



SUMMARY OF THE 2019 SAINT PAUL SYMPOSIUM ON THE INFORMAL RESOLUTION OF CONFLICTS

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INTRODUCTION TO THE SYMPOSIUM

Saint Paul University General Secretary Michael McLellan opened the conference in the absence of the Rector. He emphasized the success of the School of Conflict Studies, which attracts many students. He emphasized that this annual symposium will be an important addition to the School's programs of study by allowing exchanges between academics and practitioners.

Professor Jean-François Rioux, Director of the School of Conflict Studies and of the Center for Research on Conflict, opened the symposium by offering several reasons to justify the importance of organizing this event and recalled that similar symposia had been organized in the past and that the School of Conflict Studies wanted to reconnect with this profitable tradition. He offered a historical overview of the informal resolution of conflicts to show that this field has been growing for fifty years. However, he did reveal the results of a research done with the help of student Hailey Walker that shows that there is very little historical, comparative and quantified literature on the evolution of this field in Canada. He urged conference participants to develop research and publications on conflict resolution.



Professor Rioux addresses the first plenary

PANEL 1: EVOLUTION OF ICR PROCESSES

This panel was devoted to an overview of the ICR in the federal public sector. Mr. Yves Perreault, consultant, touched on the subject of coaching, which in recent years has become the main activity of ICN practitioners in the public sector, and seems to be producing excellent results. Rachel Dugas, legal counsel, recounted the emergence of labor relations mediation that emerged as a sort of revelation only a quarter of a century ago. Mediation has reduced financial, psychological and reputational costs for those involved in labor relations disputes. Ms. Marie-Josée Beaulieu, mediator, spoke about the importance of mediation in cases of psychological harassment because it allows the parties to resolve misunderstandings, and offers the possibility for defendants to understand their mistakes and correct them. She emphasized the crucial roles of investigation and pre-mediation, as many causes are settled before entering mediation proper. Ms. Beaulieu estimates that she has a 100% success rate in her interventions regarding psychological harassment. However, the discussion revealed that this practice does not apply to sexual harassment cases, which are treated more formally in the federal system given the harm that they cause to victims. Although mediation is sometimes mentioned and proposed for these interventions, the government hesitates to go in this direction.

PANEL 2: INFORMAL DISPUTE RESOLUTION IN CULTURAL COMMUNITIES

Al-Nawaz Nanji of the Ismaili Arbitration and Conciliation Board (CAB) presented an overview of the services offered by the CAB, the training mediators undergo, the client base and the types of disputes that pass through this organization. Mr. Nanji also offered an overview of the challenges such as the diversity found in the Ismaili community and the possible distances that may separate disputants. Mr. Nanji also discussed opportunities for the organization's impacts on the community, including compiling information about the nature of disputes in order to address possible options for conflict prevention within the community. Sherri Yazdani of Ottawa Baha'i Community briefed the attendees on the structure of decision-making processes and the community's principles that guide these processes. Mrs. Yazdani also discussed the dispute resolution processes and counseling available to couples in the midst of disputes and separation. Harry Webne-Behrman provided an overview of a community-building project in Ottawa Community Housing (OCH) supported by Community Mediation Ottawa with funding from the Trillium



Panel 2 in session

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Foundation. This project has developed from discussions around the needs of OCH residents to programs to initiate community development, interpersonal communication and conflict resolution skills.

PANEL 3: FAMILY LAW: BEST PRACTICES IN FAMILY MEDIATION

Professor Suzanne Bouclin of the University of Ottawa presented on the issue of implicit bias within mediation, focusing on the possibility of unconscious associations on the part of the mediator and on the ways to address this. While the research was not specific to mediation in particular, the issue of implicit or unconscious bias resonated well with the audience in light of the complexities of mediator neutrality. Tara Vargas, founder of the Clarity Divorce Centre, focused on best practices in her own mediation practice. Of particular interest was what she referred to as a needs assessment with each client prior to mediation. With its focus on obtaining consent, screening for power imbalances, and ensuring that the parties understand the nature of mediation, this approach goes beyond the traditional mediation intake process. Additionally, she emphasized the importance of unpacking pain and hurt in the family mediation process, and the complexities of learning how to uncouple. Mary-Anne Popescu, Executive Director of the Ontario Association for Family Mediation, added a variant on Insight Mediation as this can be applied to family mediation, particularly the notion of curiosity on the part of the mediator. This panel mixed theory, research, and practice from presenters representing a younger generation of mediators or mediation researchers now replacing the retiring members of the first generation of mediation practitioners.

