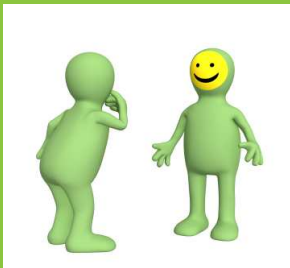


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- A quick guide to what **JM Box Consulting Services** can offer you



You Should Just Know

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MEDIATION—A BETTER WAY TO RESOLVE DISPUTES

You have a collective agreement, and the union has put in a major grievance. Both sides are entrenched in their positions, and it looks like you are heading for a long and expensive arbitration. The alternative? Mediation.

You have two employees that are not getting along because they disagree on approaches to different situations, fueled by personality issues. You have tried to step in, but you feel awkward, because you are being asked to take sides and this could cause further morale problems within your organization. The alternative? Mediation.

You are having difficulties with a supplier, who is threatening to take you to court. You are sure you will win, but you can't afford the cost, and it might damage your reputation in the community. Besides, you value this supplier, and don't want to lose them over this kind of an issue. The alternative? Mediation.

Whether mandated by legislation or recommended to the parties in a dispute, mediation is a time and cost effective way of coming to resolutions agreeable to all participants. It relies on a neutral third party, agreed upon by the participants, to help facilitate an agreement. The mediator does not have any decision making authority or responsibility, and is there mainly to act as a guide to the process. By helping the parties involved clarify their interests, the mediator can help them see what options are



(Mediation, continued on page 2)

MORE A.O.D.A STANDARDS ANNOUNCED

The Province of Ontario has introduced further Standards under the Accessibility for Ontarians with Disabilities Act, 2005, this time covering the areas of Employment, Information and Communications, and Transportation. As they will apply to everyone, this article will concentrate on the Employment and Information and Com-

munications Standards.

Organization Designation and Timetables

When it comes to implementation deadlines and responsibilities both the Employment and Information and Communications Standards are based on the size of an organization and whether or not it is considered

to be a public or private sector organization. A large public or private sector organization is defined as having 50 or more employees, while those with less than 50 employees are deemed a small public or private sector employer. All organizations are to develop,

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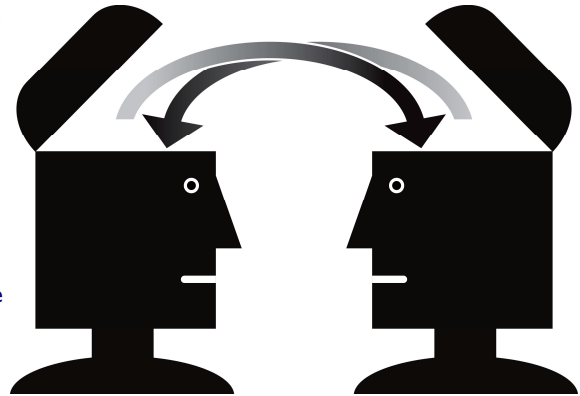
(Mediation, continued from Page 1)

available to them, eventually leading to a settlement acceptable to the participants.

As mentioned, mediation is a time effective way of dealing with issues. If a matter involves going to arbitration or court, it can be a very long process, with an eventual decision by the arbitrator or judge that may satisfy no one. Mediation can normally be arranged quickly, and is a far less formal process. As an example, one mediator was able to deal with 7 outstanding grievances in one organization in one day, all of which were potentially headed for arbitration. All were resolved that day, with the two sides involved having a better understanding of the issues that had been involved.

Mediation is also a cost effective process. The cost of the mediation resulting in 7 settled grievances? \$750, split equally between the employer and the union. That compares quite favourably to the cost of even one day of one arbitration. This is a strong point towards the consideration of mediation as an option in organizations who cannot afford lengthy proceedings, the cost of which often result in settling an issue in a less than satisfactory manner.

Another advantage of mediation is its ability to help the parties understand each other better, not only in terms of the specific issues at hand, but overall. Often issues are made bigger when they become personal to the participants, making their settlement less likely. A skilled mediator, as part of the tools of his or her trade, will attempt to identify not only the specifics of the issues under dispute, but also their root causes. In many situations, relationship issues are a key contributing factor to the conflict, and must be addressed by the parties if there is to be a true resolution. A skilled mediator can often help identify the personal issues, and work in a way to help maintain or even improve the relationship.



How does mediation work? It can be done a number of different ways. Ideally, it will involve the disputing parties meeting with the mediator to identify causes, interests and potential solutions, in a proactive problem-solving manner. The mediator's role in this situation is to act as the facilitator and protector of the process, and is not there to be convinced of the rightness of any one position. The parties then are the key in identifying and accepting acceptable resolutions to their concerns. In other situations, where the participants may be somewhat less cooperative, the mediator will act as a shuttle diplomat, going between two or more physically separated participant groups to gather information, and facilitate arms-length problem solving. Again, it is not the mediator's purpose to come up with a solution to the issue, but rather to help the parties see the issues differently, eventually leading to resolution.

Does mediation always work? No process is fool proof, but it does show good results. In order to be effective, mediation must have participants who want to be there. Often the agreement to enter into mediation, particularly when it is voluntary, is a signal that the parties want to settle an issue. It does not prevent the parties from, if they want to reserve it as an option, continuing to more formal proceedings such as arbitration or court, but it often serves as an effective alternative.

