



**Appendix to the
SUMMATIVE EVALUATION OF THE DISPUTE RESOLUTION FUND
Summary, Recommendations and Management Response**

**Summary of DRF Funded Projects Results Information
(Additional Information provided at the Audit and Evaluation Committee Meeting
of October 17, 2003)**

**Evaluation Division
Policy Integration and Coordination Section
(October 17, 2003)**



SUMMARY OF DR FUND FUNDED PROJECTS RESULTS INFORMATION

ORGANIZATION	TYPE OF ORG ¹	TYPE OF DISPUTES ²	PROJECT DESCRIPTION	TYPE OF PROJECT ³	AMOUNT FUNDED	EVALUATION REPORT	RESULT 1: Funded organization would reduce costs and time spent in managing disputes	RESULT 2: Parties to disputes would experience increased satisfaction with resolution outcomes	RESULT 3: Funded organizations would foster further internal DR developments	RESULT 4: Funded projects would serve as catalysts and/or models for other organizations
Canada Customs and Revenue Agency (CCRA) – Appeals Division	1	1	Establishment and operation of a pilot project to use mediation in the administrative appeals process	2, 3	\$164,160	No ⁴	Not Achieved	Not Achieved	Not Achieved ⁵	Low Potential
Canadian Human Rights Tribunal (CHRT)	1	3, 4	Evaluation of pilot mediation program, ADR training for Tribunal members and continued development of mediation program	1, 2	\$63,990	Yes ⁶	Achieved ⁷	Achieved ⁸	Achieved ⁹	High Potential
Canadian Industrial Relations Board (CIRB)	1	4	DR training program for Board members and labour relations officers	1	\$50,000	No	Achieved ¹⁰	Achieved ¹¹	Achieved ¹²	High Potential
Canadian International Trade Tribunal (CITT)	1	2	Training program for members and staff to assist in case management	1	\$19,200	No	No Data Provided ¹³	No Data Provided	Not Achieved	Low Potential ¹⁴
Canadian Radio - Television & Telecommunications Commission (CRTC)	1	2	Development and evaluation of DR Framework, training, and integration of DR Framework in the context of CRTC competitive and access disputes	1, 2, 3	\$173,600	Yes ¹⁵	Achieved ¹⁶	Achieved ¹⁷	Achieved ¹⁸	High Potential
Canadian Transportation Agency (CTA)	1	2	Development and implementation of new DR system, mediation training, integration of mediation into rail and marine CTA disputes, development of evaluation framework	1, 2, 3	\$143,000	No ¹⁹	Achieved ²⁰	Achieved ²¹	Achieved ²²	High Potential
Transportation Appeal Tribunal of Canada (formerly the Civil Aviation Tribunal)	1	2, 3	Design and implementation of a mediation model prior to hearings. DR training to support the mediation model	1, 2, 3	\$11,000	No ²³	Achieved ²⁴	No Data Available ²⁵	Achieved	Insufficient Data
Hazardous Materials Information Review Commission (HMIRC)	1	2	Development and implementation of dispute prevention and early resolution system into HMIRC process	2, 3	\$82,500	No ²⁶	Anticipated ²⁷	Anticipated ²⁸	Anticipated ²⁹	High Potential ³⁰
HRDC – Income Security Program (CPP Appeals to Pension Appeal Board)	1	1	DR project to determine whether the number of adjournments of PAB hearings could be reduced by ensuring claimants are properly prepared and ready for hearing. DR intervention through telephone client contact at time appeal hearing scheduled.	2	\$200,000 ³¹	Yes ³²	Not Achieved ³³	Achieved ³⁴	Not Achieved ³⁵	No Potential ³⁶
HRDC – Nova Scotia Region BOR Employment Insurance Appeals	1	1	Design and implementation of pilot project to utilize DR specialist to attempt to resolve employment insurance appeals prior to formal hearings	1, 2, 3	\$170,000	Yes ³⁷	Achieved ³⁸	Achieved ³⁹	Achieved ⁴⁰	High Potential ⁴¹
Immigration Appeal Division (IAD) - IRB	1	1	Implementation and evaluation of pilot project to utilize mediation in the sponsorship appeals process	1, 2	\$213,900	Yes ⁴²	Achieved ⁴³	Achieved ⁴⁴	Achieved ⁴⁵	High Potential ⁴⁶

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National Energy Board (NEB)	1	2	Implementation and evaluation of DR process established as an alternative to formal hearings in the determination of detailed pipeline routes	1, 2, 3	\$162,000	No ⁴⁷	Some Achievement ⁴⁸	No Data Provided ⁴⁹	Achieved ⁵⁰	High Potential
National Parole Board (Victims Voices)	1	1	Development and integration of an interest-based process in parole hearings to ensure victims have full voice	2, 3	\$40,000	No ⁵¹	Not Achieved ⁵²	Achieved ⁵³	Achieved ⁵⁴	Low Potential ⁵⁵
National Parole Board (Community Assisted)	1	1	Design and implementation of more restorative approach for community -assisted parole hearings in the Aboriginal context	2, 3	\$60,000	Yes ⁵⁶	Insufficient Data To Measure ⁵⁷	Achieved ⁵⁸	Achieved ⁵⁹	High Potential ⁶⁰
Patented Medicine Prices Review Board (PMPRB)	1	1	Review and revise the PMPRB's current dispute resolution process to improve the way it carries out its mandate pursuant to the <i>Patent Act</i>	2	\$58,160 ⁶¹	No ⁶²	Achieved re time spent managing disputes ⁶³	Achieved ⁶⁴	Achieved ⁶⁵	Low Potential ⁶⁶
Public Service Commission (PSC) – Recourse Branch	1	4	Implementation of early intervention program re appeals filed with Recourse Branch pursuant to the <i>Public Service Employment Act</i> .	2	\$116,000	Yes ⁶⁷	Achieved re timesavings. ⁶⁸ Not demonstrated re cost savings	Achieved ⁶⁹	Achieved ⁷⁰	High Potential ⁷¹
Public Service Staff Relations Board (PSSRB)	1	4	Implementation of two-year pilot project to use Board members as mediators. Production of mediation training video.	1, 2	\$136,600 ⁷²	Yes ⁷³	No Data Provided ⁷⁴	Achieved ⁷⁵	Achieved	High Potential
Sports Canada (ADRsportsRED)	1	3	Development and implementation of alternative DR system for addressing disputes in Canadian sport	2, 3	\$90,000	Yes ⁷⁶	Insufficient Data to Measure ⁷⁷	Achieved ⁷⁸	Achieved ⁷⁹	High Potential
Canadian Food Inspection Agency (CFIA)	2	2	Implementation of DR to support CFIA's role as regulator of the industry. Training to support DR implementation	1, 2	\$208,500	No ⁸⁰	Achieved	Achieved	Achieved	High Potential
Canadian Human Rights Commission (CHRC)	2	3	Development and implementation of mediation program at pre-investigation stage of complaint process. DR training to support pilot.	1, 2, 3	\$220,100	Yes ⁸¹	Achieved re time savings ⁸² (No data re cost savings)	Achieved ⁸³	Achieved ⁸⁴	High Potential
Commissioner of Official Languages	2	3	DR training. Institution of improvements to investigation process. Development, implementation and evaluation of pilot project utilizing DR in complaints resolution process	1, 2, 3	\$156,045	No ⁸⁵	No Data Provided	No Data Provided	Don't Know	Low Potential ⁸⁶
Office of the Correctional Investigator	2	3	Design, development and testing of DR approaches to assist in addressing disputes between inmates and federal penitentiaries. Specialized DR training for staff to support the DR initiative	1, 2, 3	\$73,000	No ⁸⁷	No Data Provided	No Data Provided	Don't Know	Don't Know
RCMP Public Complaints Commission	2	3	Design and implementation of a DR system to address concerns prior to formal complaints and complaints prior to Commission review stage	2, 3	\$50,000	Yes ⁸⁸	To Be Determined ⁸⁹	Achieved	To Be Determined	Moderate Potential ⁹⁰
Canadian Environmental Assessment Agency (CEAA)	3	2	Creation of DR specialist position. Provision of DR training, building DR capacity of stakeholders and identifying opportunities for use of DR re environmental assessments	1, 2, 3	\$204,550	No ⁹¹	No Data Provided ⁹²	Achieved ⁹³	Achieved ⁹⁴	Moderate Potential ⁹⁵

