"> <li>(a) an individual who is registered on the general register category of the regulated members register of the Alberta College of Social Workers, or</li> <li>(b) a person who in the opinion of the Minister is qualified because of the person's education and experience.</li> </ul> <p>(3) For the purposes of the Act, "alternative dispute resolution" means mediation.</p> <p><b>Mediation</b></p> <p>5(1) A person who conducts alternative dispute resolution by mediation under section 3.1 of the Act must</p> <ul style="list-style-type: none"> <li>(a) have qualifications or experience, or a combination of both, satisfactory to a director, and</li> <li>(b) be agreed to by all parties to the mediation.</li> </ul> <p>(2) A person who conducts alternative dispute resolution by mediation must use a process that facilitates the parties to the mediation to make their own decisions to resolve the dispute.</p>		
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Alberta	<p><b>##<a href="#"><u>Condominium Property Act, RSA 2000, c. C-22</u></a></b></p> <p><b>Alternate dispute resolution</b></p> <p>69(1) Any dispute respecting any matter arising under this Act or in respect of the bylaws of a corporation may, with the agreement of the parties to the dispute,</p> <ul style="list-style-type: none"> <li>(a) be dealt with by means of mediation, conciliation or similar techniques to encourage settlement of the dispute, or</li> <li>(b) be arbitrated under the Arbitration Act.</li> </ul> <p>(2) Nothing in subsection (1) shall be construed so as to prohibit a dispute from being arbitrated subsequent to an unsuccessful attempt to deal with the dispute by means of mediation, conciliation or a similar technique.</p> <p><b>Regulations</b></p> <p>81 The Lieutenant Governor in Council may make regulations</p> <ul style="list-style-type: none"> <li>(t) authorizing an association or organization that in the opinion of the Minister represents the interests of owners, corporations, developers, managers of corporations and persons other than owners who have interests in units...</li> <li>(ii) to provide for mediation, conciliation, arbitration or similar techniques to encourage settlement of disputes arising in respect of units, common property, management of units, of common property or of corporations, the sale or rental of units or any other matter coming under this Act;...</li> </ul>		<p>The Regulation created pursuant to the Act was <a href="#"><u>Condominium Property Regulation, Alta. Reg. 168/2000</u></a> which dealt with Mediation and Arbitration under section 77.</p> <p><b>Mediation and arbitration</b></p> <p>77. If the parties to a dispute referred to in section 69 of the Act wish to deal with the dispute under section 69 of the Act but are unable to agree on a mediator or an arbitrator, as the case may be, the Alberta Arbitration and Mediation Society is, subject to any agreement between the parties, authorized to appoint a person as a mediator or an arbitrator in respect of that dispute.</p>
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<p>Alberta</p>	<p><b><u>##<i>Cooperative Act, SA 2001, c. C-28.1</i></u></b>  <b>Incorporating a Cooperative</b>  <b>Bylaws and Amendments to Bylaws</b>  <b>Contents of bylaws</b>  9 (1) The Minister may make regulations governing the subject-matter that must be included in the bylaws of a cooperative.</p> <p>(2) The bylaws of a cooperative may provide for...  (d) the referral of disputes between a member and the cooperative to a process of dispute resolution, including mediation, or arbitration under the Arbitration Act, or both, and for that purpose may adopt, with or without modifications, model clauses prescribed by the regulations;...</p> <p><b>Ministerial regulations</b>  352 The Minister may make regulations</p> <p>...</p> <p>(m) respecting or adopting a code of ethical conduct for mediators and arbitrators, or providing for its adoption by bylaw, and the means by which complaints arising with respect to the code are to be resolved or decided;  (n) respecting rules for the conduct of mediation or arbitration proceedings or providing that such rules may be adopted by bylaw;...</p> <p><b>Non-profit continuing housing cooperatives</b>  392 (2) In addition to the requirements of the regulations made under section 9(1), a non-profit continuing housing cooperative must make bylaws  (b) governing the procedure for determining disputes between members and between members and the cooperative, including the requirement for a mediation process;</p> <p><b>Non-profit home ownership cooperatives</b>  402 (2) In addition to the requirements of the regulations made under section 9(1), a non-profit home ownership cooperative must make bylaws</p> <p>...</p> <p>(b) governing the procedure for determining disputes between members and between members and the cooperative, including the requirement for a mediation process;...</p>		<p>As of March 8, 2007 the Minister has not made regulations regarding mediation pursuant to powers set out in section 352.</p> <p>Section 392(2)(b) and 402(2)(b) deals with non profit housing cooperatives and says that the cooperative must make a by-law including the requirement of a mediation process.</p>
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Alberta	<p><b>##<u><i>Electric Utilities Act, SA 2003, c. E-5.1</i></u></b></p> <p><b>Regulation by the Board</b></p> <p><b>Negotiated Settlement of an Issue</b></p> <p><b>Powers of Board</b></p> <p>133 As part of the rules, practices and procedures for negotiated settlement of matters or the resolution of complaints or disputes, the Board may</p> <ul style="list-style-type: none"> <li>(a) provide for the appointment of mediators to assist parties in negotiating the settlement of an issue;</li> <li>(b) provide for the appointment of employees of the Board as mediators;</li> <li>(c) provide for employees of the Board to attend the settlement process;...</li> </ul> <p><b>Limit on mediators and facilitators</b></p> <p>136 No person acting as a mediator or facilitator of a negotiated settlement or resolution of a complaint or dispute may participate in any proceedings of the Board arising from or relating to the issue without the express consent of all the parties to the issue.</p>		Mediation is permissive
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Alberta	<p><b><u>##<i>Engineering, Geological and Geophysical Professions Act, RSA 2000, c. E-11</i></u></b></p> <p><b>Complaints</b></p> <p>43 (1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.</p> <p>(2) A complaint must be in writing.</p> <p>(3) A complaint respecting the conduct of a professional member, licensee, permit holder or certificate holder whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within 2 years following the date of cancellation of the registration as if the cancellation had not occurred.</p> <p>(4) Notwithstanding section 47, a person designated by the Registrar as a mediator may assist in settling a complaint if the complainant and the person about whose conduct the complaint was made agree, but if within 30 days from the date of receipt of the complaint, or a longer period agreed to by those persons, a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall be referred forthwith by the Registrar to the Investigative Committee.</p> <p>(5) If a complaint is settled with the assistance of a mediator, any agreement that is reached by the complainant and the person about whose conduct the complaint was made must be reviewed by the Investigative Committee, and that Committee may</p> <ul style="list-style-type: none"> <li>(a) approve the agreement, or</li> <li>(b) proceed with a preliminary investigation in accordance with section 47.</li> </ul>		<p>The Registrar may designate a mediator to assist in settling a complaint, however any settlement reached with the assistance of a mediator must be approved by the Investigative Committee.</p>
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Alberta	<p><b>##<a href="#"><i>Environmental Protection and Enhancement Act, R.S.A. 2000, c. E-12</i></a></b>  <b>Environmental Appeals Board</b>  <b>Environmental Appeals Board established</b>  90(1) There is hereby established the Environmental Appeals Board consisting of persons appointed by the Lieutenant Governor in Council  .  (2) The Board shall hear appeals as provided for in this Act or any other enactment.    (3) The Board may convene a panel of Board members to conduct a hearing of an appeal and appoint a person to chair the panel.    (4) Where a panel is convened, the panel has all the powers of the Board and is subject to all the same duties the Board is subject to, and a reference in this Act to the Board is to be read as a reference to the panel.</p>		<p>Decisions made under this <i>Act</i> can be appealed to the Environmental Appeals Board.</p> <p>More detail about the Board can be found in <a href="#">Schedule A</a>.</p>
Alberta	<p><b>##<a href="#"><i>Fair Trading Act, RSA 2000, c. F-2</i></a></b>  <b>Ministerial Regulations</b>  51 The Minister may make regulations  (k) respecting alternative dispute resolution processes;    <b>Dispute resolution</b>  142 The Director may provide any person who is involved in a dispute respecting a matter under this Act with information on dispute resolution processes, such as arbitration and mediation, and may establish dispute resolution processes that the parties to the dispute may choose to use.</p>		<p>The minister has the power to make ADR regulations, but has not done so thus far.</p>

Alberta	<p><b>##<a href="#"><i>Family Law Act, SA 2003, c. F-4.5</i></a></b></p> <p><b>Duty of lawyer</b></p> <p>5(1) Every lawyer who acts on behalf of a party in an application under this Act has a duty</p> <ul style="list-style-type: none"> <li>(a) to discuss with the party alternative methods of resolving the matters that are the subject of the application, and</li> <li>(b) to inform the party of collaborative processes, mediation facilities and family justice services known to the lawyer that might assist the parties in resolving those matters.</li> </ul> <p>(2) Subject to the regulations, every application presented to the court by a lawyer pursuant to this Act must contain a statement signed by the lawyer certifying that the lawyer has complied with subsection (1).</p> <p><b>Dispute resolution</b></p> <p>97(1) In a proceeding under this Act, the court may appoint a mediator or a neutral third party to assist the parties in resolving all or part of the matters in issue before the court.</p> <p>(2) Where the court appoints a person under subsection (1), the court shall allocate the costs relating to the appointment among the parties.</p>		<p>Under s.5(1) it is the duty of the lawyer to discuss with the party alternative methods of resolving the disputes and to inform the parties of mediation facilities and family justice services known to the lawyer that might assist the parties in resolving the matters.</p> <p>The court <b>may</b> appoint a mediator to assist the parties in resolving disputes</p>
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Alberta	<p><b><u>##<i>Family Support for Children with Disabilities Act</i>, SA 2003, c. F-5.3</u></b></p> <p><b>Mediation</b></p> <p>6(1) The director and a guardian may enter into mediation with respect to any decision made by the director under this Act.</p> <p>(2) No action may be brought against a person who conducts a mediation under this section for any act done or omitted to be done with respect to the mediation unless it is proved that the person acted maliciously and without reasonable and probable cause.</p> <p><b>Appeal</b></p> <p>7(1) A guardian may appeal a decision of a director made under section 3(1)(b), 4 or 5(1) to an appeal committee established under section 8.</p> <p>(2) An appeal under subsection (1) must be commenced by serving a notice of appeal, in the form provided for in the regulations, on the director within 45 days of the date on which the guardian has been notified of the decision that is the subject of the appeal.</p> <p>(3) A director must, within 10 days of receiving a notice under subsection (2), deliver it to a chair of an appeal committee.</p> <p>(4) Despite subsection (2), if the director and the guardian have entered into mediation pursuant to section 6, the time for commencing an appeal is suspended until the conclusion or abandonment of the mediation.</p>		<p>Mediation is voluntary with respect to any decision made by the director under this <i>Act</i>.</p>
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Alberta	<p><b><u>##Freedom of Information and Protection of Privacy Act, RSA 2000, c. F-25</u></b></p> <p><b>Disclosure harmful to business interests of a third party</b></p> <p>16 (1) The head of a public body must refuse to disclose to an applicant information</p> <ul style="list-style-type: none"> <li>(a) that would reveal <ul style="list-style-type: none"> <li>(i) trade secrets of a third party, or</li> <li>(ii) commercial, financial, labour relations, scientific or technical information of a third party,</li> </ul> </li> <li>(b) that is supplied, explicitly or implicitly, in confidence, and</li> <li>(c) the disclosure of which could reasonably be expected to <ul style="list-style-type: none"> <li>(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,</li> <li>(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,</li> <li>(iii) result in undue financial loss or gain to any person or organization, or</li> <li>(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.</li> </ul> </li> </ul> <p>(2) The head of a public body must refuse to disclose to an applicant information about a third party that was collected on a tax return or collected for the purpose of determining tax liability or collecting a tax.</p> <p>(3) Subsections (1) and (2) do not apply if</p> <ul style="list-style-type: none"> <li>(a) the third party consents to the disclosure,</li> <li>(b) an enactment of Alberta or Canada authorizes or requires the information to be disclosed,</li> <li>(c) the information relates to a non-arm's length transaction between a public body and another party, or</li> <li>(d) the information is in a record that is in the custody or under the control of the Provincial Archives of Alberta or the archives of a public body and has been in existence for 50 years or more.</li> </ul> <p><b>Disclosure harmful to business interests of a third party</b></p> <p>The head of a public body must refuse to disclose to an applicant information</p> <ul style="list-style-type: none"> <li>(a) that would reveal</li> </ul>		<p>The Commissioner <b>may</b> authorize a mediator to investigate and try to settle any matter that is the subject of a request for a review.</p>
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	<ul style="list-style-type: none"> <li>(i) trade secrets of a third party, or</li> <li>(ii) commercial, financial, labour relations, scientific or technical information of a third party,</li> </ul> <p>(b) that is supplied, explicitly or implicitly, in confidence, and</p> <p>(c) the disclosure of which could reasonably be expected to</p> <ul style="list-style-type: none"> <li>(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,</li> <li>(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,</li> <li>(iii) result in undue financial loss or gain to any person or organization, or</li> <li>(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.</li> </ul> <p>The head of a public body must refuse to disclose to an applicant information about a third party that was collected on a tax return or collected for the purpose of determining tax liability or collecting a tax.</p> <p>Subsections (1) and (2) do not apply if</p> <ul style="list-style-type: none"> <li>(a) the third party consents to the disclosure,</li> <li>(b) an enactment of Alberta or Canada authorizes or requires the information to be disclosed,</li> <li>(c) the information relates to a non-arm's length transaction between the Government of Alberta and another party, or</li> <li>(d) the information is in a record that is in the custody or under the control of the Provincial Archives of Alberta or the archives of a public body and has been in existence for 50 years or more.</li> </ul> <p><b>Mediation may be authorized</b></p> <p>68 The Commissioner may authorize a mediator to investigate and try to settle any matter that is the subject of a request for a review.</p>		
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Alberta	<p><b><u>##Gas Utilities Act, RSA 2000, c. G-5</u></b></p> <p><b>Powers of Board</b></p> <p>28.52 As part of the rules, practices and procedures for the negotiated settlement of matters or the resolution of complaints or disputes, the Board may</p> <ul style="list-style-type: none"> <li>(a) provide for the appointment of mediators to assist parties in negotiating the settlement of an issue;</li> <li>(b) provide for the appointment of employees of the Board as mediators;</li> <li>(c) provide for employees of the Board to attend the settlement process;</li> <li>(d) recognize or establish rules to ensure that the parties to an issue receive <ul style="list-style-type: none"> <li>(i) adequate notice of the settlement process and the matters in issue,</li> <li>(ii) adequate disclosure of the positions of the parties and the basis for those positions, and</li> <li>(iii) an appropriate opportunity to participate in the settlement process;</li> </ul> </li> <li>(e) recognize or establish rules governing the extent to which persons who are not parties, or classes of persons who are not parties, may participate in the settlement of an issue;</li> <li>(f) provide that, before an issue may become the subject of a hearing before the Board, the parties must attempt to negotiate a settlement of the issue in accordance with the Board's rules, practices and procedures;</li> <li>(g) determine whether any costs of negotiating the settlement of an issue are payable and, if so, by whom and to whom the costs are to be paid.</li> </ul> <p><b>Limit on mediators and facilitators</b></p> <p>28.7 No person acting as a mediator or facilitator of a negotiated settlement or resolution of a complaint or dispute may participate in any proceedings of the Board arising from or relating to the issue without the express consent of all the parties to the issue.</p>		<p>The Board may provide for the appointment of mediators to assist parties in negotiating the settlement of an issue</p>
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Alberta	<p><b><u>##Government Organization Act, RSA 2000, c. G-10</u></b></p> <p><b>Schedule 8 Joint Board of Practice</b></p> <p>1 (1) In this section,</p> <p>(a) "Architects Association" means The Alberta Association of Architects under the Architects Act;</p> <p>(b) "Engineers Association" means the Association of Professional Engineers, Geologists and Geophysicists of Alberta under the Engineering, Geological and Geophysical Professions Act.</p> <p>(2) There shall be a Joint Board of Practice composed of</p> <p>(a) 4 persons appointed by the Council of the Architects Association, and</p> <p>(b) 4 persons appointed by the Council of the Engineers Association, and one chair from each Council appointed by the Minister from among candidates mutually agreed to by both Councils</p> <p>(3) The function and operation of the Joint Board of Practice shall be prescribed by agreement between the Council of the Architects Association and the Council of the Engineers Association, and the agreement shall include at least the following matters:</p> <p>(a) rules of procedure;</p> <p>(b) provisions respecting the assessment of applications for a certificate of authorization under the Architects Act and provisions respecting the assessment of applications for a certificate of authorization under the Engineering, Geological and Geophysical Professions Act;</p> <p>(c) a procedure under which the Joint Board of Practice may act as a mediator of complaints or disputes of an interprofessional nature from members of the Architects Association or the Engineers Association or from persons who are not members when the complaint cannot be resolved by each of those Associations individually or by both of those Associations jointly;...</p>		
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Alberta	<b><u>##<i>Health Information Act</i>, RSA 2000, c. H-5</u></b> <b>Reviews by Commissioner</b> <b>Mediation may be authorized</b> 76 The Commissioner may authorize a mediator to investigate and attempt to settle any matter that is the subject of a request for a review.		The Commissioner <b>may</b> authorize mediation
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Alberta	<p><b><u>##Hospitals Act, RSA 2000, c. H-12</u></b></p> <p><b>Operation of Approved Hospitals</b></p> <p><b>Investigation or mediation committee</b></p> <p>27 (1) When the Minister is requested to do so by the board of an approved hospital, the Minister may authorize</p> <ul style="list-style-type: none"> <li>(a) an investigation into the administration or operation of the hospital or any particular matter or problem that has arisen in connection with the administration or operation of the hospital, or</li> <li>(b) the mediation of any dispute that has arisen in the course of the administration or operation of the hospital.</li> </ul> <p>(2) When the Minister authorizes an investigation or mediation proceedings pursuant to subsection (1), the Minister may designate any person or entity to conduct or participate in the investigation or mediation proceedings.</p> <p>(3) Where the Minister designates one or more Associations to conduct or participate in an investigation or mediation proceedings, the governing body of each designated Association shall appoint one or more of the Association's members to the committee that is to conduct the investigation or mediation proceedings and shall inform the Minister accordingly.</p> <p>(4) The committee consisting of the person or persons appointed pursuant to this section</p> <ul style="list-style-type: none"> <li>(a) shall elect one of their number as chair, if there are 2 or more members on the committee,</li> <li>(b) shall conduct the investigation or mediation proceedings authorized by the Minister, and</li> <li>(c) is entitled to require from the board and its employees all information the committee reasonably requires for the purpose of the investigation or mediation proceedings and is entitled to access to the relevant records of the board for that purpose.</li> </ul> <p>(5) On the completion of the investigation or mediation proceedings, the committee shall prepare a report on it and submit a copy of the report to the board concerned, the Minister and the persons and entities designated pursuant to subsection (2).</p> <p>(6) No action lies against any person or entity designated pursuant to subsection (2) or against any member of a committee constituted under this section in respect of</p>		<p>As of March 18, 2007 no mediation regulations have been enacted by the Minister under the power given in this <i>Act</i>.</p> <p>Mediation is permissive and has to be authorized by the Minister</p>
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	<p>(a) any advice given or statements made in the committee's report, or (b) anything done or omitted to be done by the committee or any member of the committee in good faith in the course of conducting the investigation or mediation proceedings.</p> <p><b>Regulations</b> 28 (1) The Lieutenant Governor in Council may make regulations ... (i) prescribing procedures for the mediation of a decision of a board of an approved hospital to refuse the appointment of a physician to its medical staff;...</p>		
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Alberta	<p><b><u>##<i>Human Rights, Citizenship and Multiculturalism Act, R.S.A. 2000, c. H-14</i></u></b></p> <p><b>Alberta Human Rights and Citizenship Commission</b></p> <p><b>Commission continued</b></p> <p>15(1) The Alberta Human Rights Commission is continued under the name “Alberta Human Rights and Citizenship Commission”, consisting of the number of members appointed by the Lieutenant Governor in Council.</p>		<p>The Alberta Human Rights and Citizenship Commission administers this act and also provides for ADR. For more information on this Commission please see <a href="#">Schedule A.</a></p>
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Alberta	<p><b>##<a href="#"><u>Insurance Act, RSA 2000, c. I-3</u></a></b></p> <p><b>Insurance Contracts</b></p> <p><b>Automobile Insurance</b></p> <p><b>Methods of Resolving Disputes</b></p> <p><b>Dispute resolution</b></p> <p>661.3(1) In this section, "complaint" means any complaint or issue that an insured or an applicant for a contract has with an insurer, an insurance agent or an insurance broker with respect to</p> <ul style="list-style-type: none"> <li>(a) premiums,</li> <li>(b) the basis on which a premium was determined,</li> <li>(c) the availability of insurance,</li> <li>(d) the taking of adverse contractual action referred to in section 613.1,</li> <li>(e) fault as determined by an insurer in relation to a claim, or</li> <li>(f) any matter not referred to in clauses (a) to (e) prescribed by regulation,</li> </ul> <p>but does not include, in respect of an accident, any matter concerning the determination of liability or the amount of damages where an action has been commenced or likely to be commenced in respect of that accident.</p> <p>(2) The Lieutenant Governor in Council may make regulations providing for one or more dispute resolution systems or processes by means of which complaints may be resolved or otherwise dealt with and, without restricting the generality of the foregoing, may make regulations</p> <ul style="list-style-type: none"> <li>(a) prescribing, for the purposes of subsection (1)(f), any other matter for which a dispute resolution system or process may be used;</li> <li>(b) governing the procedure to be followed or otherwise used in making and resolving or attempting to resolve a complaint;</li> <li>(c) governing the mechanisms to be used under the dispute resolution system or process, including <ul style="list-style-type: none"> <li>(i) the appointment and use of committees or other bodies to deal with complaints;</li> <li>(ii) the use of mediation and the appointment of mediators;</li> <li>(iii) the use of arbitration and the appointment of arbitrators;</li> </ul> </li> <li>(d) governing the duties, functions and powers of the Superintendent, if any, in respect of a dispute resolution system or process;</li> <li>(e) governing the remedies available under a dispute resolution system or process;</li> <li>(f) providing for any matter that the Lieutenant Governor in Council considers advisable for carrying out the purpose and intent of this</li> </ul>	<p>Under the powers set out in this Act. The <a href="#"><u>Arbitration Proceedings Rules, Alta. Reg. 71/2005</u></a> was created which sets out the proceedings and code of conduct for matters referred to under s.17 of the <a href="#"><u>Automobile Insurance Premiums Regulation, Alta. Reg. 124/2004</u></a></p>
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Alberta	<p><u>##<i>International Commercial Arbitration Act, R.S.A. 2000, c. I-5</i></u></p>		<p>“The United Nation’s Commission on International Trade Law (UNCITRAL) drafted a Model Arbitration Law in June of 1985. The Canadian government and all provincial and territorial governments have passed international commercial arbitration legislation based on that model law. Canadian courts generally show deference to arbitration agreements, particularly international commercial arbitration agreements, by staying court proceedings and enforcing international arbitration awards.</p> <p>The International Commercial Arbitration Act does not apply to domestic commercial arbitrations or to international “non commercial” arbitrations. The key to determining the application of the international commercial arbitration statutes is therefore determining what is meant by “international” and what is meant by “commercial.””# Blakes. Litigation and Dispute Resolution in Canada – International Commercial Arbitration. Internet. Online. Available:  <a href="http://www.blakes.com/english/publications/doingbusinesscanada/dispute/html/about_blakes.htm#">http://www.blakes.com/english/publications/doingbusinesscanada/dispute/html/about_blakes.htm#</a></p>
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Alberta	<p><b><u>##<i>Irrigation Districts Act, RSA 2000, c. I-11</i></u></b></p> <p><b>Mediation</b></p> <p>174 (1) The Council may, prior to conducting the hearing of an appeal, on its own initiative or at the request of any of the parties, convene a meeting of the parties and any other interested persons the Council considers should attend, for the purpose of mediating a resolution of the subject-matter of the notice of appeal.</p> <p>(2) Where the parties agree on a resolution of the subject-matter of a notice of appeal filed pursuant to section 167(1)(a) to (f), the Council must within 15 days</p> <ul style="list-style-type: none"> <li>(a) make its written decision reflecting the resolution agreed on,</li> <li>(b) obtain the signatures of all the parties to the appeal consenting to the written decision, and</li> <li>(c) send a copy of the written decision to each party.</li> </ul> <p>(3) Where the parties do not agree on a resolution of the subject-matter of a notice of appeal, the presiding Council member, in consultation with the parties, may determine the matters to be included in the hearing of the appeal and any matters of procedure.</p>		<p>Mediation is permissive and where parties agree to resolution, the Council must make its written decision reflecting the resolution agreed on.</p>
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Alberta	<p><b>##<u><i>Land Surveyors Act, RSA 2000, c. L-3</i></u></b></p> <p><b>Mediation</b></p> <p>37 A person designated by the Council as a mediator may assist in settling a complaint, whether in writing or not, made to the Registrar if the complainant and the practitioner about whose conduct the complaint is made so agree, but if within 30 days after the date of receipt of the complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur or in the mediator's opinion is not likely to occur, the complaint</p> <ul style="list-style-type: none"> <li>(a) if it is in writing, shall be referred forthwith by the mediator to the chair, or</li> <li>(b) if it is not in writing, may be referred by the mediator or the complainant to the chair</li> </ul> <p><b>Preliminary investigation</b></p> <p>38 (1) If a complaint has been made in writing, the chair shall investigate the conduct of the practitioner within 30 days after the date on which the complaint is brought to the chair's attention by a mediator, a complainant or any other person.</p>		Mediators may assist in settling a complaint if complainant agrees
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Alberta	<p><b><u>##Metis Settlements Act, RSA 2000, c. M-14</u></b></p> <p><b>Metis Settlements Appeal Tribunal</b></p> <p><b>Alternative methods of dispute resolution</b></p> <p>188 (1) The Appeal Tribunal may establish or provide for the establishment of any means of dispute resolution that it considers appropriate, including mediation, conciliation and arbitration processes.</p> <p>(2) Without limiting the generality of subsection (1), that subsection applies also in respect of the disposition of an appeal to the Appeal Tribunal where the right to appeal is given under this or any other enactment, a regulation, a General Council Policy or a by-law.</p> <p>(3) The Appeal Tribunal may agree to act as an arbitrator under the Arbitration Act or to appoint an arbitrator.</p> <p><b>Decisions</b></p> <p>190 (1) The Appeal Tribunal may, in respect of any matter before it,</p> <ul style="list-style-type: none"> <li>(a) require, conduct or supervise votes by secret ballot or at a public meeting and make rules for the conduct of the meeting and the vote;</li> <li>(b) require a transcript of proceedings to be made;</li> <li>(c) look at anything necessary in order to make a decision;</li> <li>(d) confirm a mediated or other agreement reached between 2 or more persons in dispute in the form of a decision of the Tribunal;</li> </ul> <p>...</p>		<p>The Appeal Tribunal <b>may</b> establish a means of dispute resolution it considers appropriate including mediation, conciliation and arbitration.</p> <p>Mediated or other agreements made must be confirmed by the Appeal Tribunal in the form of a decision of the Tribunal to be binding.</p>
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Alberta	<p><b>##<u><i>Mobile Home Sites Tenancies Act, RSA 2000, c. M-20</i></u></b></p> <p><b>Mobile Home Sites Advisory Boards</b></p> <p>62 (1) A council may by bylaw establish a Mobile Home Sites Advisory Board and provide for the remuneration of its members and any other matters pertaining to its procedures or incidental to the exercise of its functions.</p> <p>(2) The functions of a Mobile Home Sites Advisory Board are as follows:</p> <ul style="list-style-type: none"> <li>(a) to advise landlords and tenants in tenancy matters respecting mobile home sites;</li> <li>(b) to receive complaints and seek to mediate disputes between landlords and tenants of mobile home sites;</li> <li>(c) to disseminate information for the purpose of educating and advising landlords and tenants concerning rental practices, rights and remedies;</li> <li>(d) to receive and investigate complaints of conduct in contravention of legislation governing tenancies to which this Act applies.</li> </ul> <p>(3) Notwithstanding subsection (1), a Landlord and Tenant Advisory Board established under the Residential Tenancies Act may, unless otherwise provided for by bylaw of a council, perform the functions of a Mobile Home Sites Advisory Board.</p>		<p>The function of the Mobile Home Sites Advisory Board is to mediate disputes between landlords and tenants of mobile home sites.</p>
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Alberta	<p><b>##<u><a href="#">Municipal Government Act, RSA 2000, c. M-26</a></u></b>  <b>Formation, Fundamental Changes and Dissolution</b>  <b>Division 6 Annexation</b>  <b>Mediation</b>  112.1 In this Division, "mediation" in respect of an annexation means a process involving a neutral person as mediator who assists the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed, and any other person brought in with the agreement of those municipal authorities, to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the participants.</p> <p><b>Direct negotiations</b>  117 (1) The municipal authorities from which the land is to be annexed must, on receipt of the notice under section 116, meet with the initiating municipal authority to discuss the proposals included in the notice and negotiate the proposals in good faith.</p> <p>(2) If there are matters on which there is no agreement, the initiating municipal authority and the one or more municipal authorities from which the land is to be annexed must, during the negotiations, attempt to use mediation to resolve those matters.</p> <p><b>Report on negotiations</b>  118 (1) On conclusion of the negotiations, the initiating municipal authority must prepare a report that describes the results of the negotiations and that includes</p> <ul style="list-style-type: none"> <li>(a) a list of the matters agreed on and those on which there is no agreement between the municipal authorities,</li> <li>(a.1) if there were matters on which there was no agreement, a description of the attempts to use mediation and, if mediation did not occur, the reasons for this,</li> <li>(b) a description of the public consultation processes involved in the negotiations, and</li> <li>(c) a summary of the views expressed during the public consultation processes.</li> </ul> <p>(2) The report must be signed by the initiating municipal authority and by the municipal authorities from which the land is to be annexed that are prepared to sign and must include a certificate by the initiating municipal authority stating</p>		<p>Mediation is mandatory to resolve matters of which there is no agreement.</p>
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	<p>that the report accurately reflects the results of the negotiations.</p> <p>(3) A municipal authority that does not sign the report may include in the report its reasons for not signing.</p> <p><b>General Ministerial Powers</b></p> <p><b>Intermunicipal disagreements</b></p> <p>570 If a disagreement between municipalities is referred to the Minister by a council of a municipality or if the Minister is satisfied that it is desirable for the Minister to become involved in a disagreement between municipalities, the Minister may do one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) conduct any investigation or inquiry that the Minister considers to be appropriate;</li> <li>(b) appoint a mediator to assist the municipalities in resolving the disagreement;</li> <li>(c) make a decision to settle the disagreement and order the municipalities to implement the decision.</li> </ul> <p><b>NRCB, ERCB, AEUB authorizations</b></p> <p>619 (1) A licence, permit, approval or other authorization granted by the NRCB, ERCB or AEUB prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Municipal Government Board or any other authorization under this Part.</p> <p>(2) When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization under this Part and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB or AEUB, the municipality must approve the application to the extent that it complies with the licence, permit, approval or other authorization granted under subsection (1).</p> <p>(3) An approval of a statutory plan amendment or land use bylaw amendment under subsection (2)</p> <ul style="list-style-type: none"> <li>(a) must be granted within 90 days after the application or a longer time agreed on by the applicant and the municipality, and</li> <li>(b) is not subject to the requirements of section 692 unless, in the opinion of the municipality, the statutory plan amendment or land use</li> </ul>		
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	<p>bylaw amendment relates to matters not included in the licence, permit, approval or other authorization granted by the NRCB, ERCB or AEUB.</p> <p>(4) If a municipality that is considering an application under subsection (2) holds a hearing, the hearing may not address matters already decided by the NRCB, ERCB or AEUB except as necessary to determine whether an amendment to a statutory plan or land use bylaw is required.</p> <p>(5) If a municipality does not approve an application under subsection (2) to amend a statutory plan or land use bylaw or the municipality does not comply with subsection (3), the applicant may appeal to the Municipal Government Board by filing with the Board</p> <ul style="list-style-type: none"> <li>(a) a notice of appeal, and</li> <li>(b) a statutory declaration stating why mediation was unsuccessful or why the applicant believes that the municipality was unwilling to attempt to use mediation....</li> </ul> <p><b>Intermunicipal disputes</b></p> <p>690 (1) If a municipality is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it and if it has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, it may, if it is attempting or has attempted to use mediation to resolve the matter, appeal the matter to the Municipal Government Board by</p> <ul style="list-style-type: none"> <li>(a) filing a notice of appeal and statutory declaration described in subsection (2) with the Board, and</li> <li>(b) giving a copy of the notice of appeal and statutory declaration described in subsection (2) to the adjacent municipality within 30 days after the passing of the bylaw to adopt or amend a statutory plan or land use bylaw.</li> </ul> <p>(2) When appealing a matter to the Municipal Government Board, the municipality must state the reasons in the notice of appeal why a provision of the statutory plan or amendment or land use bylaw or amendment has a detrimental effect and provide a statutory declaration stating</p> <ul style="list-style-type: none"> <li>(a) the reasons why mediation was not possible,</li> <li>(b) that mediation was undertaken and the reasons why it was not successful, or</li> <li>(c) that mediation is ongoing and that the appeal is being filed to</li> </ul>		
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	<p>preserve the right of appeal.</p> <p>(3) A municipality, on receipt of a notice of appeal and statutory declaration under subsection (1)(b), must, within 30 days, submit to the Municipal Government Board and the municipality that filed the notice of appeal a statutory declaration stating</p> <p>(a) the reasons why mediation was not possible, or</p> <p>(b) that mediation was undertaken and the reasons why it was not successful.</p>		
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Alberta	<p><b><u>##<i>Personal Information Protection Act, SA 2003, c. P-6.5</i></u></b></p> <p><b>Access to and Correction and Care of Personal Information</b></p> <p><b>Access</b></p> <p>24(1) Subject to subsections (2) to (4), on the request of an individual for access to personal information about the individual and taking into consideration what is reasonable, an organization must provide the individual with access to the following:</p> <ul style="list-style-type: none"> <li>(a) the individual's personal information where that information is contained in a record that is in the custody or under the control of the organization;</li> <li>(b) the purposes for which the personal information referred to in clause (a) has been and is being used by the organization;</li> <li>(c) the names of the persons to whom and circumstances in which the personal information referred to in clause (a) has been and is being disclosed.</li> </ul> <p>(2) An organization may refuse to provide access to personal information under subsection (1) if</p> <ul style="list-style-type: none"> <li>(a) the information is protected by any legal privilege;</li> <li>(b) the disclosure of the information would reveal confidential information that is of a commercial nature and it is not unreasonable to withhold that information;</li> <li>(c) the information was collected for an investigation or legal proceeding;</li> <li>(d) the disclosure of the information might result in that type of information no longer being provided to the organization when it is reasonable that that type of information would be provided;</li> <li>(e) the information was collected by a mediator or arbitrator or was created in the conduct of a mediation or arbitration for which the mediator or arbitrator was appointed to act <ul style="list-style-type: none"> <li>(i) under an agreement,</li> <li>(ii) under an enactment, or</li> <li>(iii) by a court;</li> </ul> </li> <li>(f) the information relates to or may be used in the exercise of prosecutorial discretion.</li> </ul> <p><b>Mediation</b></p> <p>49 The Commissioner may authorize a person to investigate and attempt to mediate and, where possible, to mediate a settlement of any matter under</p>		Under s.49 mediation is permissive.
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review or relating to a complaint.

