



# Nova Scotia Labour Board

## DISPUTE RESOLUTION ALTERNATIVES

*Board Rules of Procedure, Rule 11.02*

### INFORMATION BULLETIN

#### ABOUT MEDIATION

Parties involved in a matter before the Labour Board may be interested in attempting to resolve the matter via mediation or some other alternative dispute resolution method.

Mediation is designed to empower parties to resolve disputes that would otherwise be decided by the Labour Board. It can result in a win-win outcome rather than what might otherwise feel like a win-lose outcome if decided by the Board.

A mediator is a neutral person who helps parties identify issues and explore options that will resolve the dispute. A mediator could be the Chair or Vice Chair of the Board, or a Mediation Officer within Labour, Skills and Immigration who has extensive experience in mediation.

#### WHY YOU SHOULD CONSIDER MEDIATION

**Control** - This process allows individuals in disputes (also known as the parties) to shape their own settlement. A mediator cannot impose a resolution. If the dispute is decided by the Labour Board, a decision will be imposed on the parties.

**Privacy** - Labour Board hearings are open to the public. Mediation meetings are strictly confidential.

**Cost** - There is no fee charged to parties for participating in mediation. Often, mediation can take place in or near the community where the parties reside. A Labour Board hearing can be an expensive process, e.g., people's time, travel expenses, legal fees, etc. If the dispute can be resolved by the parties, such costs can be significantly reduced.

#### HOW MEDIATION WORKS

- If parties are interested and consent to participating in mediation, the Chair, a Vice-Chair or a Mediation Officer will be assigned to mediate the matter.
- The Mediator then arranges for all parties to sign an Agreement to Mediate form.

- Once the Agreement to Mediate form is signed, the Mediator contacts the parties to discuss the process and to arrange a meeting to work through the issues causing the conflict.
- If the dispute is resolved, each party may be required to sign an agreement containing the terms of the settlement.
- If either party fails to carry out a term of the settlement agreement, the matter will be referred back to the Labour Board for determination.
- If the matter is resolved through the mediation process, the parties must notify the Labour Board (in writing) that an agreement has been reached, and their matter is withdrawn.

### IMPORTANT TO NOTE

- Mediation is **VOLUNTARY**.
- **ALL** parties must agree to participate in the mediation process.
- The mediator **DOES NOT** impose a decision on the parties. The mediator assists the parties in trying to reach an agreement that is satisfactory for all parties.
- The mediator is available for **FOLLOW-UP** sessions, if requested by the parties.
- If the dispute is **NOT RESOLVED** through mediation, the dispute is referred back to the Labour Board for determination.
- Mediation is done on a **WITHOUT PREJUDICE** basis. This means if the mediation is unsuccessful and the matter is referred back to the Labour Board, confidential discussions during the mediation process will not be shared with the Labour Board.
- Mediation is an **INFORMAL PROCESS**. Parties do not need to involve a lawyer, but they can if they wish to do so.
- Mediation can be arranged on **SHORT NOTICE**.

### HOW TO GET REFERRED TO MEDIATION

Once you are involved in an active matter before the Labour Board, you can contact the Chief Executive Officer of the Labour Board at [labourboard@novascotia.ca](mailto:labourboard@novascotia.ca) for information about how to get referred to mediation.

