



## Adjudication-mediation agreement

### Case details:

Complainant(s) name:

Respondent(s) name:

Party filling out this agreement:

Tribunal file(s) number(s)\*:

\*Include this number when contacting the Tribunal about your case

1. The Parties to the complaint(s) have agreed to try to resolve some or all issues in the complaint(s) by adjudication-mediation.
2. We understand that participation in adjudication-mediation is voluntary and that the adjudication-mediation will not proceed without all Parties' consent.
3. We agree to attend and participate in the adjudication-mediation session. We agree that we, and those who attend the mediation with us, will respect the process and be courteous to all participants. We agree to make a sincere attempt to discuss all issues fairly and in good faith. We agree that the Parties, or their representatives, have the authority to make a binding agreement.
4. We understand that a Tribunal member will conduct the mediation. We agree that if the Parties are unable to resolve the complaint through mediation, the Tribunal member who conducted the mediation will continue with case management,

conduct the hearing and adjudicate the complaint. Neither Party may request that the Tribunal member recuse themselves based on anything that occurred during the mediation.

5. The Tribunal member conducting the adjudication-mediation may meet separately with the Parties during the mediation portion of the process.
6. Where the Parties do not reach an agreement or the Tribunal member determines that the mediation will not be successful, the complaint will proceed to hearing. If further mediation is attempted after the matter proceeds to hearing, this agreement will also apply to such discussions.
7. Pursuant to section 48(1) of the *Canadian Human Rights Act*, if a settlement is reached before the commencement of a hearing before the Tribunal, the terms of the settlement shall be referred to the Canadian Human Rights Commission for approval or rejection.
8. If the complaint proceeds to adjudication, the mediator-adjudicator will not consider statements made or documents provided during the mediation unless they also form part of the evidence in the hearing. The decision will be based entirely on the evidence, submissions and case law presented during the hearing.
9. We understand and agree that mediation is a confidential process. Parties may not use documents provided by another Party solely for the purposes of the mediation in evidence before the Tribunal or in any other civil proceeding. Parties may not record the mediation. Statements made during the mediation are without prejudice.
10. We understand that the mediator-adjudicator is not compellable as a witness before the Tribunal or in any other civil proceeding and that the mediator-adjudicator's notes or records are inadmissible before the Tribunal or any other civil proceeding.
11. The Parties will not bring any claim against the Tribunal, its members, including the mediator, any employees of the Administrative Tribunals Support Service of Canada or His Majesty in right of Canada, for any act or omission in

connection with the mediation.

## **Videoconferencing**

12. Parties who agree to participate in mediation by videoconference using the Zoom software platform or a similar program, accept the risks associated with web-based video communication. These may include the risk that the confidentiality of communication could be compromised.
13. The Tribunal notes that public videoconference applications are not recognized by the Government of Canada as a secure channel to discuss protected information.

The Tribunal will mitigate the risks associated with mediations conducted by videoconference by doing the following:

- Disabling the ability to record the session;
  - Enabling a “waiting room” which allows the Tribunal mediator to only admit individuals who have confirmed their participation at the mediation;
  - Locking the room after all participants have joined the mediation;
  - Assigning a unique meeting identifier with password protection; and
  - Not requiring personal emails to access the application.
14. The execution and delivery of this Adjudication-Mediation Agreement by the Parties confirms their acknowledgement and acceptance of these risks.

## **Electronic signatures or other method**

15. In the event that Parties are not able to provide signatures by hardcopy in part 17, the Tribunal will accept one of the following:
  - A scanned copy of the Party’s signature sent to the Tribunal by email; or
  - Forwarding the Tribunal’s email containing this Adjudication-Mediation Agreement to the Tribunal with the body of the email including the name and Party/role and the wording (or similar): “By forwarding this email I am hereby electronically signing the

referenced Mediation Agreement and confirming my agreement to be bound by its terms")

## Appearances

16. In the table on the next page please list everyone who will be with you at the mediation. To be sure we address everyone respectfully and correctly, please tell us:
- How to say each person's name. Here are some ways to do this:
    - Phonetically: Raul Gonzalez – **rah-OOL gon-SAH-les**
    - Sounds like: Ngoc Nguyen – nahk nuhWEN or sounds like **"knock" "win"**
    - Rhymes with: Anne Martin – **"Anne"** rhymes with **"man"**
    - Provide a link to an audio recording of the name
  - About their pronouns (they/them, he/him, she/her pronouns can be typed directly into the table below)
  - About their titles (Ms., Mr., Mx., Me titles can be typed directly into the table below)

## Signature

17. By signing below, the Parties agree to proceed with mediation based on the terms contained in this Adjudication-Mediation Agreement. Please include email addresses and telephone numbers that the mediator can contact you if ever there are technical difficulties during the mediation.

At: \_\_\_\_\_, \_\_\_\_\_ (Province)  
 \_\_\_\_\_ (City)  
 Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (dd mm yyyy)

Print name e.g. Mr. Raul Gonzalez <b>rah-OOL gon-SAH-les</b> he/him	Signature	Party/role*	Email address	Telephone number

\*For example: Complainant, Respondent, Complainant Representative, Respondent Representative, Commission Representative, Support Person for Complainant, Non-party participant from Organization X, etc.

**Ask for help:** If you have any trouble filling out this form, contact the Registry office by email at [registry.office@chrt-tcdp.gc.ca](mailto:registry.office@chrt-tcdp.gc.ca) or call 613-995-1707 (toll free: 1-844-899-3604).