PANEL 4: UNIVERSITY COMMUNITIES

Ms Martine Conway, Ombudsman for the University of Ottawa, presented the principles governing the ombudsman function and the types of services offered. Ms. Conway highlighted the various challenges faced by students requiring academic accommodations, and how the Ombudsman can support them upstream, during, and after the accommodation process. Professor Isabelle St-Pierre, from the *Université du Québec en Outaouais*, presented the results of a joint research on the types of disability situations and the challenges and sources of conflict that they can represent for accommodations and success in middle of internship. Ms. St-Pierre also identified avenues for resolution and prevention that would take into account the rights and responsibilities of each. Jim Kennelly and Siobhan MacManus, respectively former Ombudsman and current Deputy Ombudsman at Carleton University, first sketched out a history of the formalism of relations and regulations between universities and students since the 1970s. They pointed out that ombudsman offices are part of Formal conflict resolution processes while offering a range of informal conflict resolution services. These presentations ended with a rich discussion with the audience.

PANEL 5: EMERGING TRENDS IN CONFLICT RESOLUTION

In this meeting, we discussed some developments in ICR. Ms. Helene Arts mentioned the innovations made over the years by the Ministry of Defense. Recently, she has been working on a new approach that seeks to prevent conflict by improving officer leadership training. They are better aware of the issues of abuse, harassment, and conflict including a guide inserted into their curriculum. The department will ensure that officers are followed up and can intervene if trends or

events require it. Ms. Leah Wing spoke about the rapid evolution of online mediation which offers exciting opportunities but also imposes constraints and restrictions on parties, particularly less well prepared and less powerful complainants. Ms. Emilia Pech spoke about the possibility of automated decision making that can sometimes handle simple files quickly and inexpensively (for example, in approving requests for Visitor Status in Canada) but asking questions for the settlement of conflicts. Audience members completed this review of online mediation by adding numerous examples of problematic situations, structural constraints and unfair resolutions that may result.



Ms Emilia Pech (panel 5)

PANEL 6: CO-PARENTING: CONFLICT AND COMMUNICATION

The two presenters, Rebecca Bromwich and Jennifer Reynolds, are co-researchers on an Ontario Law Foundation funded research project on the uses of online technology in the dispute resolution process, and particularly with the uses of online tools such as “Divorce Mate” being incorporated into Judicial rulings on how parents should manage their communicative interactions post-divorce, in the context of shared parenting arrangements. The research involved a review of family law judgements to see to what extent online tools or apps are being recommended or mandated by the judges in making divorce or co-parenting rulings. Additionally, the researchers organized a number of focus groups, to identify issues raised by parents, post-divorce, in relation to the use of such online tools. The presentation elicited a very engaged discussion with the audience, which focused again on the need for reliable social science research in the field of family dispute resolution, rather than relying predominantly on testimonials, or first hand narrative experience.

PANEL 7 : CULTURAL ASPECTS

The experts on this panel, Mr Évariste Salndjoukou from Justice Canada, and Ms Carole Soucis, mediator, addressed the challenges and opportunities presented by the cultural aspects of individuals and organizations. Our culture influences the ways we communicate, understand and interact. It is therefore key for the practitioner in conflict prevention, management and resolution to develop and maintain a legitimate curiosity about the participants, contexts and circumstances. The panelists, spoke of the breadth of culture and emphasized relationships, which are important (“everything passes through the conversation).” They emphasized the need to be aware of the discrepancy that may arise between the meaning intended by a message that it sends (encoding), the impact of the message content (verbal and non-verbal), and the way in which it is delivered because the recipient understands (decodes) the messages according to their cultural reality. For