**Inquiry by Commissioner**

50(1) If a matter under review or relating to a complaint

(a) is not referred to mediation,

(b) is not settled pursuant to mediation under section 49, or

(c) is not resolved, the Commissioner may conduct an inquiry and decide all questions of fact and law arising in the course of the inquiry.



<p>Alberta</p>	<p><b><u>##<i>Police Officers Collective Bargaining Act, RSA 2000, c. P-18</i></u></b></p> <p><b>Appointment of mediator</b></p> <p>7 (1) During an open period</p> <ul style="list-style-type: none"> <li>(a) either or both parties to a dispute may request the Director to appoint a mediator, or</li> <li>(b) the Minister may require the Director to appoint a mediator, to assist the parties in resolving the dispute.</li> </ul> <p>(2) The Director</p> <ul style="list-style-type: none"> <li>(a) may appoint a mediator if the Director receives a request under subsection (1)(a), and</li> <li>(b) shall appoint a mediator if the Director is required to do so under subsection (1)(b).</li> </ul> <p>(3) When a mediator is appointed, the dispute shall be referred to the mediator and the parties notified accordingly.</p> <p><b>Duties of mediator</b></p> <p>8 (1) A mediator shall, in any manner that the mediator thinks fit, inquire into the dispute and endeavour to effect a settlement.</p> <p>(2) During the mediator's inquiry the mediator shall</p> <ul style="list-style-type: none"> <li>(a) hear any representations made to the mediator by the parties to the dispute,</li> <li>(b) mediate between the parties to the dispute, and</li> <li>(c) encourage the parties to the dispute to effect a settlement.</li> </ul> <p><b>Request for interest arbitration board</b></p> <p>9 (1) If a dispute cannot be resolved, either or both parties to the dispute may make a request for the establishment of an interest arbitration board to</p> <ul style="list-style-type: none"> <li>(a) the mediator, if one has been appointed with respect to the dispute, or</li> <li>(b) the Director, if no mediator has been appointed with respect to the dispute.</li> </ul> <p>(2) When the Director receives a request under subsection (1)(b), the Director shall appoint a mediator in accordance with section 7(2) and forward the request for the establishment of an interest arbitration board to the mediator.</p>		<p>This <i>Act</i> is administered by the Alberta Relations Board. For more information about this Board see <a href="#">Schedule A</a>.</p> <p>Mediation is permissive, if a dispute cannot be resolved, either or both parties to the dispute may make a request for the establishment of an interest arbitration board.</p>
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(3) The mediator shall endeavour to effect a settlement in accordance with section 8 and shall, not later than 14 days after the mediator receives a request under subsection (1) or (2),

- (a) list the items in dispute and the items that have been settled by the parties, and
- (b) forward the list and the request for the establishment of an interest arbitration board to the Minister.

**Powers of Board**

43(1) All the provisions of the Labour Relations Code relating to the powers and jurisdiction of the Board, its chair, vice-chairs, members and officers, hearings procedure, enforcement of orders, appeals and rights, privileges and immunities of the Board, if those matters are not provided for specifically in this Act, apply and have effect as if this Act formed part of the *Labour Relations Code*.

Alberta	<p>##<u><i>Private Vocational Schools Act, RSA 2000, c. P-24</i></u></p> <p><b>Regulations</b></p> <p>24 The Lieutenant Governor in Council may make regulations</p> <p>...</p> <p>(n) respecting the mediation of disputes between licensees and students;...</p>		<p>As of March 20, 2007 no regulations regarding mediation has been enacted under this <i>Act</i>.</p>
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Alberta	<p><b><u>##<i>Public Service Employee Relations Act, R.S.A. 2000,</i></u></b>  <b><u>c. P-43</u></b></p> <p><b>Powers of Board</b></p> <p>3(1) All the provisions of the Labour Relations Code relating</p> <ul style="list-style-type: none"> <li>(a) to the powers, privileges, immunities and jurisdictions of the Labour Relations Board, its Chair, vice-chairs, members and officers,</li> <li>(b) to hearings procedure,</li> <li>(c) to enforcement of orders, and</li> <li>(d) to judicial review,</li> </ul> <p>if those matters are not provided for specifically in this Act, apply and have effect as if those provisions formed part of this Act.</p> <p><b>Mediation</b></p> <p><b>Appointment of mediator</b></p> <p>28(1) If a dispute arises, the Board may, on its own motion or on the request of the employer or the bargaining agent, or both, appoint a mediator to assist the parties to resolve the dispute.</p> <p>(2) The Board shall notify the parties of the appointment of a mediator under subsection (1).</p> <p>(3) The expenses and remuneration of the mediator shall be paid jointly by the parties.</p> <p><b>Duties of mediator</b></p> <p>29(1) The person appointed as mediator shall, in a manner the person thinks fit, inquire into the dispute and endeavour to resolve it.</p> <p>(2) During the mediator's inquiry, the mediator shall</p> <ul style="list-style-type: none"> <li>(a) hear the representations made to the mediator by the parties to the dispute,</li> <li>(b) mediate between the parties to the dispute, and</li> <li>(c) encourage the parties to the dispute to resolve it.</li> </ul> <p>(3) Within 20 days after the date of the mediator's appointment or any longer period that the parties agree, the mediator shall report to the Board whether the parties were able to resolve the dispute.</p> <p><b>Compulsory Interest Arbitration</b>  <b>Arbitral and non-arbitral items</b></p>		<p>This <i>Act</i> is administered by the Alberta Relations Board. For more information about this Board see <a href="#">Schedule A.</a></p>
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	<p>30(1) A compulsory arbitration board may only consider, and an arbitral award may only deal with, those matters that may be included in a collective agreement.</p> <p>(2) Notwithstanding subsection (1), none of the following matters may be referred to a compulsory arbitration board and provisions in respect of the following matters shall not be contained in the arbitral award of a compulsory arbitration board:</p> <ul style="list-style-type: none"> <li>(a) the organization of work, the assignment of duties and the determination of the number of employees of an employer;</li> <li>(b) the systems of job evaluation and the allocation of individual jobs and positions within the systems;</li> <li>(c) selection, appointment, promotion, training or transfer;</li> <li>(d) pensions.</li> </ul> <p><b>Request for compulsory arbitration board</b></p> <p>31(1) If a dispute cannot be resolved, the employer or the bargaining agent, or both, may refer it to the Board and request that a compulsory arbitration board be established.</p> <p>(2) A request by either or both of the parties under subsection (1) shall</p> <ul style="list-style-type: none"> <li>(a) if it is made by the employer, be accompanied with a list of the items it claims are in dispute and that the employer wishes to be referred to compulsory arbitration at that time,</li> <li>(b) if it is made by the bargaining agent, be accompanied with a list of the items it claims are in dispute and that the bargaining agent wishes to be referred to compulsory arbitration at that time, or</li> <li>(c) if it is made jointly, be accompanied with a list of the items that each party claims are in dispute and that each wish to be referred to compulsory arbitration at that time.</li> </ul> <p>(3) On receipt of a request by either party under subsection (1), the Board shall as soon as possible send a copy of the request and the list of items claimed to be in dispute to the other party.</p> <p>(4) The party receiving the copy of the request for the appointment of a compulsory arbitration board shall within 10 days after receipt of the copy and if the party has additional items to add, send those items to the Board and send a copy of them to the other party to the dispute.</p>		
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Alberta	<p><b><u>##<i>Rules of Practice of the Natural Resources Conservation Board Regulation, Alta. Reg. 77/2005</i></u></b></p> <p><b>Alternative dispute resolution</b></p> <p>18. The Board may direct that the applicant and interveners participate in alternative methods of dispute resolution before a hearing or other proceeding.</p>		<p>The Board <b>may</b> direct applicant and interveners to participate in ADR.</p>
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<p>Alberta</p>	<p><b><u>##<i>Residential Tenancies Act, SA 2004, c. R-17.1</i></u></b></p> <p><b>Part 5.1</b></p> <p><b>Residential Tenancy Dispute Resolution Service</b></p> <p><b>Definitions</b></p> <p>54.1 In this Part,</p> <ul style="list-style-type: none"> <li>(a) “Dispute Resolution Service” means the Residential Tenancy Dispute Resolution Service established by the regulations;</li> <li>(b) “regulations” means regulations made under section 54.7;</li> <li>(c) “remedy” means any order, judgment, damages, compensation or other relief provided for in this Act.</li> </ul> <p><b>Right to apply to Dispute Resolution Service</b></p> <p>54.2(1) Where a landlord has a dispute with a tenant and has a right to apply to a court under Part 3 for a remedy, the landlord may apply to the Dispute Resolution Service instead of the court for the remedy.</p> <p>(2) Where a tenant has a dispute with a landlord and has a right to apply to a court under Part 3 or to commence an action in a court under Part 4 for a remedy, the tenant may apply to the Dispute Resolution Service instead of the court for the remedy.</p> <p>(3) No application may be made to the Dispute Resolution Service if an application to a court has been filed with the clerk of that court by either party to the dispute</p> <ul style="list-style-type: none"> <li>(a) for the remedy sought under subsection (1) or (2), or</li> <li>(b) for any other remedy that is available under Part 3 or 4 to resolve a related dispute between the parties, unless the application to the court is first withdrawn.</li> </ul> <p><b>Effect of application to Dispute Resolution Service</b></p> <p>54.3(1) A landlord’s application to the Dispute Resolution Service for a remedy binds the tenant in respect of whom the remedy is sought to the choice of that forum.</p> <p>(2) A tenant’s application to the Dispute Resolution Service for a remedy binds the landlord in respect of whom the remedy is sought to the choice of that forum.</p> <p>(3) Where an application has been filed with the Dispute Resolution Service by one party to a dispute, no application may be made to a court by either party</p>	<p><i>Residential Tenancy Dispute Resolution Service Regulation</i>, Alta. Reg. 98/2006 was created by the Minister to deal with alternative dispute resolutions. The <i>Regulation</i> can be found below.</p> <p>Dispute Resolution is voluntary, and once the landlord applies for Dispute Resolution, the forum is binding.</p>
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	<p>to the dispute</p> <ul style="list-style-type: none"> <li>(a) for the remedy sought under section 54.2(1) or (2), or</li> <li>(b) for any remedy that is available under Part 3 or 4 to resolve a related dispute between the parties, unless the application to the Dispute Resolution Service is first withdrawn.</li> </ul> <p><b>Regulations</b></p> <p>54.7 The Lieutenant Governor in Council may make regulations respecting the establishment of an alternative dispute resolution mechanism for the purpose of resolving disputes arising in respect of matters under this Act, including, without limitation, regulations</p> <ul style="list-style-type: none"> <li>(a) respecting the establishment of the Residential Tenancy Dispute Resolution Service and the appointment of an administrator, tenancy dispute officers and any other employees required for the administration of the Dispute Resolution Service;</li> <li>(b) respecting the process to be followed by a clerk of a court for the purposes of section 54.4;</li> <li>(c) respecting applications to the Dispute Resolution Service, including applications that include a claim for damages, compensation or other relief that exceeds the amount prescribed by regulations for the purposes of section 9.6(1) of the Provincial Court Act;</li> <li>(d) respecting the kinds of applications, disputes and issues that are required to be referred to a court by the Dispute Resolution Service;</li> <li>(e) respecting the circumstances in which the Dispute Resolution Service <ul style="list-style-type: none"> <li>(i) may refuse to accept an application to the Service, or</li> <li>(ii) may refer to a court an application to the Service;</li> </ul> </li> <li>(f) respecting the proceedings before the Dispute Resolution Service and the establishment of rules of practice and procedure governing those proceedings;</li> <li>(g) respecting the establishment of a code of conduct for tenancy dispute officers;</li> <li>(h) respecting the powers and duties of tenancy dispute officers;</li> <li>(i) respecting the matters that tenancy dispute officers may or must consider when dealing with a dispute;</li> <li>(j) respecting the remedies that the Dispute Resolution Service is authorized to order, including orders providing for costs;</li> <li>(k) respecting limitations and restrictions on the Dispute Resolution Service's authority to order a remedy;</li> <li>(l) respecting terms and conditions that may be included in an order of</li> </ul>		
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	<p>the Dispute Resolution Service;</p> <p>(m) respecting the effect of an order and how it may be enforced, including regulations authorizing the order to be filed in the Court of Queen's Bench and, on filing, to be enforced as an order of that court;</p> <p>(n) respecting the appeal of an order to the Court of Queen's Bench on a question of law or jurisdiction;</p> <p>(o) respecting the fees that may be charged by the Dispute Resolution Service and providing for the waiver of any fee;</p> <p>(p) respecting forms for the purposes of this Part and providing for their use;</p> <p>(q) respecting the service of notices, documents or orders;</p> <p>(r) defining, for the purposes of this Part and the regulations made under this Part, any word or phrase that is used in this Part but is not defined;</p> <p>(s) respecting any matter or thing that the Minister considers necessary or appropriate to carry out the intent and purposes of this Part</p> <p><b>Ministerial Regulations</b></p> <p>70. The Minister may make regulations</p> <p>(k) respecting the establishment of an alternative dispute resolution mechanism for the purpose of resolving disputes in respect of matters under this Act including, without limitation, regulations</p> <p>(i) providing for the establishment of one or more dispute resolution bodies,</p> <p>(ii) providing for all matters relating to the appointment of members to a dispute resolution body,</p> <p>(iii) respecting the kinds of disputes that a dispute resolution body can deal with,</p> <p>(iv) respecting the proceedings before a dispute resolution body,</p> <p>(v) respecting the matters that a dispute resolution body may or must consider when dealing with a dispute or class of dispute,</p> <p>(vi) subject to subclause (iv), authorizing a dispute resolution body to make rules governing its proceedings,</p> <p>(vii) respecting the kinds of orders a dispute resolution body is authorized to make for the purposes of resolving a dispute including, without limitation, regulations authorizing the body to make an order that a court would be authorized to</p>		
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	<p>make in the same circumstances,</p> <p>(viii) respecting the effect of an order of a dispute resolution body and how it may be enforced including, without limitation, regulations authorizing an order to be filed in a court,</p> <p>(ix) providing for the appeal of a decision of a dispute resolution body to the Court of Queen's Bench and governing the manner in which the appeal is to be taken, and</p> <p>(x) governing fees that may be charged in respect of an ##alternative dispute resolution mechanism;</p> <p>(l) prescribing, with respect to any provision of the regulations under this section, that contravention of the provision constitutes an offence.</p>		
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Alberta	<p><b><u>##Residential Tenancy Dispute Resolution Service Regulation, Alta. Reg. 98/2006</u></b></p> <p><b>Residential Tenancy Dispute Resolution Service established</b></p> <p>2 The Residential Tenancy Dispute Resolution Service is hereby established to hear and resolve disputes between landlords and tenants under the Act.</p> <p><b>Administrator</b></p> <p>3(1) The Administrator is responsible for the administration of this Regulation and the management of the Dispute Resolution Service.</p> <p><b>Tenancy dispute officers</b></p> <p>4 Tenancy dispute officers have the powers and duties set out in this Regulation to make decisions about disputes between landlords and tenants under the Act.</p> <p><b>Rules of practice and procedure and code of conduct</b></p> <p>5 The Dispute Resolution Service shall establish the following for tenancy dispute officers:</p> <ul style="list-style-type: none"> <li>(a) rules of practice and procedure;</li> <li>(b) a code of conduct.</li> </ul> <p><b>Application for remedy</b></p> <p>6(1) An application by a landlord or a tenant under Part 5.1 of the Act must be made by filing with the Dispute Resolution Service a notice of application for hearing accompanied with the required application fee.</p> <p><b>Refusal to accept application</b></p> <p>7 The Dispute Resolution Service may refuse to accept an application where</p> <ul style="list-style-type: none"> <li>(a) the notice of application for hearing is not in a proper form or is not complete,</li> <li>(b) the application fee has not been paid,</li> <li>(c) the matter to be heard involves multiple parties or issues of such a degree of complexity that a court is the appropriate body to hear and decide the matter,</li> <li>(d) the matter cannot be heard in a timely manner, or</li> <li>(e) an application has been made to the court in respect of the same matter.</li> </ul> <p><b>Opportunity to settle dispute</b></p> <p>9(1) A tenancy dispute officer may assist the parties to a dispute or may offer</p>	<p>Tenancy dispute officers make decisions about disputes between landlord and tenants under this <i>Act</i>. A tenancy dispute officer will try and assist the parties in settling the dispute, once the dispute is settled the officer may record the settlement in the form of an order.</p>
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	<p>the parties an opportunity to settle the dispute.</p> <p>(2) If the parties settle the dispute, the tenancy dispute officer may record the settlement in the form of an order.</p>		
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Alberta	<p><b>##<a href="#"><u>Water Act, RSA 2000, c. W-3</u></a></b>  <b>Mediation</b>  94 (1) If a review of a complaint or dispute has been conducted and the complaint or dispute is not resolved, the Director may appoint a mediator to assist in resolving the complaint or dispute if</p> <ul style="list-style-type: none"> <li>(a) the Director is of the opinion that there has not been a contravention of this Act with respect to the complaint or dispute, and</li> <li>(b) the persons involved in the complaint or dispute are in agreement that the matter should be referred to a mediator.</li> </ul> <p>(2) The Director may require that all or part of the costs of a mediator be paid by the persons involved in the complaint or dispute who participate in the mediation and may direct the amount that each person must pay.</p>		<p>The Director <b>may</b> appoint a mediator to assist in resolving the complaint or dispute.</p> <p>Decisions made under this <i>Act</i> can be appealed to the Environmental Appeals Board.</p> <p>More detail about the Board can be found in <a href="#"><u>Schedule A</u></a>.</p>
Alberta	<p><b>##<a href="#"><u>Workers' Compensation Act, R.S.A. 2000, c. W-15</u></a></b>  <b>Action vests in the Board</b>  22(1) In this section and section 22.1,</p> <p>(9) The claimant shall not adversely affect the conduct of an action and shall co-operate fully with the Board in bringing an action or any appeal of an action including, without limitation, by</p> <ul style="list-style-type: none"> <li>(a) securing and providing any or all information or evidence,</li> <li>(b) attending at any or all meetings, mediations, arbitrations, examinations for discovery, medical examinations, including independent medical examinations, and the trial of the action, and</li> <li>(c) providing and executing any or all documents required by the Board to bring the action, including endorsing an assignment or release of the action and providing consents to secure information, in the form and manner prescribed by the Board, in favour of the Board, as and when required by the Board.</li> </ul> <p>(10) If a claimant does not comply with subsection (9), the Board may suspend the payment of periodic compensation to the claimant during the period of non-compliance.</p>		<p>Under this legislation, two entities were created to deal with Workers Compensation</p> <p>Workers Compensation Board  Appeals Commission for the  Workers' Compensation Board</p> <p>More information about these entities can be found in <a href="#"><u>Schedule A</u></a>.</p>

**British Columbia Statutes and Regulations**

BC	<p><b><u>##<i>Administrative Tribunals Act</i>, [SBC 2004] c.45</u></b></p> <p><b>#Appointment of person to conduct dispute resolution process</b></p> <p>28 (1) The chair of the tribunal may appoint a member or staff of the tribunal or other person to conduct a dispute resolution process.</p> <p>(2) If a member of the tribunal is appointed under subsection (1), that member, in addition to assisting in a dispute resolution process, may make pre-hearing orders in respect of the application but must not hear the merits of the application unless all parties consent.</p> <p><b>#Disclosure protection</b></p> <p>29 (1) In a proceeding, other than a criminal proceeding, unless the parties to an application consent, a person must not disclose or be compelled to disclose</p> <p>(a) a document or other record created by a party specifically for the purposes of achieving a settlement of one or more issues through a dispute resolution process, or</p> <p>(b) a statement made by a party in a dispute resolution process specifically for the purpose of achieving a settlement of one or more issues in dispute.</p> <p>(2) Subsection (1) does not apply to a settlement agreement.</p> <p><b>#Hearings open to public</b></p> <p>41 (1) An oral hearing must be open to the public.</p> <p>(2) Despite subsection (1), the tribunal may direct that all or part of the information be received to the exclusion of the public if the tribunal is of the opinion that</p> <p>(a) the desirability of avoiding disclosure in the interests of any person or party affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, or</p> <p>(b) it is not practicable to hold the hearing in a manner that is open to the public.</p> <p>(3) The tribunal must make a document submitted in a hearing accessible to the public unless the tribunal is of the opinion that subsection (2) (a) or section 42 applies to that document.</p> <p><b>#Discretion to receive evidence in confidence</b></p> <p>42 The tribunal may direct that all or part of the evidence of a witness or</p>		<p>Application of this <i>Act</i> to provincial legislation regarding Tribunals can be found <a href="#">here</a>.</p>
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	<p>documentary evidence be received by it in confidence to the exclusion of a party or parties or any interveners, on terms the tribunal considers necessary, if the tribunal is of the opinion that the nature of the information or documents requires that direction to ensure the proper administration of justice.</p> <p><b>#Enforcement of tribunal's final decision</b></p> <p>54 (1) A party in whose favour the tribunal makes a final decision, or a person designated in the final decision, may file a certified copy of the final decision with the court.</p> <p>(2) A final decision filed under subsection (1) has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court.</p> <p><b>#Standard of review if tribunal's enabling Act has privative clause</b></p> <p>58 (1) If the tribunal's enabling Act contains a privative clause, relative to the courts the tribunal must be considered to be an expert tribunal in relation to all matters over which it has exclusive jurisdiction.</p> <p>(2) In a judicial review proceeding relating to expert tribunals under subsection (1)</p> <ul style="list-style-type: none"> <li>(a) a finding of fact or law or an exercise of discretion by the tribunal in respect of a matter over which it has exclusive jurisdiction under a privative clause must not be interfered with unless it is patently unreasonable,</li> <li>(b) questions about the application of common law rules of natural justice and procedural fairness must be decided having regard to whether, in all of the circumstances, the tribunal acted fairly, and</li> <li>(c) for all matters other than those identified in paragraphs (a) and (b), the standard of review to be applied to the tribunal's decision is correctness.</li> </ul> <p>(3) For the purposes of subsection (2) (a), a discretionary decision is patently unreasonable if the discretion</p> <ul style="list-style-type: none"> <li>(a) is exercised arbitrarily or in bad faith,</li> <li>(b) is exercised for an improper purpose,</li> <li>(c) is based entirely or predominantly on irrelevant factors, or</li> <li>(d) fails to take statutory requirements into account.</li> </ul>		
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BC	<p><b><u>##<i>Child, Family and Community Service Act,</i></u></b>  <b><u>RSBC 1996, c.46</u></b></p> <p><b>#Division 2 — Cooperative Planning and Dispute Resolution</b></p> <p><b>Family conference</b></p> <p>##20 (1) The purpose of a family conference is to enable and assist the family to develop a plan of care that will</p> <ul style="list-style-type: none"> <li>(a) protect the child from harm,</li> <li>(b) serve the best interests of the child,</li> <li>(c) take into account the wishes, needs and role of the family, and</li> <li>(d) take into account the child's culture and community.</li> </ul> <p>(2) If a director concludes after an investigation that a child needs protection, the director may offer to refer the parent or, if the parent is unavailable, another family member to a family conference coordinator.</p> <p>(3) Subsection (2) applies whether or not the child has been removed.</p> <p>(4) If the offer is accepted, the family conference coordinator may, after talking to the parent or other family member, convene a family conference.</p> <p>#</p> <p><b>Plan of care</b></p> <p>21 (1) The plan of care developed by means of a family conference must include the director's consent and may include provision for services to support and assist the family and to make the family safe for the child.</p> <p>(2) The plan of care may include provision for one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) the child to reside in the home of a relative or other person;</li> <li>(b) a person, including a parent, to reside outside the child's home;</li> <li>(c) the director to have access to the child.</li> </ul> <p>(3) If the child is 12 years of age or over, the director must before agreeing to the plan of care</p> <ul style="list-style-type: none"> <li>(a) explain the plan of care to the child, and</li> <li>(b) take the child's views into account.</li> </ul> <p>(4) A plan of care may only be made for a specified period of up to 6 months, but may be extended for one or more periods,</p> <ul style="list-style-type: none"> <li>(a) with the agreement of the director and the persons who developed the plan of care, and</li> <li>(b) if the total period of all consecutive plans of care with all directors</li> </ul>	<p>Alternative Dispute Resolution is voluntary. For regulations see Provincial Court regulation below.</p> <p>s.24(1) states information obtained in a family conference, mediation or other ADR mechanism is confidential</p>
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	<p>relating to the same child, including all extensions, is not more than 18 months.</p> <p><b>Mediation or other alternative dispute resolution mechanisms</b></p> <p>22. If a director and any person are unable to resolve an issue relating to the child or a plan of care, the director and the person may agree to mediation or other alternative dispute resolution mechanisms as a means of resolving the issue.</p> <p>#</p> <p><b>Effect of family conference, mediation or other alternative dispute resolution mechanisms on court proceeding</b></p> <p>23 (1) On application the court may adjourn a proceeding under this Part one or more times, for a total period of up to 3 months, so that a family conference, mediation or other alternative dispute resolution mechanism can proceed.</p> <p>(2) If the proceeding is adjourned, any time limit applicable to the proceeding is suspended.</p> <p>(3) If, as a result of a family conference, mediation or other alternative dispute resolution mechanism, a written agreement is made after a proceeding is commenced to determine if the child needs protection, the director may file the agreement with the court.</p> <p>#</p> <p><b>Confidentiality of information</b></p> <p>24 (1) A person must not disclose, or be compelled to disclose, information obtained in a family conference, mediation or other alternative dispute resolution mechanism, except</p> <ul style="list-style-type: none"> <li>(a) with the consent of everyone who participated in the family conference or mediation,</li> <li>(b) to the extent necessary to make or implement an agreement about the child,</li> <li>(c) if the information is disclosed in an agreement filed under section 23, or</li> <li>(d) if the disclosure is necessary for a child's safety or for the safety of a person other than a child, or is required under section 14.</li> </ul> <p>(2) This section applies despite section 79 of this Act and despite any provision, other than section 44 (2) and (3), of the Freedom of Information and Protection of Privacy Act.</p> <p>(3) Subsection (2) does not apply to personal information, as defined in the Freedom of Information and Protection of Privacy Act, that has been in existence for at least 100 years or to other information that has been in</p>		
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	existence for at least 50 years.		
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BC	## <a href="#"><u><i>Commercial Arbitration Act, RSBC 1996, c.55</i></u></a>		
BC	<p>##<a href="#"><u><i>Environmental Management Act, SBC 2003, C.53</i></u></a></p> <p><b>#Environmental Appeal Board</b></p> <p>93 (1) The Environmental Appeal Board is continued to hear appeals that under the provisions of any enactment are to be heard by the appeal board.</p> <p>(2) In relation to an appeal under another enactment, the appeal board has the powers given to it by that other enactment.</p>		<p>Environmental Appeals under this <i>Act</i> is governed by the Environmental Appeals Board. For more information about the Board which encourages ADR, see <a href="#"><u>Schedule A.</u></a></p>

