

Preventing and Resolving Disputes in the Canadian Sport System



When disputes arise, there are often underlying issues which have gone unrecognized or have not been addressed early on between parties. These unaddressed issues or problems can fuel disputes. In many cases, if the parties had been able to properly communicate from the outset of the disagreement, the dispute could have been avoided, and the issue could have been resolved without the SDRCC.

In 2006, in an effort to help parties explore possible solutions to their problems in an informal setting, the SDRCC introduced **Resolution Facilitation** as a dispute resolution mechanism. The experience has set a solid foundation for custom-made dispute resolution for Canadian sport.

Resolution Facilitation

An innovative process to deal with disputes quickly and efficiently



The Resolution Facilitation (RF) Process

Resolution Facilitation is an assistance process that allows the parties involved in a dispute to communicate more effectively and to work together towards an agreement.

It helps parties move towards acceptable, creative, and innovative solutions, while preserving or mending damaged relationships. Even if parties do not reach a settlement they are able to sort out the issues, narrow down the question to be arbitrated, and better understand their options with the SDRCC.

The RF process is used in the following circumstances:

As a Preventive Measure

The RF can help resolve a dispute before arbitration is necessary. When members of the sport community anticipate a dispute developing, they may contact the SDRCC and request to meet with a Resolution Facilitator who can help disputants with their conflict at an early stage, before it escalates.

This aspect of the RF services has been underutilized by disputants, but it may prove to be the most important use of the RF in the long run.

As a Mandatory Step to Arbitration

Where there is a dispute submitted before the SDRCC for arbitration, parties are required to spend at least 3 hours with a Resolution Facilitator in an attempt to resolve the issue amicably.

The RF process is confidential and without prejudice, which means that information disclosed by another party in an attempt to resolve the dispute during the RF session is not admissible at arbitration. The RF process will not delay the arbitration and can be continued right through until the arbitration decision is rendered.

As an Adapted Process for Doping Cases

In consultation with the CCES, the RF has been adapted to better fit the context of doping disputes. While the crux of the process remains the same as in the Ordinary Tribunal, a summary of expectations was created to outline the subtle differences. The adapted process still provides the parties with a platform to exchange information, ideas and questions in a safe, moderated and inclusive environment. This initiative will be evaluated to monitor its effectiveness.

The Resolution Facilitator

The Resolution Facilitator is selected from among the SDRCC roster of blue ribbon mediators. The role of the Resolution Facilitator is to act as a neutral "process manager" to help the parties better communicate with each other, examine their underlying needs and interests, and try to find creative solutions to their disputes.

The Resolution Facilitator may discuss with parties the possible outcomes of arbitration, but has no decision making authority. The Resolution Facilitator can also explain the arbitration process to those unfamiliar with it.

The Cost of RF

The Resolution Facilitation services are offered free of charge to parties who fall under the jurisdiction of the SDRCC as defined in the Canadian Sport Dispute Resolution Code, including National Sport Organizations, Multisport Services Organizations, Canadian Sport Centres, and their members. Those services are also offered to other members of the sport community on a fee-for-service basis.

Contact Information

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