



Mediation

Prepared by: Gordon Hood, Coordinator Health, Safety and Environment

Approved by: Jim Toye, City Manager

Signature: **Procedure No:** 6.2

Effective: August 17, 2018 **Replaces:** February 13, 2017

Mediation is an available option and provides both parties the opportunity to develop an understanding of the problem and participate in the development of a resolution of their difficulties. Mediation may take place at any point in the resolution process, as long as both parties agree to participate in mediation. While mediation may be requested at any point during the investigation process, if the mediation does not result in resolution, the investigation will resume and will not be interrupted by further requests for mediation.

Both parties are responsible for reaching resolution terms that are satisfactory to them. The parties will attempt to resolve their differences through mediation within thirty (30) working days. Timelines may be extended subject to the agreement of the complainant, respondent and mediators. If mediation is unsuccessful, an investigation of the complaint will be undertaken. In-scope complainants and respondents are entitled to union representation during the mediation process.

The mediators facilitate separate discussions or joint meetings between the complainant and the respondent, for the purpose of resolving the complaint. The mediators shall remain impartial and not advocate for either party, nor will they advise either party to accept a proposed agreement or not. The mediators' role is to assist the parties in finding a mutually satisfactory resolution to the problem. The mediators will assist the complainant and respondent equally and assist the parties to reach their own agreement. Persons engaged as mediators, will not subsequently become engaged as investigators in situations where mediation has been attempted to ensure that during mediation the parties express themselves freely and openly, and minimize concerns that information given in confidence may be included in an investigation report.

The complainant and respondent are required to agree that all communication and documentation used in mediation be treated as confidential and will not be admissible in any other proceedings. Furthermore, the complainant and respondent shall agree to not call the mediators to testify or provide any materials from the mediation in any other proceedings.

All information provided by both parties during mediation is kept on a separate and confidential file. It will not be disclosed to subsequent investigators. In the event a mediated agreement is reached:

- the terms and conditions of the agreement will be in writing and signed by the respondent, complainant and mediators;
- no additional disciplinary action beyond that agreed to in the mediation process will be taken by management, nor will a grievance be filed;
- the mediation agreement will be kept on file for a twelve (12) month period, unless otherwise agreed during the mediation process, or as stipulated in the appropriate collective agreement, whichever is greater in length;
- the complainant, respondent and union, if involved, will be provided with a copy of the mediation agreement.