BC	<p><b><u>##Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</u></b></p> <p><b>Office and Powers of Information and Privacy Commissioner</b></p> <p><b>Appointment of Commissioner</b></p> <p>45(1) The Lieutenant Governor in Council, on the recommendation of the Legislative Assembly, must appoint an Information and Privacy Commissioner to carry out the duties and functions set out in this Act.</p> <p>(2) The Commissioner is an officer of the Legislature.</p> <p>(3) The Commissioner may not be a member of the Legislative Assembly.</p> <p><b>Office of the Commissioner</b></p> <p>51(1) There may be a part of the public service of Alberta called the Office of the Information and Privacy Commissioner consisting of the Commissioner and those persons employed pursuant to the Public Service Act that are necessary to assist the Commissioner in carrying out the Commissioner's duties and functions under this or any other enactment.</p> <p>(2) The Commissioner may engage the services of any persons necessary to assist the Commissioner in carrying out the Commissioner's duties and functions.</p> <p><b>Mediation may be authorized</b></p> <p>68 The Commissioner may authorize a mediator to investigate and try to settle any matter that is the subject of a request for a review.</p>		<p>This Act is administered by the Information and Privacy Commissioner. The Commissioner may authorize mediation under powers set out in s.68. For more information about the Commissioner see <a href="#">Schedule A.</a></p>
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BC	<p><b>##<i>Homeowner Protection Act</i></b>  <b>#<u><i>Notice to Mediate (Residential Construction) Regulation,</i></u></b>  <b>#<u><i>B.C. Reg. 152/99</i></u></b></p>	<p>June 1998 <i>The Commission of Inquiry into the Quality of Condominium Construction in British Columbia: The Renewal of Trust in Residential Construction</i> (the Barrett Report) observed that the traditional adversarial process has not worked well in complex residential construction disputes. The Commission recommended that the proposed Homeowner Protection Act make available an alternative dispute resolution option for disputes arising from problems surrounding residential construction. The Notice to Mediate (Residential Construction) Regulation, B.C. Reg. 152/99, came into force in May 1999. # British Columbia Dispute Resolution Office, <i>Notice to Mediate (General) Regulation</i> (British Columbia: Dispute Resolution Office), online: British Columbia Dispute Resolution Office,</p>	<p>This legislation provides that "any party to a residential construction action may initiate mediation in that action." # <i>Ibid</i> #</p>
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BC	<p><b><u>##<i>Human Rights Code, RSBC 1996, c. 210</i></u></b></p> <p><b>Part 2 -- Human Rights Commission and Advisory Council</b></p> <p><b>Human Rights Commission</b></p> <p>15. The British Columbia Human Rights Commission is established consisting of the following members appointed by the Lieutenant Governor in Council:</p> <ul style="list-style-type: none"> <li>(a) a chief commissioner;</li> <li>(b) a deputy chief commissioner;</li> <li>(c) a commissioner of investigation and mediation.</li> </ul> <p><b>Complaints</b></p> <p>21 (1) Any person or group of persons that alleges that a person has contravened this Code may file a complaint with the tribunal in a form satisfactory to the tribunal.</p> <p>(2) and (3) [Repealed 2002-62-7.]</p> <p>(4) Subject to subsection (5), a complaint under subsection (1) may be filed on behalf of</p> <ul style="list-style-type: none"> <li>(a) another person, or</li> <li>(b) a group or class of persons whether or not the person filing the complaint is a member of that group or class.</li> </ul> <p>(5) A member or panel may refuse to accept, for filing under subsection (1), a complaint made on behalf of another person or a group or class of persons if that member or panel is satisfied that</p> <ul style="list-style-type: none"> <li>(a) the person alleged to have been discriminated against does not wish to proceed with the complaint, or</li> <li>(b) proceeding with the complaint is not in the interest of the group or class on behalf of which the complaint is made.</li> </ul> <p>(6) A member or panel may proceed with 2 or more complaints together if a member or panel is satisfied that it is fair and reasonable in the circumstances to do so.</p> <p><b>Time limit for filing a complaint</b></p> <p>22(1) A complaint must be filed within 6 months of the alleged contravention.</p> <p>(2) If a continuing contravention is alleged in a complaint, the complaint must be filed within 6 months of the last alleged instance of the contravention.</p> <p>(3) If a complaint is filed after the expiration of the time limit referred to in subsection (1) or (2), a member or panel may accept all or part of the complaint if the member or panel determines that</p> <ul style="list-style-type: none"> <li>(a) it is in the public interest to accept the complaint, and</li> <li>(b) no substantial prejudice will result to any person because of the delay.</li> </ul>		<p><i>Human Rights Code, RSBC 1996 C.210</i> created the B.C. Human Rights Tribunal which is an independent quasi-judicial body. The Tribunal is responsible for accepting, screening, mediating and adjudicating human rights complaints.# BC Human Rights Tribunal. (British Columbia: BC Human Rights Tribunal) online: BC Human Rights Tribunal &lt;<a href="http://www.bchrt.bc.ca/">http://www.bchrt.bc.ca/</a>&gt;# For more information about the Human Rights Tribunals, see <a href="#">Schedule A.</a></p>
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	<p><b>#Deferral of a complaint</b></p> <p>25(1) In this section and in section 27, "proceeding" includes a proceeding authorized by another Act and a grievance under a collective agreement.</p> <p>(2) If at any time after a complaint is filed a member or panel determines that another proceeding is capable of appropriately dealing with the substance of a complaint, the member or panel may defer further consideration of the complaint until the outcome of the other proceeding.</p> <p><b>Powers to make rules and orders respecting practice and procedure</b></p> <p>27.3 (1) The tribunal may make rules respecting practice and procedure to facilitate just and timely resolution of complaints.</p> <p>(2) Without limiting subsection (1), the tribunal may make rules as follows:</p> <p>...</p> <p>(h) respecting mediation and other dispute resolution processes, including, without limitation, rules that would permit or require mediation of a complaint, whether the mediation is provided by a member or by a person appointed, engaged or retained under section 33;</p> <p>...</p> <p><b>#Human Rights Tribunal</b></p> <p>31 (1) The British Columbia Human Rights Tribunal is continued consisting of the following individuals appointed by the Lieutenant Governor in Council after a merit based process:</p> <p>(a) a member designated as the chair;</p> <p>(b) other members appointed after consultation with the chair.</p> <p>(2) All members hold office for an initial term of 5 years and may be reappointed for additional terms of 5 years.</p> <p><b>#Application of Administrative Tribunals Act</b></p> <p>32 Sections 1, 4 to 10, 17, 29, 30, 34 (3) and (4), 45, 46, 48 to 50, 55 to 57, 59 and 61 of the Administrative Tribunals Act apply to the tribunal.</p> <p><b>#Remedies</b></p> <p>37 (1) If the member or panel designated to hear a complaint determines that the complaint is not justified, the member or panel must dismiss the complaint.</p> <p>(2) If the member or panel determines that the complaint is justified, the member or panel</p> <p>(a) must order the person that contravened this Code to cease the contravention and to refrain from committing the same or a similar</p>		
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	<p>contravention,</p> <p>(b) may make a declaratory order that the conduct complained of, or similar conduct, is discrimination contrary to this Code,</p> <p>(c) may order the person that contravened this Code to do one or both of the following:</p> <ul style="list-style-type: none"> <li>(i) take steps, specified in the order, to ameliorate the effects of the discriminatory practice;</li> <li>(ii) adopt and implement an employment equity program or other special program to ameliorate the conditions of disadvantaged individuals or groups if the evidence at the hearing indicates the person has engaged in a pattern or practice that contravenes this Code, and</li> </ul> <p>(d) if the person discriminated against is a party to the complaint, or is an identifiable member of a group or class on behalf of which a complaint is filed, may order the person that contravened this Code to do one or more of the following:</p> <ul style="list-style-type: none"> <li>(i) make available to the person discriminated against the right, opportunity or privilege that, in the opinion of the member or panel, the person was denied contrary to this Code;</li> <li>(ii) compensate the person discriminated against for all, or a part the member or panel determines, of any wages or salary lost, or expenses incurred, by the contravention;</li> <li>(iii) pay to the person discriminated against an amount that the member or panel considers appropriate to compensate that person for injury to dignity, feelings and self respect or to any of them.</li> </ul> <p>(3) An order made under subsection (2) may require the person against whom the order is made to provide any person designated in the order with information respecting the implementation of the order.</p>		
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BC	<p><b>##<i>Insurance (Motor Vehicle) Act</i></b></p> <p><b><u>#<i>Notice to Mediate Regulation, B.C. Reg. 3/2001</i></u></b></p> <p><b>#Delivery of Notice to Mediate</b></p> <p>2 (1) Any party to a motor vehicle action may initiate mediation in that action by delivering a Notice to Mediate in Form 1 to</p> <ul style="list-style-type: none"> <li>(a) every other party to the action, and</li> <li>(b) the Dispute Resolution Office in the Ministry of the Attorney General.</li> </ul> <p>(2) A Notice to Mediate may be delivered under subsection (1) no earlier than 60 days after the close of pleadings and no later than 77 days before the date set for the commencement of the trial.</p> <p>(3) Subject to section 5 (2) (b) (ii), not more than one mediation may occur under this regulation in relation to any motor vehicle action.</p> <p><b>#Confidentiality and compellability</b></p> <p>13 (1) A person must not disclose, or be compelled to disclose, in any civil, criminal, quasi-criminal, administrative or regulatory action or proceeding, oral or written information acquired or an opinion formed, including, without limitation, any offer or admission made, in anticipation of or during a mediation session.</p> <p>(2) Nothing in this section precludes a party from introducing into evidence in any civil, criminal, quasi-criminal, administrative or regulatory action or proceeding any information or records produced in the course of the mediation that are otherwise producible or compellable in these proceedings.</p> <p><b>#Concluding a mediation</b></p> <p>14 (1) A mediation is concluded when</p> <ul style="list-style-type: none"> <li>(a) all issues are resolved,</li> <li>(b) the mediator determines that the process will not be productive and so advises the participants, or</li> <li>(c) the first mediation session is completed and there is no agreement to continue.</li> </ul> <p>(2) When a mediation is concluded, the mediator must deliver a Certificate of Completed Mediation in Form 5 to each of the participants who requests one or to their counsel.</p>		<p>This regulation outlines the mediation process in motor vehicle actions.</p> <p>When mediation is concluded, the mediator must deliver a Certificate of Completed Mediation (<a href="#">Form 5</a>).</p>
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BC	<p><b><u>##Legal Services Society Act, SBC 2002, c.30</u></b></p> <p><b>Capacity to make agreements and enforceability of agreements</b></p> <p>11(1) Subject to subsections (2) to (4), the society may provide legal aid by any method that it considers appropriate, including, without limiting this,</p> <ul style="list-style-type: none"> <li>(a) by providing one or both of <ul style="list-style-type: none"> <li>(i) services ordinarily provided by a lawyer, and</li> <li>(ii) other services,</li> </ul> </li> <li>(b) by providing duty counsel,</li> <li>(c) by assisting individuals representing themselves, including by providing them with summary advice, information packages, self-help kits and assistance in preparing documents,</li> <li>(d) by funding alternative dispute resolution services, and</li> <li>(e) by providing public legal education and information.</li> </ul>		<p><i>Legal aid supports ADR</i></p>
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BC	<p><b><u>##<i>Oil and Gas Commission Act, SBC 1998, c.39</i></u></b></p> <p><b>#Alternative dispute resolution</b></p> <p>8 (1) The commission must encourage the use of consensual alternative dispute resolution methods for the purpose of resolving disputes relating to the commission's discretion, functions and duties under</p> <ul style="list-style-type: none"> <li>(a) this Act in relation to a specified enactment, or</li> <li>(b) the Petroleum and Natural Gas Act or the Pipeline Act in relation to a licence, permit, approval or other authorization under either of those Acts.</li> </ul> <p>(2) The commission on its own initiative or at the request of an interested person may authorize one or more persons to facilitate settlement, by a process of consensual alternative dispute resolution, of a dispute relating to the carrying out of the commission's discretion, functions and duties under</p> <ul style="list-style-type: none"> <li>(a) this Act in relation to a specified enactment, or</li> <li>(b) the Petroleum and Natural Gas Act or the Pipeline Act in relation to a licence, permit, approval or other authorization under either of those Acts.</li> </ul> <p>(3) The commission may ask the person or persons authorized under subsection (2), if unsuccessful in settling the dispute, to make recommendations that must be considered by the commission before deciding the disputed matter.</p> <p><b>#Advisory committee's role in reconsideration by alternative dispute resolution</b></p> <p>9(1) The advisory committee, on application in the prescribed manner by an interested person, may request that the commission grant an authorization, referred to in section 8 (2), in respect of any decision of the commission other than a decision for which a right of appeal is provided under section 136 of the Petroleum and Natural Gas Act, section 100 of the Environmental Management Act or section 92 of the Water Act.</p> <p>(2) If the commission grants the authorization requested by the advisory committee,</p> <ul style="list-style-type: none"> <li>(a) the effect of the commission's original decision is suspended pending the outcome of the reconsideration under paragraph (b), and</li> <li>(b) following the consensual alternative dispute resolution process, and after taking into account the recommendations referred to in section 8 (3), if there are any, the commission must reconsider the</li> </ul>	<p>The commission created under this <i>Act</i> must encourage the use of ADR</p> <p>ADR is dealt with more in depth in the regulations created pursuant to this <i>Act</i> below.</p>
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	<p>original decision and redecide the matter in a manner the commission considers appropriate.</p> <p>(3) The advisory committee must exercise its discretion to make a request under subsection (1) within the prescribed period after the decision that is the subject of the request.</p> <p>(4) The commission must</p> <ul style="list-style-type: none"><li>(a) grant or refuse the request within the prescribed period after it receives the request, and</li><li>(b) redecide the matter that is the subject of the request within the prescribed period after granting the request.</li></ul>		
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BC	<p><b><u>##Reconsideration by Alternative Dispute Resolution Regulation, B.C. Reg. 45/2001</u></b></p> <p><b>Definitions</b></p> <p>1 In this regulation:</p> <p>"Act" means the Oil and Gas Commission Act;</p> <p>"applicant under section 9 (1) of the Act" means an interested person who makes an application to the advisory committee under section 9 (1) of the Act;</p> <p>"business day" means a day other than Saturday or a holiday;</p> <p>"original applicant" means a person who made an application to the commission that led to the original decision;</p> <p>"original decision" means the decision of the commission in respect of which an application for a request for consensual alternative dispute resolution is made to the advisory committee under section 9 (1) of the Act;</p> <p>"secretary" means an employee of the commission designated by the commission as secretary of the advisory committee.</p> <p><b>Application to advisory committee for request for consensual alternative dispute resolution</b></p> <p>2 (1) An application to the advisory committee under section 9 (1) of the Act must be made in writing and delivered within 15 business days after the date of the original decision to</p> <ul style="list-style-type: none"> <li>(a) the advisory committee in care of the secretary, and</li> <li>(b) each original applicant.</li> </ul> <p>(2) The application referred to in subsection (1) must include all of the following:</p> <ul style="list-style-type: none"> <li>(a) the name and address of the applicant under section 9 (1) of the Act;</li> <li>(b) the name of each original applicant;</li> <li>(c) the date of the original decision;</li> <li>(d) the grounds on which the application is made.</li> </ul> <p>(3) The secretary must give each person to whom notice of the original decision was sent a copy of any application that</p> <ul style="list-style-type: none"> <li>(a) complies with subsection (2), and</li> <li>(b) is received by the advisory committee within the time specified in subsection (1).</li> </ul> <p><b>Incomplete or delayed applications</b></p> <p>3 (1) If an application referred to in section 2 (1) does not meet the</p>		
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	<p>requirements of section 2 (2), the advisory committee must advise the applicant under section 9 (1) of the Act of the deficiencies in the application.</p> <p>(2) The advisory committee may provide the information required under subsection (1) in writing or by telephone, and if by telephone the information given must be promptly confirmed in writing.</p> <p>(3) An applicant under section 9 (1) of the Act who has been advised of deficiencies under subsection (1) must comply with section 2 (1) and (2) within the 15 business days referred to in section 2 (1).</p> <p>(4) Unless an application that meets the requirements of section 2 (1) and (2) is received by the secretary within the time specified in section 2 (1), the advisory committee must not make a request to the commission under section 9 (1) of the Act.</p> <p><b>Acknowledgement of application</b></p> <p>4. The advisory committee must acknowledge in writing any application that complies with section 2 (1) and (2).</p> <p><b>Decision of the advisory committee to request authorization</b></p> <p>5 (1) A request under section 9 (1) of the Act must be made to the commission in writing within 30 business days of the date of the original decision.</p> <p>(2) Whether or not the advisory committee decides to make a request under section 9 (1) of the Act, the advisory committee must provide written notice of its decision to</p> <ul style="list-style-type: none"> <li>(a) the applicant under section 9 (1) of the Act,</li> <li>(b) each original applicant,</li> <li>(c) each person who was sent notice of the original decision, and</li> <li>(d) if the advisory committee decides that it will not make a request to the commission under section 9 (1) of the Act, the commission.</li> </ul> <p><b>The decision of the commission</b></p> <p>6 (1) The commission, within 5 business days of receiving a request under section 9 (1) of the Act, must decide whether it will grant an authorization referred to in section 8 (2) of the Act and provide written notice of that decision to</p> <ul style="list-style-type: none"> <li>(a) the applicant under section 9 (1) of the Act,</li> <li>(b) each original applicant,</li> <li>(c) each person who received notice of the original decision, and</li> <li>(d) the advisory committee.</li> </ul>		
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	<p>(2) The commission may include with the notice of decision under subsection (1) (a) to (c)</p> <ul style="list-style-type: none"> <li>(a) a form of consent to participate in a process of consensual alternative dispute resolution, and</li> <li>(b) a roster of facilitators acceptable to the commission.</li> </ul> <p>(3) If a person referred to in subsection (1) (a) to (c) consents to participate in a process of consensual alternative dispute resolution, he or she must provide consent to the commission within 8 business days of delivery of the notice under subsection (1) and may include a list naming up to 3 persons from the roster of facilitators referred to in subsection (2) (b) whom the person recommends for the process of consensual alternative dispute resolution.</p> <p>(4) The persons referred to in subsection (1) (a) to (c) may consult with each other before making the recommendation referred to in subsection (3).</p> <p>(5) The consent and list referred to in subsection (3) must be provided in writing or by telephone, and if by telephone must be promptly confirmed in writing.</p> <p><b>Authorization of facilitator</b></p> <p>7 (1) When the 8 business days referred to in section 6 (3) have expired, the commission must promptly authorize a facilitator or panel of facilitators for the purpose of section 8 (2) of the Act and provide notice of the authorization to the persons who provided consent under section 6 (3).</p> <p>(2) The commission must promptly advise the authorized facilitator or panel of facilitators of the date by which the dispute resolution process must be complete and any recommendations received by the commission so that the commission can redecide within the period set out in section 8.</p> <p><b>Time for redecision of the commission</b></p> <p>8 (1) Within 30 business days of a decision referred to in section 6 (1) to grant an authorization referred to in section 8 (2) of the Act, the commission must redecide the matter that is the subject of the request under section 9 (1) of the Act.</p> <p>(2) The commission must promptly advise the persons referred to in section 6 (1) who participated in the dispute resolution process of its decision under</p>		
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	<p>subsection (1).</p> <p><b>Activities authorized to preserve works</b></p> <p>9 The commission, at the request of the original applicant, may authorize, for the period of the suspension under section 9 (2) (a) of the Act, activities that are necessary to preserve and maintain the security and safety of works authorized by, and undertaken pursuant to, the original decision.</p> <p><b>Methods of delivery</b></p> <p>10 (1) Any application, notice or information that, by this regulation, must be in writing may be provided by facsimile, personal service, electronic mail, mail or courier service.</p> <p>(2) An application, a notice or information provided by facsimile or electronic mail is deemed received when it is sent.</p> <p>(3) Delivery by electronic mail must be confirmed in writing by another method of delivery authorized under subsection (1).</p> <p>(4) An application, a notice or information provided by mail or courier service is deemed received on the 2nd business day after being sent by mail or courier service.</p>		
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BC	<p><b><u>##<i>Personal Information Protection Act, S.A. 2003, c. P-6.5</i></u></b></p> <p><b>Right to ask for a review or initiate a complaint</b></p> <p>46(1) An individual who makes a request to an organization respecting personal information about that individual may ask the Commissioner to review any decision, act or failure to act of the organization.</p> <p>(2) An individual may initiate a complaint with respect to the issues referred to in section 36(2).</p> <p>(3) If the Commissioner is satisfied that there are other grievance, complaint or review procedures available for the purposes of resolving issues for which a review may be requested or a complaint may be initiated under this Part, the Commissioner may require that an individual asking for a review or initiating a complaint under this Part must first exhaust those other procedures with a view to resolving the matter before the Commissioner proceeds to hear or otherwise deal with the review or complaint.</p> <p><b>Mediation</b></p> <p>49 The Commissioner may authorize a person to investigate and attempt to mediate and, where possible, to mediate a settlement of any matter under review or relating to a complaint.</p> <p><b>Inquiry by Commissioner</b></p> <p>50(1) If a matter under review or relating to a complaint</p> <ul style="list-style-type: none"> <li>(a) is not referred to mediation,</li> <li>(b) is not settled pursuant to mediation under section 49, or</li> <li>(c) is not resolved,</li> </ul> <p>the Commissioner may conduct an inquiry and decide all questions of fact and law arising in the course of the inquiry.</p>		<p>This Act is administered by the Information and Privacy Commissioner. The Commissioner may authorize mediation under powers set out in s.49. For more information about the Commissioner see <a href="#">Schedule A.</a></p>
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BC	<p><b>###<a href="#"><u>Police Act, RSBC 1996, c.367</u></a></b></p> <p><b>#Police complaint commissioner</b></p> <p>47 (1) On the recommendation of the Legislative Assembly, the Lieutenant Governor in Council must appoint as the police complaint commissioner a person, other than a member of the Legislative Assembly, who has been unanimously recommended for the appointment by a special committee of the Legislative Assembly.</p> <p>(2) The police complaint commissioner is an officer of the Legislature.</p> <p>(3) Subject to section 48, the police complaint commissioner holds office for a term of 6 years.</p> <p>(4) A person who is appointed under this section is not eligible to be reappointed as police complaint commissioner.</p> <p><b>#Powers and duties of police complaint commissioner</b></p> <p>50 (1) The police complaint commissioner is to oversee the handling of complaints.</p> <p>(2) Without limiting subsection (1), the police complaint commissioner is to</p> <ul style="list-style-type: none"> <li>(a) receive complaints from any source,</li> <li>(b) establish and maintain a record of complaints, including the complaint dispositions relating to those complaints,</li> <li>(c) compile statistical information respecting all complaints,</li> <li>(d) regularly prepare reports of the complaint dispositions made or reached during the reporting period, and make those reports available to the public,</li> <li>(e) inform the public of the complaint procedures provided by this Part and the functions and duties of the police complaint commissioner,</li> <li>(f) accept and consider comments from any interested person respecting the administration of this Part,</li> <li>(g) inform, advise and assist complainants, respondents, discipline authorities, boards and adjudicators respecting the complaint process and the handling of complaints,</li> <li>(h) periodically conduct reviews of the complaint process and make any recommendations for improvement of that process in the annual report under section 51.1,</li> <li>(i) establish procedures for mediation services to assist complainants</li> </ul>	<p>s.50(2)(i) requires the Police Complaint Commissioner to establish a mediation process to resolve complaints. There is currently no program in place. For more information on the Commissioner see <a href="#"><u>Schedule A.</u></a></p>	
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	<p>and respondents in achieving informal resolution of complaints and provide those services to those parties,</p> <p>(j) establish guidelines to be followed by municipal police departments for the purpose of informal resolution of public trust complaints under section 54.1, and</p> <p>(k) perform any other duties imposed and exercise any other powers provided by this Act.</p>		
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BC	<p><b><u>##<i>Utilities Commission Act, RSBC 1996, c. 473</i></u></b></p> <p>Alternative dispute resolution</p> <p>The commission may encourage the use of alternative dispute resolution methods for the purpose of resolving disputes relating to the commission's discretion, functions and duties under this or any other enactment</p>	<p>REPEALED</p> <p>Effective May 29, 2003 to October 14, 2004]</p>	
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Manitoba Statutes and Regulations

Manitoba	<a href="#"><i>#Arbitration Act, C.C.S.M. c. A120</i></a>		
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Manitoba	<p><b><u>#Foster Parent Appeals Regulation, Man. Reg. 185/2003</u></b></p> <p><b>Foster parents may request review</b>  3(1) The foster parents may object to the agency's decision to remove a foster child by filing a written request for a review of the decision, in a form approved by the director, with the executive director of the agency.</p> <p><b>Time limit for filing request for review</b>  3(2) The request must be filed within 12 days after the foster parents receive the reasons for the agency's decision under subsection 2(1).</p> <p><b>Agency records to executive director</b>  3(3) The agency must give the executive director all records in the custody of, or under the control of, the agency that are relevant to the to remove the foster child.</p> <p><b>Offer of alternative dispute resolution</b>  4(1) Within seven days after receiving the foster parents' request, and before reviewing the agency's decision, the executive director must offer the parents, in writing, an alternative process to resolve their dispute with the agency.</p> <p><b>If alternative dispute resolution process accepted</b>  4(2) If the foster parents agree to an alternative process to resolve the dispute,  (a) the foster parents and the agency may resolve the dispute through that process; or  (b) either party may, after attempting unsuccessfully to resolve the dispute through this process, advise the executive director accordingly.</p> <p><b>Review by executive director</b>  5(1) The executive director of the agency must review the agency's decision to remove the foster child if  (a) the foster parents advise that they do not  (b) agree to an alternative process to resolve the  (c) dispute; or  (d) either the foster parents or the agency advises that an alternative process was unsuccessful in resolving the dispute.</p> <p><b>Time limit for review by executive director</b>  5(2) Within seven days after receiving advice under subsection (1), the</p>		<p>Under s.4(1) the executive director <b>must</b> offer foster parents an alternative process to resolve their disputes, but it is up to the foster parents to agree to an alternative process to resolve the dispute.</p>
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	<p>executive director of the agency must give a copy of his or her decision, with reasons, to</p> <ul style="list-style-type: none"><li>(a) the foster parents; and</li><li>(b) the authority that under Part I of the Act mandated the agency that made the decision to remove the child from the foster home.</li></ul>		
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Manitoba	<p><b><u>#<i>Appropriate Educational Programming Regulation,</i></u></b>  <b><u>Man. Reg. 155/2005</u></b></p> <p><b>Dispute Resolution</b></p> <p><b>Appointment of review coordinator</b></p> <p>9 The minister must appoint a person as the review coordinator.</p> <p><b>Complaint may be made to the review coordinator</b></p> <p>10(1) A parent of a pupil, or a pupil who is over the age of 18, may complain to the review coordinator about the appropriateness of the following, as identified in the pupil's individual education plan:</p> <ul style="list-style-type: none"> <li>(a) how the pupil's programming requirements for meeting or approximating the expected learning outcomes, or the outcomes the pupil can reasonably be expected to meet, are addressed;</li> <li>(b) where a pupil is placed in relation to his or her receiving educational programming.</li> </ul> <p>10(2) A complaint must be in writing and must specify</p> <ul style="list-style-type: none"> <li>(a) the complainant's name and address;</li> <li>(b) the name of the pupil, where the complaint is made by the pupil's parent; and</li> <li>(c) the reason or reasons why the complaint is made.</li> </ul> <p><b>Preliminary inquiries by review coordinator</b></p> <p>11(1) The review coordinator must, as soon as reasonably practicable after receiving a complaint, make any preliminary inquiries that he or she considers necessary to determine if</p> <ul style="list-style-type: none"> <li>(a) the complaint relates to a matter set out in subsection 10(1); and</li> <li>(b) the complainant has attempted to resolve the matter <ul style="list-style-type: none"> <li>(i) with the pupil's principal,</li> <li>(ii) with the superintendent, and</li> <li>(iii) by following the appeal process established by the school board, if any.</li> </ul> </li> </ul> <p>11(2) The review coordinator must decline to take any further action in respect of the complaint, and advise the complainant in writing of the reason for doing so, if he or she determines</p> <ul style="list-style-type: none"> <li>(a) the complaint does not relate to a matter set out in subsection 10(1);</li> <li>(b) where the school board has established an appeal process, <ul style="list-style-type: none"> <li>(i) that appeal process has not been completed, or</li> </ul> </li> </ul>	<p>Under s.12(1) the review coordinator may offer the complainants and the school board an alternative process for resolving the complaint.</p> <p>Complaints resolved through the alternative process must be confirmed by the review coordinator with the complainant.</p>
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	<p>(ii) more than 30 days have passed since the matter complained of was finally determined by the school board;</p> <p>(c) a review committee has previously considered a complaint respecting the same pupil, and there has been no material change in the pupil's circumstances since that previous complaint was determined; or</p> <p>(d) the complaint is frivolous, vexatious or made in bad faith.</p> <p><b>Alternative dispute resolution</b></p> <p>12(1) The review coordinator may, if he or she considers it appropriate in the circumstances, offer the complainant and the school board an alternative process for resolving the complaint.</p> <p>12(2) Where a complaint is resolved through an alternative process,</p> <p>(a) the school board must advise the review coordinator of the resolution in writing; and</p> <p>(b) the review coordinator must confirm the resolution with the complainant.</p> <p><b>Establishment of review committee</b></p> <p>13(1) The minister must appoint a review committee when advised by the review coordinator that a complaint has been received and that</p> <p>(a) in the circumstances, it is not appropriate to offer an alternative process for resolving the complaint;</p> <p>(b) the complainant or the board do not agree to an alternative process to resolve the complaint; or</p> <p>(c) the alternative process was unsuccessful in resolving the complaint.</p> <p>13(2) A review committee must consist of three members, and the minister must designate one of the members as chair of the committee.</p> <p>13(3) The minister may appoint a review committee for more than one complaint where the minister is satisfied</p> <p>(a) the complaints are substantially similar in nature; and</p> <p>(b) it would be fair and reasonable in the circumstances for the complaints to be dealt with at the same time and by the same committee.</p> <p>13(4) If a member of a review committee dies or is otherwise incapacitated, the</p>		
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	<p>minister must appoint a new review committee.</p> <p><b>Role of review committee</b></p> <p>14(1) Where a review committee is appointed in respect of a complaint, the committee must</p> <ul style="list-style-type: none"> <li>(a) investigate the complaint; and</li> <li>(b) prepare a written report that sets out <ul style="list-style-type: none"> <li>(i) the nature of the complaint and the respective positions of the complainant and the school board, and</li> <li>(ii) the committee's recommendations for meeting the pupil's requirements, placement of the pupil, or both.</li> </ul> </li> </ul> <p>14(2) A review committee may investigate a complaint in any manner that the committee considers suitable in the circumstances, and may</p> <ul style="list-style-type: none"> <li>(a) request any person, including the school board, to answer any questions and to produce for the committee any documents, papers, notes, records and other material relevant to the complaint or to appropriate education programming within the division or district; and</li> <li>(b) copy and keep copies of any of the material that is produced under clause (a).</li> </ul> <p>14(3) A school board must comply with a request of a review committee described in subsection (2).</p> <p><b>Hearing is optional</b></p> <p>15(1) A review committee may hold a hearing but is not required to do so.</p> <p>15(2) A review committee that decides to hold a hearing</p> <ul style="list-style-type: none"> <li>(a) is not bound by the rules of evidence that apply to judicial proceedings; and</li> <li>(b) may establish its own rules of practice and procedure for the hearing.</li> </ul> <p><b>Parties to be provided report and recommendation</b></p> <p>16(1) After preparing its written report and recommendation, the review committee must provide the complainant and the school board an opportunity to review and comment on it.</p> <p>16(2) On receiving comments from the complainant, the school board or both, the review committee may confirm or amend its recommendation.</p>		
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	<p>16(3) A recommendation of the review committee must be in accordance with the enactments of Manitoba.</p> <p>16(4) The review committee must file a copy of its report and final recommendation with the deputy minister.</p> <p><b>Final recommendation is decision</b></p> <p>17(1) The final recommendation of a majority of the committee's members is the decision of the committee. Where there is no majority, the recommendation of the committee's chair is the decision of the committee.</p> <p>17(2) The review committee must give the complainant and the school board a copy of the final decision and inform them of their right to appeal to the deputy minister.</p> <p>17(3) The final decision must be given to the complainant and the school board personally, by regular lettermail or by another method acceptable to the review committee, the complainant and the school board.</p> <p><b>Appeal to deputy minister</b></p> <p>18(1) A complainant or a school board may appeal the review committee's decision to the deputy minister.</p> <p>18(2) An appeal to the deputy minister must be made within 30 days after the date of the review committee's decision. The appeal must be made in writing and the party making the appeal must give a copy of it to the other party.</p> <p>18(3) The parties may file submissions respecting the appeal with the deputy minister. Submissions must be in writing and must be filed within 14 days of the appeal being filed but, at the request of a party, the deputy minister may grant an extension.</p> <p><b>Deputy's decision is final</b></p> <p>19(1) After receiving the review committee's report and final recommendation, and after considering any submissions made by the parties to the appeal, the deputy minister may make any decision he or she determines appropriate regarding meeting the pupil's requirements, placement of the pupil, or both.</p> <p>19(2) The deputy minister's decision is final and, if applicable, the school</p>		
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	<p>board must implement the decision as directed by the deputy minister.</p> <p>19(3) For certainty, the deputy minister is not bound by the recommendation of the review committee and may make any decision that is in accordance with the enactments of Manitoba.</p>		
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Manitoba	<p><b><u>#<i>The Discriminatory Business Practices Act, C.C.S.M.</i></u></b>  <b><u>c. D80</u></b></p> <p><b>Director's order</b>        8(1) Where the director has reasonable and probable grounds to believe that a person is engaging in or has engaged in a discriminatory business practice or is contravening or has contravened subsection 3(2), (3) or (4) or section 4 or 5, the director may order the person to comply with this Act to remedy the discriminatory business practice or discontinue the contravention specified in the order.</p> <p><b>Notice</b>        8(2) Where the director proposes to make an order under subsection (1), a notice of the director's proposed order shall be served on each person to be named in the order, together with written reasons for the proposed order.</p> <p><b>Contents of notice</b>        8(3) The director shall include in a notice under subsection (2) information that, if no person mails or delivers within 15 days after the day of service of the notice an objection in writing, the director may make the order as proposed.</p> <p><b>Where no objection</b>        8(4) Where no objection to a proposed order is received by the director under subsection (3) within 15 days or such longer period as the director may allow, the director may make the order.</p> <p><b>Mediation where there is objection</b>        8(5) Where an objection to a proposed order under subsection (1) is received, the director shall seek to mediate between the parties.</p> <p><b>Where mediation unsuccessful</b>        8(6) Where an attempt at mediation pursuant to subsection (5) is unsuccessful, the director shall refer the matter to the minister who shall appoint forthwith a board of adjudication which board shall appoint a time for and hold a hearing concerning the proposed order.</p> <p><b>Decision of board of adjudication</b>        8(7) After a hearing under subsection (6), the board of adjudication may order the director to make the proposed order under subsection (1) or to refrain from making it and to take such action as the board considers the director should have taken under this Act.</p>		<p>Under s.8(5) mediation is required where there is an objection to the Directors order under s.8(1).</p>
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	<p><b>Terms</b> 8(8) A board of adjudication may attach such terms and conditions to its order as it considers proper to give effect to the purposes of this Act.</p> <p><b>Parties</b> 8(9) The director, the person who objected under subsection (5) and such other persons as the board of adjudication may specify are parties to the proceedings before the board of adjudication and the director shall have carriage of the proceedings.</p> <p><b>Powers</b> 8(10) Subsection 21(3), section 22 and subsections 23(1) and (2) of The Human Rights Act apply to the board of adjudication.</p> <p><b>Immediate order</b> 8(11) Where it is necessary for the protection of the public or of any person, the director may make an order under subsection (1) to take effect immediately and the director shall serve forthwith each person named in the order with a copy of the order together with written reasons therefor and a notice that, if no persons mails or delivers, within 15 days after the day of service of the notice, an objection in writing, the order is final and binding.</p> <p><b>Effect of demand for a hearing</b> 8(12) Where a person served with a copy of the order under subsection (11) objects to the order, subsections (5) to (9) apply with such modifications as the circumstances require.</p> <p><b>Order may be continued</b> 8(13) An order referred to in subsection (11) in respect of which an objection is made ceases to have effect 30 days after it is made unless the board of adjudication directs that the order is to continue to have effect until the hearing is concluded.</p> <p><b>Finality of decision</b> 8(14) Subject to section 9, every decision made by a board of adjudication is final and binding on the parties to the adjudication.</p> <p><b>Adjudication enforceable as a judgment</b> 8(15) A party to an adjudication may file in the court a certified copy of a</p>		
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decision or order of the board with respect to the adjudication and upon being filed the decision or order is, subject to subsection (16), enforceable as a judgment of the court.