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Canadian International Development Agency (CIDA) – Contract Management Div.	3	5	Development and implementation of DR re contract disputes. Training to support. Development of evaluation framework and launch of pilot project	1, 2, 3	\$214,000	No ⁹⁶	Anticipated ⁹⁷	Anticipated ⁹⁸	Anticipated ⁹⁹	High Potential ¹⁰⁰
Royal Canadian Mounted Police (RCMP)	3	4	Development and implementation of an interactive, computer-based DR training strategy in partnership with DND and CSC	1, 3	\$200,000	No ¹⁰¹	No Data Provided	No Data Provided ¹⁰²	Some Achievement ¹⁰³	High Potential ¹⁰⁴
Royal Canadian Mounted Police (RCMP) – “E” Division	3	4	DR training and awareness program for members in interest-based negotiation for workplace conflicts	1	\$50,000	Yes ¹⁰⁵	No Data Provided ¹⁰⁶	Achieved ¹⁰⁷	Don't Know	Moderate Potential
Canada Customs and Revenue (CCRA) – International Tax Directorate	3	5	Training for negotiators within the Transfer, Pricing and Competent Authority Division	1	\$65,000	No ¹⁰⁸	Achieved ¹⁰⁹	Achieved ¹¹⁰	Anticipated ¹¹¹	Low Potential ¹¹²
Canada Customs and Revenue (CCRA) – Scientific Research and Experimental Development	3	1	Design of ADR process to be utilized for disputes between CCRA and claimants re scientific research and experimental development claims. Design pilot mediation project and evaluate pilot.	3	\$56,000 ¹¹³	No ¹¹⁴	No Data Available ¹¹⁵	No Data Available	To Be Determined	Moderate Potential
Citizenship and Immigration Canada (CIC)	3	1	Design and implementation of DR models/processes for use across CIC to reduce litigation costs (alternatives to judicial review process re contested visa applications)	3	\$139,450	Yes ¹¹⁶	Not Achieved	Not Achieved ¹¹⁷	Not Achieved ¹¹⁸	High Potential ¹¹⁹
Correctional Services Canada (CSC)	3	3, 4	Development and implementation of 13 DR pilot projects in federal penal institutions across the country administered by National Steering Committee	1, 2, 3	\$300,000	Yes ¹²⁰	Some Demonstrated Achievements ¹²¹	Some Demonstrated Achievements ¹²²	Achieved ¹²³	High Potential ¹²⁴
Correctional Services Canada (CSC)	3	3, 4	Development and implementation of a “Culture of Change Pilot” at penal institution (Grande Cache) which would utilize restorative justice principles to resolve conflicts	1, 2, 3	\$56,000	No ¹²⁵	To Be Determined	To Be Determined	To Be Determined ¹²⁶	Insufficient Data
Environment Canada	3	2	Design and implementation of DR program re negotiation frameworks and guidelines for alleged offences under the <i>Canadian Environmental Protection Act</i> . DR training to support the initiative.	1, 3	\$200,000	No ¹²⁷	To Be Determined	To Be Determined	To Be Determined	Insufficient Data
Environment Canada – Contaminated Sites	3	2	Design an implementation of pilot DR process to engage parties in effective and timely re-mediation of sites	3	\$50,000	No	Not Achieved	Not Achieved	Not Achieved ¹²⁸	Moderate Potential
Environment Canada – Contract Management	3	5	Development and testing of a DR model to be used in resolution of disputes arising from Environment Canada's contracting and procurement procedures	2, 3	\$35,000	No	No Data Provided	No Data Provided	No Data Provided	Moderate Potential ¹²⁹
Fisheries and Oceans – Responsible Fishing	3	2	Implementation and evaluation of DFO's DR-oriented Responsible Fishing Strategy	1, 2, 3	\$90,000	Yes ¹³⁰	To Be Determined	To Be Determined	To Be Determined	Insufficient Data

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Health Canada – Health Products and Food Branch	3	2	Development and testing of DR pilot re disputes related to product approval in the area of drug and other therapeutic products	1, 2, 3	\$96,000	No ¹³¹	Not Achieved ¹³²	Not Achieved ¹³³	Not Achieved	Low Potential
Health Canada – Learning Centre Plus	3	4	Training of federal public service mediators in Atlantic Canada in cases of harassment and other workplace conflict matters	1	\$76,000 ¹³⁴	Yes ¹³⁵	No Data Provided	Achieved ¹³⁶	Not Achieved ¹³⁷	Low Potential ¹³⁸
Human Resources Development Canada (HRDC) – CPP Disability DR Project – Regional Pilots	3	1	Testing and evaluation of the use of DR techniques that would support the newly created Client Centred Service Delivery (CCSD) approach to business. The CCSD approach (regular client contact during lifecycle of benefit claim) tested at the initial and reconsideration levels in 3 regional Processing Centres and provision of customized DR training to staff.	1, 2, 3	\$200,000	Yes ¹³⁹	Achieved ¹⁴⁰	Achieved ¹⁴¹	Achieved ¹⁴²	High Potential
Human Resources Development Canada (HRDC) – Labour Program	3	3	Development and implementation of a DR program for unjust dismissal and wage loss recovery disputes. Training to support. Development of a culturally sensitive DR model for use in disputes involving First Nations.	1, 2, 3	\$401,050	No ¹⁴³	To Be Determined ¹⁴⁴	To Be Determined ¹⁴⁵	Achieved ¹⁴⁶	High Potential
Human Resources Development Canada (HRDC) – New Brunswick Region	3	4	Joint union-management training for employees in harassment and other workplace conflict	1	\$54,112	Yes ¹⁴⁷	No Data Available	Achieved ¹⁴⁸	Yes ¹⁴⁹	Moderate Potential ¹⁵⁰
Indian and Northern Affairs Canada (INAC) – Comprehensive Claims	3	5	Design and testing of pilot DR model re overlap claims in context of aboriginal land claim negotiations	2, 3	\$70,000	No ¹⁵¹	To Be Determined	To Be Determined	To Be Determined	Insufficient Data
Indian and Northern Affairs Canada (INAC) – Fiscal Relations	3	5	Development of, and training in, a DR model in context of disputes between federal government and Federation of Saskatchewan Indian Nations	1, 3	\$85,160	No	To Be Determined	To Be Determined	To Be Determined	Insufficient Data
Indian and Northern Affairs Canada (INAC) – Litigation Management Branch	3	1-5	Assessment of existing inventory of cases to identify which most suitable for ADR and develop DR strategies for particular disputes	1, 2, 3	\$212,420	No	To Be Determined	To Be Determined	To Be Determined	Insufficient Data
Indian and Northern Affairs Canada (INAC) – Major Projects Branch	3	3	Exploratory dialogues with aboriginal abuse survivors and institutional defendants re identifying appropriate non-litigious methods of resolution	3	\$459,730	No ¹⁵²	To Be Determined	To Be Determined	To Be Determined	Insufficient Data
National Defense – Claims and Civil Litigation	3	1-5	Hire DR specialist for 1 year period to provide ADR training, assess litigation files for ADR potential and action accordingly, and develop comprehensive ADR strategy	1, 2, 3	\$70,400	No	To Be Determined	To Be Determined	To Be Determined	Insufficient Data

