

Making the Most of Conciliation and Mediation

**OPPSBA Labour Relations
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Learning Objectives

1. Demystifying the Process

- what are conciliation and mediation and how do you get there? are they the same thing?
- who are conciliation officers and mediators, and how can they help us?
- where do conciliation and mediation fit into the bargaining process?

2. Setting the Stage for Success

- things to remember at the bargaining table

3. Practical Strategies for Working Effectively With Conciliators and Mediators

- start early
- encourage understanding
- help them help you

Conciliation & Mediation



**“Wish me luck. I’m going in there
and not coming out until all conflicts are resolved.”**

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Getting to Conciliation & Mediation

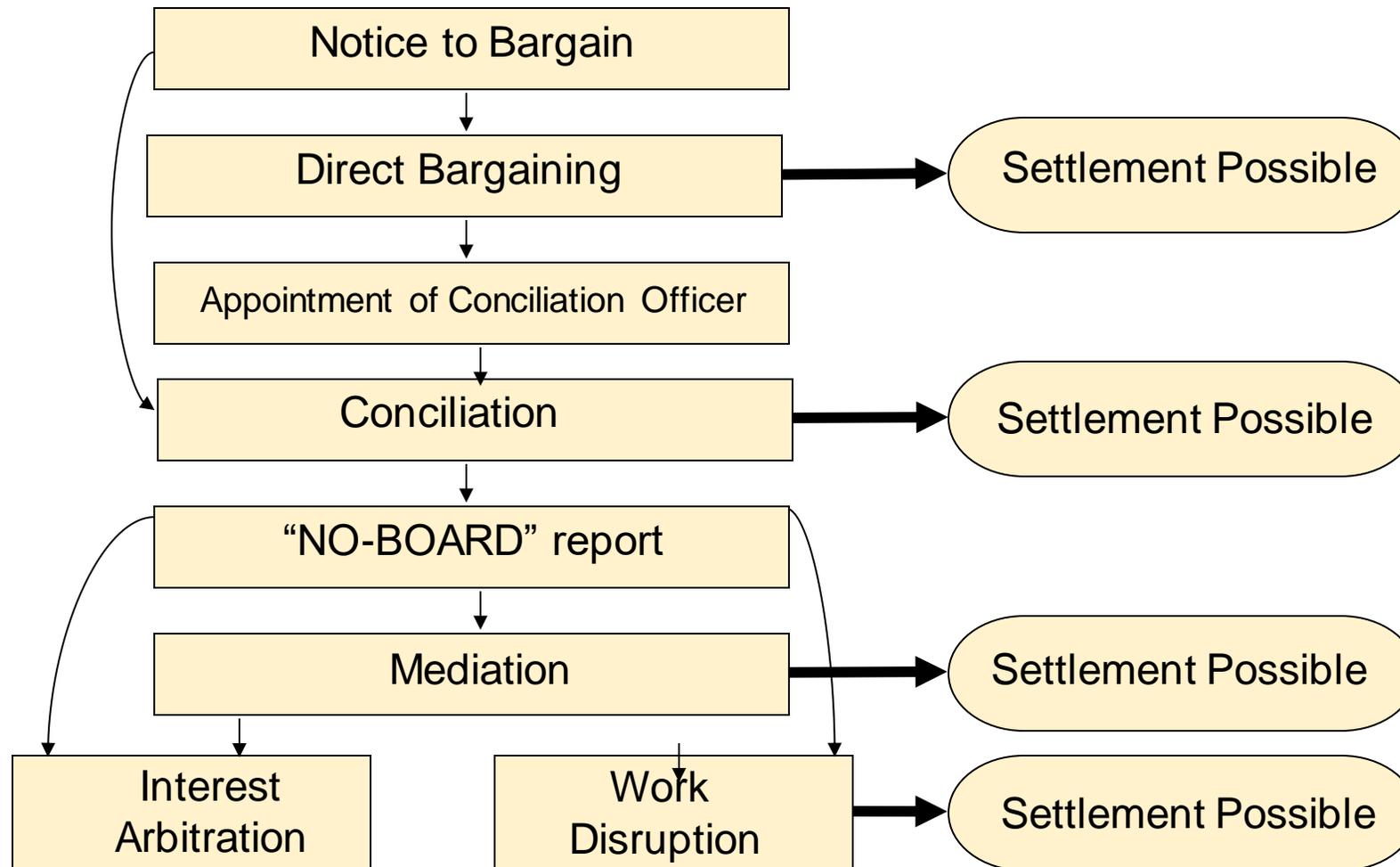
The *Labour Relations Act, 1995* and the *School Boards Collective Bargaining Act, 2014* set out the rules and the processes for central and local bargaining between Trustees' Associations/School Boards and Unions including:

