

Consent and Request for Mediation-Adjudication

CONSENT AND REQUEST FOR MEDIATION-ADJUDICATION (“MED-ADJ”)

TO: Registrar, Canadian Human Rights Tribunal
160 Elgin Street, 11th Floor, Ottawa, Ontario, K1A 1J4
registrar-greffier@chrt-tcdp.gc.ca

Canadian Human Rights Tribunal (CHRT) file(s): _____

CHRT Member: _____

The parties to the above CHRT file attempted to resolve matters in dispute between them through mediation. Although the parties were not able to resolve their dispute, they request that the CHRT Member who mediated this file be assigned to adjudicate the matter.

The basis for the present request is that the parties believe the CHRT Member’s prior involvement in mediation will make adjudication more efficient and expeditious, while allowing for a thorough consideration of all the issues in dispute.

In requesting MED-ADJ, the parties understand and agree to the following terms:

1. Difference between mediation and adjudication

Mediation is an informal dispute resolution process where a mediator helps facilitate discussions between the parties in the hopes of reaching a settlement.

Adjudication is the formal legal process of deciding a case. Each party has the opportunity during a hearing to present their evidence and argument to an impartial third person, called an adjudicator (or CHRT Member), who then analyzes the evidence and argument and decides the matter.

In the CHRT MED-ADJ process, the CHRT Member who conducted the mediation becomes the adjudicator. As the process continues, and if the parties so wish, it is also possible for the CHRT Member to switch back to mediation, and then if need be, switch to adjudication again.

2. Confidential and/or privileged information disclosed during mediation

The parties are aware that confidential and/or privileged information may have been disclosed to the CHRT Member during mediation that they may not want brought forward during adjudication. While the disclosure of this information to the CHRT Member during mediation will not affect his or her ability to adjudicate this file fairly and impartially, the parties understand that the CHRT Member will, nonetheless, have knowledge of this information during adjudication (the hearing).

Any decision made by the CHRT Member concerning this file will be based on the evidence and argument presented during adjudication. The CHRT Member will not consider statements made or documents provided during the mediation when adjudicating and deciding this matter, unless they are entered as evidence during adjudication.

3. Parties not represented by a lawyer

Where a party is not represented by a lawyer, a Certificate of Independent Legal Advice (ILA) regarding this request for MED-ADJ, signed by a lawyer, must be appended to this form.

4. No request for CHRT Member to resign from adjudication

Once the parties request and consent to MED-ADJ, and the Chairperson of the Tribunal assigns the CHRT Member to hear the case, they cannot request that the CHRT Member resign from adjudication based upon anything that occurred during the mediation.

5. Fully informed and voluntary agreement to MED-ADJ

By signing below, each party fully understands the MED-ADJ process and its implications as detailed in this request form. The parties also acknowledge that their agreement as recorded in this request form was given voluntarily, without pressure or coercion from any other person, including the other parties or the CHRT Member.

6. Signature

After considering all of the above, the parties request that the CHRT Member mentioned above be assigned to conduct the adjudication in the present CHRT file.

Complainant(s)			
Print Name/Organization	Signature	Date	Representative
			<input type="checkbox"/> Lawyer Name: Firm: <input type="checkbox"/> No Lawyer, Certificate of ILA attached
			<input type="checkbox"/> Lawyer Name: Firm: <input type="checkbox"/> No Lawyer, Certificate of ILA attached
			<input type="checkbox"/> Lawyer

			Name: Firm: <input type="checkbox"/> No Lawyer, Certificate of ILA attached
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Respondent(s)			
Print Name/Organization	Signature	Date	Representative
			<input type="checkbox"/> Lawyer Name: Firm: <input type="checkbox"/> No Lawyer, Certificate of ILA attached
			<input type="checkbox"/> Lawyer Name: Firm: <input type="checkbox"/> No Lawyer, Certificate of ILA attached
			<input type="checkbox"/> Lawyer Name: Firm: <input type="checkbox"/> No Lawyer, Certificate of ILA attached

Canadian Human Rights Commission		
Print Name	Signature	Date