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Public Works and Government Services Canada (PWGSC)	3	5	DR training to support the development and implementation of DR pilot project re disputes arising out of construction contracting process	1	\$110,695	No ¹⁵³	No Data Available ¹⁵⁴	No Data Provided ¹⁵⁵	Don't Know ¹⁵⁶	Moderate Potential ¹⁵⁷
Canada Customs and Revenue Agency (CCRA) – Office of Dispute Management	4	4	DR training and awareness related to the continued implementation of new conflict management system to address workplace conflict	1, 2, 3	\$325,000	Yes ¹⁵⁸	Achieved ¹⁵⁹	Achieved ¹⁶⁰	Achieved ¹⁶¹	High Potential
Fisheries and Oceans – Office of Early Conflict Resolution	4	4	DR training, awareness sessions, and educational services for employees re workplace conflict	1	\$180,929	No ¹⁶²	Achieved ¹⁶³	Achieved ¹⁶⁴	Achieved ¹⁶⁵	High Potential ¹⁶⁶
Veterans Affairs – Office of Conflict Resolution	4	4	DR training and awareness sessions for employees re workplace conflict	1	\$55,000	Yes ¹⁶⁷	Not Demonstrated ¹⁶⁸	Not Demonstrated ¹⁶⁹	Some Achievement ¹⁷⁰	Low Potential ¹⁷¹
Parks Canada	4	4	Series of DR pilot projects re workplace conflict to assist with national rollout of integrated conflict management system	1, 3	\$157,000	Yes ¹⁷²	Anticipated	Anticipated	Anticipated	High Potential

¹ Type of organization has been very broadly coded as follows: 1 – quasi-judicial; 2 - administrative body with investigative function; 3 - line department or agency; 4 – departmental/agency office of conflict management

² Type of disputes has been very broadly coded as follows: 1- administrative; 2- regulatory; 3 - complaint-based; 4 – workplace; 5- contractual

³ Type of project has been very broadly coded as follows: 1 – training in ADR; 2 – implementation of mediation/ADR into existing process; 3- DR systems design

⁴ An evaluation framework was designed during the project development phase in partnership with the CCRA, Program Evaluation Division, Corporate Affairs Branch (September 2002). According to the evaluation framework, the evaluation was to be undertaken once 2-4 cases had been mediated.

⁵ A total of 21 cases had been identified as appropriate for mediation based on selection criteria. No mediations have been conducted to date. Mediation is scheduled for November 2003.

⁶ *Systemic Change and Private Closure in Human Rights Mediation: An Evaluation of the Mediation Program at the Canadian Human Rights Tribunal*. April 2001. Prepared by Ellen Zweibel and Julie Macfarlane.

⁷ *CHRT Mediation Report*. July 10, 2003: estimated cost savings to CHRT in 1998 (based on cost of hearing days scheduled, minus all costs incurred [mediation costs, etc.] = \$203,913.93; estimated cost savings to CHRT in 1999 = \$580,417.46. *CHRT Mediation Report*. August 27, 2003: as at this date, estimated cost savings to the CHRT = \$173,013 (i.e. those cases where the CHRT has identified a specific savings figure). This is a conservative estimate given that this figure does not include those cases which had hearings scheduled that were settled through mediation, but the CHRT has not indicated a specific \$figure for savings, nor does it include the cost savings to the CHRT related to the settlement of a complaint pre-mediation, nor those cases that have been settled through CHRT mediation where hearing dates had not been scheduled. In addition, the figure does not reflect those cases where there is a pending settlement post-mediation. With respect to timesavings to the CHRT, mediated settlements for 1998, 1999 and 2003 thus far have resulted in approximately 242 hearing days avoided. There is also considerable Tribunal member and staff time required re written decisions following hearings.

⁸ For example, Evaluation found that all parties (complainants, respondents and Canadian Human Rights Commission) emphasized benefits of mediation v. formal adjudication. High correlation between reason why complainants choose mediation (opportunity for face-to-face dialogue with respondent) and why case settled at mediation (opportunity to discuss case with other side of complaint). High % of survey respondents indicating that they would definitely or probably choose mediation if involved in complaint at CHRT in future: complainants (90%); respondents (93%). Higher % of respondents indicated that complaint fully resolved at mediation (93%) v. complainants (45%).

⁹ The CHRT disbanded its mediation program in 1999. The CHRT re-instituted its mediation program in 2003.

¹⁰ The CIRB has reported that the “average” cost of a hearing is \$40,000 and it holds approximately 200 hearings per year. While the CIRB does not have the case tracking system available to generate cost savings figures (they have offered to do some manual workups if required), it has reported that it has met or exceeded its target settlement rate of 60% since inception of the CIRB mediation program. If one takes the “average” hearing cost of \$40,000 x 200

cases, the average cost to the CIRB would be in the range of \$8m. Obviously, this figure would be **substantially** higher if the CIRB was unable to achieve the settlement rates that it has been producing through its mediation program. Cost savings does not appear as a performance indicator in the CIRB's original application for funding from the DR Fund, nor does it appear as a performance criteria mentioned in either its *2002 Performance Report* or *2003-2004 Estimates: Report on Plans and Priorities*. The CIRB recognizes the limitations of its tracking procedures and is currently working on a multi-year technological review that should give the Board better tracking, analytical and reporting capabilities. With respect to time savings, CIRB has reported that the processing time re cases resolved without a hearing has actually increased which the CIRB attributes, in part, to "the additional efforts undertaken to attempt to achieve mediated resolutions" (*2002 Performance Report*). It is also important to note that the CIRB's mediation program is an integral part of both its investigative and adjudicative functions. In other words, many cases get resolved at the investigation stage through the efforts of LROs, which has the desired benefit of reducing the overall time spent in managing disputes for the organization.

¹¹ The CIRB has not kept client satisfaction stats. However, the CIRB's mediation program is voluntary and the high volume of mediations speaks to the parties' satisfaction with the process. Moreover, in roundtable discussions with stakeholders, there has been uniform agreement expressed to the Board for more front-line mediation work from the Board. Note that CIRB had requested \$100,000 in funding and had earmarked \$25,000 for client satisfaction survey to be undertaken in 2000-2001.

¹² Section 15.1(1) of the *Canada Labour Code* came into force on January 1, 1999 and expressly grants Board members and delegated staff power to assist parties, on consent, in resolving any issues in dispute at any stage of the proceeding and by any means that the Board deems appropriate, without prejudice to the Board's power to determine issues that have not been settled. The CIRB's *2002 Performance Report* and *2003-2004 Estimates: Report on Plans and Priorities* reflect the CIRB's commitment to further integration and use of ADR at the CIRB.

¹³ To date, no cases have been disposed of by means of ADR.

