Report on the Round Table Discussion on Alternate Dispute Resolution

Public Servants Disclosure Protection Tribunal

June 21, 2012

This report summarizes the discussions that took place during the June 21, 2012 Round Table on Alternate Dispute Resolution.

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Summary of Round Table Discussion on Alternate Dispute Resolution

Background

The Public Servants Disclosure Protection Tribunal (the Tribunal) is required to determine whether or not reprisal has taken place following the disclosure of a wrongdoing, when an Application is referred to it by the Public Sector Integrity Commissioner (the Commissioner). The Tribunal may decide this issue through an adversarial hearing. As master of its own proceedings, it may also use alternative dispute resolution or "ADR" as a means to resolve an Application that comes before it. It may also use forms of dispute resolution that do not adopt the traditional "adversarial" hearing approach, but use a more active approach to adjudication. This is reflected in section 21 of the *Public Servants Disclosure Protection Act*, SC 2005, c 46 (the Act) and sections 2 and 3 of the *Public Servants Disclosure Protection Rules of Procedure*, SOR/2011-170 (Tribunal Rules) which allow flexibility in the manner in which the Tribunal conducts its proceedings.

Late last year, the members of the Tribunal – the Honourable Justice Luc Martineau (the Chair), the Honourable Justice Sean Harrington, and the Honourable Justice Marie-Josée Bédard – determined that the area of ADR merited more study in relation to the mandate of the Tribunal. Consequently, a round table discussion was held on June 21, 2012, to discuss various aspects surrounding the implementation of ADR. In order to benefit from various points of view, the Chair also invited the members of the Tribunal's Client Consultation Committee (CCC) to the round table discussion.

Three subject matter experts were invited to speak about their experiences with setting up ADR programs, and about the use of ADR as a less adversarial form of conflict resolution: David Merner, Executive Director of the Dispute Resolution Office in British Columbia; Michael Gottheil, Executive Chair of the Social Justice Tribunals Ontario; and Serge Roy, Director of Mediation Services, at the federal Public Service Staffing Tribunal. All three speakers have significant experience in the areas of ADR, administrative law and administrative tribunals. Their biographies can be found at Annex A. Serge Roy provided a selected bibliography of references on the subject of ADR, which can be found at Annex B.

A summary of the round table discussion follows. Material has been drawn from both the discussion and the preparatory notes and supporting material provided by the subject matter experts.

The summary covers the following four areas:

- Overview of ADR;
- Current trends, models of ADR, and lessons learned;
- Practice-related issues;
- Application of ADR to the Public Servants Disclosure Protection Tribunal.

Overview of ADR

Objectives of ADR

Models of ADR range in form but have a similar objective: to allow the parties to reach a mutually agreeable resolution that is voluntary and consensual, through the assistance of a neutral third party. The focus of ADR is to help the parties find a solution by providing a

process where the parties' respective interests are explored, their positions evaluated, and possible options developed in a constructive manner.

Benefits and Drawbacks of ADR

A key advantage of ADR is that it allows the parties to come to their own determination as to how to resolve the dispute. As a less formal modality than a hearing, many forms of ADR are not subject to the same procedural requirements or time frames as a formal hearing. Assisted by a neutral mediator, the parties usually have more control over the process. In addition, they will often be able to generate ideas and reach resolutions in a more creative way than is possible at a formal hearing. Some of the costs associated with a hearing are also avoided or reduced by using mediation. These include, for example, travel expenses for witnesses. In addition, ADR is confidential. Information that is divulged can be released only in certain, limited circumstances.

There can also be drawbacks to the use of ADR. ADR will not assist a party who seeks to clarify a legal issue through case law. More formal proceedings will result in interpretations of the law, regulations or decisions that flow from government policy, if there are contentious issues. In addition, ADR is not helpful to those parties who believe that they will need to have the transparency of a public hearing to resolve the issues. ADR may not be useful where certain legal interests need to be preserved, or an injunction is required to maintain a right, unless the parties agree to preserve the status quo in anticipation of mediation. Furthermore, in some legal disputes, direct negotiations will be more efficient than ADR. In these situations, it becomes necessary to initiate or continue legal proceedings to ensure that the other party

shows up at the negotiating table. This is especially important when one of the parties clearly has no interest in settling a conflict.

It is also important to keep in mind that some forms of adjudication are less formal, and represent alternatives to the traditional positional and adversarial approach to a hearing. In addition, some of these more active forms of adjudication are less structured than some forms of mediation. Therefore, the continuum of ADR is important to consider when assessing alternate forms of dispute resolution, whether in the context of a hearing or in the context of mediation.

