



THE ROLE OF A REPRESENTATIVE DURING A MEDIATION PROCESS

The role of a representative during a mediation process is to:

Before mediation:

- outline the advantages and disadvantages of mediation in order that his/her client can make an informed decision to participate in the process;
- analyse the results and the possible consequences following the hearing of an appeal should a settlement not be reached at mediation;
- advise his/her client of the possible delays relative to the process of appeals submitted to the Tribunal;
- encourage his/her client to be fully engaged in the process by participating in good faith with openness and respect;
- assist his/her client in identifying his/her interests and needs as well as the interests and needs of the other party;
- assist his/her client in preparing his/her opening statement pertaining to the issues as well as to the reasons to have accepted to get involved in the mediation process;
- encourage his/her client to consider the other party's perspective;
- help his/her client reach a settlement in identifying options and looking for solutions that would meet his/her needs and interests;
- help his/her client determine why those results are important to him/her;
- ensure that persons having the necessary authorities to settle the dispute attend all mediation sessions or are easily and readily accessible by telephone to approve any settlement.

During mediation:

- assist and support his/her client;
- ensure that the mediation process respects the interests of his/her client;
- help his/her client consider the other party's perspective and evaluate any new information;
- assist the client in articulating his/her interests and needs and in understanding the needs and interests of the other party;
- work with the client to explore options and propose solutions acceptable to all parties;
- help parties agree on solutions which could be implemented;
- draft the Terms of Settlement with the other party and/or his/her representative for signature of the settlement;
- ensure that every clause related to occupational health and security in a possible settlement, is in compliance with the provisions of the *Canada Labour Code*, Part II and its Regulations.

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After mediation:

- if necessary, assist his/her client to implement the Terms of Settlement and
- ensure that all terms have been executed within the stated timeframes.