¹⁴ While the cost of this training was extremely modest, this project demonstrates that any organization contemplating adding ADR processes to its repertoire needs to engage in considerable upfront preparatory work, such as consultations with stakeholders and the development of an ADR framework, to determine why an organization is contemplating implementing ADR into its system.

¹⁵ *Public Notice CRTC 2000-65 External Stakeholder Feedback Consultant's Report*. April 12, 2001. Prepared for the CRTC by Genevieve A. Chornenki.

¹⁶ The CRTC has handled 15 cases through the use of ADR practices since the development of its DR Framework. None of these cases developed into a case requiring a formal hearing. The CRTC's Senior Counsel has estimated the overall cost savings to the CRTC as a result of these matters being resolved through ADR v. the traditional complaint process at approximately \$240,000. With respect to timesavings, 80% of respondents in the Consultant's report agreed that the CRTC ADR process was faster than the traditional CRTC process.

¹⁷ For example, the Chornenki Report found the following: 80% of respondents stated a preference for the use of an ADR process v. traditional CRTC process; 72% agreed the existence of ADR options helped them manage relationships with other industry players; 77% agreed that absence of ADR options would make access to CRTC more difficult.

¹⁸ In the late-90s, the CRTC had been experimenting with ADR on an *ad hoc* basis. ADR has now become a permanent and integral component of the CRTC. As of the date of the Chornenki Report, parties would have preferred greater access to the CRTC ADR process (e.g. remove the requirement to use outside mediators as a condition of entry into the ADR Framework).

¹⁹ The CTA has completed an evaluation framework: *Framework for the Evaluation of the Canadian Transportation Agency Mediation System*. June 25, 2002. Prepared By Peter J. Bishop, Conflict Management Services. The CTA received advice that it should complete at least 20 mediations prior to carrying out an evaluation of its ADR program. A total of 16 mediations have been conducted to date; settlements have been reached in 14 of these cases (pre-mediation efforts have achieved resolutions in 6 additional cases).

²⁰ Considerable time and cost savings to the parties to CTA disputes have been demonstrated. With respect to actual cost and timesavings to the CTA, DRS has requested this data from the CTA, and it is in the process of carrying out this work.

²¹ The CTA's mediation program has achieved a very high success rate in terms of both settlement and durability of settlements. In addition, participants have indicated that the CTA's mediation process is: fair; more conducive to fostering working relationships than adjudicative process; choosing CTA mediation again if involved in a CTA dispute.

²² CTA established a Mediation Services Unit on April 1, 2001, committing a significant portion of budgetary resources to this initiative. As well, given positive results of the pilot project in CTA Rail and Marine Branch, CTA began offering mediation in the Accessible Transportation Directorate. Parties now have the option of mediation where person with a disability has filed a complaint. CTA is exploring additional areas of its mandate to determine whether they are conducive to mediation. In February 2003 proposed amendments to the CTA (Bill C-26) tabled in House. Bill C-26 contains a provision to provide the CTA with the statutory mandate to conduct mediations concerning any matter that falls within its jurisdiction.

²³ DRS has been informed that the Transportation Appeals Tribunal of Canada (formerly CAT) is in the process of conducting an evaluation of its ADR project. An anticipated completion date for the evaluation has not been provided to DRS.

²⁴ According to the Chair of the Transportation Appeals Tribunal of Canada (formerly CAT), the development of the DR model reflects "the sharp decline in the number of hearings held." There were no medical hearings held during fiscal 2002-2003. DRS is waiting for data re the # of hearings in previous years. DRS has been advised that this information is contained in the 2002 Annual Report, but we have been unable to obtain this report to date.

²⁵ CAT has contracted, along with 3 other smaller tribunals, to have a client satisfaction survey administered and analyzed by modern comptrollership. CAT does not expect these results for at least a year.

²⁶ The HMIRC completed an evaluation framework for its project: *Conceptual Framework for Resolving Disputes*. October 2000. HMIRC.

²⁷ DRS is awaiting receipt of information. Preliminary discussions with the HMIRC's Manager, Adjudication/Appeals, indicate that this result has been achieved.

²⁸ Ibid.

²⁹ Op cit, note 24.

³⁰ Op cit, note 24.

³¹ Note: Need to determine how much of this \$200,000 was earmarked for the DR Project at the Pensions Appeal Board (PA B).

³² *Evaluation of the Pension Appeals Board Dispute Resolution Project*. March 9, 2000. Prepared by Goss Gilroy.

³³ The main objective of the DR project was “a reduction in the number of adjournments.” The DR project had the opposite effect, as the number of adjournments substantially increased. Evaluator unable to conclude that objective of expediting the number of cases being heard had been met, but was able to conclude that cases were not being adjourned by reason of claimant not being prepared. The specific objective of achieving a reduction in costs and time lost to PAB as result of lack of case preparation was not demonstrated since number of adjournments actually increased (i.e. having being more fully informed of what was involved in the hearing process, led to more claimants seeking adjournments to obtain legal counsel).

³⁴ One of the objectives of the DR project was “an increase in claimant satisfaction from an increase in human contact from the PAB.” The Evaluator found that the results from the DR intervention process supported the achievement of this objective in qualitative terms.

³⁵ The Evaluator made 4 key recommendations (“1. prepare a “lessons learned” summary of the study; 2. investigate further why the claimants adjourned; 3. conduct a small follow-on satisfaction survey of those claimants who participated in the DR intervention; 4. prepare to monitor and track the downstream [post-PAB hearings] final [appeal/otherwise] decisions of each claimant who participated in the DR study”). It is DRS’s understanding that PAB has not acted on any of the consultant’s recommendations.

³⁶ Project actually demonstrated the reverse of what was expected and recommendations of the evaluator re the project were not implemented.

³⁷ Human Resources Development Canada – Nova Scotia Region, *Evaluation of the Alternative Dispute Resolution Pilot Project*. March 31, 2001. Submitted by Praxis Research and Consulting Inc.

³⁸ Cost savings to HRDC were demonstrated through reduction in the number of Board of Referee hearings. During pilot period, 203 clients agreed to participate in ADR process; 111 cases resolved without going to BOR hearing. Average hearing cost = \$350. Average weeks to have cases settled: ADR – 6.92; non-ADR – 9.63.

³⁹ Strong client satisfaction indicators in terms of fairness of process, speed of service, and settlement outcome.

⁴⁰ The pilot project utilized a DR specialist (DRO) for the Halifax region. What program coordinators envisioned following on success of this DRO’s work was to have dedicated DROs in each regional processing center. Given cost implications of 4 DRO FTEs, what HRDC did instead was to hire an ADR consultant to work with regional training officers and provided ADR training to 50 Agent 2s (adjudicators). As result, reported 42% less error rate, which means that Agent 2s have improved considerably as result of better fact finding and improved decision-making capacity.

⁴¹ The IRB Appeal Division with its Dispute Resolution Officer (DRO) positions is utilizing a similar model.

⁴² The IAD has provided DRS with a number of timely reports, including: *Alternative Dispute Resolution Pilot Project of the Immigration Appeal Division: Pilot Project Final Report* (“Pilot Final Report”); and, *Assessing Efficiency, Effectiveness and Quality: An Evaluation of the ADR Program of the Immigration Appeal Division of the Immigration and Refugee Board: Final Report*. March 2002. Prepared by Leslie H. Macleod & Associates (“Macleod Report”). Also note that CIC conducted its own evaluation of the IAD’s ADR program from the perspective of Minister’s counsels (MCs): *Evaluation of CIC’s Participation in IAD’s ADR Process*. April 27, 2001. Submitted by Jamieson, Beals, Lalonde & Associates (“Beal Report”).