The continuum of ADR

"ADR" and "mediation" are sometimes used interchangeably. In theories of dispute resolution, however, mediation is one distinct type of ADR. The term "ADR" should actually be considered on a continuum or a spectrum of different approaches to resolving disputes that do not involve a hearing.

This ADR spectrum relates to the degree to which a method of dispute resolution aligns with, or departs from, traditional adversarial hearing processes. Adversarial hearings are "rights-based" in nature. Models such as early neutral evaluation, evaluative mediation, settlement conferences, conciliation and rights-based mediation are closer to this model. The legal rights of the parties and the legal aspects of the case play a more predominant role. For example, a tribunal member presiding over a settlement conference or an evaluative mediation as a mediator would usually proceed with a caucus with each party, and engage in a series of

questions related to the rights of the parties in relation to the dispute. The mediator would also offer rights-oriented, evaluative comments.

Interest-based approaches are much more facilitative and far less positional in nature. The essence of interest-based mediation is reflected in the acronym often used to describe its processes: PEACH BFV. Spelled out, this acronym points to the following factors: priority, expectations, assumptions, concerns, hopes, beliefs, fears, and values. Facilitative mediation normally follows these steps: 1) introduction to the process; 2) identification of the issues; 3) exploration of interests and options; and 4) development of solutions.

Worthy of mention and on the more facilitative side of ADR are transformative mediation and narrative mediation. Transformative mediation focuses on recognition and empowerment, which can be an intended or unintended benefit of many forms of ADR. The goal of this type of mediation is to assist the parties in positively changing relationships between people, and transforming a poisonous conflict into a positive and sustained learning experience for the parties. Transformative mediation concentrates on the parties' capacity to define the problem from different perspectives and to discern why they seek the solution that they do. The full responsibility for the outcome of the conflict is left with the individuals involved in the dispute.

Narrative mediation describes a process that allows the parties to retell their stories related to the conflict in order to come to a resolution. In this way, the parties can integrate a deeper and contextual understanding of their perceptions and assumptions. They may be able to better understand the interests and values related to the conflict, and from the perspective of the other party.

As noted earlier, a broader understanding of ADR actually may include more active forms of adjudication. Likewise, a tribunal may engage in active forms of consultation, case management, and case resolution conferences. At its most expansive, all of these express forms of ADR.

In some cases, traditional adversarial approaches will be blended with ADR. This hybrid approach is referred to as mediation/arbitration or MED/ARB. In addition, the notion of bringing experts together from opposing parties – or "hot-tubbing" experts – can meet a similar objective as ADR. Experts discuss and debate the issues together, toward a resolution of the problem. This latter approach takes into account those disputes where interpretation of technical expertise is at the heart of the conflict.

A mediator may focus on one model in an ADR session, but will often use tools and skills from a variety of models. It is important to remember that the ADR process used will always be "in the shadow of the law", even if it is a highly interest-based approach. In addition, an ADR session may include a blend of characteristics, depending on the nature of the conflict and the issues before the disputants.

Whether facilitative mediation or a more rights-based approach is used, the mediator is never passively engaged in the process. He will use tools to add value to the process. An experienced mediator will also adapt his interactions with the parties or their representatives and use different approaches toward the resolution of the conflict.

Current trends, models of ADR, and lessons learned

While adversarial dispute resolution remains the norm in many legal disputes, it is safe to say that ADR is playing a more prominent role in the legal realm. As noted above, ADR means that a form of dispute resolution is used that is an alternative to the court system. In some circles, however, ADR is now referred to as "appropriate" dispute resolution and adversarial hearings are considered the "alternative".

Experiences in various Canadian jurisdictions

British Columbia

In British Columbia, ADR has become more central to the resolution of legal disputes. The growing interest and commitment to the use of ADR is evident. A variety of methods are used, including the telephone and the internet. This province's consideration of justice and legal dispute resolution is undergoing a major transformation, using principles that are client-centred and proportional and that match the right process with the nature of the problem. Dispute resolution service delivery needs to be considered in light of specific goals, including the needs of the users, efficiency of the process, complexity of statutory schemes, high volume caseloads and legal costs.

