



Centre de Règlement des Différends Sportifs du Canada  
Sport Dispute Resolution Centre of Canada

# EARLY RESOLUTION FACILITATION

## For Sport Organizations in Canada

### WHAT IS IT?

*Early Resolution Facilitation* takes place **before an internal appeal** is conducted by the sport organization. During this process, parties can work collaboratively with the assistance of a neutral third party in order to resolve their dispute or partially settle some underlying issues to their dispute.

The process is:

**CONFIDENTIAL** parties agree not to reveal to non-participants the nature and content of the discussions that took place during the *Early Resolution Facilitation*.

**WITHOUT PREJUDICE** parties may not use, during the appeal process, any information gained from taking part in the *Early Resolution Facilitation* process, including settlement offers.

**TIME SENSITIVE** *Early Resolution Facilitation* will be conducted promptly, so as to not slow down or hinder the formal appeal process.

**FREE OF CHARGE** for NSOs and MSOs funded by the Government of Canada under the Sport Support Program.

Resolution Facilitation ("RF") was introduced to the sport community by the SDRCC in 2006 as an informal dispute resolution mechanism to help parties to a dispute explore possible solutions in a safe environment. The experience has been fruitful and has set a solid foundation for custom-made dispute resolution for Canadian sport. The resolution facilitator is a professional mediator whose role is to provide a forum for parties to openly communicate with one another and, where possible, guide them to an amicable settlement. Where a settlement is not possible, parties often leave the RF session with a better mutual understanding and respect, as well as alternative paths and resources to resolve their dispute. In *Early Resolution Facilitation*, the next step for parties would be the internal appeal process of the sport organization.

### WHAT ARE THE ADVANTAGES?

#### LESS COSTLY

Since 2006, RF is a mandatory step in the arbitration process at the SDRCC. Almost 40% of the disputes brought before the SDRCC are settled amicably before going to arbitration. This means that sport organizations incorporating Early Resolution Facilitation to their appeal process **can reduce by up to 35-40% the number of internal appeals to be conducted**. Adopting such measures can allow sport organizations to invest more into the development of their athletes and their sport instead of spending time, money and other scarce resources in conducting appeals.

#### IMPROVED RELATIONSHIPS

*Early Resolution Facilitation* will help disputants address their conflict at an early stage, before it escalates and causes irreparable damage to their relationship. Maintaining a climate of respect and trust between members and their sport organizations is the key to a healthy sport system.

#### CLEAR PATH FORWARD

If parties attempt *Early Resolution Facilitation* and no settlement is reached, they would then engage in the normal course of the internal appeal process of the sport organization. In the event the rules of the sport organization allowed for parties to further appeal to the SDRCC, the mandatory RF step at the SDRCC would be waived and the case may then move swiftly to arbitration.

### TESTIMONIAL

"We have had organizations/individuals file an appeal simply because they didn't understand the decision-making process and wanted more information. With the Early RF, we are able to quickly convene an informal dispute resolution process that provides an efficient way to openly discuss items and dispel any misinformation. Now we are sometimes able to sort out and close an appeal after only one meeting, without having to go through a formal appeal."

Aaron Bruce, Acting Director of Sport & Games  
(Canada Games Council)

### HOW CAN MY SPORT ORGANIZATION SUBSCRIBE?

**NSOs AND MSOs FUNDED BY THE GOVERNMENT OF CANADA UNDER THE SPORT SUPPORT PROGRAM**

*Early Resolution Facilitation* is offered at **no cost**.

You can add a clause in your appeal policy providing for *Early Resolution Facilitation* before the formal internal appeal process is initiated. This can be made mandatory or optional. You may contact the SDRCC at [tribunal@crdsc-sdrcc.ca](mailto:tribunal@crdsc-sdrcc.ca) for a suggested wording for such clauses.

**ANY OTHER SPORT ORGANIZATION IN CANADA**

### WHAT DOES IT COST?

This service is available on a fee-for-service basis. Disputing parties must agree on who will pay for the services or how they will share the costs. A quote can be obtained at any time by contacting the SDRCC at [tribunal@crdsc-sdrcc.ca](mailto:tribunal@crdsc-sdrcc.ca).

### HOW CAN WE DO IT?

An agreement by the parties must exist that names the SDRCC as dispute resolution service provider. This can take different forms, such as

- 1) an appeal policy formally adopted by the sport organization which points to the SDRCC,
- 2) a standalone agreement by the parties to submit their dispute to *Early Resolution Facilitation*, or
- 3) a clause to that effect in a contract that binds the disputing parties.