**Stay**

8(16) An application for review under section 9 does not stay the effect of the order unless the court or the board of adjudication grants a stay until the disposition of the application for review.

Manitoba	<p><b><u>#<i>The Human Rights Code, C.C.S.M. c. H175</i></u></b>  <b>Commission and Adjudication Panel</b>  <b>Human Rights Commission</b>  2(1) The Commission existing at the time this section comes into force under the name of "The Manitoba Human Rights Commission" is hereby continued under the same name as an independent agency with the responsibilities assigned to it under this Code and any other Act of the Legislature</p> <p><b>Dismissal of complaint</b>  29(1) The Commission shall dismiss a complaint if it is satisfied that</p> <ul style="list-style-type: none"> <li>(a) the complaint is frivolous or vexatious; or</li> <li>(b) the acts or omissions described in the complaint do not contravene this Code; or</li> <li>(c) the evidence in support of the complaint is insufficient to substantiate the alleged contravention of this Code.</li> </ul> <p><b>Settlement of complaint</b>  29(2) Where the Commission does not dismiss a complaint under subsection (1), it may cause mediation to be undertaken between the complainant and respondent in an attempt to settle the complaint, and</p> <ul style="list-style-type: none"> <li>(a) if the complaint is settled on terms satisfactory to the complainant and respondent, the Commission shall terminate its proceedings in respect of the complaint in accordance with the settlement; or</li> <li>(b) if the respondent proposes an offer of settlement that the Commission considers reasonable but the complainant rejects, the Commission shall terminate its proceedings in respect of the complaint.</li> </ul> <p><b>Adjudication or prosecution</b>  29(3) Where a complaint is not disposed of in accordance with subsection (1) or (2) and the Commission is satisfied that additional proceedings in respect of the complaint would further the objectives of this Code or assist the Commission in discharging its responsibilities under this Code, the Commission shall</p> <ul style="list-style-type: none"> <li>(a) request the minister to designate a member of the adjudication panel to adjudicate the complaint; or</li> <li>(b) recommend that the minister commence a prosecution for an alleged contravention of the Code.</li> </ul> <p><b>Termination of proceedings</b></p>		<p>The Commissioner may cause mediation to be undertaken to settle the complaint. For more information about the Commission see <a href="#">Schedule A</a>.</p>
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	<p>29(4) Where a complaint is not disposed of in accordance with subsection (1) or (2) and the Commission does not proceed under clause (3)(a) or (b), the Commission shall terminate its proceedings in respect of the complaint.</p>		
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## New Brunswick

New Brunswick	<a href="#"><u>#<i>Arbitration Act, S.N.B. 1992, c. A-10.1</i></u></a>		
New Brunswick	<p><a href="#"><u>#<i>Human Rights Act, R.S.N.B. 1973, c. H-11</i></u></a></p> <p>10(1) There shall be a Commission to be known as New Brunswick Human Rights Commission.</p> <p>11 The Commission is responsible to the Minister for the administration of this Act.</p>		<p>This <i>Act</i> is administered by the Human Rights Commission. The Commission offers pre-complaint mediation services. For more information about the Commission see <a href="#"><u>Schedule A.</u></a></p>

## Newfoundland and Labrador Statutes and Regulations

Newfoundland and Labrador	<a href="#"><i>#Arbitration Act, R.S.N.L. 1990, c. A-14</i></a>		
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<p>Newfoundland and Labrador</p>	<p><b><u>#Denturists Act, 2005, S.N.L. 2005, c. D-7.1</u></b></p> <p><b>Complaints authorization</b></p> <p>17. (1) After an allegation has been submitted to the board, the board may exercise one or more of the following powers:</p> <p>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations;</p> <p><b>Regulations</b></p> <p>32. (1) Subject to the approval of the minister, the board may make regulations</p> <p>(a) prescribing courses of training and educational requirements for the licensing of persons in the practice of denture technology in the province, including the establishment of a program of apprenticeship training in the practice of denture technology;</p> <p>(b) respecting the establishment of a program of continuing education and re-examination of denturists;</p> <p>(c) respecting the granting of licences to denturists and renewals of licences;</p> <p>(d) providing for, giving notice of and holding examinations of persons seeking to be licensed as denturists and prescribing the content and nature of the examinations;</p> <p>(e) providing for the suspension or revocation of licences for the non-payment of licence fees or other causes prescribed in the regulations and for the regranting of suspended or revoked licences;</p> <p>(f) prescribing the standards of hygiene to be maintained in the office and laboratory of a denturist;</p> <p>(g) respecting the employment of student denturists and other employees;</p> <p>(h) respecting alternative dispute resolution for the purposes of section 17 and the procedure for that resolution; and</p> <p>(i) prescribing time limits for events in the disciplinary process under sections 13 to 28, including time limits for</p> <p>(i) the filing of an allegation,</p> <p>(ii) the resolution of an allegation by the registrar,</p> <p>(iii) the conduct of an investigation under section 17,</p> <p>(iv) consideration of an allegation by the board following completion of an investigation,</p> <p>(v) responding to a complainant and respondent at each stage of the process,</p> <p>(vi) the conduct of a practice investigation under subparagraph 17 (3)(c)(ii),</p>	<p>Similar legislation has been enacted with regards to ADR in other professional legislation:</p> <p><a href="#"><u>Dietitians Act, SNL2005 c.D-23.1</u></a>, s.25, s.39</p> <p><a href="#"><u>Dispensing Opticians Act, 2005 SNL2005 c.D-25.1</u></a>, s.16, s.30</p> <p><a href="#"><u>Hearing Aid Practitioners Act, SNL2005 c.H-2.01</u></a>, s.16, s.34</p> <p><a href="#"><u>Licensed Practical Nurses Act, 2005 SNL2005 c. L-12.1</u></a>, s.17, s.30</p> <p><a href="#"><u>Massage Therapy Act, 2005 SNL2005 c. M-1.2</u></a>, s.17, s.30</p> <p><a href="#"><u>Medical Act, 2005 SNL2005 c.M-4.01</u></a>, s.13, s.39</p> <p><a href="#"><u>Occupational Therapists Act, 2005 SNL2005 c.O-4.1</u></a>, s.17, s.30</p> <p><a href="#"><u>Optometry Act, 2004, SNL2004 c.O-7.01</u></a>, s.27, s.47</p> <p><a href="#"><u>Pharmacy Act, SNL1994 c.P-12.1</u></a>, s.14, s.39</p> <p><a href="#"><u>Physiotherapy Act, SNL2006 c.P-13.1</u></a>, s.9, s.19</p> <p><a href="#"><u>Psychologists Act, 2005, SNL2005 c.P-34.1</u></a>, s.18, s.35</p> <p>To date there have not been any regulations dealing expressly with ADR created under the statute</p>
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	<p>(vii) the appointment of an adjudication tribunal under section 18, and</p> <p>(viii) the conduct of a hearing and the filing of a decision or order by an adjudication tribunal following completion of the hearing; and</p> <p>(j) generally, to give effect to the purpose of this Act.</p> <p>(2) Notwithstanding paragraph (1)(i), the minister may make regulations to prescribe time limits in the disciplinary process under sections 13 to 28 where the board does not do so within the time period the minister considers reasonable.</p>		powers.
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<p>Newfoundland and Labrador</p>	<p><b>#<a href="#">Human Rights Code, R.S.N.L. 1990, c. H-14</a></b></p> <p><b>Commission</b></p> <p>16. (1) The Human Rights Commission is continued...</p> <p><b>Functions of commission</b></p> <p>18. The commission shall ...</p> <p style="padding-left: 40px;">(h) consider, investigate or administer a matter or activity referred to the commission by the Lieutenant-Governor in Council or the minister.</p> <p><b>Settlement</b></p> <p>23. (1) Where the executive director, or a person designated by the executive director, effects a settlement of a complaint he or she shall report the settlement to the commission.</p> <p>(2) Where the report referred to in subsection (1) is approved by the commission, the executive director shall notify the parties that no further action will be taken with regard to the complaint unless the terms of a settlement are not complied with.</p> <p>(3) Where the terms of a settlement referred to in subsection (1) or (4) are not complied with, the commission may reopen the complaint and proceed as if a settlement had not been effected.</p> <p>(4) A complaint shall be considered settled for the purpose of this Act only if the commission approves the settlement and agrees to its terms.</p>		<p>The <i>Code</i> is administered by the Human Rights Commission. The Commission is mandated to endeavour to effect settlement, for more information see <a href="#">Schedule A</a>.</p>
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<p>Newfoundland and Labrador</p>	<p><b><u>#<i>Pharmaceutical Services Act</i>, S.N.L.2006 c.P-12.01</u></b></p> <p><b>Part VIII</b></p> <p><b>Alternate dispute resolution</b></p> <p>46. Notwithstanding another provision of this Part, the minister may employ alternate dispute resolution mechanisms in resolving the matters related to audit reviews and appeals in the manner prescribed by regulation.</p> <p><b>Regulations</b></p> <p>51. The Lieutenant-Governor in Council may prescribe regulations</p> <ul style="list-style-type: none"> <li>(a) respecting the rate of co-pay for the components of the Newfoundland and Labrador Prescription Drug Program, and that rate may vary according to the component to which it relates;</li> <li>(b) respecting the eligibility criteria for components of the Newfoundland and Labrador Prescription Drug Program under subsection 14(2) and the criteria may vary according to the component of the program to which they apply;</li> <li>(c) respecting the manner of conducting a financial assessment to determine limited coverage under paragraph 14(8)(a);</li> <li>(d) respecting the exceptional circumstances under which limited coverage may be provided under subsection 14(8)(b);</li> <li>(e) respecting the circumstances in which provider numbers may be suspended or cancelled under subsection 16(2);</li> <li>(f) respecting the auditing techniques considered necessary to conduct audits under section 30;</li> <li>(g) respecting the manner of recovering benefits under section 36;</li> <li>(h) respecting the manner of recovering benefits under section 38;</li> <li>(i) respecting the circumstances under which interest may be charged under subsection 38(4), and the rate at which that interest may be charged;</li> <li>(j) respecting alternative dispute resolution for the purpose of Part VIII and the procedure for that resolution; and</li> <li>(k) necessary for the administration of this Act</li> </ul>		<p>This <i>Act</i> just came into force in 2007. The Regulation referred to may not have been enacted yet.</p>
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<p>Newfoundland and Labrador</p>	<p><b><u>#Public Services Resumption and Continuation Act, S.N.L.2004 c.P-44.1</u></b></p> <p><b>Article 13 Arbitration</b></p> <p>13.01 Where a difference arises between the parties to or persons bound by this Agreement or on whose behalf it has been entered into and where that difference arises out of the interpretation, application, administration or alleged violation of this Agreement and including any question as to whether a matter is arbitrable, either of the parties may within fourteen (14) calendar days after exhausting the grievance procedure notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the person appointed to be an arbitrator by the party giving notice.</p> <p>Notice in accordance with Clause 13.01 shall be sent to the Collective Bargaining Division as well as the applicable Department.</p> <p>13.02 Notwithstanding any other provisions of this Article, the parties may mutually agree to the substitution of a single arbitrator for an arbitration board, in which event, the foregoing provisions of this Article shall apply equally to a single arbitrator when reference is made to an arbitration board. Furthermore, the parties shall endeavour to utilize a sole arbitrator for the majority of arbitration hearings and reserve the use of arbitration boards for case where a party feels it is absolutely necessary.</p> <p>13.03 The party to whom notice is given under Clause 13.01 shall, within ten (10) calendar days after receipt of such notice, appoint an arbitrator and notify the other party of the name of the arbitrator.</p> <p>13.04 The two (2) arbitrators appointed in accordance with Clauses 13.01 and 13.02 shall, within fourteen (14) calendar days after the appointment of the second of them, appoint a third arbitrator and these three (3) arbitrators shall constitute an arbitration board. The arbitrator appointed under this Clause shall be the Chairperson of the arbitration board.</p> <p>13.05 If,</p> <p>(i) the party to whom notice is given under Clause 13.01 fails to appoint an arbitrator within the period specified in Clause 13.02, the Chairperson of the Labour Relations Board shall, on the request of either party, appoint an arbitrator on behalf of the party who failed to make the appointment and such arbitrator shall be deemed to be</p>		<p>ADR is encouraged</p> <p>ADR is confidential upon request but mediation does qualify under settlement privilege</p>
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	<p>appointed by that party; or</p> <p>(ii) the two (2) arbitrators appointed by the parties under Clauses 13.01 and 13.02 fail to appoint a third arbitrator within the periods specified in Clause 13.03, the Chairperson of the Labour Relations Board shall, on the request of either party, appoint a third arbitrator and these three (3) arbitrators shall constitute an arbitration board. The arbitrator appointed under this paragraph (ii) shall be chairperson of the arbitration board.</p> <p>13.06 Grievances that have been referred to arbitration that involve a dismissal shall be scheduled for arbitration within six (6) months of referral.</p> <p>#13.07 Both parties to a grievance shall be afforded the opportunity of presenting evidence and argument thereon and may employ counsel or any other person for this purpose.</p> <p>#13.08 If a party fails to attend or be represented without good cause at an arbitration hearing, the arbitration board may proceed as if the party had been present or represented.</p> <p>#13.09 The arbitration board shall render its decision on the grievance within twenty-five (25) days of the date on which the board is fully constituted.</p> <p>#13.10 The decision of the majority of the members of an arbitration board shall be the decision of the board. The decision of an arbitration board shall be signed by the members of the board making the majority report.</p> <p>#13.11 The parties and the employees bound by this Agreement shall comply with these provisions for final settlement of a grievance and they shall comply with the decisions of an arbitration board appointed in accordance with these provisions and do or, as the case may be, abstain from doing anything required by that decision.</p> <p>#13.12 Each party required by this Agreement to appoint an arbitrator shall pay the remuneration and expenses of that arbitrator deemed to have been appointed by that party under</p>		
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	<p>Clause 13.04 and the parties shall pay equally the remuneration and expenses of the chairperson of the arbitration board.</p> <p>#13.13 The time limits set out in this Article may be extended, in writing, at any time by mutual agreement of both parties to the arbitration.</p> <p>#13.14 At any stage of the grievance or arbitration procedure, the parties shall have the assistance of any employee(s) concerned as witnesses and any other witness.</p> <p>#13.15 An aggrieved employee who is not on suspension and who has not been dismissed, and is required to appear before an arbitration board shall not suffer any loss in pay while participating in the arbitration proceedings.</p> <p>#13.16 An arbitration board may not alter, modify or amend any provisions to this Agreement but shall have the power to dispose of a grievance by any arrangement which it deems just and equitable.</p> <p>#13.17 The parties may mutually agree to utilize alternative methods of dispute resolution to resolve grievances that have been referred to arbitration and are encouraged to do so. Sample terms of reference of several ADR processes are contained in Schedule P.</p> <p><b>Schedule P Alternative Dispute Resolution</b>          Contained herein are a number of options available to the parties under the Alternate Dispute Resolution process designed to expeditiously settle outstanding disputes which have gone through the grievance process and have been referred to arbitration.</p> <p><b>Option A – Mediation Arbitration</b>          In selecting this option, it is the intent of the parties to the dispute, and the mediator to conduct this mediation process in a bona fide and forthright manner and to make a serious attempt to resolve this dispute.</p> <p>The following is a list of the Terms and Conditions under which the mediation/arbitration shall be conducted.</p> <p><b>1. Authority to Settle</b></p>		
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	<p>It is agreed that in order to have an effective mediation, the parties or their representatives should have full authority to settle this dispute at the mediation conference.</p> <p><b>2. Process</b></p> <p>It is agreed that in order to resolve the outstanding issues between the parties to this dispute, there will be an effort to isolate points of agreement and disagreement, to explore alternative solutions and to consider compromises or accommodations.</p> <p><b>3. Mediator's Role</b></p> <p>The Mediator's role is to assist the parties to negotiate a voluntary settlement of the controversy and issues as described above. The Mediator is a neutral and impartial person with no interest in the controversy. In the event that the parties are unable to reach an agreement on the subject matter of the dispute, the parties agree that the Mediator is empowered to make decisions for the parties as to how the matter should or must be resolved. The parties hereby agree that they will abide by the decisions voluntarily reached in the matter or will be bound by the decision of the Mediator in the event that the rendering of such a decision occurs. The parties further agree that, in the event that a decision is rendered by the Mediator, such decision shall not be subject to judicial or arbitral review and each party hereby undertakes to take no further proceedings in such a circumstance.</p> <p><b>4. Pre-Mediation Information</b></p> <p>To facilitate an understanding of the controversy and the issues to be mediated, the parties will provide to the Mediator such written and oral information as may be requested prior to the mediation session(s) and, at the minimum, will provide a brief written summary of the controversy as they see it, not less than ten (10) days prior to the first mediation session. Again, this is optional but, as explained above, would be helpful. The time lines can be decided between you.</p> <p><b>5. Preparation to Settle</b></p> <p>The parties will come to the mediation fully prepared to settle the controversy, with all necessary information and advice.</p> <p><b>6. Confidential Disclosures</b></p> <p>It is agreed that the Mediator may disclose to any party or to his/her representative any information provided by the other party which the Mediator believes to be relevant to the issues being mediated, unless a party has specifically requested the Mediator to keep certain information confidential.</p> <p><b>7. Effecting a Settlement</b></p> <p>It is agreed that where a settlement is reached in the dispute, the parties will carry out the terms of the settlement as soon as possible.</p> <p><b>8. Termination</b></p>		
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	<p>It is agreed that the mediation conference may be terminated at any time by any party, his/her representative or the Mediator for any reason.</p> <p><b>9. Inadmissibility</b> It is agreed that mediation sessions are settlement negotiations and are inadmissible in any further litigation or arbitration to the extent allowed by law. The parties will not subpoena or otherwise require the Mediator to testify or produce records or notes in any future proceedings. No transcripts will be kept of the mediation conference.</p> <p><b>10. Subsequent Proceedings</b> It is agreed that the parties shall not rely on or introduce as evidence in subsequent arbitral or judicial proceedings:</p> <ul style="list-style-type: none"> <li>(a) any view expressed, or suggestions made, by the other party in respect of the possible settlement of the dispute;</li> <li>(b) any admissions made by the other party in the course of the mediation;</li> <li>(c) the fact that the other party had indicated a willingness to accept a proposal or recommendation for settlement made by the Mediator.</li> </ul> <p><b>11. Mediation Sessions</b> The parties will attend one or more mediation sessions at a time and place scheduled by the Mediator.</p> <p><b>12. Outstanding Legal Proceedings</b> No party will initiate or take any fresh steps in any legal proceedings related to the controversy while the mediation is in progress.</p> <p><b>Option B – Expedited Arbitration</b> Subject to mutual agreement between the parties, it is agreed that the following process shall be followed in an expedited arbitration process:</p> <ul style="list-style-type: none"> <li>(a) In any dispute over application, administration or alleged violation of the Agreement, the parties agree to submit a written brief and/or present oral argument to the sole Arbitrator.</li> <li>(b) The parties agree to draft a list of three (3) mutually acceptable Arbitrators who will be selected on a rotating basis to deal with each sitting. Future selections of Arbitrators will be considered on a year to year basis.</li> <li>(c) The parties will present argument/rebuttal based on: <ul style="list-style-type: none"> <li>- issue(s);</li> <li>- applicable provisions of the Collective Agreement;</li> <li>- general principle of arbitration case law which is applicable, including judicial decisions;</li> <li>- relevant arbitration awards, judicial decisions, legislation, texts if</li> </ul> </li> </ul>		
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	<p>applicable, and how they apply;  - remedies requested.  Argument/rebuttal will be limited to one (1) hour for each party.  (d) The party bearing the onus of proof will proceed first and rebut, if necessary.  (e) The parties will not call witnesses or submit evidence, however, they can mutually agree to enter consent items;  (f) Decisions may be issued without having to provide the basis of conclusions.  (g) All decisions will be "without prejudice" to any other case(s) with no precedent value being applied to any other case unless the parties mutually agree in writing to allow a decision to have precedent value.  (h) The parties agree that decisions arising out of these arbitrations will not be considered for judicial review unless the parties have mutually agreed in writing to allow a decision to have precedent value in which case either party can consider a decision for judicial review.  (i) Where the parties mutually agree, any step of the process may be altered, if deemed necessary.</p> <p><b>Option C – Modified Arbitration</b>  It is understood that certain issues may have to be referred to the full arbitration process. In the interest of dealing with these cases in the most expeditious manner, wherever possible, modified processes may be used. These may include:  Arbitration by Grouping (Multiple Grievances)  Arbitration by Issue (Multiple Grievances)  The parties may also agree to a pre-determined list of Arbitrators that would be used on a rotational basis.</p> <p><b>Option D - Mediation</b>  Where the grievance procedure has failed to settle the grievance, the parties may elect to have the matter referred to grievance mediation process of the Labour Relations Agency prior to electing to proceed to arbitration. If the mediation process fails to resolve the issue, either party may then refer the matter to arbitration in accordance with Article 13.  Where a grievance is submitted to mediation, such submission shall not in any way affect the time limits or any other provision of the Arbitration Procedure.</p> <p><b>Option E – Other</b>  The parties may also utilize modified forms of the above processes or any other</p>		
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	ADR process that is mutually acceptable.		
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## Northwest Territories Statutes and Regulations

Northwest Territories	# <a href="#"><i>Statutory Instruments Act, R.S.N.W.T. 1988, c. S-13</i></a>		
Northwest Territories	# <a href="#"><i>Arbitration Act, R.S.N.W.T. 1988, c. A-5</i></a>		

<p>Northwest Territories</p>	<p><b><u>#<i>Midwifery Profession Act, N.W.T. 2003, c. 21</i></u></b></p> <p><b>Alternative Dispute Resolution</b></p> <p>22.(1) At any time after a complaint is filed, but before a hearing into the complaint is complete, the Complaints Officer may refer the complaint to an alternative dispute resolution process if</p> <p>(a) the complainant and the registered midwife who is the subject of the complaint agree to attempt to have the complaint settled through the process; and</p> <p>(b) the Complaints Officer is of the opinion that an attempt to settle the complaint through the process is appropriate in the circumstances.</p> <p>(2) If alternative dispute resolution processes are prescribed, the alternative dispute resolution process referred to in subsection (1) must be one that is prescribed.</p> <p>(3) No settlement of a complaint under this section comes into effect unless the Complaints Officer approves the terms and conditions of the settlement.</p> <p>(4) The terms and conditions of the settlement of a complaint approved under subsection (3) are deemed to be orders of a Board of Inquiry under subsection 32(2) or section 33, and any contravention of or failure to fulfill the terms and conditions may be treated in the same manner as a contravention of or a failure to fulfill an order of a Board of Inquiry made under those sections.</p> <p>(5) If a complaint referred to an alternative dispute resolution process, or part of it, is not settled within 60 days after the referral or within such further period of time as is agreed to by the Complaints Officer, the complainant and the registered midwife who is the subject of the complaint, then the complaint, or the unsettled part, shall be dealt with under this Part as if there had been no referral to an alternative dispute resolution process.</p> <p><b>Investigation</b></p> <p>23. The Complaints Officer shall, in writing, designate one or more investigators to investigate any complaint that</p> <p>(a) is not dismissed under subsection 20(2);</p> <p>(b) is not referred to an alternative dispute resolution process under subsection 22(1); or</p> <p>(c) was referred to an alternative dispute resolution process under</p>		<p>Under this <i>Act</i>, ADR is Permissive. Settlement of complaints do not come into effect unless the Complaints Officer approves the terms and conditions of that settlement.</p> <p>There are currently no regulations prescribing ADR as of May 23, 2007.</p>
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	<p>subsection 22(1) that did not result in a settlement of the complaint and approval of the settlement.</p> <p><b>Establishment of Board of Inquiry</b></p> <p>26. (1) If a complaint is not dismissed under subsection 25(1) or referred to an alternative dispute resolution process under subsection 22(1),</p> <p>(a) the Complaints Officer shall notify the Minister who shall</p> <p>(i) establish a Board of Inquiry to hear the matter, composed of at least three members appointed by the Minister, including two persons who are registered midwives or who are registered and in good standing as midwives in a province or another territory and one person who is a member of the public, and</p> <p>(ii) designate one member as chairperson of the Board of Inquiry; and</p> <p>(b) the Complaints Officer shall refer the complaint to the Board of Inquiry for a hearing.</p> <p><b>Hearing</b></p> <p>27. (1) A Board of Inquiry shall conduct a hearing into a complaint that is referred to it.</p> <p><b>Notice of hearing</b></p> <p>(2) The Board of Inquiry shall cause the complainant and the registered midwife who is the subject of the complaint to be served with written notice stating the date, time and place of the hearing at least 30 days before its commencement.</p> <p>Absence of member</p> <p>(3) Subject to subsection (4), if a person appointed to a Board of Inquiry under subparagraph 26(1)(a)(i) becomes unable to continue with the conduct of the hearing into the complaint, the Board of Inquiry may, in the absence of the member, continue with and complete the hearing and render a decision.</p> <p><b>Requirement</b></p> <p>(4) No Board of Inquiry may continue with less than two members, or without an appointed member of the public.</p> <p><b>Adjournment</b></p> <p>(5) A Board of Inquiry</p>		
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	<p>(a) shall adjourn a hearing into a complaint if notified by the Complaints Officer that the complaint is being referred to an alternative dispute resolution process; and</p> <p>(b) shall only resume a hearing into a complaint if notified by the Complaints Officer that the complaint has not been settled.</p> <p><b>Regulations</b></p> <p>52. The Commissioner, on the recommendation of the Minister, may make regulations</p> <p>(r) prescribing alternative dispute resolution processes that may be used in the settlement of complaints of unprofessional conduct...</p>		
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<p>Northwest Territories</p>	<p><b><u>#<i>Nursing Profession Act, S.N.W.T. 2003, c. 15</i></u></b></p> <p><b>Bylaws</b></p> <p>11. (1) The Association may, in accordance with subsection (2), make bylaws not inconsistent with this Act or the regulations,</p> <p style="padding-left: 40px;">(zp) prescribing alternative dispute resolution processes that may be used in the settlement of complaints of unprofessional conduct...</p> <p><b>Alternative dispute resolution</b></p> <p>37. (1) At any time after a complaint is filed, but before a hearing into the complaint is complete, the Chairperson may refer the complaint to an ##alternative dispute resolution process prescribed by the bylaws if</p> <p style="padding-left: 40px;">(a) the complainant and the nurse who is the subject of the complaint agree to attempt to have the complaint settled through the process; and</p> <p style="padding-left: 40px;">(b) the Chairperson is of the opinion that an attempt to settle the complaint through the process is appropriate in the circumstances.</p> <p style="padding-left: 40px;">Approval by Chairperson</p> <p>(2) No settlement of a complaint under this section comes into effect unless the Chairperson approves the terms and conditions of the settlement.</p> <p>Deemed orders</p> <p>(3) The terms and conditions of the settlement of a complaint approved under subsection (2) are deemed to be orders of a Board of Inquiry under subsection 47(2) or under section 48, and any contravention of or failure to fulfill the terms and conditions may be treated in the same manner as a contravention of or a failure to fulfill an order of a Board of Inquiry made under those sections.</p> <p><b>Time limit</b></p> <p>(4) If a complaint referred to an ##alternative dispute resolution process, or part of it, is not settled within 60 days after the referral or within such further period of time as is agreed to by the Chairperson, the complainant and the nurse who is the subject of the complaint, then the complaint, or the unsettled part, shall be dealt with under this Part as if there had been no referral to an ##alternative dispute resolution process.</p> <p><b>Designation of investigator</b></p> <p>38. (1) The Chairperson shall, in writing, designate one or more investigators to investigate any complaint that</p> <p style="padding-left: 40px;">(a) is not dismissed under subsection 35(2);</p> <p style="padding-left: 40px;">(b) is not referred to an alternative dispute resolution process under</p>	<p>ADR is permissive. Settlement does not come into effect until the Chairperson approves the terms and conditions of the settlement.</p>
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	<p>subsection 37(1); or (c) was referred to an alternative dispute resolution process under subsection 37(1) that did not result in a settlement of the complaint and approval of the settlement.</p> <p><b>Limitation</b> (2) A Committee member may be designated as an investigator under subsection (1), but that person shall not be designated as a member of a Board of Inquiry that hears the complaint.</p> <p><b>Designation of Board of Inquiry</b> 41. (1) If a complaint is not dismissed under subsection 40(1) or referred to an alternative dispute resolution process under subsection 37(1), (a) the Chairperson shall notify the Board of Directors which shall, in accordance with the bylaws, (i) designate a Board of Inquiry to hear the matter, composed of at least three Committee members, including one who is a member of the public, and (ii) designate one member as chairperson of the Board of Inquiry; and (b) the Chairperson shall refer the complaint to the Board of Inquiry for a hearing.</p> <p><b>Further allegations</b> (2) If the investigation report into the complaint contains information that, in the opinion of the Chairperson, may support allegations of unprofessional conduct by the nurse who is the subject of the complaint, in addition to those contained in the complaint, the Chairperson may refer the further allegations to the Board of Inquiry for a hearing.</p> <p><b>Service of further allegations</b> (3) Where the Chairperson refers further allegations to the Board of Inquiry under subsection (2), the Chairperson shall cause the nurse who is the subject of the complaint to be served with written notice of those allegations.</p> <p><b>Hearing</b> 42. (1) A Board of Inquiry shall conduct a hearing into a complaint that is referred to it.</p> <p><b>Notice of hearing</b></p>		
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	<p>(2) The Board of Inquiry shall cause the complainant and the nurse who is the subject of the complaint to be served with written notice stating the date, time and place of the hearing at least 30 days before its commencement.</p> <p><b>Absence of member</b></p> <p>(3) Subject to subsection (4), if a person designated to a Board of Inquiry under subparagraph 41(1)(a)(i) becomes unable to continue with the conduct of the hearing into the complaint, the Board of Inquiry may, in the absence of the member, continue with the conduct of the hearing for the purposes of completing it.</p> <p><b>Requirement</b></p> <p>(4) No Board of Inquiry may continue with less than two members, or without a designated member of the public.</p> <p><b>Adjournment</b></p> <p>(5) A Board of Inquiry</p> <ul style="list-style-type: none"><li>(a) shall adjourn a hearing into a complaint if notified by the Chairperson that the complaint is being referred to an alternative dispute resolution process; and</li><li>(b) shall only resume a hearing into a complaint if notified by the Chairperson that the complaint has not been settled</li></ul>		
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Nova Scotia Statutes and Regulations