British Columbia is in the process of recalibrating its priorities in dispute resolution: from an "over-adherence to excessive legal processes" to "focussing on the needs of the people involved in legal conflicts"; from "managing a dispute to a hearing" to "managing a dispute to the best resolution" of the problem; from "fixing the process" to "finding real solutions for real people". The approach is preventative, integrative, accessible, simple, and focused on

resolution. Hearings are seen only as a last resort. Through early screening and active case management, a variety of approaches to legal dispute resolution can be used.

Quebec

Quebec began to integrate ADR into its dispute resolution systems two decades ago. Project SoRRèL (Solutions de rechange au règlement des litiges) was one of the initial ADR programs implemented in Superior Court. Since the beginning of the first decade of this millennium, the *Quebec Civil Code* has recognized settlement conferences in the operations of the Quebec Court of Appeal's judicial mediation service program, the Superior Court, and the Court of Quebec. In all cases, the settlement conference is presided over by a judge in order to assist the parties in communicating, negotiating and identifying their interests, positions and solutions. Mediation is available in many administrative tribunals and mandatory with some, such as the *Tribunal administratif du Québec*. More recently, the University of Sherbrooke has developed a reputable mediation program, known as PRD (Prévention et règlement des différends).

Ontario

The Ontario civil court system offers ADR services. In addition, ADR is used in certain administrative tribunals. For example, an "integrated mediation approach" and mediation/adjudication are used in the revamped, direct access, Human Rights Tribunal of Ontario (HRTO). Integrated mediation means that ADR is fully integrated into the entire process, from the design of the application forms, the rules, case management and triage. In this way, the process and procedures support mediation as the primary method of resolving

disputes. Mediation/adjudication was introduced in 2010 and has become widely accepted by parties appearing before the HRTO. It may be of particular interest to the users of the PSDPT that HRTO also operates in a statutory rights-based environment.

Federal

At the federal level, public service modernisation laws integrated the requirement for mediation systems in the workplace under the *Public Service Labour Relations Act* (PSLRA). The PSLRA specifically requires federal government workplaces to integrate informal management conflict resolution systems (ICMS).

Many federal administrative tribunals use ADR. For example, the Public Service Labour Relations Board provides integrated mediation services. The Canadian Human Rights Commission and the Canadian Human Rights Tribunal integrate forms of ADR into their processes.

At the Public Service Staffing Tribunal (the PSST), mediation resolves a large number of complaints. The mediation service provided is adaptable. Mediation by telephone or videoconference now constitutes an integral part of the PSST's dispute resolution services. While some participants continue to express a preference for in-person mediation, approximately 33% of the mediation sessions in 2010-11 were conducted by videoconference or telephone. As a result travel and other costs have been kept to reasonable levels.

After conducting a settlement conference pilot project, the PSST determined that mediation by videoconference or telephone should become part of its regular operations. For the most part,

settlement conferences are held by telephone or by videoconference and scheduled for the same day as the pre-hearing conference. The member who presides at the settlement conference contacts the parties a few days beforehand, in order to explore the issues, interests and options being considered.

The experience of the PSST with mediation is noteworthy. The process of mediation remains the same whether parties meet in person or are connected by a videoconferencing or teleconferencing service. The use of the telephone and videoconference also imports distinct advantages. There are significant savings in terms of time and travel costs for bargaining agents, departments and the employees and members of the PSST. These vehicles also provide an option for those parties who cannot travel or do not have the budget for travel. When mediation by telephone or videoconference is conducted, the emotions of the parties are less visible in the process because the parties are not in the same room, which can be advantageous in effecting a resolution of certain types of disputes. The process is usually faster, and more convenient. Scheduling challenges are minimized. Difficulties in arranging ADR with complainants who are out of the country are also overcome when conducting ADR by telephone.

Lessons learned and the factors that lead to success

The "magic of mediation" and "down to earth" factors

There are several reasons for the growing popularity of ADR. It is clear that ADR is recognized as playing an effective role in resolving disputes and can have far-reaching positive effects. From time to time, it may appear as if a facilitator in an ADR process has "performed magic" in

helping to resolve a seemingly intractable dispute. Nevertheless, when there is "magic", it can often be sourced to several "down to earth" factors: timing, receptive listening, belief in the capacity of the parties to solve the dispute, dialogue, recognition of the courage involved in discussing conflict, acknowledgment of the potential for positive outcomes coming out of dialogue, information-sharing, and an appreciation of the emotional and objective aspects of a dispute.

Use of mediation for workplace disputes

Mediation and other forms of alternative dispute resolution can be especially valuable in workplace disputes, where the parties will often have a vested interest in repairing and sustaining the employee-employer relationship. Nevertheless, there are situations where the nature of the conflict comes with specific obstacles.

