



Facilitation of Dispute by Julie Duranceau

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Did you know that the Sport Dispute Resolution Centre of Canada (**SDRCC**) will soon offer a **resolution facilitation** service? A resolution facilitator (**RF**) will help members of the sport community resolve conflicts in an informal manner by promoting dialogue, listening and an effort to find solutions¹.

Emotions and the Law

We have observed that the majority of arbitration cases are triggered by communication and information problems. Because an arbitrator's role is to settle a dispute according to the law and the evidence presented by each party, he or she cannot satisfy the expectations of the parties involved if these expectations are based on emotion or a lack of information rather than on the law.

We have therefore decided to introduce the **resolution facilitation** process in order to allow members of the sport community to talk about the issues surrounding their dispute and in doing so, address the emotions that inevitably accompany most disputes.

Communication Promotes Resolution

The goal of the resolution facilitation is to try to resolve disputes using communication rather than confrontation. **At no time will the RF impose a solution.** He or she will listen and ensure that parties communicate in a respectful manner, with each having an opportunity to express their version of the facts and talk about the aspects most pertinent to the situation. The RF will then explore reconciliation and resolution options with the parties, based on the circumstances of their particular case.

Understanding the Process

We hope that the facilitation process will resolve disputes, but we are aware that it may not always be that way. In such cases, the RF will explain the various options open to the parties, such as mediation, arbitration or Med/Arb, and will answer any questions regarding the next steps.

However, the RF must remain neutral in the dispute and can't therefore advise the parties on the best choice to make. The RF will provide information on past experiences and decisions rendered in similar cases and will guide the parties objectively towards the available processes, without imposing his or her views. If the process extends to arbitration and a decision is rendered, the RF can meet with the parties once again to help them understand the decision and apply it appropriately, if required.

¹ At press time, our Code of Procedure was still being reviewed by the Canadian sport community. As a result, details of the procedures surrounding the role of the RF have not yet been confirmed. This information will be published soon on our Website at : www.ADRsportRED.ca