

5 Nature of the agreement

Make sure that the parties fully understand the terms and consequences of the agreement and that these terms and consequences correspond exactly to the parties wishes.

If the mediator is of the opinion that the agreement creates a clearly unbalanced situation for a given party or could give rise to injustice, that it is based on incomplete or false information, he must:

- inform the parties accordingly and, if he deems it necessary, suspend or put an end to the mediation;
- encourage the parties to make decisions based on appropriate and sufficient information;
- invite the parties to consult any resource person who can provide relevant expertise and explanations;
- refrain from countersigning any agreement that is contrary to the public order.

Rules of Ethics

6 Professional relations

In his relations with resource persons of other activity sectors, the mediator must show respect and encourage the parties to consult these persons, if necessary.

7 Application

The mediator is obliged to abide by these rules of ethics. It is up to each director of the regional offices to ensure their application as well as compliance with them.

In this document, the masculine form designates both women and men.
No discrimination is intended.

Copie française disponible sur demande.



C-0200-A (04-11)

**Commission
des normes
du travail**

Québec



Québec





1 Definition

Mediation is a conflict resolution method whereby a qualified and impartial third party helps the employee and employer in conflict to devise a viable solution that is to their mutual satisfaction.

2 Role of the mediator

The role of the mediator is to help the parties (the employee and the employer) to reach an agreement within the framework of the Act respecting labour standards and its regulations. To fill this role, he must:

- a) make sure that each party is informed of the goals, conditions and limits of the process;
- b) identify the needs of the parties, explore potential solutions, find common ground;
- c) help to devise an agreement based on free and enlightened consent.

3 Mediation contract

The parties are free to accept or refuse mediation. They define the terms of mediation with the mediator.

The mediator respects the decision of the parties to call on the resource persons of their choice provided that the contribution of such persons is conducive to the success of the mediation process.

The parties are free to withdraw from the mediation process at any time and for any reason whatsoever.

Moreover, the mediator must inform the parties that he can, if he deems it necessary, suspend or interrupt the mediation for reasons that may be prejudicial to the parties or tarnish his professional integrity.

The mediator must inform the parties of the existence of a pamphlet outlining the rules of ethics which he must follow and give them a copy of this pamphlet upon request.

4 Duties and responsibilities of the mediator

SKILLS

Maintain his knowledge and his professional skills to ensure that they correspond to the requirements of his work.

Limit himself to offering an expertise in the field of jurisdiction of the Commission des normes du travail.

IMPARTIALITY

At all times, act in an objective and impartial manner in the performance of his duties. The mediator must not give his opinion on the main issue of the case.

Make sure that the parties are able to take part in mediation. The mediator must interrupt or suspend mediation if continuing the process risks prejudicing one of the parties or if the parties show no real interest in getting involved in the mediation process.

Avoid, by his attitude or his interventions, influencing the parties, pressuring them (or one of them) to accept an agreement.

Refrain from intervening in a case where he might find himself in a conflict of interest situation.

Refrain from forging ties with either party that could call into question his professional judgment or impartiality.

FAIRNESS

Make sure that the mediation remains balanced by not allowing any form of intimidation or manipulation. Notwithstanding his duty to remain impartial, the mediator must not tolerate any injustice.

See to it that the parties have the opportunity to express themselves fully and to voice their concerns, while ensuring that the session unfolds smoothly.

Make sure that each party knows and understands the stakes of the options and of the agreement.

CONFIDENTIALITY

Inform the parties that the mediator must respect the confidentiality of the exchanges that take place during mediation but that he may be required to testify, before an arbitrator, about the existence or absence of an agreement.