There may be challenges in coming to a constructive resolution of the issues in an application related to reprisal due to whistleblowing because the issues can be complex, profound and nuanced. The potential roadblocks include years of deep distrust preceding the application; allegations relating to subtle and incremental actions that ultimately resulted in significant loss; suggestions of or clear evidence of a workplace culture that has been ineffective in weaving values and ethics into its operational fabric; previous efforts to settle the dispute that may have appeared half-hearted, or that tried to bypass the experience of the parties in relation to the issue of wrongdoing and reprisal; entrenched anger or cynicism; and hopelessness in the capacity to achieve a mutually satisfactory result.

Mandatory or non-mandatory use of ADR

Although ADR can be very effective, its mandatory application can be problematic, especially when the ADR model is more facilitative in scope. The obligation to mediate can lead the parties to simply go through the motions, or use the process for other purposes. In situations where more evaluative models of ADR are used, such as settlement conferences, the parties may be obligated to attend. Because settlement conferences are normally conducted by the tribunal member, however, the process may carry greater moral authority.

Whether ADR is mandatory or voluntary, it is critical that there be, and is perceived to be a realistic opportunity for cost effective and accessible adjudication. Otherwise, and particularly in disputes involving statutory rights, the voluntary nature of settlements is undermined.

Consistency, flexibility and adaptability

It is important that a tribunal offering ADR services assure that the parties understand the type of ADR model that is used. At the same time, a flexible and adaptable approach to the use of the model is required. While consistency is important, the reality is that one size does not fit all. Every conflict will be distinct and different. Therefore, the availability of different mediators with different competencies, or the choice of mediators who are versatile in adapting their competencies, will be helpful in ensuring successful outcomes.

On the one hand, a suitable ADR model must be flexible. It must be malleable in addressing the range of parties that come before it: individuals, institutions, represented parties and non-represented parties. On the other hand, the model must be consistent with the legislative and regulatory frameworks and the purpose of the statute, including those aspects that emphasize

the public interest. It must respect the statute's public policy objective. It must remain focused on the needs of the parties, the process itself and the options available to the parties in the ADR process. It must also respect the demands of certain institutional frameworks and the lived experiences of the individuals in conflict.

Managing the expectations of the parties

The expectations of the parties in an ADR session should be identified early on in the process. With disputes that involve allegations of reprisal due to the disclosure of wrongdoing, managing expectations may present specific challenges due to the long history of the dispute. The opportunity for relationship building may be limited. Expectations from the parties may be too high, or, conversely, exceedingly low.

Discussions about ADR should not create false hopes for the parties and should clearly outline what parties can expect and how they should prepare. Communication and education allows the parties to better grasp the ADR process which can be fluid in nature. It may also allow them to understand what would constitute a realistic outcome.

Practice related issues

ADR service delivery

There are several different options to consider in delivering ADR and for determining who should conduct the mediation process. For example, a roster of external mediators can be developed based on certain criteria. This usually guarantees that there is a mediator available to work with the parties to a dispute. However, it is often the parties themselves who pay for the ADR services when the roster is used. Use of a roster may also result in inconsistent quality

of service delivery. Therefore, a framework for quality control must be put in place. The use of a roster may also make it harder to establish and maintain a connection between the mediators and the tribunal.

In using a model that relies on staff mediators, a tribunal can hire people with the necessary skill sets. As employees of the tribunal, the mediators can develop a better understanding of the stakeholders and the tribunal's mandate. Staff mediators will have a deeper connection to the tribunal and to its legislative purpose. Where there is a high volume of cases, it may be more appropriate to have mediators on staff.

As noted earlier, when settlement conferences or evaluative mediation are the models used, it is normally the decision-makers of the tribunal who provide the services.

Triage and Case Assessment

The use of triage and case assessment are critical to successful dispute resolution in any tribunal. Solid case assessment and triage mechanisms can ensure an effective hearing and in much the same way, these preparatory steps can lead to more effective ADR outcomes. Effective triage will result in more accurately identifying the nature of the dispute, the nature of the disputants and the competencies required to resolve the conflict. Strategically streaming or tailoring the ADR approach to be used is also an important component of triage and case assessment.

Considerations for settlement

It is essential that the parties who attend and participate in an ADR meeting have decision-making authority. Otherwise, at crucial moments in the ADR process, the efforts to settle a matter may be wasted.