Nova Scotia	<a href="#">#<i>Arbitration Act, R.S.N.S. 1989, c. 19</i></a>		
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Nova Scotia	<p><b><u>#Assessment Act, R.S.N.S. 1989, c. 23</u></b></p> <p><b>Regulations</b></p> <p>69A (1) Notwithstanding any enactment, the Minister may make regulations to establish an alternative dispute resolution process for the hearing and determination of appeals pursuant to this Act.</p> <p>(2) Without limiting the generality of subsection (1), the Minister may make regulations</p> <ul style="list-style-type: none"> <li>(a) prescribing an alternative dispute-resolution process in substitution for some or all of the rights of appeal and the appeal process established pursuant to this Act;</li> <li>(b) determining the procedure for the alternative dispute-resolution process and the rights and obligations of persons and municipalities in the process;</li> <li>(c) prescribing that the alternative dispute-resolution process include mediation and arbitration and limiting further appeals to the Nova Scotia Court of Appeal on questions of law only;</li> <li>(d) respecting the provision of facilities for mediation and arbitration and, subject to the approval of the Minister, payment of the costs of the facilities out of the Consolidated Fund of the Province;</li> <li>(e) determining that the alternative dispute-resolution process be implemented in designated assessment appeal regions of the Province on a trial basis and subsequently, where deemed appropriate, on a permanent basis in all assessment appeal regions of the Province;</li> <li>(f) determining the costs of the alternative dispute-resolution process and who bears those costs;</li> <li>(g) respecting the form, content and manner of use of notices under this Act;</li> <li>(h) prescribing the powers, duties and qualifications of mediators and arbitrators;</li> <li>(i) prescribing the remuneration and allowance for travel and other expenses payable to mediators and arbitrators from the Consolidated Fund of the Province;</li> <li>(j) respecting the appointment of mediators and arbitrators by the Minister and the method of selecting a mediator or arbitrator for a particular mediation or arbitration;</li> <li>(k) defining any word or expression used but not defined in this Section;</li> <li>(l) respecting any other matter deemed necessary or advisable to carry out effectively the intent and purpose of this Section.</li> </ul>		<p>As of May 23, 2007, the Minister has not made regulations to establish ADR processes.</p>
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	<p>(3) Notwithstanding any enactment, the Minister may, with respect to an appeal outstanding at the time this Section comes into force or upon receipt of a notice of appeal given pursuant to this Act, direct, in writing, that the appeal proceed in accordance with the alternative dispute resolution process established pursuant to the regulations.</p>		
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Nova Scotia	<p><a href="#"><u>#<i>Chiropractic Act, S.N.S. 1999, c. 4</i></u></a></p> <p><b>Interpretation</b></p> <p>2. In this Act,</p> <p>(q) "mediation" means any form of alternative dispute resolution...</p>		
Nova Scotia	<p><a href="#"><u>#<i>Commercial Arbitration Act, S.N.S. 1999, c. 5</i></u></a></p>		Click on the link to see the full act.
Nova Scotia	<p><a href="#"><u>#<i>Commercial Mediation Act, S.N.S. 2005, c. 36</i></u></a></p>		Click on link to see full act.
Nova Scotia	<p><a href="#"><u>#<i>Correctional Services Act, S.N.S. 2005, c. 37</i></u></a></p> <p><b>Administration</b></p> <p>3 (1) The Minister may</p> <p>(g) establish correctional services to provide for</p> <p>(i) the needs of offenders,</p> <p>(ii) alternative measures,</p> <p>(iii) alternative dispute resolution...</p>		

Nova Scotia	<p><b><u>#<i>Gas Plant Facility Regulations, N.S. Reg. 22/2000</i></u></b></p> <p><b>Application to renew</b></p> <p>11 (1) A permit or licence issued under these regulations may be renewed for further terms of no longer than 10 years each.</p> <p>(2) An application to renew a licence or permit shall comply with these regulations and contain such other information as may be required by the Board.</p> <p><b>Application fee</b></p> <p>12 (1) An application shall be accompanied by a non-refundable fee of \$100.00.</p> <p>(2) The Board may bill the applicant for all reasonable costs and expenses in excess of \$100.00 that are incurred directly by the Board to process an application and the applicant shall pay the additional amount before a permit or licence is issued.</p> <p>(3) If circumstances require, the applicant and the Minister may request the Board to provide documentation to support any bill issued under subsection (2).</p> <p>(4) Any conflicts respecting documentation provided in subsection (3) may be submitted to be resolved through alternative dispute resolution.</p> <p>(5) If the Board refuses to issue a permit or licence, the Board shall advise the applicant in writing of the decision together with reasons and forward a copy to the Minister.</p> <p><b>Certifying authority</b></p> <p>22 (1) The Board may engage the services of a person to act as a certifying authority to perform such duties as are prescribed by the Board, including a determination of whether the gas plant facility has been or is being constructed, operated, or abandoned in accordance with the Acts, these regulations and the terms and conditions of any permit or licence issued.</p> <p>Subsection 22(1) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.</p> <p>(2) Every holder of a permit or licence, and every person in charge of or responsible for a gas plant facility, and every contractor or employee of the permit or licence holder or person responsible shall permit or assist any</p>		ADR is permissive
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	<p>member of the Board or any employee or agent of the certifying authority acting in the exercise of the powers and duties conferred by subsection (1) and any further authorization provided to the certifying authority by the Board pursuant to the Acts and these regulations. Subsection 22(2) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.</p> <p>(3) On the completion of the duties described in subsection (1), the certifying authority shall provide the Board with a report that shall</p> <ul style="list-style-type: none"> <li>(a) advise whether the gas plant facility has been or is being constructed, operated or abandoned in accordance with the Acts, these regulations, and the terms and conditions of its permit or licence or an amendment thereto; Clause 22(3)(a) amended: O.I.C. 2005-283, N.S. Reg. 137/2005. Clause 22(3)(b) repealed: O.I.C. 2005-283, N.S. Reg. 137/2005.</li> <li>(c) provide such other information as is requested by the Board.</li> </ul> <p>(4) The certifying authority shall be engaged by the Board and shall be selected from a list of independent third parties who have engaged individuals, or who are individuals, who are knowledgeable about gas plant facilities. Subsection 22(4) amended: O.I.C. 2001-575, N.S. Reg. 149/2001.</p> <p>(5) It shall be a condition of the contract award that an individual selected pursuant to subsection (4) shall perform the duties of the certifying authority.</p> <p>(6) The remuneration of the certifying authority shall be paid by the Board and the cost shall be recovered from the permit or licence holder or from funds realized by the imposition of fees upon the permit or licence holder.</p> <p>(7) If circumstances require, the applicant and the Minister may request the Board to provide documentation to support any bill issued under subsection (6).</p> <p>(8) Any conflicts respecting documentation provided in subsection (7) may be submitted to be resolved through alternative dispute resolution.</p> <p>(9) The report issued by the certifying authority pursuant to this Section may be used by the Board to assist it in</p> <ul style="list-style-type: none"> <li>(a) evaluating an application for a permit or licence or in amending, suspending, canceling or reinstating a permit or licence;</li> <li>(b) approving the alteration or modification of the gas plant facility;</li> </ul>		
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	<p>(c) requiring the installation of additional or other equipment in the gas plant facility; or</p> <p>(d) the exercise of its powers and duties conferred by the Act and these regulations.</p> <p>(10) Upon request, a copy of the report prepared under this Section shall be forward to the Minister or to the permit or licence holder.</p>		
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Nova Scotia	<p><b><u>#<i>Human Rights Act, R.S.N.S. 1989, c. 214</i></u></b>  <b>Nova Scotia Human Rights Commission</b>  22 (1) The Nova Scotia Human Rights Commission heretofore constituted is continued.</p> <p><b>Duties of Commission</b>  24 (1) The Commission shall...  (h) consider, investigate or administer any matter or activity referred to the Commission by the Governor in Council or the Minister.</p> <p><b>Procedure on complaint</b>  29 The Commission shall instruct the Director or some other officer to inquire into and endeavour to effect a settlement of any complaint of an alleged violation of this Act where  (a) the person aggrieved makes a complaint in writing on a form prescribed by the Director; or  (b) the Commission has reasonable grounds for believing that a complaint exists.</p> <p><b>Referral of settlement to Commission for approval</b>  32 (1) When, at any stage after the filing of a complaint and before the commencement of a hearing before a board of inquiry, a settlement is agreed on by the parties, the terms of the settlement shall be referred to the Commission for approval or rejection.</p> <p><b>Notice of decision</b>  (2) Where the Commission approves or rejects the terms of a settlement referred to in subsection (1), it shall so certify and notify the parties.</p> <p><b>Settlement by agreement</b>  (5) Where the complaint referred to a board of inquiry is settled by agreement among all parties, the board shall report the terms of settlement in its decision with any comment the board deems appropriate.</p> <p><b>Where no settlement</b>  (6) Where the complaint referred to a board of inquiry is not settled by agreement among all parties the board shall continue its inquiry.</p> <p><b>Privileged information</b>  35 No member of the Commission, nor the Director or any officer or employee</p>		<p>This <i>Act</i> is administered by the Nova Scotia Human Rights Commission. Part of the procedure of the Commission is to try and effect settlement wherever appropriate. This settlement initiative also includes mediation. For more on the Commission, see <a href="#">Schedule A.</a></p>
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	<p>provided for in Section 27, shall be required by any board of inquiry or any court to give evidence, or to provide access to Commission records, relating to the information obtained in investigation of a complaint under this Act.</p>		
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Nova Scotia	<p><b><u>##<i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5</i></u></b></p> <p><b>Application of Act</b></p> <p>#4#(3) This Act does not</p> <ul style="list-style-type: none"> <li>#(a) limit the information otherwise available by law to a party to litigation including a civil, criminal or administrative proceeding;</li> <li>#(b) affect the power of any court or tribunal to compel a witness to testify or to compel the production of documents;</li> <li>#(c) prohibit the transfer, storage or destruction of any record in accordance with any other Act or any regulation;</li> <li>#(d) prevent access to records maintained in a public office for the purpose of providing public access to information; or</li> <li>#(e) restrict disclosure of information for the purpose of a prosecution.</li> </ul> <p>4A (1) Where there is a conflict between a provision of this Act and a provision of any other enactment and the provision of the other enactment restricts or prohibits access by any person to a record, the provision of this Act prevails over the provision of the other enactment unless subsection (2) or the other enactment states that the provision of the other enactment prevails over the provision of this Act.</p> <p>#(2) The following enactments that restrict or prohibit access by any person to a record prevail over this Act:</p> <ul style="list-style-type: none"> <li>#(a) subsection 121(2) of the Canada-Nova Scotia Offshore Resources Accord Implementation (Nova Scotia) Act;</li> <li>#(b) Section 19 of the Consumer Reporting Act;</li> <li>#(c) Section 51 of the Corporation Capital Tax Act;</li> <li>#(d) Section 7 of the Emergency 911 Act;</li> <li>#(e) Section 19 of the Forests Act;</li> <li>#(f) Section 17 and subsection 104(2) of the Health Protection Act;</li> <li>#(g) Section 71 of the Hospitals Act;</li> <li>#(h) subsection (7) of Section 9 of the Juries Act;</li> <li>#(i) Section 28 of the Labour Standards Code;</li> <li>#(j) Section 32 of the Maintenance Enforcement Act;</li> <li>#(k) subsection (2) of Section 87 and Sections 150 and 175 of the</li> </ul>		See Regulations below.
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	<p>Mineral Resources Act;  #(l) subsection (6) of Section 98 of the Motor Vehicle Act;  #(m) Sections 53, 61 and 62 of the Occupational Health and Safety Act;  #(n) subsection (3) of Section 11 of the Pension Benefits Act;  #(o) Sections 72 and 100 of the Petroleum Resources Regulations made pursuant to the Petroleum Resources Act;  #(p) subsection (4) of Section 21 of the Primary Forest Products Marketing Act;  #(q) Section 48 of the Public Trustee Act;  #(r) Section 9 of the Statistics Act;  #(s) subsection (3) of Section 9 of the Procedure Regulations made pursuant to the Trade Union Act;  #(t) subsection (8) of Section 37 and Section 45 of the Vital Statistics Act;  #(u) Sections 23 and 24 of the Young Persons' Summary Proceedings Act.</p> <p>#(3) The Governor in Council may, by regulation, amend subsection (2) by  #(a) adding to that subsection a reference to an enactment;  #(b) deleting a reference to an enactment from that subsection.</p>		
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Nova Scotia	<p><b><u>#<i>Freedom of Information and Protection of Privacy Regulations, N.S. Reg. 105/94</i></u></b></p> <p><b>Interpretation of administrative proceeding</b></p> <p>15. For the purposes of clause 4(3)(a) of the Act, "administrative proceeding" includes the alternative dispute resolution mechanism provided for in the Memorandum of Understanding Regarding Compensation For Survivors of Institutional Abuse made effective June 17, 1996, between the Province and the Survivors.</p> <p>Section 15 added: O.I.C. 96-610, N.S. Reg. 133/96; heading added: O.I.C. 2000-602, N.S. Reg. 193/2000.</p>		
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Nova Scotia	<p><b><u>#Onshore Petroleum Drilling Regulations, N.S. Reg. 29/2001</u></b></p> <p><b>Certifying authority report</b></p> <p>40 (1) The Administrator may engage the services of a person as a certifying authority.</p> <p>(2) The certifying authority shall</p> <ul style="list-style-type: none"> <li>(a) determine whether a drilling program, well re-entry, well suspension, well completion or well abandonment will be, has been or is being carried out in accordance with the Act, these regulations and the terms and conditions of the relevant Authorization; and</li> <li>(b) perform such other duties as are determined by the Administrator.</li> </ul> <p>(3) The certifying authority shall be engaged by the Administrator through a bidding process and selected from a list of independent third parties who have engaged persons or who are persons knowledgeable about petroleum exploration drilling and drilling programs, including well re-entry, well suspension, well completion and well abandonment.</p> <p>(4) Every operator or person in charge of or responsible for a drilling program, well re-entry, well suspension, well completion or well abandonment and every contractor or employee of the operator or person shall assist the Administrator or the certifying authority or any employee or agent of the certifying authority acting in the exercise of the duties outlined in subsection (2) and any further duties determined by the Administrator.</p> <p>(5) On completion of the certifying authority's duties, the certifying authority shall provide the Administrator with a report that shall</p> <ul style="list-style-type: none"> <li>(a) advise on the certifying authority's findings pursuant to clause (2)(a);</li> <li>(b) certify, for such period as the certifying authority determines, that the drilling program, well re-entry, well suspension, well completion or well abandonment will continue to meet the requirements of the Act, these regulations and the terms and conditions of the relevant Authorization; and</li> <li>(c) include any other information requested by the Administrator.</li> </ul> <p>(6) The costs and expenses of the certifying authority shall be paid by the Administrator and shall be recovered from the operator whose activity is the subject of the certifying authority's report.</p>		ADR is permissive.
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	<p>(7) The operator may request that the Administrator provide documentation to support any bill issued under subsection (6).</p> <p>(8) Any conflicts respecting documentation provided pursuant to subsection (7) may be submitted to be resolved through alternative dispute resolution.</p> <p>(9) The report issued by the certifying authority may be used by the Administrator to assist in</p> <ul style="list-style-type: none"><li>(a) evaluating an application for an Authorization or in amending, suspending, cancelling or reinstating an Authorization;</li><li>(b) directing the alteration or modification of the drilling program, well re-entry, well suspension, well completion or well abandonment;</li><li>(c) determining whether to require the installation of additional or other equipment on a drill rig or at a drill site; or</li><li>(d) the exercise of the Administrator's powers and duties conferred by the Act and these regulations.</li></ul>		
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Nova Scotia	<p><b><u>#<i>Petroleum Resources Removal Permit Act, S.N.S.</i></u></b>  <b><u>1999, c. 7</u></b></p> <p><b>Powers of Minister</b></p> <p>8 (1) Subject to subsection (2), upon receipt of an application pursuant to Section 7, the Minister may</p> <ul style="list-style-type: none"> <li>(a) require an applicant to submit any additional information the Minister considers necessary;</li> <li>(b) issue a permit to the applicant, subject to such terms and conditions as the Minister prescribes;</li> <li>(c) amend a permit previously issued to or held by the applicant, subject to such terms and conditions as the Minister prescribes;</li> <li>(d) refuse to issue a permit to the applicant;</li> <li>(e) cancel a permit previously issued to or held by the applicant; or</li> <li>(f) refer all or part of the application to alternative dispute resolution.</li> </ul> <p>(2) The Minister shall not issue or amend a permit unless it is in the public interest to do so having regard to the purpose of this Act.</p> <p>(3) Where the Minister is of the opinion that a permit should not be issued or amended because it is not in the public interest, a permit shall not be issued and the Minister shall give public notice of the decision together with reasons.</p> <p>(4) All decisions of the Minister made pursuant to clause (1)(a), (b), (c), (d) or (e) shall be made public in the manner prescribed by the regulations.</p>		ADR is permissive and confidential.
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Nova Scotia	<p><b><u>#<i>Trade Union Act, R.S.N.S. 1989, c. 475</i></u></b>  <b>Labour Relations Board (Nova Scotia)</b>  #16 (1) The Governor in Council may establish and appoint the members of a Board which shall be known as the "Labour Relations Board (Nova Scotia)" and shall consist of five members.</p> <p><b>#Negotiation#</b>  <b>Notice to commence bargaining where no agreement</b>  #33 Where a trade union is certified as the bargaining agent of employees in a unit and no collective agreement with their employer binding on or entered into on behalf of employees in the unit is in force,  #(a) the bargaining agent may, on behalf of the employees in the unit, by notice in writing, require their employer to commence collective bargaining; or  #(b) the employer or an employers' organization representing the employer, may, by notice in writing, require the bargaining agent to commence collective bargaining.</p> <p><b>#Conciliation</b>  <b>#Conciliation officer instructed to confer with parties</b>  #37 Where a notice to commence collective bargaining has been given in accordance with Section 35, and  #(a) collective bargaining has not commenced within the time prescribed by this Act;  #(b) collective bargaining has commenced and either party thereto requests the Minister in writing to instruct a conciliation officer to confer with the parties thereto to assist them to conclude a collective agreement or a renewal or revision thereof and the request is accompanied by a statement of the difficulties, if any, that have been encountered before the commencement or in the course of the collective bargaining; or  #(c) in any other case in which, in the opinion of the Minister, it is advisable so to do,  #the Minister may instruct a conciliation officer to confer with the parties engaged in collective bargaining.</p> <p><b>#Preventative Mediation</b></p>		<p>This <i>Act</i> is administered by the Labour Relations Board and Construction Industry Panel. For more information about the forms of ADR provided by this Board, see <a href="#">Schedule A</a>.</p>
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	<p><b>#Mediation officer</b></p> <p>#40 (1) Notwithstanding any other provision of this Act, the Minister may appoint a person as a mediation officer at any time when he is satisfied that the appointment of a mediation officer may bring about settlement of an industrial dispute or prevent an industrial dispute.</p> <p>#(2) It is the function of a mediation officer, and he has power, to</p> <ul style="list-style-type: none"> <li>#(a) investigate the causes of an existing or potential industrial dispute;</li> <li>#(b) attempt to bring about a settlement of an industrial dispute or to prevent an industrial dispute; or</li> <li>#(c) assist a trade union and employer in the development of effective labour-management relations.</li> </ul> <p>#(3) Subject to subsection (4), a mediation officer who makes an investigation shall make a report to the Minister.</p> <p>#(4) When a mediation officer is unable to effect a settlement of an industrial dispute and the circumstances mentioned in Section 37 exist, the mediation officer may, with the consent of the Minister, make a report in accordance with Section 38 and the report shall be deemed to be a report of a conciliation officer for the purposes of this Act.</p> <p><b>#Collective Agreements and Arbitration#</b></p> <p><b>Parties bound by collective agreement</b></p> <p>#41 A collective agreement entered into by an employer or an employers' organization and a trade union as bargaining agent is, subject to and for the purposes of this Act, binding upon</p> <ul style="list-style-type: none"> <li>#(a) the bargaining agent and every employee in the unit of employees; and</li> <li>#(b) an employer <ul style="list-style-type: none"> <li>#(i) who has entered into the agreement,</li> <li>#(ii) on whose behalf the agreement has been entered into, or</li> <li>#(iii) who has, by contract with an employer or an employers' organization, agreed to be bound by a collective agreement.</li> </ul> </li> </ul>		
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	<p><b>#Final settlement provision</b></p> <p>#42 (1) Every collective agreement shall contain a provision for final settlement without stoppage of work, by arbitration or otherwise, of all differences between the parties to or persons bound by the agreement or on whose behalf it was entered into, concerning its meaning or violation.</p> <p>#(2) Where a collective agreement does not contain a provision as required by this Section, it shall be deemed to contain the following provision:</p> <p>#Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration. If the parties fail to agree upon an arbitrator, the appointment shall be made by the Minister of Labour for Nova Scotia upon the request of either party. The arbitrator shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it.</p> <p>#(3) Every party to and every person bound by the agreement, and every person on whose behalf the agreement was entered into, shall comply with the provision for final settlement contained in the agreement.</p> <p>.</p> <p><b>#Powers and duty of arbitrator or arbitration board</b></p> <p>#43 (1) An arbitrator or an arbitration board appointed pursuant to this Act or to a collective agreement</p> <p>    #(a) shall determine his or its own procedure, but shall give full opportunity to the parties to the proceedings to present evidence and make submissions to him or it; where</p> <p>        #(i) he or it determines that an employee has been discharged or disciplined by an employer for cause, and</p> <p>        #(ii) the collective agreement does not contain a specific penalty for the infraction that is the subject of the arbitration,</p> <p>    #has power to substitute for the discharge or discipline any other penalty that to the arbitrator or arbitration board seems just and reasonable in the circumstances; and</p> <p>    #(e) has</p>		
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	<p>#(b) has, in relation to any proceedings before him or it, the powers conferred on the Board, in relation to any proceedings before the Board by subsections (7) and (8) of Section 16;</p> <p>#(c) has power to determine any question as to whether a matter referred to him or it is arbitrable;</p> <p>#(d) power to treat as part of the collective agreement the provisions of any statute of the Province governing relations between the parties to the collective agreement.</p> <p>#(2) The employer or the employers' organization and the trade union that are parties to the arbitration shall each pay one half of the fees of, and the expenses incurred by, an arbitrator referred to in subsection (1).</p> <p>#(3) Where the arbitration is conducted by an arbitration board referred to in subsection (1), the employer or the employers' organization shall pay the fees and expenses of the member appointed to the arbitration board by the employer or the employers' organization, the trade union shall pay the fees and expenses of the member appointed to the arbitration board by the trade union and the employer or employers' organization and the trade union shall each pay one half of the fees of, and the expenses incurred by, the chairman of the arbitration board.</p> <p>#(4) Where an arbitrator or an arbitration board renders a decision in respect of a dispute or difference, the arbitrator or the chairman of the arbitration board, as the case may be, shall transmit a copy of the written decision to the Minister and to the parties at the same time.</p> <p>#(5) For greater certainty, this Section applies to an arbitration under Section 46A.</p> <p><b>#Final settlement provision endures - dispute before strike position</b></p> <p>#44 (1) Notwithstanding anything contained in a collective agreement, the provision required to be contained therein by subsection (1) of Section 42 shall remain in force after the termination of the collective agreement and until the requirements of subsection (1) of Section 47 have been met.</p> <p>#(2) Where a difference arises between the parties to a collective agreement relating to a provision contained in the collective agreement during the period</p>		
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	<p>from the date of its termination to the date the requirements of subsection (1) of Section 47 have been met,</p> <p style="padding-left: 40px;">#(a) an arbitrator or arbitration board may hear and determine the difference; and</p> <p style="padding-left: 40px;">#(b) Sections 42 and 43 apply to the hearing and determination.</p> <p><b>#Deemed minimum term of agreement</b></p> <p>#45 (1) Notwithstanding anything therein contained, every collective agreement shall, if for a term of less than a year, be deemed to be for a term of one year from the date upon which it came or comes into operation, or if for an indeterminate term shall be deemed to be for a term of at least one year from that date and shall not, except with the consent of the Board, be terminated by the parties thereto within a period of one year from that date.</p> <p>#(2) Nothing in this Section prevents the revision of any provision of a collective agreement, other than a provision relating to the term of the collective agreement, that under the agreement is subject to revision during the term thereof.</p> <p><b>#Duty to file copy of agreement</b></p> <p>#46 Each of the parties to a collective agreement shall forthwith upon its execution file one copy with the Minister. R.S., c. 475, s. 46.</p> <p><b>#Expedited arbitration</b></p> <p>#(2) Subject to subsection (4), a party to a collective agreement may apply to the Minister or the Minister's designate for an expedited arbitration on a dispute arising out of the collective agreement.</p> <p>#(3) The party making an application under subsection (2) shall send a copy of the application to the other party to the collective agreement.</p> <p>#(4) An application under subsection (2) may be made when</p> <p style="padding-left: 40px;">#(a) the grievance procedure under the collective agreement has been exhausted;</p> <p style="padding-left: 40px;">#(b) five months or more have passed since the date on which the dispute was referred to arbitration; and</p> <p style="padding-left: 40px;">#(c) no hearings have been commenced.</p>		
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Nova Scotia	<p><b>#<a href="#"><u>Workers' Compensation Act, S.N.S. 1994-95, c. 10</u></a></b></p> <p><b>No agreement to waive compensation</b></p> <p>87 (1) No worker shall agree to waive any compensation the worker may become entitled to pursuant to this Part.</p> <p>(2) Any waiver made contrary to subsection (1) is void.</p> <p><b>Workers Compensation Appeals Tribunal</b></p> <p><b>Further regulation-making power</b></p> <p>255A (1) Notwithstanding Section 87, the Appeals Tribunal may, with the approval of the Governor in Council, make any regulations required to establish and implement an alternative dispute-resolution procedure to deal with appeals.</p> <p>(2) The exercise by the Appeals Tribunal of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act.</p>		
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**Ontario Statutes and Regulations**



Ontario	<p><b><u>#<i>Statutory Powers Procedure Act, R.S.O. 1990, c. S.22</i></u></b></p> <p><b>Classifying proceedings</b></p> <p>4.7 A tribunal may make rules under section 25.1 classifying the types of proceedings that come before it and setting guidelines as to the procedural steps or processes (such as preliminary motions, pre-hearing conferences, alternative dispute resolution mechanisms, expedited hearings) that apply to each type of proceeding and the circumstances in which other procedures may apply.</p> <p><b>Alternative dispute resolution</b></p> <p>4.8 (1) A tribunal may direct the parties to a proceeding to participate in an alternative dispute resolution mechanism for the purposes of resolving the proceeding or an issue arising in the proceeding if,</p> <ul style="list-style-type: none"> <li>(a) it has made rules under section 25.1 respecting the use of alternative dispute resolution mechanisms; and</li> <li>(b) all parties consent to participating in the alternative dispute resolution mechanism.</li> </ul> <p><b>Definition</b></p> <p>(2) In this section,</p> <p>"alternative dispute resolution mechanism" includes mediation, conciliation, negotiation or any other means of facilitating the resolution of issues in dispute.</p> <p><b>Rules</b></p> <p>(3) A rule under section 25.1 respecting the use of alternative dispute resolution mechanisms shall include procedural guidelines to deal with the following:</p> <ul style="list-style-type: none"> <li>1. The circumstances in which a settlement achieved by means of an alternative dispute resolution mechanism must be reviewed and approved by the tribunal.</li> <li>2. Any requirement, statutory or otherwise, that there be an order by the tribunal.</li> </ul> <p><b>Mandatory alternative dispute resolution</b></p> <p>(4) A rule under subsection (3) may provide that participation in an ##alternative dispute resolution mechanism is mandatory or that it is mandatory in certain specified circumstances.</p> <p><b>Person appointed to mediate, etc.</b></p>		
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(5) A rule under subsection (3) may provide that a person appointed to mediate, conciliate, negotiate or help resolve a matter by means of an ##alternative dispute resolution mechanism be a member of the tribunal or a person independent of the tribunal. However, a member of the tribunal who is so appointed with respect to a matter in a proceeding shall not subsequently hear the matter if it comes before the tribunal unless the parties consent.

**Continuance of provisions in other statutes**

(6) Despite section 32, nothing in this section shall prevent a tribunal from directing parties to a proceeding to participate in an ##alternative dispute resolution mechanism even though the requirements of subsections (1) to (5) have not been met if the tribunal does so in accordance with the provisions of an Act that are in force on the day this section comes into force.

**Mediators, etc., not compellable**

4.9 (1) No person employed as a mediator, conciliator or negotiator or otherwise appointed to facilitate the resolution of a matter before a tribunal by means of an alternative dispute resolution mechanism shall be compelled to give testimony or produce documents in a proceeding before the tribunal or in a civil proceeding with respect to matters that come to his or her knowledge in the course of exercising his or her duties under this or any other Act.

**Evidence in civil proceedings**

(2) No notes or records kept by a mediator, conciliator or negotiator or by any other person appointed to facilitate the resolution of a matter before a tribunal by means of an alternative dispute resolution mechanism under this or any other Act are admissible in a civil proceeding.

