

**BC Human Rights Tribunal
Agreement to Participate in Mediation with Presiding Member**

Re: A complaint under the BC *Human Rights Code*, R.S.B.C. 1996, c. 210 (as amended) and the provision of settlement services by the BC Human Rights Tribunal

In the complaint between:

Complainant:

Respondent:

Case Number: _____

We agree as follows:

Purpose of mediation

1. We are participating in this mediation in good faith for the purpose of resolving all or part of this complaint.

Authority to settle

2. Any person representing a party to the mediation process has full authority to agree to a final settlement of all or part of the complaint.

Conduct in mediation

3. Any person attending a mediation must be courteous and respectful to all other participants, be considerate of all persons, act with honesty and integrity, not discriminate, and not act in a way that would undermine the process.

Process

4. We will follow the reasonable directions of the mediator for the effective and efficient conduct of the mediation.
5. If any issues arise during the mediation regarding the process itself, we will raise the issues with the mediator as soon as practical. We will attempt to resolve these process issues in a manner acceptable to all concerned and in a manner that respects the confidentiality of the process.

March 1, 2021

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Discussions are confidential

6. Anything said during the mediation must be kept confidential, except:
 - (a) when all of the parties consent;
 - (b) when information discloses an actual or potential threat to human life or safety;
 - (c) as required by law;
 - (d) for the purpose of the mediator reporting to the Tribunal whether the complaint settled, there is a settlement in progress, the parties are continuing settlement discussions, or the complaint did not settle and any agreement the parties reached regarding the next steps in the Tribunal's process;
 - (e) to the extent necessary to make a complaint to the Tribunal about the mediator's conduct or for the mediator to respond to a complaint about the mediator; or
 - (f) for the purpose of consulting with a lawyer for legal advice.
7. Anything said during the mediation will not be used in any legal proceeding, including a Tribunal hearing, unless the participant who gave the information consents.
8. During the mediation process, if a participant needs to speak to a person who has not signed this agreement, they will inform the mediator, and will tell the person that the communication must be kept confidential and obtain their agreement to keep the information confidential. A participant may consult with a lawyer for legal advice during the consultation process without informing the mediator.

Information from separate sessions

9. During the mediation process, the mediator may meet with a participant in the absence of all participants unless a participant states that they do not agree that the mediator may do so. The mediator may reveal to the other participants any information received in the separate session, unless a participant expressly requests that the mediator treat specific information in strict confidence and all of the participants agree that the mediator may do so.

Role of mediator

10. We agree that the mediator is not acting as legal counsel for any participant in the mediation.

Failure to Agree

11. We understand that the Tribunal Member assigned to conduct the hearing of this complaint will conduct the mediation. If the parties are unable to resolve the complaint through mediation:

- (g) the Tribunal Member who conducted the mediation may conduct the hearing and decide whether or not the complaint is justified and make an order under s. 37 of the *Human Rights Code*;
- (h) the parties must raise with the Tribunal Member any concern they have about whether it is appropriate for the Member to continue to hear and decide the complaint after the mediation; and
- (i) the Tribunal Member retains discretion to determine whether it is appropriate for the Member to continue to hear and decide the complaint after the mediation.

12. If the complaint proceeds to a hearing, the Tribunal Member will not consider statements made or documents provided during the mediation process unless they also form part of the evidence in the hearing. The decision will be based entirely on the evidence and submissions presented during the hearing.

Print name and sign:

 Complainant

 Respondent

 Representative for Complainant

 Representative for Respondent

 Complainant

 Respondent

 Representative for Complainant

 Representative for Respondent

 Mediator/Tribunal Member

 Dated