In addition, there is a complete bar to adjudication when mediation results in a settlement and proceedings are withdrawn.[1] There is some Federal Court jurisprudence that suggests that labour arbitrators and adjudicators have more leeway for enforcing settlements, where the settlement has not been withdrawn.[2]

In some cases, a tribunal can endorse a settlement, so that it has the effect of an order. Under section 21.9 of the *Act*, the Commissioner is required, if asked by a party, to file a certified copy of an order with the Federal Court, unless he is of the opinion that there is no indication of failure to comply with an order; or there is another good reason why the filing of the order would serve no useful purpose.

In the area of reprisal, there may be a public interest dimension to the manner in which a dispute is resolved. Settlements are often confidential, but its terms might require the establishment of new policies and practices. In this case, those policies and practices will eventually be made public. As a result, there could be situations where an agreement to settle could have private and public terms, or where the effect of a term of settlement becomes public.

[1] See for example, *Howarth v Deputy Minister of IAND* 2009 PSST 0011
[2] See for example, *Amos v Attorney General of Canada* 2011 FCA 38

Evaluation

Continuous improvement in the delivery of dispute resolution services is an important practice for any tribunal. This is important because of dispute resolution services are put in place using public funds. Continuous evaluation is an effective way to develop and identify best practices.

Application of ADR to the Public Servants Disclosure Protection Tribunal

A discussion of ADR elicits a number of considerations in relation to the proceedings of the Tribunal: the two-tier, "gate-keeper" structure for the resolution of complaints of reprisal due to the disclosure of wrongdoing; the nature of whistleblowing and reprisal complaints; the fact that this area of law is still relatively new; and the public interest.

The gate-keeper model and the timing of ADR

The *Public Servants Disclosure Protection Act* has created a gate-keeper model for disclosure of wrongdoing and reprisal complaints. The Tribunal does not receive complaints directly. Cases are referred to it by the Commissioner, who is also a party to the proceedings. In a two-tier model such as this one, there can be challenges with the use of ADR processes because there are multiple parties and many different interests involved.

In addition, the gate-keeping model used under the Act means that there will be situations where more than one effort to mediate has been made to resolve a conflict. There may even have been multiple sessions of ADR in different agencies.

For example, under the Act, the Office of the Public Sector Integrity Commissioner (OPSIC) may engage in conciliation prior to the referral of an application to the Tribunal. The Tribunal

proceedings may allow for ADR at another point, after the referral of the application. In some cases, a second effort to settle will not be worthwhile. In other situations, an ADR session before the Tribunal, subsequent to efforts to conciliate at OPSIC, will have greater significance to the parties. For this reason, the timing of ADR processes is important and will ensure that the use of mediation or settlement conferences (or potentially other models) is effective and appropriate.

The Tribunal is quasi-judicial in nature and therefore independent. Indeed, the Chair of the Tribunal and its members are all Federal Court judges. In some cases, the possibility of a hearing before the members may provide the leverage required to settle a dispute. For the same reason, the use of more evaluative forms of ADR, such as settlement conferences, may be of assistance, as the hearing date approaches. Should the settlement conference not result in the resolution of the application, the member who presided over it will not be able to sit on a panel that ultimately decides whether or not reprisal has taken place.

The nature of conflicts relating to reprisal due to the disclosure of wrongdoing

While reprisal due to the disclosure of wrongdoing is often viewed through the lens of employment law or labour relations, the Act departs from this more conventional model. The Tribunal cannot receive cases directly. The Tribunal also has additional powers with regard to individual respondents if they are included on an application that is referred to it by the Commissioner. Furthermore, the members of the Tribunal are all federally appointed judges, with indeterminate appointments as judges of the Federal Court. The issues before the Tribunal differ, as the Act requires it to examine the legal question of whether or not reprisal

has taken place. In other words, reprisal is not raised as a defence, but is the question that originates the proceeding.

In addition, the Tribunal engages in proactive case management as soon as an application is referred by the Commissioner.[3]

Some stakeholders in proceedings may have expectations arising out of the use of long standing practices elsewhere. While it is important to not reinvent the wheel in implementing ADR processes, it is also crucial to ensure that the approach to ADR reflects an awareness of reprisal and whistleblowing.

