



## **THE ROLE OF EACH PARTY IN MEDIATION**

**The role of each party in mediation is to:**

**Before mediation:**

- voluntarily accept to participate in a mediation process with openness and respect;
- think about the key issues as you see them and as the other party may see them;
- determine the specific interests (concerns, hopes, fears, desires, expectations, justifications...) and needs of each party as well as the shared interests and needs of all parties;
- identify possible solutions that might satisfy your interests as well as the interests of the other party;
- prepare an opening statement on the reasons supporting the dispute as well as the reasons to have accepted to participate in a mediation process;
- consider your alternatives should mediation not result in an settlement;
- try to understand and to respect the other party's perspective;
- 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 agreement.

**During mediation:**

- review and sign the consent to mediate;
- participate in good faith;
- communicate in an open and honest manner;
- adhere to the ground rules agreed upon by the mediator and the parties;
- actively contribute in finding options;
- if in doubt, ask questions;
- get involved in the attempt to resolve the dispute;
- draft or help your representative draft the Terms of Settlement and sign it;
- advise the mediator if you do not agree and/or if you are not comfortable with the proposed settlement and/or if you feel pressure to accept the terms and conditions of the said 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.

## **THE ROLE OF EACH PARTY IN MEDIATION (...cont'd)**

### **After the mediation:**

- implement the terms of the settlement or follow-up to ensure that the terms of the settlement have been executed and
- ensure that the terms of the settlement were fully complied with by the due dates.