

## MEDIATION

	<u>MEDIATION</u>	Section of Act	Policy (if any)	Related links (if any)
AB	N/A	N/A		
BC	<p>Since late 2003, as an alternative to an adjudicated outcome, the Board has offered referral of worker complaints of discriminatory action to mediation. The Board also offers mediation in the Vocational Rehabilitation process e.g. between worker and employer during the graduated return to work process.</p> <p>With respect to appeals, mediation is limited to discriminatory action appeals and appeals from classification decisions.</p>	<a href="#">Workers Compensation Act</a> (s. 96(9), 246(2)(g))	N/A	N/A
MB	The WCB may use mediation to resolve the dispute whether the employer has fulfilled his or her duties to re-employ workers.	<a href="#">Workers Compensation Act</a> (s. 49.3(12))		
NB	<p>There are no references to mediation in the Acts.</p> <p>WorkSafeNB's approach to using mediation to facilitate an injured worker's return to work with the accident employer is articulated through policy.</p>	No reference	<a href="#">Policy No. 21-414 Return to Work – Third Party Mediation</a>	
NL	<p>Mediation for Early and Safe Return to Work Requirements:</p> <p>The commission shall attempt to resolve the dispute through mediation and, if mediation is not successful, shall decide the matter within 60 days after receiving the notice or within the longer period that the commission may determine.</p> <p>Where mediation is provided under this section, the mediator shall not participate in a hearing or proceeding in relation to the subject of the mediation without the consent of the parties to the hearing or proceeding.</p>	<a href="#">Workplace Health, Safety and Compensation Act</a> (s. 89)	<p><a href="#">WHSCC - Policies and procedures:</a></p> <p>The Goal of Early &amp; Safe and the Roles of the Parties RE-02</p>	<a href="#">WHSCC - Policies and procedures:</a> RE-08, RE-13, Procedure 33.00, 44.00
NT/ NU	No provisions to cover mediation under the Acts.	No reference	N/A	N/A
NS	Nova Scotia has the Workers' Compensation Alternative Dispute Resolution Regulations which allows for a voluntary process of alternative dispute resolution for injuries that occurred prior to February 1, 1996.	<a href="#">Workers' Compensation Act</a> (s. 240, 255A)		
ON	The Board may provide mediation services in circumstances that it considers appropriate. Where the mediation relates to a worker's return to work or a labour market re-entry plan and if the mediation is unsuccessful, the matter is remitted back to the Board. Upon remittance, the Board is required to decide the matter within 60 days of receiving the notice of objection or such longer time as the Board permits. All discussions before the mediator are privileged. The mediator cannot participate in any application or proceeding relating to the matter that is the subject of mediation, unless the parties consent.	<a href="#">Workplace Safety and Insurance Act</a> (s. 40(7), 122)		
PE	N/A			

*Source: Association of Workers' Compensation Boards of Canada – 2011*

\*\*These tables have been designed for general information purposes only. The AWCBC makes no representations as to the completeness or accuracy of the information (which is not exhaustive) and individual workers' compensation boards/commissions should be contacted for specific or additional information and clarification. For links to legislation, see: [here](#). For links to policy, see: [here](#).

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QC	<p>The Occupational Injury Commission (OIC) offers the parties, workers and employers, the use of their conciliation service to settle their dispute. It is a simple, fast, voluntary, confidential process that can be interrupted at any time at the request of one of the parties.</p> <p>Thus, the OIC proposes to the parties to undertake a process conducted by a neutral person, the conciliator, to try and achieve a negotiated settlement, without a hearing. However, the agreement must be ratified by a commissioner, who ensures it is in conformity with the Act.</p> <p>If the parties are not interested in conciliation or cannot reach a satisfactory agreement, the OIC calls a hearing before a commissioner.</p>	<p><a href="#">Act respecting industrial accidents and occupational diseases</a> (chapter XII, division XVI)</p>		
SK	N/A			
YT	<p>There is no reference to mediation in Yukon legislation and there are no formal mediation practices. Informally, after an injured worker files an appeal, a Hearing Officer reviews the file to determine if the issue can be resolved before an appeal.</p>	N/A		

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