If the concept of mediation interests you, here are some things you might want to consider. Talk to your union about including mediation, formally or informally, as part of your grievance resolution system. Many collective agreements include mediation as a step prior to arbitration, even identifying in advance potential mediators acceptable to both parties. Incorporate mediation as part of your dispute resolution processes, including situations where there are difficulties between staff members. This enables a potentially divisive situation in your organization to be dealt with quickly, effectively, and in a manner which may be less disruptive to your staff. Consider mediation as an alternative or step prior to court proceedings. It is a low cost, time effective way of achieving issue resolution in a manner that can lead to better relationships and fewer problems down the road.

If you have any questions with regards to mediation, please send them to john@jmboxconsulting.com. **More information about mediation services will be announced in our next issue.**



(Standards,, Continued from page 1)

implement and maintain policies on the various Standards, with large organizations requiring a statement or organizational commitment to meeting accessibility needs in a timely manner. Large public sector organizations are to have this in place by January 1, 2013, small public sector and large private sector organizations by January 1, 2014, and small private sector organizations by January 1, 2015.

All but small private sector organizations are to put in place and maintain a multi-year accessibility plan outlining the organization's strategy to prevent/remove barriers, and to post the plan on its website, as well as in an accessible format upon request. Each plan is to be reviewed and updated at least once every five years. Public sector organizations are to develop and maintain their accessibility plans in conjunction with persons with disabilities. These accessibility plans are to be developed and in place for large public sector organizations by January 1, 2013, followed by small public sector and large private sector organizations by January 1, 2014.

Employment Standards

The Employment Standards are intended to expand Ontario's labour force by welcoming those with disabilities into the workplace. It covers employees only, excluding volunteers from its coverage. Specifically, the Standards mandate the following:

- Accommodation for those with disabilities in materials and processes pertaining to the recruitment process.
- When employment offers are made, inclusion of information regarding the organization's accessibility -policies.
- Development, by January 1, 2012, of individualized workplace emergency response plans for employees with disabilities.
- Individualized accommodation plans for employees with disabilities.
- Individualized return to work plans for employees returning to the workplace after an absence due to a disability (large organizations only).
- Consideration of the accessibility needs of employees with disabilities when it comes to performance management, career development and advancement, and redeployment.



Large public sector employers must have this Standard in place by January 1, 2014, small public sector employers by January 1, 2015, large private sector employers by January 1, 2016, and small private sector employers by January 1, 2017.

Information and Communications Standard

The Information and Communications Standard has been developed to give people with disabilities access to more information. In general terms, it calls for organizations to arrange for accessible formats and communications supports for those with disabilities upon request, and to inform the public of its availability. If the organization prepares emergency procedures, plans or public safety information and makes it available to the public, it is to do so in an accessible format or with appropriate communications supports, upon requests.

Public Sector and large private sector organizations with websites will have additional responsibilities under this Standard, having to conform to the World Wide Web Consortium Web Content Accessibility Guidelines 2.0. Additional information, including timelines, is available at www.gov.on.ca/en/mcss/programs/accessibility.

The Information and Communication Standard is generally to be in place for large public sector organizations by January 1, 2015, for small public sector and large private sector organizations by January 1, 2016, and for small private sector organizations by January 1, 2017.

Training

Employers are to provide training in the new Standards to all employees. This training is to be completed by large public sector employers by January 1, 2014, small public sector and large private sector employers by January 1, 2015, and small private sector employers by January 1, 2016.



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Check out our website at
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An Overview of Our Services

JM Box Consulting Services provides innovative, cost-effective Human Resources support and services that assist clients in dealing with their issues and challenges with confidence. Together, we will resolve issues one at a time, either through consultation, training or working together on necessary projects. These services are designed to be of greatest service to small to medium size organizations, including the municipal, health care, charitable, not-for-profit and small business sectors. Based in Windsor, Ontario, **JM Box Consulting Services** can meet the needs of clients throughout the Province.

JM Box Consulting Services takes the approach of meeting client expectations by identifying the gap between the desired goals and current realities, to discover the best ways of eliminating that gap- not just for the present, but for the future as well.

Services

E-Consulting- providing clients with quick, cost-effective access to Human Resources expertise through the use of e-mail and telephone communications, without the expense of or supplemental to internal Human Resources staff.

Project Management Services- to provide project management and expertise on matters such as job evaluation/pay equity, wage/salary administration systems, policy and procedure review and development, and organization redesign and restructuring.

Training Services- to address client needs that are best addressed through training specific to the needs of the organization, such as Violence in the Workplace, Working in a Respectful Workplace, and Organizational Community Presence.

A.O.D.A. ACCESSIBILITY STANDARDS- JANUARY 1, 2012

Here is another friendly reminder about something that all organizations in Ontario need to look into and implement.

The Province of Ontario, through the Accessibility Standards for Customer Service, developed under the Accessibility for Ontarians with Disabilities' Act, 2005, has mandated that all organizations with at least one employee needs to have in place, by January 1, 2012, policies, procedures and practices regarding the accessibility to their goods and services by those with disabilities. Training is also to be given to staff with regards to these standards.

If you have not yet become compliant with these requirements, and would like more information about them, please take a look at the articles on this subject contained in the **You Should Just Know** articles in editions 1-3 (December 2009) and 2-6 (December 2010), available on our website www.jmboxconsulting.com. If JM Box Consulting Services can be of assistance with the training and/or policy formulation, please contact us at info@jmboxconsulting.com.