Ontario	<p><b><u>#<i>Arthur Wishart Act (Franchise Disclosure), 2000</i></u></b>  <b><u>General, O. Reg. 581/00</u></b></p> <p>5. (1) If an internal or external mediation or other alternative dispute resolution process is used by a franchisor in disputes with a franchisee, a disclosure document shall include, together with the statement referred to in subsection (2), a description of the mediation or other alternative dispute resolution process, and the circumstances when the process may be invoked.</p> <p>(2) Every disclosure document shall include the following statement:  Mediation is a voluntary process to resolve disputes with the assistance of an independent third party. Any party may propose mediation or other dispute resolution process in regard to a dispute under the franchise agreement, and the process may be used to resolve the dispute if agreed to by all parties.</p>		ADR is voluntary.
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Ontario	<p><b><u>#<i>Child and Family Services Act, R.S.O. 1990, c. C.11</i></u></b>  <b>Resolution of issues by prescribed method of alternative dispute resolution</b>  20.2 (1) If a child is or may be in need of protection under this Act, a society shall consider whether a prescribed method of alternative dispute resolution could assist in resolving any issue related to the child or a plan for the child's care.</p> <p><b>Where child is Indian or native person</b>  (2) If the issue referred to in subsection (1) relates to a child who is an Indian or native person, the society shall consult with the child's band or native community to determine whether an alternative dispute resolution process established by that band or native community or another prescribed process will assist in resolving the issue.</p> <p><b>Children's Lawyer</b>  (3) If a society or a person, including a child, who is receiving child welfare services proposes that a prescribed method of alternative dispute resolution be undertaken to assist in resolving an issue relating to a child or a plan for the child's care, the Children's Lawyer may provide legal representation to the child if in the opinion of the Children's Lawyer such legal representation is appropriate.</p> <p><b>Notice to band, native community</b>  (4) If a society makes or receives a proposal that a prescribed method of alternative dispute resolution be undertaken under subsection (3) in a matter involving a child who is an Indian or native person, the society shall give the child's band or native community notice of the proposal.</p> <p><b>Use of prescribed methods of alternative dispute resolution</b>  51.1 At any time during a proceeding under this Part, the court may, in the best interests of the child and with the consent of the parties, adjourn the proceeding to permit the parties to attempt through a prescribed method of alternative dispute resolution to resolve any dispute between them with respect to any matter that is relevant to the proceeding.</p> <p><b>Application to vary or terminate openness order</b>  145.2 (1) A society or a person with whom a child has been placed for adoption may apply to the court for an order to vary or terminate an openness order made under section 145.1.</p>	Effective November 30, 2006	<p>The consideration of ADR is required.</p> <p>See Regulations below.</p>
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	<p><b>Time for making application</b>  (2) An application under this section shall not be made after an order for the adoption of the child is made under section 146.</p> <p><b>Notice of application</b>  (3) A society or person making an application under this section shall give notice of the application to,</p> <ul style="list-style-type: none"> <li>(a) the child, except as otherwise provided under subsection 39 (4) or (5);</li> <li>(b) every person who is permitted to communicate with or have a relationship with the child under the openness order;</li> <li>(c) any person with whom the society has placed or plans to place the child for adoption, if the application under this section is made by the society; and</li> <li>(d) any society that supervises or participates in the arrangement under the openness order that is the subject of the application.</li> </ul> <p><b>Order to vary openness order</b>  (4) The court shall not make an order to vary an openness order under this section unless the court is satisfied that,</p> <ul style="list-style-type: none"> <li>(a) a material change in circumstances has occurred;</li> <li>(b) the proposed order is in the child's best interests; and</li> <li>(c) the proposed order would continue a relationship that is beneficial and meaningful to the child.</li> </ul> <p><b>Order to terminate openness order</b>  (5) The court shall not terminate an openness order unless the court is satisfied that,</p> <ul style="list-style-type: none"> <li>(a) a material change in circumstances has occurred;</li> <li>(b) termination of the order is in the child's best interests; and</li> <li>(c) the relationship that is the subject of the order is no longer beneficial and meaningful to the child.</li> </ul> <p><b>Consent of society required</b>  (6) The court shall not direct a society to supervise or participate in the arrangement under an openness order without the consent of the society.  Alternative dispute resolution</p> <p>(7) At any time during a proceeding under this section, the court may, in the best interests of the child and with the consent of the parties, adjourn the</p>		
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	<p>proceedings to permit the parties to attempt through a prescribed method of alternative dispute resolution to resolve any dispute between them with respect to any matter that is relevant to the proceeding.</p> <p><b>Temporary orders</b></p> <p>(8) The court may make such temporary order relating to openness as the court considers to be in the child's best interests.</p> <p><b>Varying or terminating openness orders after adoption</b></p> <p>153.1 (1) Any of the following persons may apply to the court to vary or terminate an openness order after an order for adoption has been made under section 146:</p> <ol style="list-style-type: none"> <li>1. An adoptive parent.</li> <li>2. A person who is permitted to communicate or have a relationship with a child under the order.</li> <li>3. Any society that supervises or participates in the arrangement under the openness order that is the subject of the application.</li> </ol> <p><b>Leave</b></p> <p>(2) Despite paragraph 2 of subsection (1), a person who is permitted to communicate or have a relationship with a child under an openness order shall not make an application under subsection (1) without leave of the court.</p> <p><b>Jurisdiction</b></p> <p>(3) An application under subsection (1) shall be made in the county or district,</p> <ol style="list-style-type: none"> <li>(a) in which the child resides, if the child resides in Ontario; or</li> <li>(b) in which the adoption order for the child was made if the child does not reside in Ontario, unless the court is satisfied that the preponderance of convenience favours having the matter dealt with by the court in another county or district.</li> </ol> <p><b>Notice</b></p> <p>(4) A person making an application under subsection (1) shall give notice of the application to every other person who could have made an application under that subsection with respect to the order.</p> <p>Child 12 or older</p> <p>(5) A child 12 years of age or more who is the subject of an application under this section is entitled to receive notice of the application and to be present at the hearing, unless the court is satisfied that being present at the hearing would</p>		
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cause the child emotional harm and orders that the child not receive notice of the application and not be permitted to be present at the hearing.

**Child under 12**

(6) A child less than 12 years of age who is the subject of an application under this section is not entitled to receive notice of the application or to be present at the hearing unless,

(a) the court is satisfied that the child is capable of understanding the hearing and will not suffer emotional harm by being present at the hearing; and

(b) the court orders that the child receive notice of the application and be permitted to be present at the hearing.

Order to vary openness order

(7) The court shall not make an order to vary an openness order under this section unless the court is satisfied that,

(a) a material change in circumstances has occurred;

(b) the proposed order is in the child's best interests; and

(c) the proposed order would continue a relationship that is beneficial and meaningful to the child.

**Order to terminate openness order**

(8) The court shall not terminate an openness order unless the court is satisfied that,

(a) a material change in circumstances has occurred;

(b) termination of the order is in the child's best interests; and

(c) the relationship that is the subject of the order is no longer beneficial and meaningful to the child.

**Consent of society required**

(9) The court shall not direct a society to supervise or participate in the arrangement under an openness order without the consent of the society.

**Alternative dispute resolution**

(10) At any time during a proceeding under this section, the court may, in the best interests of the child and with the consent of the parties, adjourn the proceedings to permit the parties to attempt through a prescribed method of alternative dispute resolution to resolve any dispute between them with respect to a matter relevant to the proceeding.

	<p><b>Regulations: methods of dispute resolution</b></p> <p>223.1 (1) The Lieutenant Governor in Council may make regulations,</p> <ul style="list-style-type: none"> <li>(a) prescribing methods of alternative dispute resolution for the purposes of this Act, defining methods of alternative dispute resolution, and governing procedures for and the use of prescribed methods of alternative dispute resolution;</li> <li>(b) respecting qualifications of persons providing a prescribed alternative dispute resolution service;</li> <li>(c) respecting the confidentiality of and access to records and information related to alternative dispute resolution.</li> </ul> <p><b>Same</b></p> <p>(2) A regulation made under subsection (1) may prescribe different methods of ##alternative dispute resolution, different definitions of methods of ##alternative dispute resolution and different procedures for prescribed methods of ##alternative dispute resolution for the purposes of different provisions of this Act.</p> <p><b>Regulations: transitional</b></p> <p>223.2 The Lieutenant Governor in Council may make regulations governing transitional issues that may arise due to the enactment of the Child and Family Services Statute Law Amendment Act, 2006 and facilitating the implementation of provisions that are enacted or re-enacted by that Act, and without restricting the generality of the preceding, may make regulations,</p> <ul style="list-style-type: none"> <li>(a) respecting alternative dispute resolution and legal representation for children for the purposes of section 20.2 if a form of alternative dispute resolution commenced before that section came into force;</li> <li>(b) respecting circumstances in which subsections 51 (3.1) and (3.2) do not apply in respect of the placement of a child;</li> <li>(c) respecting types of terms and conditions that may be imposed for the purposes of sections 51, 57 and 65.2 and persons or classes of persons subject to terms and conditions under those sections;</li> <li>(d) respecting assessments for the purposes of section 54 that were made or commenced before this section came into force;</li> <li>(e) respecting orders that may be made under section 57, 57.1 or 65.2;</li> <li>(f) respecting circumstances in which sections 57.2 and 59.1 will not apply;</li> <li>(g) respecting circumstances in which section 59 as it read before subsection 59 (2.1) came into force will apply;</li> <li>(h) respecting applications under sections 64 and 65.1;</li> </ul>		
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	<p>(i) respecting the provision of care and maintenance under subsection 71 (2);</p> <p>(j) respecting reviews by a Director under section 145.</p>		
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Ontario	<p><b><u>#<i>Child and Family Services Act, O. Reg. 496/06</i></u></b></p> <p><b>Methods of alternative dispute resolution</b></p> <p>1. A method of alternative dispute resolution that satisfies the following criteria is a prescribed method of alternative dispute resolution:</p> <ol style="list-style-type: none"> <li>1. The alternative dispute resolution must be undertaken with the consent of all participants.</li> <li>2. The alternative dispute resolution must be one that can be terminated at any time by any of the participants to it.</li> <li>3. The alternative dispute resolution must be conducted by an impartial facilitator who has no decision-making power.</li> <li>4. The alternative dispute resolution must satisfy section 2 with respect to confidentiality of and access to records and information.</li> <li>5. The alternative dispute resolution must not be an arbitration.</li> </ol> <p><b>Confidentiality of and access to records and information</b></p> <p>2. (1) The following rules respecting the confidentiality of and access to records and information apply to prescribed methods of alternative dispute resolution:</p> <ol style="list-style-type: none"> <li>1. Neither the participants nor the facilitator conducting the alternative dispute resolution nor any other person providing alternative dispute resolution services are compellable to give testimony or to produce documents in a civil proceeding with respect to matters relating to or prepared or exchanged during the alternative dispute resolution.</li> <li>2. Representations, statements or admissions made in the course of the alternative dispute resolution and documents prepared or exchanged during the alternative dispute resolution cannot be used in evidence or produced in a civil proceeding, subject to the following exceptions: <ol style="list-style-type: none"> <li>i. the statements, admissions or documents give rise to the duty to report that a child may be in need of protection under section 72 of the Act,</li> <li>ii. where there are reasonable grounds to believe that the disclosure is necessary to address a real or perceived threat to any person's life or physical safety,</li> <li>iii. an individual consents to the disclosure of his or her own personal information, or</li> <li>iv. the terms of an agreement, memorandum of understanding or plan arising from the alternative dispute resolution may be disclosed to a court and all counsel for the participants in the alternative dispute resolution, including counsel for the child where applicable.</li> </ol> </li> </ol>		ADR is confidential.
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	<p>3. The alternative dispute resolution facilitator may use or disclose non-identifying information relating to the alternative dispute resolution for research or educational purposes, but the facilitator must provide written notice of this to all participants in the ##alternative dispute resolution before the ##alternative dispute resolution begins.</p> <p>(2) Nothing in subsection (1) abrogates the rights of the participants in an ##alternative dispute resolution to discuss the content of the ##alternative dispute resolution with their counsel.</p> <p>(3) Nothing in subsection (1) limits the powers of a program supervisor under section 6 of the Act.</p> <p>(4) In this section, "non-identifying information" means information whose disclosure, alone or in combination with other information, does not reveal the identity of the person to whom it relates.</p> <p><b>Transition</b></p> <p>3. (1) A method of alternative dispute resolution that commenced before section 51.1 of the Act is proclaimed in force and that, subject to subsection (2), satisfies the criteria in section 1 is deemed to be a prescribed method of alternative dispute resolution for the purposes of section 51.1 of the Act.</p> <p>(2) Paragraph 4 of section 1 and section 2 do not apply to an alternative dispute resolution that is deemed to be a prescribed method of alternative dispute resolution under subsection (1).</p>		
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Ontario	<p><b><u>#Methods and Procedures Regarding Alternative Dispute Resolution, O. Reg. 496/06</u></b></p> <p>Confidentiality of and access to records and information</p> <p>2.(1) The following rules respecting the confidentiality of and access to records and information apply to prescribed methods of alternative dispute resolution:</p> <ol style="list-style-type: none"> <li>1. Neither the participants nor the facilitator conducting the alternative dispute resolution nor any other person providing alternative dispute resolution services are compellable to give testimony or to produce documents in a civil proceeding with respect to matters relating to or prepared or exchanged during the alternative dispute resolution.</li> <li>2. Representations, statements or admissions made in the course of the alternative dispute resolution and documents prepared or exchanged during the alternative dispute resolution cannot be used in evidence or produced in a civil proceeding, subject to the following exceptions: <ol style="list-style-type: none"> <li>i. the statements, admissions or documents give rise to the duty to report that a child may be in need of protection under section 72 of the Act,</li> <li>ii. where there are reasonable grounds to believe that the disclosure is necessary to address a real or perceived threat to any person's life or physical safety,</li> <li>iii. an individual consents to the disclosure of his or her own personal information, or</li> <li>iv. the terms of an agreement, memorandum of understanding or plan arising from the alternative dispute resolution may be disclosed to a court and all counsel for the participants in the alternative dispute resolution, including counsel for the child where applicable.</li> </ol> </li> <li>3. The alternative dispute resolution facilitator may use or disclose non-identifying information relating to the alternative dispute resolution for research or educational purposes, but the facilitator must provide written notice of this to all participants in the alternative dispute resolution before the alternative dispute resolution begins.</li> </ol> <p>O. Reg. 496/06, s. 2 (1).</p>		
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	<p>#(2) Nothing in subsection (1) abrogates the rights of the participants in an alternative dispute resolution to discuss the content of the alternative dispute resolution with their counsel.</p> <p>#(3) Nothing in subsection (1) limits the powers of a program supervisor under section 6 of the Act.</p>		
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Ontario	<p><u><i>#Crown Employees Collective Bargaining Act, 1993, S.O. 1993, c.38</i></u></p>	<p>The Grievance Settlement Board (the "Board") was established by section 20 of the Crown Employees Collective Bargaining Act, 1972, S.O. 1972, c.67, and is continued by section 46 of the Crown Employees Collective Bargaining Act, 1993, S.O. 1993, c.3 8, as amended by S.O. 1995, c. I (CECBA)# Grievance Settlement Board, Home (Canada: Grievance Settlement Board) online: Grievance Settlement Board, &lt;<a href="http://www.psab.gov.on.ca/english/gsb/index.html">http://www.psab.gov.on.ca/english/gsb/index.html</a>&gt;#</p>	<p>"The Grievance Settlement Board provides dispute resolution services to the Crown employers and the trade unions/bargaining agents representing Crown employees in the Ontario Public Service and Crown agencies identified under the Crown Employees Collective Bargaining Act."# <i>Ibid</i>#</p>
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Ontario	<p><b><u>#<i>Environmental Assessment Act, R.S.O. 1990, c. E.18</i></u></b></p> <p><b>#Decisions on the Application</b></p> <p><b>Mediation</b></p> <p>###8. (1) Before the application is decided, the Minister may appoint one or more persons to act as mediators who shall endeavour to resolve such matters as may be identified by the Minister as being in dispute or of concern in connection with the undertaking.</p> <p>...</p> <p><b>Parties</b></p> <p>#(4) The parties to the mediation are the proponent and such other persons as the Minister may identify. Instead of identifying parties by name, the Minister may determine the manner in which they are to be identified and invited to participate.</p> <p><b>Closed proceedings</b></p> <p>#(5) Unless the mediators decide otherwise, the mediation is not open to the public.</p> <p><b>Report</b></p> <p>#(6) The mediators shall give the Minister a written report on the conduct and results of the mediation. 1996, c. 27, s. 3.</p> <p>...</p> <p><b>Confidentiality</b></p> <p>#(8) No person except the Minister shall make public any portion of the report.</p> <p><b>Disclosure</b></p> <p>#(9) The Minister shall make the report public promptly after the Minister makes his or her decision under section 9 or the decision of the Tribunal under section 9.1 becomes effective. The Minister may make all or part of the report public before then only with the consent of the parties to the mediation.</p> <p><b>Referral to other tribunal, entity</b></p> <p>###11. (1) The Minister may refer to a tribunal (other than the Environmental Review Tribunal) or an entity for decision a matter that relates to an application if he or she considers it appropriate in the circumstances.</p> <p><b>Deadline for referring</b></p>		<p>This <i>Act</i> is administered by the Environmental Review Tribunal. One of the functions of the Tribunal is to provide for Mediation. For more information about this see <a href="#">Schedule A</a>.</p>
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	<p>#(2) The Minister shall make any decision to refer a matter to the tribunal or entity by the deadline by which the application must otherwise be decided.</p> <p><b>Restrictions</b></p> <p>#(3) The Minister may give such directions or impose such conditions on the referral as the Minister considers appropriate and may direct that the matter be decided without a hearing, whether or not a hearing on the matter is otherwise required.</p> <p><b>Same</b></p> <p>#(4) If the Minister refers a matter under this section, the Minister shall refer it to the tribunal or entity, if any, that is authorized under another Act to decide such matters. However, the Minister is not required to select that tribunal or entity if he or she has a reason not to. 1996, c. 27, s. 3.</p>		
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Ontario	<p><b><u>#<i>Environmental Protection Act, R.S.O. 1990, c. E.19</i></u></b></p> <p>###168.5 (1) If an owner of property submits a risk assessment relating to a contaminant and the property to the Director, the Director shall, within the time prescribed by the regulations,</p> <ul style="list-style-type: none"> <li>(a) give the person notice in writing that the Director accepts the risk assessment; or</li> <li>(b) give the person notice in writing that the Director does not accept the risk assessment for reasons specified by the Director in the notice.</li> </ul> <p><b>Regulations, additional</b></p> <p>###176.(1) The Lieutenant Governor in Council may make regulations, Regulations relating to Part XV.1</p> <p>#(10) The Lieutenant Governor in Council may make regulations relating to Part XV.1,</p> <p>...</p> <p>(l) prescribing a dispute resolution system, including mediation and conciliation, that may be used in connection with risk assessments that are submitted to, but not accepted by, the Director under subsection 168.5 (1);</p>		<p>The Lieutenant Governor has not enacted regulations prescribing a dispute resolution system under the powers in this <i>Act</i>. However, the Environmental Review Tribunal which administers this act provides for mediation. For more information see <a href="#">Schedule A.</a></p>
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Ontario	<p><b><u>#Highway 407 Act, 1998, S.O. 1998, c. 28</u></b></p> <p><b>Appeal</b>  19. (1) A person may appeal the owner's decision under section 17 on any of the grounds referred to in subsection 17(1) if the person sends a notice of appeal, setting out the grounds of the appeal, to the dispute arbitrator and to the owner within 30 days of receiving a copy of the owner's decision under subsection 17(5).</p> <p><b>Submission by owner</b>  (2) Within 15 days of receipt of a notice of appeal under subsection (1), the owner may send a written submission to the dispute arbitrator.</p> <p><b>Copy to appellant</b>  (3) Upon making a submission under subsection (2), the owner shall send a copy of the submission to the appellant.</p> <p><b>Appeal process</b>  (4) The dispute arbitrator shall review the notice of appeal and any submission made by the owner under subsection (2) and may,  (a) decide the matter on the basis of the written material;  (b) if he or she thinks it appropriate, hold a hearing into the matter; or  (c) use any available mediation or alternative dispute resolution method that he or she considers appropriate.</p> <p><b>Appeal decision</b>  (5) The dispute arbitrator shall decide the appeal solely on the grounds referred to in subsection 17(1).</p> <p><b>Order for expenses</b>  (6) If the dispute arbitrator finds that the appellant is not responsible for payment of the toll he or she may order the owner to pay the appellant the amount of his or her reasonable out of pocket expenses incurred in connection with the dispute or appeal of the dispute.</p> <p><b>Decision final</b>  (7) The decision of the dispute arbitrator is final and binding and is not subject to appeal.</p> <p><b>Notice of decision</b>  (8) The dispute arbitrator shall send the appellant, the owner and the Registrar</p>		
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of Motor Vehicles a copy of his or her decision within 120 days of receiving the notice of appeal under subsection (1).

**Failure to give timely decision**

(9) If the dispute arbitrator fails to send a copy of his or her decision within the time period set out in subsection (8), the appellant or the owner may apply to a court of competent jurisdiction for an order compelling the dispute arbitrator to give his or her decision

Ontario	<p><b><u>#<i>Human Rights Code</i>, R.S.O. 1990, c. H.19</u></b></p> <p><b>The Ontario Human Rights Commission</b></p> <p><b>The Commission</b></p> <p>###27. (1) The Ontario Human Rights Commission is continued under the name Ontario Human Rights Commission in English and Commission ontarienne des droits de la personne in French and shall be composed of such persons, being not fewer than seven, as are appointed by the Lieutenant Governor in Council.</p> <p><b>Function of Commission</b></p> <p>##29. It is the function of the Commission...</p> <p>(f) to inquire into incidents of and conditions leading or tending to lead to tension or conflict based upon identification by a prohibited ground of discrimination and take appropriate action to eliminate the source of tension or conflict;</p> <p>(g) to initiate investigations into problems based upon identification by a prohibited ground of discrimination that may arise in a community, and encourage and co-ordinate plans, programs and activities to reduce or prevent such problems;...</p> <p><b>Complaints</b></p> <p>###32. (1) Where a person believes that a right of the person under this Act has been infringed, the person may file with the Commission a complaint in a form approved by the Commission.</p> <p>#33. (1) Subject to section 34, the Commission shall investigate a complaint and endeavour to effect a settlement.</p>		<p>This <i>Act</i> is administered by the Ontario Human Rights Commission. The <i>Act</i> states that the Commission should try and effect settlement. In operation, the Commission provides for several forms of ADR including settlement and mediation, for more information see <a href="#">Schedule A</a>.</p>
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Ontario	<p><b><u><a href="#">Legal Aid Services Act, 1998, S.O. 1998, c. 26</a></u></b></p> <p><b>Methods of providing legal aid services</b></p> <p>###14.(1) Subject to subsections (2) and (3), the Corporation shall provide legal aid services by any method that it considers appropriate, having regard to the needs of low-income individuals and of disadvantaged communities, the need to achieve an effective balance among the different methods of providing legal aid services, the costs of providing such services and the Corporation's financial resources, including,</p> <ul style="list-style-type: none"> <li>(a) the authorization of lawyers, by means of certificates, to provide legal aid services to individuals or a group of individuals;</li> <li>(a.1) entering into agreements with lawyers, groups of lawyers or law firms under which the lawyer, group or law firm provides legal aid services;</li> <li>(b) the authorization of service-providers, by means of certificates, to provide legal aid services other than legal services to individuals or a group of individuals;</li> <li>(c) the funding of clinics;</li> <li>(d) the establishment and operation of legal aid services staff offices;</li> <li>(e) the funding of student legal aid services societies;</li> <li>(f) the funding of Aboriginal legal services corporations to provide legal aid services to Aboriginal individuals and communities;</li> <li>(g) the provision of duty counsel;</li> <li>(h) public legal education;</li> <li>(i) assistance to individuals representing themselves, including the provision of summary advice, assistance in preparing documents, information packages or self-help kits;</li> <li>(j) the authorization of alternative dispute resolution services.</li> </ul>		
Ontario	<p><b><u><a href="#">Nutrient Management Act, 2002, S.O. 2002, c. 4</a></u></b></p> <p><b>Hearing by Tribunal</b></p> <p><b>Right to hearing</b></p> <p>###9. (1) A person who receives a notice described in subsection 8 (1) or (2) may require a hearing by the Tribunal by serving a written notice of the requirement on the Director and the Tribunal within 15 days after service of the notice described in that subsection.</p>		<p>This <i>Act</i> is administered by the Environmental Review Tribunal. Although not expressly provided for in the legislation, the Environmental Review Tribunal provides Mediation. For more information see <a href="#">Schedule A</a>.</p>

Ontario	<p><b>#<a href="#"><u>Ontario Energy Board Act, 1998, S.O. 1998, c. 15, Sch. B</u></a></b></p> <p><b>Ontario Energy Board</b></p> <p><b>Board continued</b></p> <p>###4.(1) The Ontario Energy Board is continued as a corporation without share capital under the name Ontario Energy Board in English and Commission de l'énergie de l'Ontario in French. 2003, c. 3, s. 5 (2).</p> <p><b>Powers</b></p> <p>#(2) The Board has the capacity and the rights, powers and privileges of a natural person for the purpose of exercising and performing its powers and duties under this or any other Act, except as otherwise provided in this Act.</p>		<p>This <i>Act</i> is administered by the Ontario Energy Board. Although the <i>Act</i> does not expressly provide for ADR, when resolving complaints and disputes, the Board utilizes ADR. For more information about the Boards use of ADR see <a href="#"><u>Schedule A.</u></a></p>
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Ontario	<p><b><u>#<i>Ontario Water Resources Act, R.S.O. 1990, c. O.40</i></u></b></p> <p><b>#Hearing before Tribunal</b></p> <p>###7. (1) Upon receipt of a notice from a Director under subsection 54 (1), 55 (1) or 74 (4), the Tribunal shall hold a hearing with respect to the subject-matter of the notice, unless subsection 8 (2) applies.</p> <p><b>Notice of objection</b></p> <p>#8. (1) Where the Tribunal has given notice of a hearing under this Act, any person objecting to the action proposed under subsection 54 (1) or 55 (1) or the order referred to in subsection 74 (2) may serve notice of the objection, together with the reasons in support of it, on the Tribunal within fifteen days after the notice of hearing is given.</p> <p><b>Hearing not required</b></p> <p>#(2) If no objections are received within the fifteen days, or if the Tribunal is of the opinion that the objections are insufficient, the Tribunal is not required to hold a hearing.</p> <p><b>Sewage works established or extended in or into another municipality</b></p> <p>###54. (1) Before taking any action under subsection 53 (4) with respect to a sewage works established or extended or to be established or extended by a municipality in or into another municipality or territory without municipal organization, a Director shall, by a notice in writing, require the Tribunal to hold a hearing.</p> <p><b>Sewage works established or extended within a municipality</b></p> <p>###55. (1) Before taking any action under subsection 53 (4) with respect to a sewage works established or extended or to be established or extended by a person within a single municipality, a Director may, by a notice in writing, require the Tribunal to hold a hearing.</p> <p><b>Application for water or sewage works</b></p> <p>###63. (1) Any one or more municipalities may apply to the Agency for the provision of and operation by the Agency of water works or sewage works for the municipality or municipalities...</p> <p><b>Payments by municipalities to Agency under s. 63 agreements</b></p> <p>###64. (1) Every municipality that has entered into an agreement with the Crown under section 63 before the 1st day of April, 1974 shall pay to the</p>		<p>This <i>Act</i> is administered by the Environmental Review Tribunal. Although the legislation does not expressly provide for ADR except settlement of disputes under s.64(4), the Tribunal provides for Mediation. For more information see <a href="#">Schedule A</a>.</p>
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	<p>Agency the following sums or, where such agreement is with more than one municipality, or where the project requires more than one agreement at least one of which is with a municipality, its share as adjusted by the Agency, of the following sums...</p> <p><b>Settlement of disputes</b></p> <p>#(4) In the event of any dispute arising as to the adjustment or apportionment of any sums payable to the Agency by the respective municipalities under subsection (1), such dispute shall be referred to a sole arbitrator to be appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Agency and the municipality or municipalities concerned.</p> <p>###74. (1) In this section,</p> <p>“sewage service” means the acceptance, collection, transmission, storage, treatment and disposal of sewage, or any one or more of them; (“service d’égout”)</p> <p>“water service” means the taking, collection, production, treatment, storage, supply, transmission, distribution, sale, purchase and use of water, or any one or more of them. (“service d’eau”)</p> <p><b>Area of public water or sewage service</b></p> <p>#(2) Despite any general or special Act or any regulation or order made thereunder, where, in the opinion of a Director, it is in the public interest to do so, the Director may make an order defining and designating an area as an area of public water service or an area of public sewage service, and, by order from time to time, for the purpose of controlling, regulating, prohibiting, requiring or providing water service or sewage service in the area, may,</p> <p>(a) impose such terms and conditions in the area as the Director considers necessary;</p> <p>(b) require that any contract with respect to water service or sewage service in the area be terminated or amended in accordance with the order; and</p> <p>(c) fix and impose rates or charges upon any person in the area for the provision by the Agency of water service or sewage service to the person.</p> <p><b>Termination or amendment of contracts</b></p> <p>#(3) Where an order is made by a Director requiring that any contract be terminated or amended, such contract shall be deemed to be terminated and no longer operative or binding upon or against any person or shall be deemed to</p>		
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be amended, as the case may be, in accordance with the order.

**Hearing**

#(4) A Director shall, before making an order under subsection (2), require the Tribunal, by a notice in writing, to hold a hearing.