example, what does the word "reconciliation" mean and how does he understand it? It is important to check the meaning and meaning of words with people. To improve the quality of conversations between individuals, one suggestion is to look for information and be very attentive to verbal and non-verbal behavior. We must also recognize the existence of sub-cultures. On the French-speaking side, for instance, there are Quebecers, Franco-Ontarians, Africans, and Francophones from other countries. All have different ways of expressing themselves and this can vary according to the context. An example is that Africans often speak with their whole body, and others may interpret it as harassment. The Platinum Rule asks people to "treat others as they want to be treated." The goal of third parties is to understand first what others want and then give it to them instead of assuming that others would like to be treated the way you want.

PANEL 8: THE CAREER IN CONFLICT RESOLUTION IN THE PUBLIC SECTOR

The speakers in this panel Mmes Ève Nadeau et Lucille Boettger, et M. Jean-François Racine, of the federal public service, focused mainly on the emergence of informal conflict resolution in the federal government and how they arrived in this field of activity. Although some of the speakers had studied in fields that prepared them for these tasks (such as industrial relations) they all worked in other government positions before joining conflict resolution teams or ombuds offices. They sometimes felt some discomfort in performing functions for which they were not fully prepared, but through targeted training, in support of their bosses and colleagues and the contribution of the practice, they developed a real competence and a real appreciation of their role in the public sector. They believe that conflict resolution has become an area in itself within the federal apparatus.

PANEL 9: POLICING AND INFORMAL DISPUTE RESOLUTION

The three members of this panel - Police Constable David Zackrias, Mediator Richard Moore and Labor Relations Officer Michael Lamothe - presented their varied perspectives on Ottawa police relations with the communities they serve. In fact, panelists insisted on integration as the key to a safe city. Moreover, they pay special attention to the component of humanity in conflict resolution. This is to avoid generalization and rather to manage each case with integrity and respect. A duality of trusts is necessary and fundamental to the success of conflict resolution between officers and citizens. Each member of the committee presented descriptions of the various processes within their organizations that allowed members of the public to seek a solution to claims for police misconduct. A video telling the story of an Ottawa Police Service officer who experienced a personal transformation through an informal dispute resolution process was presented and discussed. In summary, panelists committed to using the informal dispute resolution process to enhance the services provided by the Ottawa Police Service to members of the public.

STUDENT PLENARY

Four students of Saint Paul University presented to the audience a summary of their current research. Mrs Marie Boglari tackled the issue of the emergence of far-right populism in the West and showed its importance in the political life of our time. She argued that informal processes could have a role to play in establishing a dialogue between advocates of radical populism, the state, and other segments of society. Ms. Natalie Dupuis spoke about the constraints that

subjectivity, intersubjectivity, religion and culture pose in informal conflict resolution. Ms. Nathalie Poirier has devoted herself to the subject of sexual harassment, which is an increasingly important issue of conflict in the federal government and the need to take more strong and innovative actions to improve things. Ms. Mireille Zoungrana chose to speak about the role of the traditional rulers (Moro Naba) of the Mossie ethnic group in Burkina Faso who continue to deal with many conflicts by favoring traditional arbitration and mediation rather than adjudication by the courts. It believes that this system still has its place in the modern world and can even contribute to the management and resolution of serious political problems.

INAUGURATION OF THE CENTER FOR INFORMAL DISPUTE RESOLUTION (CIDR)

The Dean of the Faculty of Human Sciences, Professor Lorraine Sainte-Marie, officially announced the creation of a Center for Informal Dispute Resolution (CIDR) at Saint-Paul University. Professor Rioux mentioned that the Center was designed to fulfil several objectives: developing possibilities for students to get additional training and experiences in conflict resolution, stimulating joint research on CR processes, and encouraging synergies among academics, managers, and practitioners of CR (the 2020 symposium will be organized under the leadership of CIDR). Professor Rioux offered to the participants to contact him if they want to be involved in a capacity or another in the new center.