- notice to bargain
- duty to bargain in good faith
- conciliation/mediation – the assistance of a third party neutral from Dispute Resolution Services

Dispute Resolution Services

- Part of the Ministry of Labour, Immigration, Training & Skills Development
- Provides conciliation officers and mediators to assist as neutral third parties in the negotiation of collective agreements
- Minimizes the disruption in, and the negative effects on, society and the economy arising from strikes and lockouts
- Works with the parties to reach collective agreements, to avoid strikes and lockouts, and to resolve them if they occur

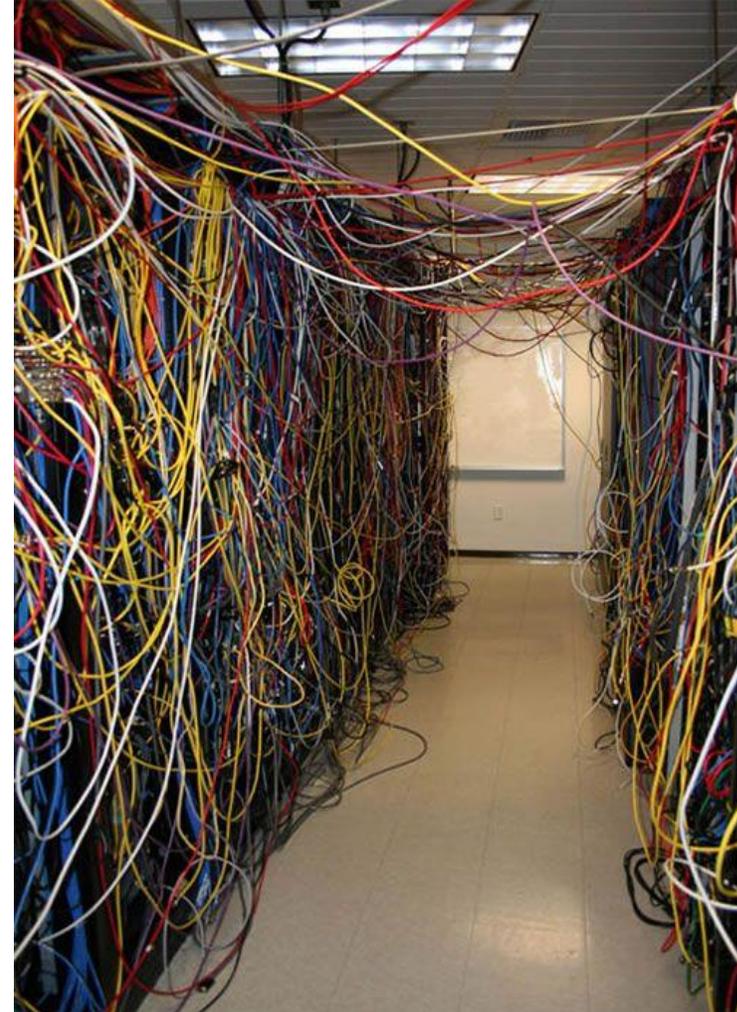
Bargaining Process - Reaching an Agreement



At the Bargaining Table, Remember...

BARGAINING IS MESSY!

Expect disagreement and conflict ...
and expect resolution and agreement



At the Bargaining Table, Remember...

**THERE ARE THINGS OUTSIDE
YOUR CONTROL**

Stay calm, focused, creative



At the Bargaining Table, Remember...

**NO PLAN SURVIVES
ITS FIRST CONTACT WITH REALITY!**

Have a plan and be flexible



At the Bargaining Table, Remember...

THERE IS A LOT GOING ON!

Take the time to be organized

Confirm understanding

Keep contemporaneous records

Move as fast as possible ... but
no faster



Effective Use of A Mediator – Start Early

- Develop a plan and prepare your team
- Understand the importance of rapport
- All mediators have different styles, approaches, experience and personalities
- Talk pre-conciliation
- Tell them:
 - what you think you need
 - what you want them to do
 - how you think they can help
- Ask questions



Effective Use of A Mediator – Encourage Understanding

- Let them in the room
- Develop rapport within the room
- Explain your position(s) –
 how it works & why you need it
- What's the problem you're trying to solve?
- Explain bargaining
 & committee dynamics
- Manage your committee
 & help them understand what to expect



Effective Use of A Mediator – Help Them Help You

- Share your plan
- Guide timing and process
- Seek their opinion, feedback, information, evaluations, & suggestions
- Expect them to challenge you
- Identify confidential information
- Ensure civility



Questions & Comments?