⁴³ Neither the Pilot Final Report nor the Macleod Report specifically evaluated cost savings to the IAD. However, the evidence supports the contention that significant cost avoidance has been achieved through this ADR program. For example, in a 2-month period since the completion of the pilot project, the IAD only had 1 DRO conducting mediations. She dealt with 93 appeals and achieved a 70% resolution rate. If one employs a similar approach to that being used by the CHRT, one can readily see that a significant reduction in costs to the IAD has been achieved. The problem is that the IAD itself has not carried out a detailed cost savings analysis. This is unfortunate since the circumstantial evidence clearly supports significant cost savings to the IAD as a result of its ADR program. The Beal Report did not specifically evaluate cost savings to CIC in participating in IAD ADR program. To the extent that ADR demonstrated that a noticeable edge over litigation in terms of the MC effort involved, one can argue that, while not quantified, this has positive cost savings implications for CIC. 100% of MCs surveyed in Final Pilot Report indicated that resolving cases through ADR saved the Minister resources. With respect to timesavings, the IAD and CIC evaluations were consistent in finding that the ADR program achieved significant savings in terms of processing time (ADR – 6.26 months; litigation – 7.85 months).

⁴⁴ Both the Pilot Final Report and the Macleod Report found very high levels of party (appellants; appellants’ counsel; and, MCs) satisfaction with the IAD ADR program in terms of: the fairness of the mediation process; recommending IAD ADR to other appellants; and, comparing to the adjudicative process. The Beal Report did not address this.

⁴⁵ The Pilot project was in the Toronto IAD Office. The IAD has expanded the DRO program to Vancouver, Montreal and Winnipeg (?).

⁴⁶ IAD ADR program has been nominated for the gold medal TB award.

⁴⁷ A formal evaluation of the ADR initiative has not been undertaken. However, an independent contractor was retained to provide the NEB with a report that evaluated the opportunities for ADR at the NEB and to develop an ADR model for the NEB: *National Energy Board Appropriate Dispute Resolution Program*. June 6, 2002. Presented by Certus Strategies.

⁴⁸ Although there have been no mediations conducted since the NEB’s DR project commenced in 1999, one landowner objection that had been scheduled for mediation in St. John resolved at the “mediation steps.” Another case settled before the scheduled mediation. The NEB estimated the cost savings to the organization in avoiding these hearings at approximately \$25,000. The NEB has not tracked timesavings, but there are obvious timesavings to the Board and the parties in resolving landowner objections and other disputes at the NEB prior to hearing.

⁴⁹ A Participant Survey Form has been developed for use in future mediations. Since no mediations have taken place, party satisfaction cannot be measured at this point in the NEB’s DR initiatives. There is evidence that stakeholders wanted alternative options to be available for NEB disputes v. the traditional hearing process.

⁵⁰ An independent contractor was retained to provide the NEB with a report that evaluated the opportunities for ADR at the NEB and to develop an ADR model for the NEB: *National Energy Board Appropriate Dispute Resolution Program*. June 6, 2002. Presented by Certus Strategies. The principal outcome of the DR project has been the development of a NEB Practice Direction: *Appropriate Dispute Resolution Guidelines – July 2003*. In addition, the NEB has created and filled the position of ADR coordinator.

⁵¹ A major review and report with recommendations was completed: *Report on the Roles of Victims in Parole Proceedings*. May 2002. Prepared by Gerry Stobo.

⁵² Moreover, this result was not measurable for this type of DR project.

⁵³ Consultant interviewed more than 20 key stakeholders, including victim's rights advocates. As the report indicates, since 2001, victims have had the opportunity to appear at NPB hearings and read prepared statements. While some feel this is not enough, "[m]any found the experience a cathartic one, allowing for a measure of closure and healing."

⁵⁴ NPB has undertaken a number of DR initiatives, including conflict resolution skills training for NPB members to address situations that may arise when victims reading statements at hearings.

⁵⁵ The NPB projects may serve as models/catalysts for other restorative justice initiatives such as those in the CSC context and the Office of the Correctional Investigator.

⁵⁶ The NPB's Performance Measurement department is currently undertaking an evaluation of the Effective Corrections/Citizenship Engagement funds and a portion of this evaluation will incorporate Community-Assisted Hearings (CAHs). This evaluation is scheduled to be completed in December 2003. Having said this, evaluations of the pilot projects in the Atlantic and Prairie regions have been completed (not for BC since no CAHs conducted to date):

National Parole Board Community Assisted Hearing Information Project Final Report. March 29, 2002. Prepared by Noel Milliea; *National Parole Board – Prairie Region Evaluation: Community-Assisted Hearings*. March 2002.

⁵⁷ Difficult to assess the performance of CAHs on these measures. In the short run, CAHs will invariably cost the NPB more in terms of both time and cost given the need to conduct the parole hearings in the community. However, one can argue that, in the long run, a successful CAH will serve to reduce costs and save time for the NPB if the offender is successfully paroled into his community. In the Prairie region, for example, of the 9 CAHs held at that point, 6 of the parolees were doing well (i.e. parole not revoked). One would, of course, have to compare these results to those occurring where offender eligible for CAH, but CAHs not being held.

⁵⁸ As the Prairie region Evaluation highlights, consensus is that CAHs provide quality decisions and result in higher satisfaction for all parties (offender, victim, and community). As reported in the Prairie evaluation: "The emotional impact of CAHs cannot be measured in financial or statistical terms, but it is clearly seen as positive and powerful."

⁵⁹ For example, NPB consultations were held with aboriginal communities in February and March 2002 in the Pacific Region to ascertain the level of support for CAHs. The cost of these workshops far exceeded the monies obtained through the DR Fund, which serves to emphasize the NPB's commitment to this process. The consensus from the 3 workshops was that aboriginal communities in the Pacific Region are very much in favour of CAHs. While no CAHs have been held to date in the Pacific Region, the NPB is maintaining the dialogue in order to prepare the NPB and the communities for an eventual CAH.

⁶⁰ CAHs reflect, *inter alia*, the principles of the *Gladue* decision. CAHs provide a unique forum to learn valuable lessons related to restorative justice from the perspective of aboriginal communities.

⁶¹ While the funding was approved, the PMPRB's Executive Director reported that it was unnecessary for the PMPRB to request the funds through Supplementary Estimates.

⁶² Given the PMPRB's decision not to access the funds available through the DR Fund, there would appear to be no requirement for it to provide DRS with an evaluation. Nevertheless, the PMPRB has shared with DRS information pertaining to its DR initiatives.

⁶³ Following a recommendation from CAC, in June 2000, PMPRB established a Case Management Committee to assess the status of every DIN under review. The Committee assists with earlier identification of issues in dispute, and has contributed to improvements in the timeliness for the completion of the price review process. No data available re cost savings.

⁶⁴ Improvements to the transparency of the price review process have resulted in greater stakeholder satisfaction: *Environmental Scan and Performance Evaluation for the Patented Medicine Prices Review Board*. 2001. Prepared by BDO Dunwoody & Associates Ltd.

⁶⁵ Creation of Case Management Committee and acting on recommendations re increased transparency of price review process.

⁶⁶ Re the improvements to the PMPRB's consultation and communications policies.

⁶⁷ *PSC Early Intervention in Appeals A Viable Program in the Making: An Evaluation Carried Out for the Recourse Branch of the Public Service Commission*. March 31, 2000. Pierre LeBlanc, Senior Associate, Concorde Inc.

