
GUIDELINES FOR GRIEVANCE MEDIATION IN THE COLLEGE SYSTEM

The Joint Grievance Scheduling Committee (JGSC) has designed this Mediation process to assist the Local Unions and the Colleges in resolving grievances before reaching arbitration.

October 2004

What is Mediation?

Mediation is a process where the parties agree to appoint a neutral third-party to assist them in attempting to reach a voluntary agreement.

- the Mediator does not make a decision, but works with the parties to assist them in finding a solution, satisfactory to them
- either party may withdraw from the process at any time
- the process is confidential and without prejudice
- the outcome is only binding once the parties have come to an agreement

This procedure is not a substitute for Arbitration nor is it a form of Mediation/Arbitration. It is an alternative process that can be used to resolve differences that arise from the interpretation, application, administration, or alleged contravention of the Collective Agreements.

Why use Mediation?

Savings in cost and time are the major reasons, but there are others, such as:

- the resolution of both simple and complex issues
- arrangements can be made quickly
- process usually takes one day or less
- informal, non-legalistic process
- discussions remain confidential
- process is non-binding and the outcome is within the control of the parties
- the process does not prejudice the parties
- settlement is binding once the parties reach an agreement

When should Mediation be used?

Mediation can be utilized for virtually any situation where the Local Union and the College wish to reach a settlement through a more informal process.

In what Circumstances should Mediation not be used?

- one or both parties want to establish a precedent
- a point of law exists upon which either party may wish to have a formal judicial ruling
- evidentiary processes are required to protect the rights of a party

How to Access the Mediation Process

The Mediation process is **voluntary** and both the Local Union and the College must agree to use the process. The Local Union must coordinate access through the OPSEU Grievance Department. OPSEU will forward the request to the College Compensation and Appointments Council.

The JGSC has agreed to a list of Mediators, which can be found in Appendix A of this guide.

Suggested Preparation for Mediation

Usually, the Mediator will spend one day with the parties, during which time he/she will try, in an informal and confidential manner, to help the parties resolve the grievance.

It would be cost effective if the local parties agreed to hold the session at a College or OPSEU facility. Since the parties may want to meet with the Mediator separately, two meeting rooms will be required.

It is recommended that the parties provide several dates for the Mediator to consider.

Each party will bear its own costs and expenses for its participation in the Mediation process. The Mediator's fee and expenses will be borne equally by the Union and the College.

Prior to the Meeting:

- the parties should advise the Mediator of the process they have agreed to
- each party should provide the other and the Mediator with the names of those individuals who will be in attendance, noting their "representative", who should have the necessary authority needed to settle the dispute.

- it would be beneficial to provide to the other party and the Mediator, the following:
 - a) a concise summary stating the nature of the grievance, its case and the relief requested;
 - b) copies of all documents to which it refers to in the summary.

- to streamline the process, the parties should agree on a joint set of documents and as a minimum a "Statement of Agreed to Facts"

At the conclusion of the Meeting:

Normally, it is not the role of the Mediator to draft the written agreement. The parties are responsible for this task. In most cases, a written agreement is most prudent for enforcement purposes.

For more information concerning this Mediation process, contact:

- OPSEU Grievance Department,
- the College Compensation and Appointments Council, or
- one of the following members of JGSC

Member	College	Contact Information
Union		
Mary Ann White (Co-Chair)	St. Lawrence	mwhite@sl.on.ca
Ross Langill (Co-Chair)	St. Clair	rlangill@stclairc.on.ca
Keith Bates	Mohawk	keithbates1@aol.com
John Bisset	Durham	jbisset354@hotmail.com
Ann Cummings	Fanshawe	acummings@fanshawec.on.ca
Gary Fordyce	Fanshawe	gary.fordyce@sympatico.ca
Joan Lentz	OPSEU	jlentz@opseu.org
Cameron Walker	OPSEU	cwalker@opseu.org
Management		
Sandi Johnson (Co-Chair)	The Council	sandi.johnson@edu.gov.on.ca
Karen Cullen	Loyalist	kcullen@loyalistc.on.ca
André Durette	Cambrian	axdurette@cambrianc.on.ca
Lisa Cunliffe	The Council	lisa.cunliffe@edu.gov.on.ca

Dated in Toronto, Ontario, this 5th day of November, 2004

Mary Ann White
Co-Chair, JGSC (OPSEU)

Sandi Johnson
Co-Chair, JGSC (Council)

Appendix A - List of Agreed to Mediators¹

Mediator	Phone/Fax	email
Chris Albertyn	p:(416) 326-7885 f: (416) 789-5021	chris.albertyn@sympatico.ca
Jules Bloch*	p:(416) 469-0367 f: (416) 778-0097	jbloch@sympatico.ca
William Kaplan	p:(416) 865-5341 f: (416) 360-5746	wkaplan@sympatico.ca
Paula Knopf	p:(416) 652-1516 f: (416) 652-2632	pknopf@attcanada.ca
Gerry Lee	p: (905)471-2371 f: (905)294-6172	leegerry@sympatico.ca
Frank Reilly	p:(519) 741-9653 f: (519) 741-9994	n/a
Denise Wilson	p: (416)492-9655 f: (416)492-8451	n/a

* denotes bilingual

¹complete bios for many of the Mediators listed can be found on
www.lancasterhouse.com/arbitrators/search_results.asp