Ontario	<p><b><u>#<i>Pesticides Act, R.S.O. 1990, c. P.11</i></u></b></p> <p><b>Interpretation</b></p> <p>###1. (1) In this Act...</p> <p>“Tribunal” means the Environmental Review Tribunal; (“Tribunal”)</p>		Although this <i>Act</i> does not expressly provide for ADR, the Environmental Review Tribunal which administers this <i>Act</i> provides for ADR. For more information see <a href="#">Schedule A.</a>
Ontario	<p><b><u>###<i>Residential Tenancies Act, 2006, S.O. 2006, c. 17</i></u></b></p> <p>194. (1) The Board may attempt to mediate a settlement of any matter that is the subject of an application or agreed upon by the parties if the parties consent to the mediation. 2006, c. 17, s. 194 (1).</p> <p><b>Settlement may override Act</b></p> <p>#(2) Despite subsection 3 (1) and subject to subsection (3), a settlement mediated under this section may contain provisions that contravene any provision under this Act. 2006, c. 17, s. 194 (2).</p> <p><b>Restriction</b></p> <p>#(3) The largest rent increase that can be mediated under this section for a rental unit that is not a mobile home or a land lease home or a site for either is equal to the sum of the guideline and 3 per cent of the previous year’s lawful rent. 2006, c. 17, s. 194 (3).</p> <p><b>Successful mediation</b></p> <p>#(4) If some or all of the issues with respect to an application are successfully mediated under this section, the Board shall dispose of the application in accordance with the Rules. 2006, c. 17, s. 194 (4).</p> <p><b>Hearing</b></p> <p>#(5) If there is no mediated settlement, the Board shall hold a hearing. 2006, c. 17, s. 194 (5).</p>		This <i>Act</i> is administered by the Landlord Tenant Board. For more on the ADR processes used by the Board see <a href="#">Schedule A.</a>
Ontario	<p><b><u>#<i>Safe Drinking Water Act, 2002, S.O. 2002, c. 32</i></u></b></p> <p><b>Definitions</b></p> <p>###2. (1) In this Act,</p> <p>“Tribunal” means the Environmental Review Tribunal; (“Tribunal”)</p>		Although this <i>Act</i> does not expressly provide for ADR, the Environmental Review Tribunal which administers this <i>Act</i> provides for ADR. For more information see <a href="#">Schedule A.</a>

Ontario	<p><b><u>#<i>Social Work and Social Service Work Act, 1998, S.O. 1998, c. 31</i></u></b></p> <p><b>Duties of Complaints Committee</b></p> <p>24. (1) The Complaints Committee shall consider and investigate written complaints regarding the conduct or actions of members of the College.</p> <p><b>Same</b></p> <p>(2) Despite subsection (1), the Complaints Committee shall refuse to consider and investigate a written complaint if, in its opinion,</p> <ul style="list-style-type: none"> <li>(a) the complaint does not relate to professional misconduct, incompetence or incapacity on the part of a member of the College; or</li> <li>(b) the complaint is frivolous, vexatious or an abuse of process.</li> </ul> <p><b>Same</b></p> <p>(3) No action shall be taken by the Complaints Committee under subsection (5) unless,</p> <ul style="list-style-type: none"> <li>(a) a complaint in a form prescribed by the by-laws has been filed with the Registrar;</li> <li>(b) the member of the College whose conduct or actions are being investigated has been notified of the complaint and given at least 30 days in which to submit in writing to the Committee any explanations or representations the member may wish to make concerning the matter; and</li> <li>(c) the Committee has examined all the information and documents that the College has that are relevant to the complaint.</li> </ul> <p><b>Same</b></p> <p>(4) Notice of a complaint under clause 3(b) shall include reasonable information about any allegations contained in the complaint.</p> <p>Same</p> <p>(5) The Complaints Committee in accordance with the information it receives shall,</p> <ul style="list-style-type: none"> <li>(a) direct that the matter be referred, in whole or in part, to the Discipline Committee or the Fitness to Practise Committee;</li> <li>(b) direct that the matter not be referred under clause (a);</li> <li>(c) require the person complained against to appear before the Complaints Committee to be cautioned;</li> <li>(d) refer the matter for alternative dispute resolution if the Committee considers it appropriate to do so and the complainant and the member</li> </ul>		<p>The Complaints Committee has to investigate written complaints. Under their discretion, the Committee can refer te complaint to ADR.</p>
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	<p>agree; or</p> <p>(e) take any action it considers appropriate in the circumstances and that is not inconsistent with this Act, the regulations or the by-laws.</p> <p><b>Decision and reasons</b></p> <p>(6) The Complaints Committee shall give its decision in writing to the Registrar and, except in the case of a decision made under clause (5)(a), its reasons for the decision.</p> <p><b>Notice</b></p> <p>(7) The Registrar shall provide the complainant and the person complained against with a copy of the written decision made by the Complaints Committee and its reasons for the decision, if any.</p> <p><b>No hearing</b></p> <p>(8) Except as provided by this section, the Complaints Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under this section.</p> <p><b>Timely disposal</b></p> <p>(9) The Complaints Committee shall use its best efforts to dispose of a complaint within 120 days of its being filed with the Registrar.</p>		
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Ontario	# <u><i>Public Service Act, R.S.O. 1990, c. P.47</i></u>	<p>The Public Service Grievance Board (the “PSGB”) was established pursuant to section 2(1) of Ontario Regulation 222/61 and pursuant to subsection 10(m) of the Public Service Act, R.S.O. 1960, c. 331, as amended by the Public Service Amendment Act, 1960-61, c. 83, which authorized the Lieutenant Governor in Council to make a regulation authorizing the Commission to constitute a committee to hear grievances. The PSGB is continued pursuant to subsection 42(1) Regulation 977, R.R.O. 1990, under the Public Service Act, R.S.O. 1990, c P.47, as amended.#</p> <p>Public Service Grievance Board,  <i>Home</i> (Canada: Public Service Grievance Board)  online: Public Service Grievance Board,  &lt;<a href="http://www.psab.gov.on.ca/english/psgb/index.htm">http://www.psab.gov.on.ca/english/psgb/index.htm</a>&gt;#</p>	<p>“The Public Service Grievance Board is an independent, adjudicative tribunal that provides dispute resolution services to certain management and excluded members of Ontario's public service and their employers. Its mandate, powers, and duties are established by regulations made under the Public Service Act.”#<i>Ibid</i>#</p>
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Ontario	<p><b><u>#<i>Workplace Safety and Insurance Act, 1997, S.O. 1997, c. 16, Sch. A</i></u></b></p> <p><b>Administration of the Act</b></p> <p><b>#Workplace Safety and Insurance Board</b></p> <p><b>Board continued</b></p> <p>###159.(1)The body corporate known as the Workers' Compensation Board is continued under the name Workplace Safety and Insurance Board in English and Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail in French and is composed of the members of its board of directors.</p> <p><b>Powers of the Board</b></p> <p>#(2 )Subject to this Act, the Board has the powers of a natural person including the power,</p> <ul style="list-style-type: none"> <li>(a) to establish policies concerning the premiums payable by employers under the insurance plan;</li> <li>(b) to review this Act and the regulations and recommend amendments or revisions to them;</li> <li>(c) to consider and approve annual operating and capital budgets;</li> <li>(d) to review and approve its investment policies;</li> <li>(e) to review and approve major changes in its programs;</li> <li>(f) to enact by-laws and pass resolutions for the adoption of a seal and the conduct of business and affairs;</li> <li>(g) to establish, maintain and regulate advisory councils or committees, their composition and their functions;</li> <li>(h) to provide, on such terms as it sees fit, financial assistance to an employer who will modify the work or workplace so that an injured worker or the spouse of a deceased worker may re-enter the labour force;</li> <li>(i) to establish a program to designate return to work and labour market re-entry service providers, to monitor the service providers' performance and to charge them a fee for the cost of the program.</li> </ul> <p><b>Mediation</b></p> <p>###122.(1)The Board may provide mediation services in such circumstances as it considers appropriate.</p> <p><b>Time limit, return to work, etc.</b></p> <p>#(2) If the mediation relates to an objection to a decision by the Board</p>		<p>This <i>Act</i> is administered by the Workplace Safety and Insurance Board of Ontario. For more information on the Board, see Schedule A.</p>
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concerning return to work or a labour market re-entry plan and if the mediation is unsuccessful, the Board shall decide the matter within 60 days after receiving the notice of objection or within such longer period as the Board may permit.

**Role of mediator**

#(3)The mediator shall not participate in any application or proceeding relating to the matter that is the subject of mediation unless the parties to the application or proceeding consent.

**#Workplace Safety and Insurance Appeals Tribunal  
Appeals Tribunal**

###173.(1) The Workers' Compensation Appeals Tribunal is continued under the name Workplace Safety and Insurance Appeals Tribunal in English and Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail in French. 1997, c. 16, Sched. A, s. 173 (1).





Prince Edward Island Statutes and Regulations

PEI	# <a href="#"><i>Arbitration Act, R.S.P.E.I. 1988, c. A-16</i></a>		
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PEI	<p><b><u>#<i>Human Rights Act, R.S.P.E.I. 1988, c. H-12</i></u></b></p> <p>16. (1) The Prince Edward Island Human Rights Commission is hereby established; the Commission is a corporation.</p> <p>17. The Commission is responsible to the Minister for the administration of this Act.</p> <p>18. The Commission shall...</p> <p>(e) consider, investigate or administer any matter or activity referred to the Commission by the Lieutenant Governor in Council or the Minister.</p> <p>Administration</p> <p>22. (1) Any person, except the Commission or an employee of the Commission, who has reasonable grounds for believing that a person has contravened this Act may make a complaint to the Commission...</p> <p>(3) The Executive Director shall investigate and attempt to effect settlement of the complaint.</p> <p>(4) Notwithstanding subsection (3), the Executive Director may, at any time,</p> <ul style="list-style-type: none"> <li>(a) dismiss a complaint if the Executive Director considers that the complaint is without merit;</li> <li>(b) discontinue further action on the complaint if, in the opinion of the Executive Director, the complainant has refused to accept a proposed settlement that is fair and reasonable;</li> <li>(c) discontinue further action on the complaint if it could be dealt with more appropriately by an alternate method of resolution under any other Act, or if grievance or other review procedures have not been exhausted; or</li> <li>(d) report to the Chairperson of the Commission that the parties are unable to settle the complaint.</li> </ul> <p>25. (1) A complainant may, not later than 30 days after receiving notice of the dismissal of a complaint or of a discontinuance pursuant to subsection 22(4), by notice in writing to the Commission request a review of the Executive Director's decision by the Chairperson of the Commission.</p> <p>(2) The Commission shall serve a copy of the request for review upon Notice to person complained against the person against whom the complaint was made.</p>		<p>This <i>Act</i> is administered by the Human Rights Commission. The Commission encourages settlement. For more information about the Commission see <a href="#">Schedule A</a>.</p>
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|  | <p>(3) The Chairperson of the Commission shall</p> <ul style="list-style-type: none"><li>(a) review the Executive Director's decision and decide whether<ul style="list-style-type: none"><li>(i) the complaint should have been dismissed; or</li><li>(ii) the proposed settlement was fair and reasonable as the case may be; and</li></ul></li><li>(b) forthwith serve notice of the Chairperson's decision upon the complainant and on the person against whom the complaint was made.</li></ul> <p>(4) A decision of the Chairperson under subsection 25(3) is final and binding upon the parties.</p> |  |  |
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PEI	<p><b><u>#<i>Island Regulatory and Appeals Commission Act,</i></u></b>  <b><u>R.S.P.E.I. 1988, c. I-11</u></b></p> <p><b>Alternative dispute resolution</b>  11.1 (1) The Commission may use alternative dispute resolution where it considers it appropriate to do so for the purpose of resolving any issue or matter in dispute before the Commission.</p> <p><b>Jurisdiction of Court</b>  (2) The terms of any agreement signed as a result of the use of alternative dispute resolution procedures may be incorporated in and form part of an order made by the Commission...</p>		ADR is permissive.
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PEI	<p><b><u>#<i>Land Surveyors Act, R.S.P.E.I. 1988, c. L-3.1</i></u></b></p> <p><b>Complaints</b>  12. (1) Any complaint against a member of the Association shall be made, in writing, to the secretary-treasurer of the Council, in accordance with the bylaws of the Association.</p> <p><b>Copy to Council</b>  (2) The secretary-treasurer shall, on receiving a complaint under subsection (1), immediately send a copy to the president of the Council who shall, if he considers the matter to be urgent, call a special meeting of the Council for the purpose of evaluating the complaint.</p> <p><b>Evaluation</b>  (3) If no special meeting is called, the complaint shall be evaluated at the next regular meeting of the Council.</p> <p><b>Conflict of interest</b>  (4) If the president discovers at any time in the complaints and discipline processes that the complaint places himself or any other member of the Council in a conflict-of-interest position, he shall call a special meeting of the Association to appoint a Complaints and Discipline Committee in accordance with the bylaws of the Association and confer the matter and all powers related to the process to this committee.</p> <p><b>Decisions of Council or Committee</b>  (5) The Council or the Complaints and Discipline Committee, as the case may be, shall, after evaluating the complaint, decide that  (a) the complaint requires no further investigation;  (b) a hearing is warranted; or  (c) such other resolution is appropriate in the circumstances including mediation, conciliation or other alternative dispute resolution procedures, and order  (i) that such resolution be undertaken by the complainant and the subject of the complaint, and  (ii) what procedures are to be followed in such a case.</p> <p><b>Notice of evaluation</b>  (6) If the Council or the Complaints and Discipline Committee decides that a hearing is warranted, it shall give at least 14 days' notice of the meeting at which the complaint is to be heard to the member of the Association who is the</p>		
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	<p>subject of the complaint.</p> <p><b>Right to be heard</b>  (7) The member of the Association shall have the right to be present with counsel and to cross-examine all witnesses called and produce evidence in his defence.</p> <p><b>Absent member</b>  (8) Where the member of the Association who is the subject of the complaint does not appear at the hearing either by himself or with counsel, the Council or the Complaints and Discipline Committee may proceed to hear the complaint in his absence.</p> <p><b>Committee's decisions</b>  (9) After the hearing, the Council or the Complaints and Discipline Committee shall either</p> <ul style="list-style-type: none"> <li>(a) dismiss the complaint; or</li> <li>(b) subject to any measures it may take under subsection (10), uphold the complaint.</li> </ul> <p><b>Where complaint upheld</b>  (10) If the complaint is upheld, the Council or the Complaints and Discipline Committee may</p> <ul style="list-style-type: none"> <li>(a) order re-education or other rehabilitative measures for the member;</li> <li>(b) ask for the voluntary surrender of the member's license;</li> <li>(c) after the hearing referred to in section 13, suspend or revoke the member's license where it finds that the member is guilty of</li> <li>(i) gross negligence, incompetence or fraud in the performance of his duties as a land surveyor,</li> <li>(ii) knowingly certifying a plan not in compliance with the bylaws of the Association, or</li> <li>(iii) certifying as his own plan or report of a survey when the survey was not made by him or under his supervision; or</li> <li>(d) order a fine in lieu of or in addition to the other sanctions under this subsection.</li> </ul>		
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PEI	<p><b><u>#<i>Licensed Practical Nurses Act General Regulations,</i></u></b>  <b><u>P.E.I. Reg. EC622/02</u></b></p> <p><b>Part V Investigations and Discipline</b></p> <p><b>Definitions</b></p> <p>20. In this Part,  affected member</p> <p>(a) "affected member" means a member against whom a complaint is filed;  complainant</p> <p>(b) "complainant" means any person, including a client and the Registrar, who files a complaint;  document</p> <p>(c) "document" includes letters, memos, books, plans, maps, drawings, diagrams, pictures or graphics, photographs, films, microforms, sound recordings, videotapes, computer records, any other documents, and any copies of those documents.  (EC622/02)</p> <p><b>Investigation committee</b></p> <p>21. An investigation committee is hereby established.  (EC622/02)</p> <p><b>Role of committee</b></p> <p>22. The role of the investigation committee is to investigate complaints against members relating to the Act and these regulations.  (EC622/02)</p> <p><b>Composition of committee and term of office</b></p> <p>23. (1) The investigation committee shall be appointed by the Board, for a period of up to three years, and consist of the following persons:</p> <p>(a) a chairperson who is a licensed practical nurse and not a member of the Board;  (b) two other licensed practical nurses who are not members of the Board;  (c) a layperson who is not a member of the Board;  (d) one other person as the Board considers necessary to ensure a high standard of practise and to safeguard the welfare and best interests of the public.</p> <p><b>Staggered terms</b></p>		<p>The investigation committee shall recommend to the Board appropriate resolutions which could include mediation, conciliation or other forms of ADR.</p>
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	<p>(2) The appointments of the members of the investigation committee shall be arranged so as to ensure that there are not more than two new members in any given year. (EC622/02)</p> <p><b>Form of complaint</b></p> <p>24. (1) A complaint against a member shall</p> <ul style="list-style-type: none"> <li>(a) be in writing;</li> <li>(b) be filed with the Registrar; and</li> <li>(c) state, in detail, the nature of the complaint, the complainant's name and address and the name of the member against whom the complaint is filed.</li> </ul> <p><b>Content of complaint</b></p> <p>(2) A complaint against a member may be made in respect of any matter referred to in subsection 17(1) of the Act. (EC622/02)</p> <p><b>Registrar sends copies</b></p> <p>25. The Registrar shall retain the original complaint and forward a copy to the chairperson of the investigation committee. (EC622/02)</p> <p><b>Preliminary inquiry</b></p> <p>26. (1) The investigation committee shall make a preliminary inquiry into the complaint and may communicate with the affected member and the complainant.</p> <p><b>Recommendation of committee</b></p> <p>(2) After the preliminary inquiry, the investigation committee shall recommend to the Board that</p> <ul style="list-style-type: none"> <li>(a) the complaint requires no further investigation;</li> <li>(b) a full investigation is warranted; or</li> <li>(c) such other resolution as is appropriate in the circumstances, including mediation, conciliation, or other alternative dispute resolution procedures be used in the resolution of the complaint.</li> </ul> <p><b>Alternative dispute resolution procedures</b></p> <p>(3) If the Board accepts the recommendation to use the alternative dispute resolution procedures or other resolution referred to in clause 2(c) the</p>		
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	<p>committee shall coordinate such measures as are necessary to have the proceedings or other form of resolution implemented and shall report back to the Board on the results. (EC622/02)</p> <p><b>Full investigation</b> 27. (1) If the Board accepts the committee's recommendation that a full investigation be conducted, or if the results respecting alternative dispute resolution or other resolutions indicate that the complaint was not resolved and the Board decides to authorize a full investigation, the committee shall, no later than 10 days after being informed of the Board's decision, inform the complainant and the affected member of the decision that a full investigation will be conducted, and the next steps for the member to follow.</p> <p><b>Withdrawal of complaint</b> (2) Once full investigation has been undertaken, a complaint can only be withdrawn with the consent of the investigation committee.</p> <p><b>Amendment of complaint and response</b> (3) The complainant may amend the complaint and the affected member may amend the affected member's response at any time prior to the disposition of the complaint by the investigation committee. Response</p> <p>(4) The affected member's response shall include which allegations are admitted, which are denied, and a general description of the member's version of the facts relating to the complaint.</p> <p><b>Additional information</b> (5) The investigation committee may request additional information from either the complainant or the affected party. Right to present version of facts</p> <p>(6) The complainant and the affected member shall both be permitted to present their respective version of events and provide evidence in support. Documents</p> <p>(7) The affected member shall produce to the investigation committee any documents as may be requested by the committee, subject to section 32 and any other limitations on disclosure of confidential information found in other</p>		
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	<p>applicable legislation.</p> <p><b>Application by Board to court</b></p> <p>(8) The Board may apply to the court for an order</p> <ul style="list-style-type: none"> <li>(a) directing any member to produce to the investigation committee any documents and items in his or her possession or under his or her control, if it is shown that the member failed to produce them when required to do so by the investigation committee; or</li> <li>(b) directing any person to produce to the investigation committee any documents or items in his or her possession or under his or her control that are relevant to the complaint under investigation.</li> </ul> <p><b>Investigation of other matters</b></p> <p>(9) The investigation committee may investigate any other matter related to the professional conduct or skill in the practice of the affected member that arises in the course of the investigation.</p> <p><b>Recommendations of the committee</b></p> <p>(10) The investigation committee, may, after the full investigation, recommend to the Board</p> <ul style="list-style-type: none"> <li>(a) that no further action be taken;</li> <li>(b) that it accept the voluntary surrender of the affected member's license;</li> <li>(c) such other resolution that it considers appropriate in the circumstances and that is not inconsistent with or contrary to the Act or these regulations, such as requiring the member to follow an educational or rehabilitative treatment program; or</li> <li>(d) that a hearing be held.</li> </ul> <p><b>Committee report</b></p> <p>(11) The investigation committee shall report its findings and recommendations to the Board, which shall provide a copy to the affected member.</p> <p><b>Informing the complainant</b></p> <p>(12) The Board shall inform the complainant, in writing and by registered mail, of the general outcome of the investigation, in accordance with subsections 32(1) and 33(1) and any other limitations on disclosure of confidential information found in other applicable legislation.</p>		
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PEI	<p><u><b>#Professional Conduct Review Regulations, P.E.I. Reg. EC92/06</b></u></p> <p><b>#Definitions</b></p> <p>1. In these Regulations</p> <p>Act</p> <p>(a) "Act" means the Registered Nurses Act R.S.P.E.I. 1988, Cap. R-8.1;</p> <p>(b) "appellant" means a member of the Association, or the holder of a permit issued by the Association, who appeals a decision of the Review Committee;</p> <p>(c) "Committee member" means a member of the Review Committee appointed under subsection 2(1);</p> <p>(d) "complainant" means the person who files a complaint against a member of the Association;</p> <p>(e) "investigator" means an investigator who investigates a complaint and includes an investigation panel;</p> <p>(f) "mediation" or "mediation process" includes any method of alternative dispute resolution approved by the Council;</p> <p>(g) "panel" means an investigation panel or a formal inquiry panel of the Review Committee;</p> <p>(h) "public member" means a public member of the Review Committee as described in section 2;</p> <p>(i) "registered nurse member" means a registered nurse who is a member of the Review Committee as described in section 2;</p> <p>(j) "respondent" means a member of the Association, or the holder of a permit issued by the Association, who is the subject of a complaint.</p>		
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PEI	<p>#<a href="#"><u><i>Workers Compensation Act, R.S.P.E.I. 1988, c. W-7.1</i></u></a></p> <p><b>Workers Compensation Board</b></p> <p>19. (1) Subject to this Act, the Workers Compensation Board of Prince Edward Island is continued as a body corporate and shall administer this Act.</p> <p><b>Right to Return to Work</b></p> <p>86(4) The employer or the worker shall notify the Board of difficulties or disputes concerning the worker's early and safe return to work....</p> <p>(5) The Board shall</p> <p style="padding-left: 40px;">(a) through consultation, attempt to resolve the dispute between the parties; and</p> <p style="padding-left: 40px;">(b) where the parties are unable to come to an agreement through consultation, decide the matter in dispute.</p>		
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## Quebec Statutes and Regulation

Quebec	<p><b><u>#<i>Administrative justice, An Act respecting, R.S.Q. c. J-3</i></u></b></p> <p><b>Requirements.</b></p> <p>12. The body is required to</p> <ol style="list-style-type: none"> <li>1) take measures to circumscribe the issue and, where expedient, to promote reconciliation between the parties;</li> <li>2) give the parties the opportunity to prove the facts in support of their allegations and to present arguments;</li> <li>3) provide, if necessary, fair and impartial assistance to each party during the hearing;</li> <li>4) allow each party to be assisted or represented by persons empowered by law to do so.</li> </ol> <p><b>Conciliation</b></p> <p><b>Conciliation session.</b></p> <p>119.6. Upon receipt by the Tribunal of a copy of a case record pertaining to indemnification or benefits, and if the matter and circumstances so permit, the president of the Tribunal, the vice-president in charge of the division concerned or the member designated by either of them must offer the parties a conciliation session conducted by a member or a personnel member chosen by the president of the Tribunal or a person designated by the president.</p> <p><b>Purpose.</b></p> <p>121. The purpose of conciliation is to facilitate dialogue between the parties and help them to identify their interests, assess their positions, negotiate and explore mutually satisfactory solutions.</p> <p><b>Rules.</b></p> <p>121.1. After consulting with the parties, the conciliator shall define the rules applicable to the conciliation and any measure to facilitate its conduct, and determine the schedule of sessions.</p> <p><b>Suspension of proceedings.</b></p> <p>Conciliation does not suspend the proceedings.</p> <p><b>Private sessions.</b></p> <p>Conciliation sessions are held in private, at no cost to the parties and without</p>		<p>Conciliation may be offered. The sessions are held in private and once an agreement is reached it is binding on the parties.</p>
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formality, and require no prior written documents...

**Modification.**

121.2. A member of the Tribunal presiding a conciliation session may, if necessary, modify the proceeding timetable.

**Settlement.**

However, if no settlement is reached, a member of the Tribunal having presided a conciliation session may not hear any application regarding the dispute...

**Disclosure.**

123. A conciliator may not be compelled to disclose anything made revealed to or learned by him in the exercise of his functions or produce a document prepared or obtained in the course of such exercise before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

**Agreement.**

124. Any agreement reached shall be recorded in writing and signed by the conciliator, the parties and their representatives, if any. It is binding on the parties.

**Agreement.**

If the agreement is reached following a conciliation session presided by a member of the Tribunal, it terminates the proceedings and is enforceable as a decision of the Tribunal; if the agreement is reached following a conciliation session conducted by a personnel member, it has the same effects provided it is homologated by the Tribunal.



Quebec	<p><b><u>#<i>Mediation of small claims, Regulation respecting the, R.Q. c. C-25, r.2.01</i></u></b></p> <p><b>Division I</b></p> <p><b>Conditions for Certification</b></p> <p>1. Advocates or notaries who wish to act as mediators in actions involving small claims must obtain an attestation of mediator certification from their professional order.</p> <p>To be certified as a mediator, an advocate or notary must have completed a minimum of 16 hours of mediation training provided under the responsibility of the professional order and that pertains to</p> <ul style="list-style-type: none"> <li>(1) modes of alternative dispute resolution ;</li> <li>(2) principled negotiation ;</li> <li>(3) the mediation process ;</li> <li>(4) helping parties to reach an agreement ; and</li> <li>(5) the preparation of draft agreements.</li> </ul> <p>O.C. 972-2003, s. 1.</p> <p>2. Advocates and notaries certified as mediators by their professional order on 16 October 2003 are deemed to have received the training required under section 1.</p> <p>O.C. 972-2003, s. 2.</p> <p>3. Certified mediators shall ask their professional order to forward the following information to the Minister of Justice without delay :</p> <ul style="list-style-type: none"> <li>(1) the mediator's name ;</li> <li>(2) the address of the mediator's professional domicile and, where applicable, identification of the borough in which the mediator's professional domicile is located ;</li> <li>(3) the name of the judicial district in which the mediator practises ;</li> <li>(4) the name of the judicial district in which the mediator practises ;</li> <li>(5) the mediator's e-mail address, where applicable ;</li> <li>(6) the mediator's membership number ; and</li> <li>(7) the date of the mediator's certification.</li> </ul> <p>O.C. 972-2003, s. 3.</p> <p><b>#Division II</b></p> <p><b>Duties and Obligations</b></p> <p>4. A mediation mandate is given to a mediator in an individual capacity and the mediator may under no circumstances transfer the mandate to another</p>		
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	<p>mediator. In the case of an impediment, the mediator must inform the clerk who shall designate another mediator. O.C. 972-2003, s. 4.</p> <p>5. A mediator must hold a mediation session within 30 days after the date on which the mandate was received from the clerk. The mediator must communicate with the parties so they may agree on a date and time for the mediation session. The mediation session shall be held at the place determined by the mediator. O.C. 972-2003, s. 5.</p> <p>6. A mediator must at all times act impartially in the performance of the functions of mediator. The mediator must inform the clerk or, where applicable, the parties, of any cause for recusation. O.C. 972-2003, s. 6.</p> <p>7. In the absence of either or both of the parties, the mediator must wait a minimum of 30 minutes after the scheduled time for the mediation session to begin before cancelling the session. Where a mediation session is cancelled because of the absence of either or both of the parties, the mediator must file a report with the office of the court stating that the session could not be held for that reason, and the parties are foreclosed from requesting a new mediation session. O.C. 972-2003, s. 7.</p> <p>8. During the mediation session, the mediator shall examine the claim and supporting documents. The mediator shall inquire about each party's allegations and arguments, provide them with any relevant information, generate alternative solutions to their situation and propose solutions where required. The mediator must create an atmosphere conducive to the amicable settlement of the conflict. O.C. 972-2003, s. 8.</p> <p>9. If the mediation ends the dispute, the mediator shall forward to the clerk a document signed by the parties confirming that the mediation session was held and inform the parties of their obligation to file with the office of the court either a copy of the agreement or the notice referred to in the third paragraph of article 973 of the Code of Civil Procedure (R.S.Q., c. C-25). If the mediation does not end the dispute, the mediator must file the report</p>		
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	<p>referred to in the second paragraph of article 973 of the Code with the office of the Court of Québec. O.C. 972-2003, s. 9.</p> <p>10. If the mediator does not comply with the provisions of this Regulation, the clerk may terminate the mediator's mandate. Before doing so, the clerk shall notify the mediator in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., c. J-3) and allow the mediator at least 10 days to present observations. If the mandate is terminated, the clerk must inform the parties and the mediator and designate another mediator. O.C. 972-2003, s. 10.</p> <p>11. On being notified by the professional order which certified a mediator that the mediator has, pursuant to the Professional Code (R.S.Q., c. C-26), been temporarily or permanently struck off the roll, had his or her permit revoked or the right to carry on professional activities restricted or suspended, the clerk must take notice of that fact and, if the mediator has been given a mandate, inform the parties and designate another mediator. O.C. 972-2003, s. 11.</p> <p>12. Mediators who cease performing mediation functions or practising their profession must ask their professional order to inform the Minister of Justice, without delay, of the cessation. O.C. 972-2003, s. 12.</p> <p><b>#Division III</b> <b>Tariff or Fees</b></p> <p>13. The fees payable to a mediator for the carrying out of a mediation mandate are 119 \$ per session if the mediation ends the dispute and 99 \$ per session if the mediation does not end the dispute. The mediator may not receive fees for more than one session in relation to the same case and may not claim any other remuneration from the parties. O.C. 972-2003, s. 13.</p> <p>14. If a report has been filed with the office of the court pursuant to section 7, the mediator shall receive 52 \$ in fees and may not claim any other remuneration from the parties. O.C. 972-2003, s. 14.</p>		
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	<p>15. Travel, research, communications and any other expenses, costs or charges shall be borne by the mediator. The mediator may not claim, directly or indirectly, payment or reimbursement of such expenses, costs or charges from the parties. O.C. 972-2003, s. 15.</p> <p>16. The fees provided for in this Regulation shall be indexed on 1 April each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 31 December of the preceding year, as determined by Statistics Canada. The fees, thus indexed, shall be reduced to the nearest dollar where they contain a fraction of a dollar less than 0,50 \$ or increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than 0,50 \$. The Minister of Justice shall inform the public, through Part 1 of the Gazette officielle du Québec and by such other means as the Minister considers appropriate, of the indexing calculated under this section.</p>		
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Quebec	<p><b>#<u>Natural Heritage Conservation Act, R.S.Q., c. C-61.01</u></b></p> <p><b>Content.</b></p> <p>33. A conservation plan established for a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape must contain, in particular, the following information:</p> <ol style="list-style-type: none"> <li>1) a description of the land and a summary plan of the protected area;</li> <li>2) the type or types of permanent protection status proposed;</li> <li>3) the conservation measures and zoning for the various types of protection proposed and, if different, those that are to apply while the land is set aside;</li> <li>4) the activities that are permitted or prohibited while the land is set aside and following the assignment of permanent protection status by the Government, including the conditions on which permitted activities may be carried on; and</li> <li>5) where applicable, the alternative dispute resolution mechanisms for disputes involving land occupancy or resource development that will apply in the area while the land is set aside or following the assignment of permanent protection status by the Government.</li> </ol>		
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## Saskatchewan Statutes and Regulation

Saskatchewan	# <a href="#"><u><i>Arbitration Act, 1992, S.S. 1992, c. A-24.1</i></u></a>		
Saskatchewan	# <a href="#"><u><i>Legal Profession Act, 1990, S.S. 1990-91, c. L-10.1</i></u></a> <b>Rules</b> 10 The benchers may make rules: (v) regulating the provision of mediation services by members; (v.1) regulating the provision of alternative dispute resolution services by members;		As of May 23, 2007, no Regulations have been enacted.