⁶⁸ Evaluation found considerable timesavings to the PSC re early intervention program. No hard data to demonstrate that project resulted in cost savings to PSC.

⁶⁹ E.g. 54% of survey respondents indicated that the EI process was "very beneficial" and 73% felt that the EI project had been a success.

⁷⁰ In 2000-01, the Recourse Branch incorporated the Early Intervention in Appeals Program into its business lines. A successful pilot in the Atlantic region led the PSC to implement the program on a national level beginning in the fall of 2001. The program has been expanded through proactive promotion (website, electronic newsletters, letters to organization heads, regular presentations, etc.).

⁷¹ Success of program has high potential for other organizations in process of designing or revamping their respective early intervention programs.

⁷² \$44,100 for training and \$92,500 for production of mediation training video/DVD.

⁷³ *Negotiating Solutions to Workplace Conflict: An Evaluation of the Public Service Staff Relations Board Pilot Grievance Project*. Final Report. March 2001. Prepared by Ellen Zweibel, Julie Macfarlane, and John Manwaring.

⁷⁴ DRS has requested information from the PSSRB to assess whether this result has been achieved. This data has not been provided to date.

⁷⁵ *Public Service Staff Relations Board Client Satisfaction Survey 2001*. January 2002. Prepared by Consulting and Audit Canada CAC. Very high levels of party satisfaction re mediation process, settlement outcomes, and enhancement of relationships.

⁷⁶ A formal evaluation has not been submitted to DRS. However, a number of assessments of the program have been completed by ADRsportRED to date. For example: *ADRSPORTRED Report on the Major Games Team Selection Cases*. September 10, 2002. Prepared by ADRSPORTRED Steering Committee; *Interim ADR Program ADR-SPORT-RED Summary Report for CCES*. May 30, 2003. Prepared by Benoit Girardin, Executive Director.

⁷⁷ ADRsportRED has invariably cost money in the short run as an entirely new arbitration system has been established to handle sports disputes that have exhausted internal appeal mechanisms. ADRsportRED has been tracking these costs and time associated with its arbitration cases. One would need to compare the costs and time involved in arbitrating these cases under the new system to the costs and time involved in litigating these cases by the traditional processes.

⁷⁸ Those involved in the formation of ADRsportRED, and those athletes who have taken part in the new process recognize the need for and value of this new approach.

⁷⁹ Creation of ADRsportsRED was first temporary step leading to permanently established center for sports disputes: *Physical Activity and Sport Act*, Bill C-12, not yet in force.

⁸⁰ DRS has been advised that CFIA is in the process of preparing an assessment report.

⁸¹ *Final Report on the Mediation Pilot Project: An Evaluation of the Pre-Investigation Mediation Project*. February 12, 2001.

⁸² For example, the processing time for successful resolution of cases through mediation was 3 months v. 23-25 months for full investigation. During 1996-1998, average 9.6 months to process complaints; average time in mediation during evaluation period was 3.8 months. No hard data has been provided to definitively state that the mediation pilot program resulted in cost savings to the CHRC.

⁸³ Evaluation conclusion: "The Commission introduced mediation on a pilot project basis based on a need to improve client services. This evaluation study has revealed strong indicators that mediation has in fact achieved high customer satisfaction ratings with the Commission's services." 87% of survey respondents stated that they would want to participate in CHRC mediation process if involved in CHRC complaint in future. 71% indicated that they were generally satisfied with the CHRC mediation process.

⁸⁴ Following on the success of its mediation pilot project, the CHRC has fully integrated mediation as an integral component of the CHRC complaint process and has recently created an ADRS Branch dedicated to ADR services.

⁸⁵ Undertaken to provide evaluation report in September 2003.

⁸⁶ May assist other organizations that have an investigative/ombudsman role to play.

⁸⁷ No documentation has been provided to DRS notwithstanding letter from DM.

⁸⁸ *The Use of Alternative Dispute Resolution Processes, Approaches and Techniques in the Complaints Resolution Process*. January 2002. Prepared by RCMP Public Complaints Commission's DR Design Team.

⁸⁹ DRS is awaiting further data from the RCMP Public Complaints Commission.

⁹⁰ The RCMP Public Complaints Commission's 'Service to the Public' initiative would be useful as a model for other organizations that are seeking to create ways of resolving complaints at the front lines through early intervention initiatives.

⁹¹ No formal evaluation has been provided, however, the CEAA has provided an assessment report (*CEAA Dispute Resolution Process Assessment Preliminary Report*. March 28, 2002. Submitted by Terry S. Neiman) and associated documentation to DRS.

⁹² Should be noted that CEAA does not perform a regulatory function. Therefore, not a rights-based process with decision-making role. It is responsible for assisting others in building capacity re the environmental assessment process and, where requested to do so, can assist parties in building consensus and resolving disputes.

⁹³ Neiman's interviews with key stakeholders found widespread support for use of mediation to resolve disputes on specific projects and to resolve environmental assessment process issues that are not project specific. In 2001, CEAA funded a successful mediation and in 2002-03, the Facilitation and DR Manager was consulted in 10 different cases to provide facilitation services/guidance to parties. Participants in the CEAA's DR training program have indicated high levels of satisfaction with the training.

⁹⁴ Recent amendments to the *Canadian Environmental Assessment Act* anticipated to result in greater DR role for CEAA. Subsection 63(2) In carrying out its objectives, the Agency may... (f) assist parties in building consensus and resolving disputes. See, also, *Towards Establishing and Alternative Dispute Resolution Strategy for the Canadian Environmental Assessment Agency*. December 21, 2000.

⁹⁵ E.g. CEAA DR training program began as internal training program. In 2002-2003, began providing DR training to external clients across the country (8 courses offered last year). Focus Group Workshop for key stakeholder reps held in 2000 to examine ways that ADR could be utilized in environmental assessment process and barriers to use. Similarly, for those organizations contemplating the creation of a DR specialist position, CEAA may serve as a useful model.

⁹⁶ Pilot project is being launched this year. CIDA has provided DRS with an interim assessment of its DR initiative: *Contracting Dispute Prevention and Resolution Initiative at CIDA: Report to DOJ*. March 2002. CIDA has contracted with Consulting and Audit Canada (CAC) to establish an evaluation framework and to undertake data gathering and analysis. The evaluation is to be two-pronged: first, evaluate the success of the DR pilot (lessons learned are being documented and tracked re DR and DP); and, secondly, track and measure the results of the DR learning by pilot unit participants (through participant surveys).

⁹⁷ CIDA has placed a high priority on monitoring and evaluation. Contracting with CAC to assist with its evaluation work highlights this commitment. CIDA expects that its dispute prevention/dispute resolution pilot will result in time and costs savings.

⁹⁸ Vast majority of participants in the DR training sessions (56 staff and 30 from external partners) rated the training as very/extremely useful. DR Team has been proactively consulting with external stakeholders in the design of the DR initiative. External stakeholders showing positive support for the DR initiative.

⁹⁹ CIDA has completed its DR model and is now in the process of undertaking its pilot project. It is anticipated that the DR pilot will foster increased focus on dispute prevention and dispute resolution in carrying out CIDA's functions.

¹⁰⁰ CIDA is committed to sharing lessons learned with other organizations that are involved in contractual disputes. In addition, CIDA has identified linkages with other organizations to share best practices as one of the keys to the success of its DR initiative.

¹⁰¹ The RCMP has advised DRS that it is committed to pursuing an appropriate approach towards assessment and evaluation of the interest-based negotiation learning tools and their value-added to the RCMP's ADR program.

