



ADR Atlantic Institute
Institut de médiation et
d'arbitrage de l'Atlantique



Presentation to the Canadian Transportation Agency Air Passenger Protection Consultation

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On behalf of Alternative Dispute Resolution Atlantic Institute (ADRAI) by:

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Introduction:

On behalf of the members and the Board of Directors of the ADR Atlantic Institute, I would like to thank you for providing us the opportunity to respond to your consultation paper on “Air Passenger Protection Regulations”.

My name is Wendy Scott and I am a Chartered Mediator and ADR Practitioner, I am past president of ADRAI and currently sit on the ADRIIC Government Relations Committee. I would like to introduce my colleagues:

ADR Atlantic Institute (ADRAI)

ADR Atlantic Institute (ADRAI) represents the four Atlantic Provinces, and is the Atlantic regional Affiliate of ADR Institute of Canada. Our regional affiliation was the first to sign a “Memorandum of Understanding” with the National ADR Institute of Canada (ADRIC) in 1996, providing the entry point for our membership to the national organization.

We in the Atlantic region have become experts in building our capacity to practice by developing innovative approaches, allowing for a cost-effective approach to providing services. Online Dispute Resolution (ODR) has become a standard part of our tool kit for meeting those needs. ODR is fast becoming more popular with our client base due to the flexibility realized in such matters as travel and timely response to problem solving.

Among the vast array of organizations and private individuals who embrace our ADR approach, are companies dealing with motor vehicles, insurance industry, Federal Gov. DND, RCMP etc., all of whom seek to ensure the most time efficient and effective approaches through ingenuity in the use of technology, in the delivery of ADR services.

It is important to note that the regional affiliates of ADRIIC are all in the same professional league across Canada. All candidates who hold a designation, without exception, must qualify and meet the same standards and mandatory criteria to qualify for Certified Mediator (C.Med) or Certified Arbitrator (C.Arb)

- In conjunction with ADR Institute Canada (national level), ADRAI (regional level) provides the following:
 - ✓ Applicable professional development through training to our membership, public and shared with our partners (CPHRNB).
 - ✓ Assisting members to prepare for the designation mandatory and non-mandatory criteria for application approval for (Q. Med, C. Med. Q. Arb. and C. Arb) by offering the national 40 hour training in Mediation and/or Arbitration.
 - ✓ Legitimacy, creditability, and trust in ADR through our National accreditation standards, fair process, and designation status for approved ADR professionals.
 - ✓ Awareness of the trends, changes and business opportunities in ADR in both Atlantic Region and the National level.
 - ✓ Networking opportunities amongst the ADR membership, ADR leadership in Atlantic and Canada, and actual and potential ADR service users.
 - ✓ Build partnerships to develop ADR awareness and bridge business opportunities between ADR service providers and ADR users to our ADR professional in the Atlantic region.
 - ✓ Examine current trends, information, and professional development in technologies that can be utilized to provide benefits of time efficiency and cost effective processes to our ADR professionals and ADR users

ADRAI Governance:

ADRAI is a non-profit organization with by-laws, policies and procedure. The board of directors are made up of representatives (ADR professionals) from each of the four Atlantic Provinces. The board of directors and executive committee are elected at an Annual General Meeting and serve a term as described under the by-laws.

ADRAI contributes to society by:

- ✓ Promoting access to justice through the use of ADR, including, but not limited to, arbitration, mediation, med/arb and restorative justice. By advocating access to justice

we will make dispute resolution services accessible and affordable by all families regardless of their income.

- ✓ Building trust with our business and family users by delivering high quality and reliable dispute resolution services to our clients.
- ✓ Supporting and enforcing Human Rights.

ADRIC

The ADR Institute of Canada (ADRIC) is the leading National Alternative Dispute Resolution Organization in Canada comprised of (ADR) Professionals and Corporate Partners promoting and/or using ADR in Canada.

The ADRIC board is made up of representatives (ADR professionals) from each of the affiliate regions in Canada (BC, Alberta, Saskatchewan, Manitoba, Quebec, Ontario and Atlantic Provinces), and seven corporate member organizations. Corporate members provide financial support and connections with other national and international organizations, all of which cultivates balanced perspectives of ADR professionals and ADR users.

ADR Institute of Canada is a well-recognized national dispute resolution organization that was among the first to establish professional designations using strict competency standards to assist the public in finding qualified Mediators, Arbitrators and ADR Practitioners.

ADRIC sets high standards for best practices and provides education and accreditation for those pursuing the Chartered Mediator (C. Med.) and/or Chartered Arbitration (C. Arb.) designations. Each designation applicant will demonstrate their level of experience and skills in the practice of high standards and professional ethics.

Selected examples of collaboration with industry and government include:

Federal Procurement Ombudsman Roster
Health Canada
Canadian Transportation Association (CTA)
Language Rights Support Program (LRSP)
National Energy Board

ADRAI response to the specific questions passed in the AAPR Discussion Paper.

- 1. Should all of the new obligations established by the air passenger protection regulations also be enforceable through AMP's? If not, please provide a justification.**

Response:

Yes, to having ADR as part of the AMP, provided there are ADR mechanisms in place.

- 2. What type of guidance would be helpful for passengers on how to make a complaint to the CTA relating to the new air passenger protection regulations?**

Response:

- a) Develop understandable rules, guidelines, procedures and processes for fair resolution and expedient ADR intervention.
- b) Describe the circumstance in which complaints may escalate and develop process, rules and efficiencies for best practices leading to timely resolution in these situations.
- c) Ensure consistent application for in-take, and turn-around through mandatory steps and understandable and clear process.
- d) Undertake an awareness campaign that provides purpose of program, program access, rules of process engagement, eligibility, intake process, all in easy listening language.
- e) Ensure all obligations established by the ADR program are enforceable through air passenger protection regulations.
- f) Incorporate internal resources, subject matter experts, legal information, etc..

- g) Ensure (internal and/or external) ADR resource(s) have credential creditability and dependability. Client perception of high standards is created.
- h) Ensure matters not resolved in mediation may be quickly referred to a final binding arbitration process. A time efficient appeals process may be applicable, but only if that fits with the best interests of CTA conflict management program and its clients.

ADRAI continues to examine innovative technologies and service methods to answer the demand for time and cost efficiencies in delivering ADR services. ADRAIC, our National Branch, has recently set up a Task Force focusing on On-Line Dispute Resolution (ODR) that would create time efficiencies, which we will all benefit from.

ADRAI along with its affiliate members across Canada are open to discussion with the CTA regarding their Conflict Management Program needs, whether involving the provision of services, ADR training for CTA internal associates or developing best practice methodology.

ADRAI recognizes that with the onset of issues being brought forth through public and social media, the CTA is experiencing an exponential and growing increase in air passenger complaints. It is these numbers that directly impact the ADR Systems design and management and it is ultimately that structure and the best practices of the ADR practitioners that is essential to the outcome of the CTA alternative dispute resolution processes

Thank You