



# Labour

## Federal Mediation and Conciliation Service

### Grievance Mediation

#### What is Grievance Mediation?

The grievance procedure in a collective agreement provides a means through which differences between the parties can be resolved. The *Canada Labour Code* includes a requirement that all collective agreements include a process, through arbitration or otherwise, for the final resolution of differences about the collective agreement.

Grievance mediation is a completely voluntary step, taken prior to arbitration, which provides an opportunity for the parties to work with a Federal Mediation and Conciliation Services (FMCS) mediator in reaching their own resolution of the dispute.

In grievance mediation, the parties are completely responsible for designing their own solution. The mediator does not make a binding decision for the parties, but rather guides them to a mutually acceptable settlement of the grievance. Through working with the mediator, the parties can develop their problem-solving and settlement techniques. Grievance mediation is a supplement to and not a substitute for the grievance procedure in the collective agreement. All grievance mediation discussions are conducted on a without prejudice basis.

If the parties cannot settle the matter through mediation, they may proceed to arbitration as provided in their collective agreement or under the *Canada Labour Code*.

#### What are the Benefits of Grievance Mediation?

- Expedites grievance processing and reduces a grievance backlog.
- Allows individual grievors, union and management representatives to air, and potentially settle, their differences utilizing a neutral third party.
- Identifies workplace problems and provides an opportunity to resolve them on a broader scale.
- Supports the parties in developing their own settlement techniques.
- Allows the parties to assess the strengths and weaknesses of the grievance prior to arbitration.
- Permits the parties to return to an established arbitration process if a settlement is not reached.
- FMCS mediation services are free of charge.

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## FMCS Guidelines for Grievance Mediation

- The parties agree to mediate the dispute.
- The grievor is entitled to attend the mediation.
- The process is informal, and the rules of evidence do not apply.
- Mediation sessions are confidential and without prejudice; the mediator's notes are destroyed at the end of the mediation.
- The mediator cannot be compelled or called to testify at any other proceeding.
- Mediation sessions are conducted by the mediator using all customary techniques of mediation and problem solving, including the use of separate caucuses.

### How do I Request Grievance Mediation?

Union and employer representatives must submit a signed, joint request to FMCS to request grievance mediation assistance. The request is sent to: Director General, Federal Mediation and Conciliation Service, 165 de l'Hôtel-de-Ville Street, Place du Portage, Phase II, 7<sup>th</sup> floor, Gatineau, Quebec, K1A 0J2. The request should include:

- the names and mailing addresses of the parties and their representatives (including telephone and fax numbers, and e-mail addresses, if available);
- a brief description of the grievance;
- a copy of the applicable collective agreement between the parties; and
- a copy of all pertinent correspondence exchanged between the parties up to the time the request is made.

You can visit our website [www.labour.gc.ca](http://www.labour.gc.ca) for further information about grievance mediation or contact our offices:

National Capital Region:	819-953-0022	Calgary:	403-292-6758
Halifax:	902-426-9531	Vancouver:	604-666-8214
Montreal:	438-892-1467	Toronto:	647-253-8050

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