

BACKGROUND

Dispute Resolution

Health Canada's Health Products and Food Branch (HPFB) is committed to increasing the range and flexibility of options available to prevent and resolve disputes with stakeholders, while continuing to put the health and safety of Canadians first.

Dispute resolution (DR) is now common practice in other federal departments and in the private sector. Creating new options for dispute resolution is one of a series of good business practices being adopted by the Branch. These options will be appropriate to the nature of each dispute, and enhance predictability, consistency and transparency across the Branch.

Health Canada and HPFB are committed to meaningful stakeholder involvement in developing and adopting dispute resolution processes and procedures. Health professionals, industry, public interest groups, and the general public all play an important role in health protection and all are encouraged to participate as we move forward.

What is dispute resolution?

HPFB defines dispute resolution as the full range of options for preventing and resolving conflicts. These options include less costly, more informal measures such as negotiation and mediation in which parties maintain responsibility for resolving their conflict, through to more costly, formal, rights-based mechanisms such as litigation, in which the parties pass control over the dispute and its outcome to a judge or arbitrator.

Since conflicts vary greatly, there is no one-size-fits-all solution to deal with them. With DR, the process used to resolve the conflict can be selected based on the needs of each situation.

Stakeholder survey

Last year, the HPFB took the first steps towards improving the way it handles disputes related to regulatory decisions and actions. One of these was to commission an online survey targeted to industry, industry associations, and consumer and public interest groups who had dealings with the Branch in the past five years. They were asked to give their perspective on the sources and types of disputes, their level of satisfaction with the current dispute resolution processes, and other related matters.

Among a variety of issues, respondents told us that they are generally uninformed on the dispute resolution mechanisms available to them. Our

intent with this consultation -- and with the DR project as a whole -- is to take steps to better communicate with stakeholders about the range of DR mechanisms available and about the decision-making process itself.

The survey results also showed a strong reliance on informal negotiations and discussions for dispute resolution. We will work towards increasing the range of both formal and informal mechanisms to deal more effectively with disputes.

Next steps

Going forward, we will take the time to build on the survey results, and will work with stakeholders to implement service standard improvements and dispute resolution mechanisms for preventing and resolving disputes effectively and efficiently.

For further information please contact the following persons:

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