Saskatchewan	<p><b><u>#<i>The Saskatchewan Human Rights Code, S.S. 1979, c. S-24.1</i></u></b></p> <p><b>Commission</b> 21(1) The Saskatchewan Human Rights Commission is hereby continued.</p> <p><b>Administration</b> 26 The commission is responsible to the minister for the administration of this Act and any other Acts that are assigned by the Lieutenant Governor in Council to be administered by it.</p> <p><b>Complaints</b> 27(1) Any person who has reasonable grounds for believing that any person has contravened a provision of this Act, or any other Act administered by the commission, in respect of a person or class of persons, may file with the commission a complaint in the form prescribed by the commission...</p> <p><b>Inquiry into a complaint</b> 28(1) Where a complaint is filed with or initiated by the commission, the Chief Commissioner, or any person designated by the Chief Commissioner, shall, subject to subsection 27(5) and section 27.1, do one or more of the following:              (a) attempt to resolve the complaint by mediation between the parties;              (b) attempt to negotiate a settlement of the complaint;              (c) investigate the complaint;              (d) continue an investigation of the complaint after an unsuccessful attempt to mediate or settle the matter.</p> <p>(2) The Chief Commissioner may, at any time after a complaint is filed or initiated pursuant to section 27, request the chairperson of the human rights tribunal panel to appoint a human rights tribunal to conduct an inquiry respecting the complaint.          (2.1) A complaint shall be considered settled for the purposes of this Act only if the Chief Commissioner has approved the terms of the settlement.</p> <p>(3) Where a complaint is settled for the purposes of this Act or a decision or order is made pursuant to section 31.3 or 31.4 by a human rights tribunal, the Chief Commissioner may, in his or her discretion, publicize in any manner the results of the settlement, decision or order.</p> <p><b>Appointment of human rights tribunal</b> 29.1(1) Where the Chief Commissioner requests the chairperson of the human</p>		<p>This <i>Act</i> is administered by the Saskatchewan Human Rights Commission. The Commission supports and administers ADR, for more information see <a href="#">Schedule A</a>.</p>
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	<p>rights tribunal panel to appoint a human rights tribunal, the chairperson shall:</p> <ul style="list-style-type: none"> <li>(a) appoint from the human rights tribunal panel one member to form the human rights tribunal to conduct an inquiry respecting a human rights complaint; and</li> <li>(b) communicate to the parties to the inquiry the name of the member appointed as the human rights tribunal.</li> </ul> <p>(2) The chairperson may appoint himself or herself as the human rights tribunal pursuant to subsection (1).</p> <p>(3) The chairperson may, with the approval of the minister, appoint more than one member to form a human rights tribunal.</p> <p><b>Powers of a human rights tribunal</b></p> <p>29.2(1) The human rights tribunal panel may:</p> <ul style="list-style-type: none"> <li>(a) establish pre-hearing procedures to facilitate settlement of complaints; and</li> <li>(b) establish rules requiring the parties to disclose, before an inquiry begins, any documentary or expert evidence the parties intend to use at an inquiry.</li> </ul> <p>(2) A human rights tribunal may:</p> <ul style="list-style-type: none"> <li>(a) make decisions at a pre-hearing conference respecting the merits of a complaint that are binding on the parties;</li> <li>(b) divert matters to alternative methods of dispute resolution, with the consent of the parties;</li> <li>(c) require parties to attend a pre-hearing conference for the purposes of: <ul style="list-style-type: none"> <li>(i) promoting settlement;</li> <li>(ii) identifying the legal and factual issues in dispute;</li> <li>(iii) producing an agreed statement of facts;</li> <li>(iv) resolving procedural issues; and</li> <li>(v) dealing with any other matter the parties may agree to deal with or the human rights tribunal determines should be dealt with;</li> </ul> </li> <li>(d) make orders requiring the parties to disclose, before the inquiry begins, any documentary or expert evidence the parties intend to use at the inquiry; and</li> <li>(e) allow a party to examine other parties under oath before the inquiry begins.</li> </ul>		
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## RULES

<p>Canada Regulation</p>	<p><b><u><i>Immigration Appeal Division Rules, SOR/2002-230</i></u></b></p> <p>Rule 1 <b>Definitions</b> 1. The following definitions apply in these Rules. ... "proceeding" includes a hearing, a conference, an application or an alternative dispute resolution process. (procedure)...</p> <p><b>Rule 20</b> <b>Participation in the alternative dispute resolution process</b> 20. (1) The Division may require the parties to participate in an alternative dispute resolution process in order to encourage the parties to resolve an appeal without a hearing.</p> <p><b>Dispute resolution officer</b> (2) The Division must assign a member of the Division or any other person to act as a dispute resolution officer for an appeal that uses the alternative dispute resolution process. A member who acts as a dispute resolution officer for an appeal must not hear that appeal.</p> <p><b>Obligations of parties and counsel</b> (3) The parties and their counsel must  <ul style="list-style-type: none"> <li>(a) participate in the alternative dispute resolution process in good faith;</li> <li>(b) follow the directions given by the Division with respect to the process, including the manner of participation;</li> <li>(c) disclose to each other and the Division any document to be relied on in the process, and any document that the Division requires to be prepared or disclosed; and</li> <li>(d) be prepared as a party, or have authority as counsel, to resolve the appeal.</li> </ul> </p> <p><b>Confidentiality</b> (4) Any information, statement or document that any person gives in an alternative dispute resolution process is confidential. It must not be disclosed later in the appeal or made public unless  <ul style="list-style-type: none"> <li>(a) it was obtained in a way that was not part of the alternative dispute resolution process;</li> <li>(b) it relates to an offence under the Act, or a breach of these Rules; or</li> <li>(c) the person who gave the information, statement or document</li> </ul> </p>		
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agrees to its disclosure.

**Agreement**

(5) An agreement to resolve an appeal that is reached through the alternative dispute resolution process must be in writing, signed by the parties or their counsel and approved by the Division. An agreement to resolve an appeal is not confidential under subrule (4).

<p>Canada Statute</p>	<p><b><u><i>Canada Labour Code, R.S.C. 1985, c. L-2</i></u></b></p> <p><b>Application</b> 4. This Part applies in respect of employees who are employed on or in connection with the operation of any federal work, undertaking or business, in respect of the employers of all such employees in their relations with those employees and in respect of trade unions and employers' organizations composed of those employees or employers.</p> <p><b>Measures</b> 12.07 On receipt of the request, the Minister may take one or more of the following measures:              (a) obtain, in an informal and expeditious manner, any information that the Minister considers necessary;              (b) refer the matter for mediation, where the Minister is satisfied that the issues in relation to the request may be appropriately resolved by mediation;              (c) request the Governor in Council to have an inquiry held under section 12.08; or              (d) advise the Chairperson that the Minister considers that it is not necessary to take further measures under this section.</p> <p><b>Effect of collective agreement</b> 56. A collective agreement entered into between a bargaining agent and an employer in respect of a bargaining unit is, subject to and for the purposes of this Part, binding on the bargaining agent, every employee in the bargaining unit and the employer.</p> <p><b>Provision for final settlement without stoppage of work</b> 57. (1) Every collective agreement shall contain a provision for final settlement without stoppage of work, by arbitration or otherwise, of all differences between the parties to or employees bound by the collective agreement, concerning its interpretation, application, administration or alleged contravention.</p> <p><b>Where arbitrator to be appointed</b> (2) Where any difference arises between parties to a collective agreement that does not contain a provision for final settlement of the difference as required by subsection (1), the difference shall, notwithstanding any provision of the collective agreement, be submitted by the parties for final settlement</p>		<p>The Canadian Industrial Labour Board abides by the Canada <i>Industrial Relations Board Regulations</i>, 2001, SOR/2001-520, created pursuant to the powers in the <i>Canada Labour Code</i>. The vision of the Canada Industrial Relations Board is successful resolution of labour relations problems through alternative dispute resolution mechanisms</p>
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	<p>(a) to an arbitrator selected by the parties; or  (b) where the parties are unable to agree on the selection of an arbitrator and either party makes a written request to the Minister to appoint an arbitrator, to an arbitrator appointed by the Minister after such inquiry, if any, as the Minister considers necessary.</p> <p><b>Idem</b>  (3) Where any difference arises between parties to a collective agreement that contains a provision for final settlement of the difference by an arbitration board and either party fails to name its nominee to the board in accordance with the collective agreement, the difference shall, notwithstanding any provision in the collective agreement, be submitted by the parties for final settlement to an arbitrator in accordance with paragraphs (2)(a) and (b).</p> <p><b>Request to Minister for appointment of arbitrator or arbitration board chairman</b>  (4) Where a collective agreement provides for final settlement, without stoppage of work, of differences described in subsection (1) by an arbitrator or arbitration board and the parties or their nominees are unable to agree on the selection of an arbitrator or arbitration board chairperson, as the case may be, either party or its nominee may, notwithstanding anything in the collective agreement, make a written request to the Minister to appoint an arbitrator or arbitration board chairperson, as the case may be.</p> <p><b>Appointment by Minister</b>  (5) On receipt of a written request under subsection (4), the Minister shall, after such inquiry, if any, as the Minister considers necessary, appoint an arbitrator or arbitration board chairperson, as the case may be.</p> <p><b>Effect of appointment by Minister</b>  (6) Any person appointed or selected pursuant to subsection (2), (3) or (5) as an arbitrator or arbitration board chairperson shall be deemed, for all purposes of this Part, to have been appointed pursuant to the collective agreement between the parties.</p> <p><b>Decisions not to be reviewed by court</b>  58. (1) Every order or decision of an arbitrator or arbitration board is final and shall not be questioned or reviewed in any court.</p> <p><b>No review by certiorari, etc.</b></p>		
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	<p>(2) No order shall be made, process entered or proceeding taken in any court, whether by way of injunction, certiorari, prohibition, quo warranto or otherwise, to question, review, prohibit or restrain an arbitrator or arbitration board in any of their proceedings under this Part.</p> <p><b>Status</b></p> <p>(3) For the purposes of the Federal Courts Act, an arbitrator appointed pursuant to a collective agreement or an arbitration board is not a federal board, commission or other tribunal within the meaning of that Act.</p> <p><b>Copy to be filed with Minister</b></p> <p>59. A copy of every order or decision of an arbitrator or arbitration board shall be filed with the Minister by the arbitrator or arbitration board chairperson and shall be available to the public in circumstances prescribed by the Governor in Council.</p> <p><b>Powers of arbitrator, etc.</b></p> <p>60. (1) An arbitrator or arbitration board has</p> <ul style="list-style-type: none"> <li>(a) the powers conferred on the Board by paragraphs 16(a), (b), (c) and (f.1);</li> <li>(a.1) the power to interpret, apply and give relief in accordance with a statute relating to employment matters, whether or not there is conflict between the statute and the collective agreement;</li> <li>(a.2) the power to make the interim orders that the arbitrator or arbitration board considers appropriate;</li> <li>(a.3) the power to consider submissions provided in the form that the arbitrator or the arbitration board considers appropriate or to which the parties agree;</li> <li>(a.4) the power to expedite proceedings and to prevent abuse of the arbitration process by making the orders or giving the directions that the arbitrator or arbitration board considers appropriate for those purposes; and</li> <li>(b) power to determine any question as to whether a matter referred to the arbitrator or arbitration board is arbitrable.</li> </ul> <p><b>Power to extend time</b></p> <p>(1.1) The arbitrator or arbitration board may extend the time for taking any step in the grievance process or arbitration procedure set out in a collective agreement, even after the expiration of the time, if the arbitrator or arbitration board is satisfied that there are reasonable grounds for the extension and that</p>		
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	<p>the other party would not be unduly prejudiced by the extension.</p> <p><b>Power to mediate</b>  (1.2) At any stage of a proceeding before an arbitrator or arbitration board, the arbitrator or arbitration board may, if the parties agree, assist the parties in resolving the difference at issue without prejudice to the power of the arbitrator or arbitration board to continue the arbitration with respect to the issues that have not been resolved.</p> <p><b>Idem</b>  (2) Where an arbitrator or arbitration board determines that an employee has been discharged or disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject of the arbitration, the arbitrator or arbitration board has power to substitute for the discharge or discipline such other penalty as to the arbitrator or arbitration board seems just and reasonable in the circumstances.</p> <p><b>Procedure</b>  61. An arbitrator or arbitration board shall determine their own procedure, but shall give full opportunity to the parties to the proceeding to present evidence and make submissions to the arbitrator or arbitration board.</p> <p><b>Decision of arbitration board</b>  62. Where a difference described in subsection 57(1) is submitted to an arbitration board, the decision of a majority of those comprising the board is the decision of the board, but if a majority of those comprising the board cannot agree on a decision, the decision of the chairperson of the board is the decision of the board.</p> <p><b>Arbitration costs, fees and expenses</b>  63. Where a difference described in subsection 57(1) is submitted by the parties to an arbitrator or arbitration board, the costs, fees and expenses with respect to the arbitration proceedings shall, unless the collective agreement otherwise provides or the parties otherwise agree, be borne as follows:  (a) each party shall bear its own costs and shall pay the fees and expenses of any member of the arbitration board who is nominated by it; and  (b) the fees and expenses of an arbitrator or arbitration board chairperson, whether the arbitrator or chairperson is selected by the parties or their nominees or appointed by the Minister under this Part,</p>		
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	<p>shall be borne equally by the parties.</p> <p><b>Order or decision within sixty days</b></p> <p>64. (1) Every order or decision of an arbitrator or arbitration board shall be made or given within sixty days after, in the case of an arbitrator, their appointment as arbitrator, and, in the case of an arbitration board, the appointment of the arbitration board chairperson, unless</p> <ul style="list-style-type: none"> <li>(a) the collective agreement otherwise provides or the parties otherwise agree; or</li> <li>(b) owing to circumstances beyond the control of the arbitrator or arbitration board, it is not practicable to make or give the order or decision within those sixty days.</li> </ul> <p><b>Days not included</b></p> <p>(2) For the purposes of subsection (1), any day that is included in a period for which the arbitration proceedings are suspended pursuant to subsection 65(2) shall not be counted as one of the sixty days referred to in subsection (1).</p> <p><b>Late order or decision not invalid</b></p> <p>(3) The failure of an arbitrator or arbitration board to make or give any order or decision within the sixty days referred to in subsection (1) does not affect the jurisdiction of the arbitrator or arbitration board to continue with and complete the arbitration proceedings and any order or decision made or given by the arbitrator or arbitration board after the expiration of those sixty days is not for that reason invalid.</p> <p><b>Questions may be referred to Board</b></p> <p>65. (1) Where any question arises in connection with a matter that has been referred to an arbitrator or arbitration board, relating to the existence of a collective agreement or the identification of the parties or employees bound by a collective agreement, the arbitrator or arbitration board, the Minister or any alleged party may refer the question to the Board for determination.</p> <p><b>Arbitration proceeding not suspended</b></p> <p>(2) The referral of any question to the Board pursuant to subsection (1) shall not operate to suspend any proceeding before an arbitrator or arbitration board unless the arbitrator or arbitration board decides that the nature of the question warrants a suspension of the proceeding or the Board directs the suspension of the proceeding.</p>		
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	<p><b>Filing of orders and decisions in Federal Court</b>  66. (1) Any person or organization affected by any order or decision of an arbitrator or arbitration board may, after fourteen days from the date on which the order or decision is made or given, or from the date provided in it for compliance, whichever is the later date, file in the Federal Court a copy of the order or decision, exclusive of the reasons therefor.</p> <p><b>Idem</b>  (2) On filing an order or decision of an arbitrator or arbitration board in the Federal Court under subsection (1), the order or decision shall be registered in the Court and, when registered, has the same force and effect, and all proceedings may be taken thereon, as if the order or decision were a judgment obtained in the Court.</p> <p><b>Term of collective agreement</b>  67. (1) Where a collective agreement contains no provision as to its term or is for a term of less than one year, the collective agreement shall be deemed to be for a term of one year from the date on which it comes into force and shall not, except as provided by subsection 36(2) or with the consent of the Board, be terminated by the parties thereto within that term of one year.</p> <p><b>Revision of collective agreement</b>  (2) Nothing in this Part prohibits the parties to a collective agreement from agreeing to a revision of any provision of the collective agreement other than a provision relating to the term of the collective agreement.</p> <p><b>Board may order alteration of termination date</b>  (3) The Board may, on application made jointly by both parties to a collective agreement, order that the termination date of the collective agreement be altered for the purpose of establishing a common termination date for two or more collective agreements binding a single employer.</p> <p><b>Provision for settlement of differences to remain in force</b>  (4) Notwithstanding anything contained in a collective agreement, the provision required to be contained therein by subsection 57(1) shall remain in force after the termination of the collective agreement and until the requirements of paragraphs 89(1)(a) to (d) have been met.</p> <p><b>Power of arbitrator where agreement terminates</b>  (5) Where a difference between the parties to a collective agreement relating to</p>		
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	<p>a provision contained in the collective agreement arises during the period from the date of its termination to the date the requirements of paragraphs 89(1)(a) to (d) have been met,</p> <ul style="list-style-type: none"> <li>(a) an arbitrator or arbitration board may hear and determine the difference; and</li> <li>(b) sections 57 to 66 apply to the hearing and determination.</li> </ul> <p><b>Powers of arbitrator when conditions of paragraphs 89(1)(a) to (d) have been met</b></p> <p>(6) Where a disagreement concerning the dismissal or discipline of an employee in the bargaining unit arises during the period that begins on the date on which the requirements of paragraphs 89(1)(a) to (d) are met and ends on the date on which a new or revised collective agreement is entered into, the bargaining agent may submit the disagreement for final settlement in accordance with the provisions for the settlement of differences contained in the previous collective agreement. The relevant provisions in the collective agreement and sections 57 to 66 apply, with such modifications as the circumstances require, to the settlement of the disagreement.</p> <p><b>Federal Mediation and Conciliation Service</b></p> <p>70.1 (1) The Federal Mediation and Conciliation Service, the employees of which are employees of the Department of Human Resources and Skills Development, advises the Minister of Labour with respect to industrial relations matters and is responsible for fostering harmonious relations between trade unions and employers by assisting them in the negotiation of collective agreements and their renewal and the management of the relations resulting from the implementation of the agreements.</p> <p><b>Head</b></p> <p>(2) The head of the Federal Mediation and Conciliation Service reports to the Minister in respect of responsibilities relating to the resolution of disputes.</p> <p><b>Delegation</b></p> <p>111.1 The Minister may delegate to the head of the Federal Mediation and Conciliation Service his or her powers of appointment under this Act.</p> <p><b>Documents as evidence</b></p> <p>112. (1) Any document purporting to contain or to be a copy of any order or decision of the Board and purporting to be signed by a member of the Board is admissible in any court in evidence without proof of the signature or official</p>		
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	<p>character of the person appearing to have signed the document and without further proof thereof.</p> <p><b>Certificate of Minister is evidence</b></p> <p>(2) A certificate purporting to be signed by the Minister or an official of the Federal Mediation and Conciliation Service stating that a report, request or notice was or was not received or given by the Minister pursuant to this Part and, if so received or given, stating the date on which it was so received or given, is admissible in any court in evidence without proof of the signature or official character of the person appearing to have signed the certificate and without further proof thereof.</p> <p><b>Powers of board</b></p> <p>84. A conciliation commissioner or a conciliation board</p> <ul style="list-style-type: none"> <li>(a) may determine their own procedure;</li> <li>(b) has, in relation to any proceeding before them, the powers conferred on the Board, in relation to any proceeding before the Board, by paragraphs 16(a), (b), (c), (f) and (h); and</li> <li>(c) may authorize any person to do anything described in paragraph 16(b) or (f) that the conciliation commissioner or conciliation board may do and to report to the conciliation commissioner or conciliation board thereon.</li> </ul> <p><b>Mediators</b></p> <p>105. (1) The Minister, on request or on the Minister's own initiative, may, where the Minister deems it expedient, at any time appoint a mediator to confer with the parties to a dispute or difference and endeavour to assist them in settling the dispute or difference.</p> <p><b>Recommendations</b></p> <p>(2) At the request of the parties or the Minister, a mediator appointed pursuant to subsection (1) may make recommendations for settlement of the dispute or the difference.</p> <p><b>Delegation</b></p> <p>111.1 The Minister may delegate to the head of the Federal Mediation and Conciliation Service his or her powers of appointment under this Act.</p>		
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<p>Alberta Statute</p>	<p><b><u>Employment Standards Code, RSA 2000, c. E-9</u></b></p> <p>Alternative dispute resolution</p> <p>73 (1) The Director may initiate and encourage the voluntary efforts of employers and employees</p> <ul style="list-style-type: none"> <li>(a) to design fair processes in which to resolve complaints or concerns arising under this Act, with or without the assistance of an officer, and</li> <li>(b) to settle complaints under this Act by appointing or facilitating the appointment of an impartial third party mediator, fact-finder or other person to assist the parties in settling their dispute.</li> </ul> <p>(2) The Registrar may</p> <ul style="list-style-type: none"> <li>(a) initiate any system of appeal management in order to expedite the fair resolution of an appeal;</li> <li>(b) with the agreement of the parties, appoint or facilitate the appointment of an impartial third party mediator, fact-finder or other person to assist the parties in settling their dispute;</li> <li>(c) design processes to manage appeals that, at the option and with the agreement of the parties, may be used to resolve an appeal.</li> </ul> <p>(3) Nothing in this section affects the right of an employee to make a complaint and to have it processed in accordance with this Act.</p> <p><b>Mediation by officer</b></p> <p>84 (1) An officer may mediate between an employer and an employee for the purpose of settling or compromising differences between them and in doing so may</p> <ul style="list-style-type: none"> <li>(a) receive from an employer, on behalf of an employee, the money agreed on by the parties in settlement of their differences;</li> <li>(b) pay to an employee money received on the employee's behalf;</li> <li>(c) do any other things necessary to assist an employer and employee to settle their differences.</li> </ul> <p>(2) If an officer assists or attempts to assist an employer or an employee, or both, to reach a settlement or compromise, the officer is under no liability to either of them in respect of the settlement or compromise.</p> <p>(3) When an officer pays to an employee money received as a result of a settlement or compromise, the employer is discharged from further liability to the employee with respect to the amount received by the employee.</p>		
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	<p><b>Complaints referred to Director</b></p> <p>86 If an officer, after investigating a complaint of an employee, has reason to believe that</p> <ul style="list-style-type: none"> <li>(a) the employment of the employee was suspended or terminated, or</li> <li>(b) the employee was laid off</li> </ul> <p>in the circumstances or for the reasons described in section 82(1)(b) and the officer is unable to mediate, settle or compromise the difference between the employer and employee, the officer must refer the complaint to the Director.</p> <p><b>Order of an officer</b></p> <p>87 (1) If an officer determines that earnings are due to an employee and is unable to mediate, settle or compromise the difference between the employer and employee, the officer must make an order requiring the employer to pay to the employee, or to pay to the Director on behalf of the employee, earnings to which the employee is entitled.</p> <p>(2) If an officer is unable to determine the amount of earnings that are due to an employee because the employer has not made or kept complete and accurate employment records, or has failed to make those records available to the officer for inspection, the officer may determine the amount in any manner that the officer considers appropriate.</p> <p>(3) The employer or employee may appeal the order of the officer to an umpire.</p> <p><b>Order for reinstatement or compensation</b></p> <p>89 (1) This section applies when a complaint that</p> <ul style="list-style-type: none"> <li>(a) the employment of an employee was suspended or terminated, or</li> <li>(b) the employee was laid off</li> </ul> <p>in the circumstances or for the reasons described in section 82(1)(b) is referred to the Director.</p> <p>(2) If the Director determines that</p> <ul style="list-style-type: none"> <li>(a) the employment of an employee was suspended or terminated, or</li> <li>(b) the employee was laid off</li> </ul> <p>in the circumstances or for the reasons described in section 82(1)(b) and the Director is unable to mediate, settle or compromise a difference between the employer and the employee, the Director must make an order for reinstatement or compensation or both.</p>		
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	<p>(3) An order of the Director for reinstatement or compensation may direct an employer to do one or both of the following:</p> <ul style="list-style-type: none"> <li>(a) reinstate an employee, or</li> <li>(b) pay to the employee, or to the Director on the employee's behalf, compensation of an amount not exceeding the sum the employee would have earned if <ul style="list-style-type: none"> <li>(i) the employment of the employee had not been suspended or terminated, or</li> <li>(ii) the employee had not been laid off</li> </ul> </li> </ul> <p>in the circumstances or for the reasons described in section 82(1)(b).</p> <p>(4) The employer or employee may appeal a Director's order for reinstatement or compensation to an umpire.</p> <p>(5) If the Director determines that</p> <ul style="list-style-type: none"> <li>(a) the employment of the employee was not suspended or terminated, or</li> <li>(b) the employee was not laid off</li> </ul> <p>in the circumstances or for the reasons described in section 82(1)(b), the Director must serve the employee with notice of that decision.</p> <p>(6) There is no appeal of the Director's decision under subsection (5).</p>		
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<p>Alberta Statute</p>	<p><b><u><a href="#">Labour Relations Code, RSA 2000, c. L-1</a></u></b></p> <p><b>Representatives for collective bargaining</b></p> <p>61 (1) A notice to commence collective bargaining must contain or be accompanied with a statement showing the name and address of the person or persons resident in Alberta who are authorized to do all of the following on behalf of the employer, employers' organization or bargaining agent:</p> <ul style="list-style-type: none"> <li>(a) bargain collectively;</li> <li>(b) conclude a collective agreement;</li> <li>(c) sign a collective agreement.</li> </ul> <p>...</p> <p>(8) All notifications required by this section shall, on request, be provided to the Director or a mediator...</p> <p><b>Informal mediation</b></p> <p>64 Any time after a notice to commence collective bargaining is served, either or both parties to the collective bargaining may request the Director to provide the services of a mediator to informally assist in the negotiation process.</p> <p><b>Appointment of mediator</b></p> <p>65 (1) Any time after a notice to commence collective bargaining is served under section 59, whether or not a mediator has been made available under section 64,</p> <ul style="list-style-type: none"> <li>(a) either or both parties to a dispute may request the Director to appoint a mediator, or</li> <li>(b) the Minister may require the Director to appoint a mediator, to assist the parties in resolving the dispute.</li> </ul> <p>(2) The Director</p> <ul style="list-style-type: none"> <li>(a) may appoint a mediator if the Director receives a request under subsection (1)(a), and</li> <li>(b) shall appoint a mediator if the Director receives a request under subsection (1)(b).</li> </ul> <p>(3) The mediator shall, in any manner that the mediator considers fit, inquire into the dispute and endeavour to effect a settlement.</p> <p>(4) During the mediator's inquiry the mediator shall</p> <ul style="list-style-type: none"> <li>(a) hear any representations made to the mediator by the parties to the dispute,</li> </ul>		<p>This <i>Code</i> is administered by the Alberta Labour Relations Board. For more information about this Board, see <a href="#">Schedule A</a>.</p>
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	<p>(b) mediate between the parties to the dispute, and (c) encourage the parties to the dispute to effect a settlement.</p> <p>(5) If no settlement is effected between the parties within 14 days after the later of</p> <p>(a) the date of the appointment of the mediator under subsection (2), or (b) if a vote is conducted on an offer under section 69, the date on which the parties are notified of the results of the vote or within any longer period agreed on by the parties to the dispute or fixed by the Director, the ##mediator shall do either of the things referred to in subsection (6).</p> <p>(6) If subsection (5) applies, the ##mediator shall</p> <p>(a) recommend terms for settlement to the parties for them to accept or reject within a time fixed by the ##mediator, or (b) notify the parties that the ##mediator does not intend to make a recommendation under clause (a).</p> <p>(7) There shall be a cooling-off period of 14 days from the latest of</p> <p>(a) the date on which the ##mediator notifies the parties that the ##mediator does not intend to recommend terms of settlement, (b) the date fixed by the ##mediator for acceptance or rejection of the recommendations of the #mediator under subsection (6)(a), and (c) if a vote is requested under section 66, the date on which the parties are notified of the results of the vote.</p> <p><b>Collective agreement after recommendations</b></p> <p>66 (1) If the parties to a dispute accept the recommendations of the mediator under section 65(6)(a), the parties shall notify the mediator accordingly and the recommendations are binding on the parties and shall be included in the terms of a collective agreement.</p> <p>(2) If a party rejects the recommendations of the mediator under section 65(6)(a), the party shall notify the mediator accordingly.</p> <p>(3) If one party to the dispute accepts the recommendations of the mediator under section 65(6)(a) within the time fixed by the mediator under section 65(6)(a), the party may request the Board to conduct a vote on the acceptance or rejection of the recommendations by the other party in accordance with</p>		
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	<p>Division 12.</p> <p>(4) A party to a dispute that accepts the recommendations made by the mediator pursuant to section 65(6)(a) ceases to be bound by the acceptance</p> <ul style="list-style-type: none"> <li>(a) if a vote of the other party is requested, at the time a vote rejecting the proposal is announced under section 70, or</li> <li>(b) if no vote is requested, at the expiry of the time fixed for the other party's acceptance under section 65(6)(a)</li> </ul> <p>unless the other party also accepts the terms of settlement.</p> <p><b>Questions on recommendations</b></p> <p>67 If a question arises requiring clarification of the recommendations of a mediator, the mediator, at the request of one or both parties, may consider and decide the question.</p> <p><b>Vote on mediator's recommendations</b></p> <p>68 (1) When the Board receives a request from a party to conduct a vote on a mediator's recommendations under section 66(3), it shall conduct a vote or poll in accordance with this Division.</p> <p>(2) If the mediator has been requested to consider and decide a question under section 67, the Board may delay the conduct of the vote or poll under section 66(3) until the mediator decides the question.</p> <p><b>Application to Board to supervise strike or lockout vote</b></p> <p>75 (1) A bargaining agent that is a party to a dispute may apply to the Board to supervise a strike vote, and an employer or employers' organization that is a party to a dispute may apply to the Board to supervise a lockout vote.</p> <p>(2) No strike or lockout vote shall be supervised while a collective agreement is in force unless that agreement is in force pursuant to section 130.</p> <p>(3) No strike or lockout vote shall be supervised until a mediator has been appointed under section 65 and the cooling-off period referred to in subsection (7) of that section has expired.</p> <p><b>Service of strike or lockout notice</b></p> <p>78 (1) A bargaining agent shall not cause a strike unless it</p> <ul style="list-style-type: none"> <li>(a) personally serves a written strike notice on the employer or employers' organization that is a party to the dispute giving at least 72</li> </ul>		
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	<p>hours' notice of the date, time and initial location at which the strike will commence, and</p> <p>(b) forthwith after service of the notice referred to in clause (a), notifies the mediator appointed under section 65, giving the mediator notice of the date, time and initial location at which the strike will commence.</p> <p>(2) An employer or an employers' organization shall not lock out or cause a lockout unless it</p> <p>(a) personally serves a written lockout notice on the bargaining agent that is a party to the dispute giving at least 72 hours' notice of the date, time and initial location at which the lockout will commence, and</p> <p>(b) forthwith after service of the notice referred to in clause (a), notifies the mediator appointed under section 65, giving the mediator notice of the date, time and initial location at which the lockout will commence.</p> <p><b>Strike or lockout notice extended by agreement</b></p> <p>79 (1) If the parties to a dispute agree in writing to do so, a strike notice or a lockout notice may be amended one or more times after it has been served by changing the date, time or initial location or any of them specified for the commencement of the strike or lockout.</p> <p>(2) The mediator who was notified under section 78 shall be forthwith notified of any amendment to the strike notice or the lockout notice.</p> <p><b>Request for compulsory arbitration board</b></p> <p>97 (1) If a dispute affecting an employment to which this Division applies cannot be resolved, either or both parties to the dispute or the Minister may make a request for the appointment of a 3-member compulsory arbitration board, or the parties may jointly make a request for the appointment of a one-member compulsory arbitration board, to</p> <p>(a) the mediator, if one has been appointed with respect to the dispute, or</p> <p>(b) the Director, if no mediator has been appointed with respect to the dispute.</p> <p>(2) When the Director receives a request under subsection (1)(b), the Director shall appoint a mediator and forward the request for the establishment of a compulsory arbitration board to the mediator.</p>		
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|  | <p>(3) The mediator shall endeavour to effect a settlement and shall, not later than 14 days after the mediator receives a request under subsection (1) or (2),</p> <ul style="list-style-type: none"><li>(a) list the items in dispute and the items that have been settled by the parties, and</li><li>(b) forward the list and the request for the appointment of a compulsory arbitration board to the Minister.</li></ul> |  |  |
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Form 5 (Section 14 (2) )

No. ....  
..... Registry

In the Supreme Court of British Columbia

Between

, Plaintiff(s)

and

, Defendant(s)

**CERTIFICATE OF COMPLETED MEDIATION**

THIS WILL CERTIFY THAT ..... has concluded a mediation session in this matter in accordance with the Notice to Mediate Regulation (B.C. Reg. 127/98) and that

1. all issues are resolved
2. some issues are resolved
3. the process will not be productive and I have so advised the parties
4. the first mediation session is completed and there is no agreement to continue.

Dated at ....., British Columbia, ..... [*date*].

.....  
Mediator

Name:.....  
Address:.....