¹⁰² While 1000 copies of the CD-ROM have been distributed to ADR coordinators and regional/divisional training units within the RCMP, who reportedly view the CD-ROM as a valuable tool for IBN training, no survey data has been provided as to the value of the product by the actual learners/users.

¹⁰³ DRS has been informed that the position of Director of ADR has recently been filled after a lengthy vacancy.

¹⁰⁴ This was designed to be a partnership initiative of the RCMP, DND, and CCRA. Each organization committed financial resources to the project. The partnership disbanded before a formal evaluation of the project was conducted. In addition, the RCMP has informed DRS that, to date, the web-based version of the product has not been loaded on the RCMP internal network due to technological and process issues. Having said this, the potential benefits of an effective interactive CD-ROM DR training device for employees has enormous potential vis -à-vis the costs associated with ongoing training requirements, etc.

¹⁰⁵ *A Pilot Project on Interest Based Negotiation Within the Royal Canadian Mounted Police*. August 2000. Jennifer Strachan.

¹⁰⁶ DRS has requested this data from the RCMP's ADR coordinator of "E" Division.

¹⁰⁷ High % of survey participants: felt interest-based negotiation (IBN) training a necessity; subsequently used the learned skills in subsequent workplace conflict situations; indicated a need for IBN training in the RCMP.

¹⁰⁸ While a formal evaluation has not been provided, DRS has been provided with an overview and assessment of the DR project.

¹⁰⁹ Negotiation training was provided to negotiators to enhance their skills. The Directorate attributes the cost and timesaving achieved by its negotiators in part to the DR training undertaken in phases I and II of its project.

¹¹⁰ The Directorate reports that one of the outcomes of the training has been an improvement in relations that comes from having qualified and well-trained employees interact in negotiations on a level playing field with their counterparts in other tax administrations.

¹¹¹ The Directorate expects a further reduction in the average length of negotiations following the completion of enhanced negotiation skills training (phases III and IV). The Directorate also plans to develop and publish a CASD charter on how to conduct principled negotiations with Canada's treaty partners.

¹¹² Given the specialized field in which the Directorate operates, its DR initiatives may have limited application for other organizations. Having said this, there may be opportunities to share best practices on principled negotiations theory and practice.

¹¹³ It is important to note that, while approval was granted for DR funding for this project, CCRA Scientific Research and Experimental Development Branch never received the monies from TB. Nevertheless, CCRA Scientific Research and Experimental Development Branch recognized the value of the project and decided to carry through with it entirely out of its own budget.

¹¹⁴ *Compliance Programs Branch SR&ED Mediation Pilot Project – Status Report*. May 14, 2003. CCRA Scientific Research and Experimental Development Directorate.

¹¹⁵ Draft ADR Procedural Protocol completed. Pilot design completed. Pilot not tested to date since no mediation has taken place. Plan is to identify suitable case for mediation, pilot the mediation, and then evaluate.

¹¹⁶ *ADR Options for Resolving Refusals of Visa Applications in the Independent Category. A Report to Citizenship and Immigration Canada*. Final Report. April 2002. Prepared by Leslie H. Macleod & Associates.

¹¹⁷ Despite significant concerns voiced by the CBA and other external stakeholders about the new leave requirement for judicial review re visa applications and the need for ADR processes, to date, CIC has not implemented any of the Macleod recommendations.

¹¹⁸ One of the recommendations of the Macleod report is that CIC should establish an Office of Dispute Resolution that would be a visible sign of CIC's commitment to ADR.

¹¹⁹ The creation of an Office of Dispute Management would serve to link CIC with other organizations such as CCRA and Parks Canada for the sharing of best practices, etc. re their respective ODMs.

¹²⁰ An evaluation framework was developed: *Restorative Justice and Alternative Dispute Resolution Strategy – Evaluation Framework*. January 2000. As well, an evaluation has been completed: *Evaluation Report*. February 2001. National Steering Committee on Restorative Justice and Dispute Resolution.

¹²¹ While no stats have been provided re time and cost savings to CSC, there have been a number of pilot projects that have demonstrated positive performance outcomes. For example, the Ontario region ADR project resulted in a decrease in staff grievances by 30% from 1998/99 to 99/00. As at May 2000, the Quebec Inmate ADR Project had achieved 162 resolutions of inmate complaints.

¹²² For example, in the 'Making Things Right' pilot, 6 pilot sessions were held with 57 offenders. One outcome was a high level of willingness to participate in restorative justice principles.

¹²³ For example, the Pacific region is considering implementing the 'Making Things Right' Project that was piloted in the Prairie region. Re the 'Curriculum Project,' positive responses from both trainers and participants re training package. CSC staff were pilot organization for PSC Recourse Branch's Early Intervention Initiative re staffing appeals. Re the Prairie region Peer Mediation Project, one outcome has been the employment of a full-time peer mediation coordinator. See, also, the *Results of the Self-Assessment Survey*. National Steering Committee on Restorative Justice and Dispute Resolution.

¹²⁴ For example, the CSC Restorative Justice Coalition Symposium had result of expanding restorative justice coalitions nationally.

¹²⁵ CSC has completed an evaluation framework for this project: *Evaluation Framework Restorative Justice Grande Cache Institution*. DRS has requested an assessment/evaluation report re this project.

¹²⁶ The aim of the pilot was to create a portable model for use by other federal penal institutions.

¹²⁷ The design phase was completed with the publication of *Guidelines for Negotiating and Monitoring Environmental Protection Alternative Measures Agreements under the Canadian Environmental Protection Act, 1999*.

Environment Canada committed to providing an "Alternative Measures Program Evaluation Report of the effectiveness of the program" to DRS. To date, despite requests, the evaluation has not been provided.

¹²⁸ To date, no cases have been mediated. Environment Canada has prepared a best practices guide: *Draft Best Practices Guideline for Federal Departments and Agencies on Dispute Resolution Processes for the Management of Federal Contaminated Sites*. Final Report. March 27, 2002. Prepared by LJM Environmental Consulting.

¹²⁹ Would be beneficial to share best practices with other organizations, e.g. PWGSC, re contracting and procurement procedures.

¹³⁰ *Executive Report of Work Completed to Evaluate Dispute Resolution Opportunities in Relation to Responsible Fishing Operations*. March 2001. Submitted by Aquaprojects Inc.

¹³¹ *Appropriate Dispute Resolution Project Report*. April 29, 2002. Submitted by Health Products and Food Branch (HPFB) Office of Regulatory and International Affairs. HPFB will provide a formal evaluation report at completion of the project.

¹³² HPFB contracted with COMPAS Inc. to carry out an on-line survey of stakeholder satisfaction with HPFB's dispute resolution activities over the past 5 years. 320 surveys were completed. Responses to the survey indicated general dissatisfaction with the HPFB's DR processes and outcomes. 25% identified lack of timeliness as the factor they like least about HPFB DR. *Summary of Results: Dispute Resolution (DR) Stakeholder Survey*. Health Products and Food Branch.

¹³³ Ibid.

¹³⁴ There was a surplus of \$10,000 that was used to purchase additional resources for the Health Canada Learning Centre Library.

¹³⁵ *Evaluation Report for Mediation Skills Training Program*, March 1-12, 1999.

¹³⁶ High level of participant satisfaction.

¹³⁷ Development of standard Agreement to Mediate. However, Health Canada sought further funding for more training and standardized documentation (e.g. Code of Ethics).

