

APPENDIX A CONFLICT RESOLUTION PROTOCOL

This Conflict Resolution Protocol applies to the contractual relationships entered into by the Province for the provision of services on behalf of the Ministry of Children and Family Development.

- It outlines the processes to be followed in resolving any disputes between the contractor and the Province in respect of the contract terms (except the periodic negotiation of funding levels, related service and availability of an appropriation).
- It is to be used instead of any other statutory right of appeal or review.
- It presumes that both parties effect a collaborative relationship, outlined in the Negotiation Protocol, which fosters teamwork to assure effective program delivery, service and care of clients. Discussion of potential problem areas and concerns during the process of negotiation, and in a timely manner during the contract period, is a preventative process that minimizes the potential for a dispute to arise.
- It anticipates a process that is:
 - local;
 - affordable; and
 - timely.

The parties agree that each of them must:

- a. make bona fide efforts to resolve any disputes arising between them by amicable negotiations, in accordance with the resolution process outlined herein;
- b. provide frank, candid and timely disclosure of all relevant facts, information and documents to facilitate those negotiations;
- c. make every effort to resolve disputes as quickly as possible, taking into consideration the particular circumstances and the time required to prepare detailed documentation, where necessary; and
- d. only resort to arbitration when all other means, including mediation, have been reasonably considered.

For the purposes of this three stage resolution process, each party must designate its "Official", for each stage, representing ascending order of decision-making authority for each party. The Stage Three Official must be the most Senior Executive Officer of each party. In the case of ministry, this must be the Deputy Minister or his/her designate.

STAGE ONE

- The designated Stage One Officials for each party meet ("Initial Meeting") to discuss and attempt to resolve the dispute.
- If there is no resolution within 15 calendar days of this meeting, the matter is referred to Stage Two.
- Step may be omitted or time periods adjusted by mutual agreement of both parties.

STAGE TWO

- The designated Stage Two Officials for each party meet ("Review Meeting") within 30 calendar days of the Initial Meeting to discuss and attempt to settle the conflicting positions of Stage One Officials.
- If there is no resolution within five calendar days of the Review Meeting, the matter is referred to Stage Three. Each official must provide a written summary to each Stage Three Official.
- Step may be omitted or time periods adjusted by mutual agreement of both parties.

STAGE THREE

- The designated Stage Three Officials for each party meet ("Final Meeting") within 50 calendar days of the Initial Meeting to discuss and attempt to settle the conflicting positions of Stage Two Officials.
- If there is no resolution within 10 calendar days of the Final Meeting, the matter is referred to the External Decision Process.
- Step may be omitted or time periods adjusted by mutual agreement of both parties.

EXTERNAL DECISION PROCESS

- In order to maintain the relationships that are essential to the contractual relationship, mediation is usually preferable to arbitration. A dispute cannot be referred to an arbitral process unless both parties (third Stage Officials) have met and determined that mediation cannot resolve or clarify the issues of the dispute. Unsuccessful mediation attempts will be referred to the arbitral process.
- A mediator must be selected by agreement of both parties, from a preapproved list of qualified mediators, maintained by the Mediate BC, unless the parties agree otherwise. Where the parties are unable to agree upon a mediator, within 30 days of the decision to mediate, a party may request Mediate BC appoint a mediator from the preapproved list of qualified mediators.

- When a mediator has been agreed on by the parties or appointed by Mediate BC, the parties must cooperate with the mediation process established by the mediator.
- Where a dispute is referred to an arbitral process, such disputes must be referred to and finally resolved by arbitration as determined under the provisions of the [Arbitration Act](#).
- There must be one arbitrator, unless agreed otherwise.
- The place of arbitration must be agreed on by the parties.
- Costs of either mediation or arbitration must be shared equally by each party.