

# **VIDEO CONFERENCING CONCILIATION PROCEEDINGS DURING THE DECLARED EMERGENCY FOR COVID 19**

## **Preamble**

The Ontario Police Arbitration Commission (OPAC) has had to re-evaluate how conciliation and arbitration services will be delivered during the COVID-19 pandemic. The requirement to engage in social distancing pre-empts face to face meetings that would normally take place. Where a party, or parties, formally apply to OPAC for appointment of a conciliation officer or arbitrator, the Commission must comply with an appointment pursuant to the Police Services Act (PSA).

Where it is clear parties want to proceed to conciliation, OPAC strongly recommends such proceedings be deferred to a later date when face to face conciliation can again take place. Notwithstanding OPAC's strong recommendation to defer, if a party wishes to proceed to conciliation more immediately, OPAC will certainly comply by providing the conciliation service via video conference or teleconference call. Please note, arbitrators who hold jurisdiction over a matter will make their own determination as to how they wish to proceed with a hearing. OPAC will not interfere with an arbitrator's right to make such a determination.

## **Recommended Video Conference, or Teleconference Conciliation Protocol**

The use of video conference, or teleconference calling in the course of conciliation proceedings is less than ideal. Face to face meetings with the participants are likely to be more effective since it allows the conciliation officer the opportunity to evaluate the positions of all the participants. Conducting meetings electronically produces inherent limitations for the conciliator and the respective parties. Notwithstanding such limitations, the conciliation proceedings must be conducted as professionally as possible. It is with that tenet in mind, the Commission strongly recommends conciliation discussions be confined to the conciliator, the chief spokesperson representing the applicant, and the chief spokesperson representing the other party. The Commission further recommends each of the chief spokespersons maintain communication with their own committee members throughout the proceedings. If there is a need for one, or both sides to take time to caucus privately, we urge the parties to do so as expeditiously as is reasonably possible.

## **Recording of Conciliation Proceedings**

Recording of conciliation proceedings will not be permitted without the express consent of the conciliator and all the parties participating in the conciliation.