¹³⁸ There are a number of organizations, such as the Federal Centre for Conflict Management, that can provide organizations with DR training.

¹³⁹ *Technical Evaluation of the Canada Pension Plan Disability Dispute Resolution Project – Regional Pilots*. August 2000. Prepared by CPP Disability DR Project Program Policy and Planning Directorate and Goss Gilroy Inc.

¹⁴⁰ The evidence was mixed re speed of service. In two of the pilot centers, the speed of service was slower in the 6-month pilot testing period than the six-month pre-pilot period. In one of the centers, the speed of service increased during the pilot period. The evidence was not conflicting re appeal rates at the reconsideration level where a decrease was found at all three pilot locations (Chatham – 15%; Newfoundland – 35%; Manitoba – 50%). One of the evaluation conclusions was: “The pilot results may be interpreted in two ways in terms of efficiency: 1) speed of service slowed down in two sites; 2) however, the appeal rates decreased at all three sites even though nationally the rates increased for the same comparison period. Therefore, in the longer term, the direct contact may prove to be a more efficient and less costly process with fewer appeals.”

¹⁴¹ Over 85% of clients granted benefits and over 35% of clients denied benefits felt that the direct contact had increased satisfaction.

¹⁴² Need to verify at source, but DRS understanding at this point is that HRDC has now rolled this out nationally and is part of standard operating procedures.

¹⁴³ HRDC has advised DRS that an evaluation was scheduled to commence at the end of August 2003.

¹⁴⁴ Some evidence from the telephone survey that respondents have found the mediation process to be timely and cost effective, but no data re cost/time savings for HRDC.

¹⁴⁵ The only evaluation that DRS has been provided with to date is: *HRDC – Labour Program Mediation Pilot Project Unjust Dismissal Complaints under the Canada Labour Code Final Results From The Telephone Survey*. Azzah Jeena of CAN Research International. This was a telephone survey of all 55 participants who participated in the HRDC unjust dismissal mediation pilot program. Responses from 33 participants. The results of this survey were mixed. While the majority of respondents indicated that they would recommend mediation in the future, a significant number of respondents were not satisfied with the settlements reached (mix of employees and employers).

¹⁴⁶ Although DRS needs further information to make a definitive assessment, one can surmise that this result has been achieved since the mediation pilot program has been fully integrated into the operations of HRDC.

¹⁴⁷ *Evaluation Results – Harassment Policy Awareness Sessions – N.B. Region* (Nov. 1998 to March 1999). May 31, 1999.

¹⁴⁸ Out of a total of 459 evaluations received, the overall satisfaction level of the training participants was “very satisfied.”

¹⁴⁹ A regional working group with representation from both management and union has been formed to review internal harassment policy and bring forward appropriate changes. Regional staff relations consultant working on developing an ADR process to be used at the local level.

¹⁵⁰ Joint union-management design and presentation of harassment training to employees. Would be useful model for other organizations wishing to develop and deliver joint union-management harassment training to employees.

¹⁵¹ DRS has been advised that an evaluation was to be conducted in July 2003 and a report to follow.

¹⁵² To date, DRS has been provided with a document entitled *Exploratory Dialogues: Summary Notes*. June 21-23, 1999. Distributed at Toronto ‘Wrap Up’ Dialogue.

¹⁵³ The 2-year pilot project will be concluded on November 12, 2003. PWGSC has informed DRS that an evaluation of the project will be conducted in December 2004.

¹⁵⁴ In the first 15 months of the pilot, no disputes have arisen that have required the use of mediation and/or arbitration for resolution.

¹⁵⁵ Total of 247 employees received DR training. No evaluations of these training sessions have been provided to DRS.

¹⁵⁶ The pilot project will be completed soon and PWGSC will determine whether to carry forward with further DR initiatives.

¹⁵⁷ Linkage with other federal organizations that deal with contracting disputes. PWGSC has designed a DR model for contracting disputes that may be very useful for other organizations.

¹⁵⁸ *Canada Customs and Revenue Agency Dispute Resolution System Monitoring Report Fiscal Year 2001-2002*. August 2002. Office of Dispute Management CCRA. CCRA has also developed an evaluation framework: *Evaluation Framework of the Dispute Resolution System of the Canada Customs and Revenue Agency*. Revised July 2000.

¹⁵⁹ Demonstrated reductions in costs and increased timesaving. With respect to costs, CCRA data reveals considerable cost savings to the organization through use of interest-based processes v. rights-based processes. In terms of timeliness, focus group survey results indicate that employees felt that the system allows for the resolution of disputes within a reasonable time.

¹⁶⁰ Feedback from users of the CCRA mediator network indicates an exceptionally high level of satisfaction regarding the process and the mediators and would recommend the use of mediation for workplace conflict.

¹⁶¹ For example, network of Alternative Dispute Resolution Advisors (ADRAs) (13 currently with additional 13 to be appointed), roster of internal mediators, Dr training to over 28,000 employees, etc.

¹⁶² While no formal evaluation has been completed, the DFO Early Conflict Resolution Office does track its stats: *Data On the Use of ECR Services*. Fisheries and Oceans Canada Early Conflict Resolution Office.

¹⁶³ Considerable cost savings to DFO have been demonstrated. For example, for fiscal year 1999-2000, cost avoidance to DFO = \$1.7million (based on successful interventions avoiding grievances @\$5,300 and PSC/CHR complaints @\$32,300 with 50/50 split). While no data provided re timesavings to DFO, implicit in the number of interventions that resulted in successful settlements early in the life of the disputes.

¹⁶⁴ Very high % of client satisfaction in terms of overall perception of the ECR Office, effectiveness of ECR interventions, awareness of ECR processes; and, effectiveness of skills building training.

¹⁶⁵ Significant increase in use of ECR Office by employees, management and unions.

¹⁶⁶ Based on the results provided, DFO ECR Office should serve as a model for other organizations.

¹⁶⁷ While there was no evaluation of the actual DR training project funded through the DR Fund, Veterans Affairs Office of Conflict Resolution subsequently had an assessment prepared: *Conflict Resolution and Harassment Prevention – A Report of 7 Workshops During March 2000 for Veterans Affairs Canada Staff in Charlottetown, Prince Edward Island*. May 2000. Prepared by Julie Devon Dodd (the Dodd Report).

¹⁶⁸ While the Office of Conflict Resolution has reported a very high settlement rate via mediation from 1993-2003, there is no data available re cost/time savings to Veterans Affairs in having and utilizing the services of its Office of Conflict Resolution. As the Dodd Report found, employees reported concerns about the lack of statistics about the number of complaints, resolutions and settlements. The Office of Conflict Resolution does not track this data.

¹⁶⁹ The Office of Conflict Resolution has not tracked client satisfaction with the mediation, etc. processes of the Office.

¹⁷⁰ One way that this has been demonstrated is that Veterans Affairs conducted mandatory conflict resolution and harassment prevention workshops. During March 2000, 113 employees from the Charlottetown offices attended one of seven workshops.

¹⁷¹ Both Veterans Affairs as a whole, and its Office of Conflict Resolution can learn a great deal through linkages with larger federal departments/agencies that have established offices of conflict resolution (e.g. DFO, CCRA).

¹⁷² Parks Canada has completed an excellent evaluation framework document: *Alternative Dispute Resolution Program Evaluation Framework*. February 2003. Performance, Audit and Review Group Strategy and Plans. Five pilot projects will run until April 2004, at which point independent evaluations of the pilot projects will be undertaken to determine if and when to roll-out nationally.