TOOL F

Dispute Resolution Process Suggestions

Purpose: to help you build your dispute resolution process.

Does your dispute resolution process cover:

- ☐ How notice of a dispute is given, and to whom.
- ☐ How often the parties meet, and the steps they follow: negotiation, facilitation, mediation.
- ☐ How a decision maker is chosen, and what powers and duties they have.
- ☐ The decision maker's practices and procedures.
- ☐ A binding dispute resolution mechanism.
- ☐ How the costs are split, arbitration costs included (see **Section 6.4**).
- ☐ How records of the process are kept, and by whom.
- ☐ How the parties, the public, or both are identified.
- ☐ When the parties, the public, or both are told about the dispute.
- ☐ Whether and how the parties or the public take part in the process.
- ☐ The total time to complete the process? It must not exceed one (1) year from the time at which a dispute is filed, if it contains an arbitration clause.

Something to consider

Under *s.708.34*, if a dispute about a mandatory service is not settled within one (1) year of the notice, it goes to statutory arbitration. If the parties cannot agree on an arbitrator, any of them can ask the Minister to name one.