The public interest

There is an important public interest component to consider when the dispute involves allegations of reprisal due to the disclosure of wrongdoing in the federal public sector. The use of ADR means that the process becomes less transparent. As mentioned earlier in this discussion, there are situations in the human rights realm where settlements include requirements for new policies and practices. In these cases, even where some of the terms of settlement are confidential, new policies or practices may be implemented and publicized. The needs of the parties and the fair and efficient functioning of dispute resolution systems must also be taken into account. In many cases of reprisal due to the disclosure of wrongdoing, the public interest could be served by fairly, efficiently and effectively resolving a dispute through ADR.

[3] See, for example, the Tribunal's Statement on Pre-hearings and Case Management.

The nascent area of reprisal due to the disclosure of wrongdoing

The legal area of reprisal due to the disclosure of wrongdoing or "whistleblowing" is not new. In Canada, for example, there are judicial cases that predate the implementation of proactive legislation by well over twenty years. The need to be more proactive in this area of law, and to consider the issue of whistleblowing under the lens of values and ethics, is reflected in much more recent initiatives federally, provincially and territorially.

This Tribunal is relatively young, having been established when the Act came into force in April 2007, and having just received its first three cases in 2011-12. The statute is designed to create a specialized administrative tribunal that has particular expertise. The case load has not yet reached the volume where the appropriate model for ADR can be precisely identified. However, in some situations, ADR may not only be effective, but will better serve the parties and the public interest, through a faster and less expensive resolution of the dispute.

Annex A

Biographical notes: Michael Gottheil

Michael Gottheil is the Executive Chair of the Social Justice Tribunals Ontario, a cluster of seven adjudicative tribunals, with jurisdiction ranging from human rights, to residential tenancies, social benefits and disability support, special education and child protection oversight. He previously served as Chair of the Human Rights Tribunal of Ontario, and as Executive Chair of the Environment and Land Tribunals Ontario.

Mr. Gottheil's commitment to administrative justice goes back even farther. A graduate of Osgoode Hall Law School, he began practicing law in 1987, specializing in labour, employment and human rights law. He has written widely on administrative law and procedural reforms, and is especially interested in approaches which can enhance access to justice, adjudicative independence, and tribunal capacity, both in relation to subject area expertise, as well as alternative dispute resolution. He is a frequent presenter at professional development sessions and is currently a board member of the Canadian Institute for the Administration of Justice and the Council of Canadian Administrative Tribunals.

Beyond his professional activities, Mr. Gottheil has been actively engaged in efforts to improve the lives of the visually impaired, serving on the boards of the Canadian National Institute for the Blind and the Foundation Fighting Blindness. He has travelled the world, always taking the time to connect with other people and cultures. He believes that living and learning from varied perspectives is fundamental to both personal growth and positive community change.

Biographical notes: David Merner

David Merner completed degrees at Harvard University, the University of Alberta, Oxford University, and the University of Toronto prior to his call to the British Columbia bar in 1990 and the Ontario bar in 1991. David practised for 15 years at the Department of Justice and Privy Council Office in Ottawa in various fields including constitutional law, employment law, tax litigation, and dispute resolution. Currently, David is Executive Director of the Dispute Resolution Office at British Columbia's Ministry of Justice and Attorney General. He works with the courts, administrative tribunals, government ministries and other agencies on the effective prevention and resolution of disputes. David also receives daily training on dispute resolution and on the adverse consequences of excessive BlackBerry use from his wife and four daughters in Victoria.

Biographical notes: Serge Roy

A graduate of the University of Montreal law school and lawyer, member of the Quebec Bar, Serge Roy was appointed Director of Dispute Resolution Services with the Public Service Staffing Tribunal in November 2005. Prior to his appointment to the Tribunal, he worked as a mediator and conflict resolution specialist at the Department of National Defence.

During a 12 year period at the beginning of his career, he represented clients in negotiating and litigating civil, commercial and labour relation cases.

A pioneer of civil and commercial mediation in the province of Quebec, he chaired the Mediation Committee of the Quebec Bar and was responsible for the Civil, Commercial and Labour Relation Mediation course offered by the Continuing Education Services of the Quebec

Bar from 1995 to 2005. He has been a guest speaker and consultant in conflict resolution for the private and public sectors at both the national and international stage. He has over 20 years experience in mediation and conflict resolution.

In addition to his work at the Tribunal, Mr. Roy currently teaches a mediation course as part of the Conflict Studies Undergraduate Program at Saint Paul University, and as part of the Civil Law Program at the University of Ottawa.

A published author, he most recently co-authored the book, La médiation: préparer, représenter, participer, published by Éditions Yvon Blais.

Annex B

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