

Provincial Steering Committee Policy Dispute Resolution

Authority for Policy

Appendix

5.1 Provincial Steering Committee (PSC)

5.1.1. The PSC will be made up of 6 (six) representatives of HEABC and its members, and 6 (six) representatives of the Association.

1.0 Policies and Procedures

The Provincial Steering Committee will:

- 1.1 Be the governing body of the program and guide its administration
- 1.2 Develop or adopt policies, procedures, and decision-making criteria
- 1.3 Discuss and attempt to resolve case management disputes and refer unresolved matters in accordance with the new established dispute resolution process.
- 1.4 Establish a Dispute Resolution Panel as part of the newly established dispute resolution process.

2.0 Case Management Dispute Resolution Process

Disputes arising out of disagreements with Case Management Plans and the implementation of such plans shall be resolved in accordance with the following:

- 2.1 Disputes shall be referred to the Working Group (WG). [Please refer to Guidelines for Resolving a Dispute Concerning a Case Management Plan (CMP) and Referral to the Case Management Dispute Resolution Process (CMDRP and the Dispute Referral Template)].

- 2.2 The WG may engage medical or vocational specialists to review cases. The specialist may be requested to conduct an independent examination.
- 2.3 Recommendations to resolve disputes must be unanimous and made within five (5) business days of referral to the WG. Recommendations must be in writing.
- 2.4 If the WG is unable to resolve the dispute, the issue shall be referred to the Provincial Steering Committee (PSC) within seven (7) business days. The referral shall include a statement of the issue(s) and the agreed and disputed facts.
- 2.5 If the WG's recommendations are not implemented in a timely manner by the employer, or accepted by the employee, the matter shall be referred to the PSC. The party that is refusing to implement or accept the recommendations must provide a statement setting out the reason(s) for non-implementation or non-acceptance.
- 2.6 The PSC shall review the statement and attempt to resolve the difference within five (5) business days of receiving the referral.
- 2.7 If the PSC is unable to resolve the dispute, a referral shall be immediately made to the Dispute Resolution Panel.
- 2.8 The employee shall continue to receive benefits to which they are entitled while the dispute is being resolved.

3.0 Resolving Disputes at WG

- 3.1 Disputes may be referred by employees, unions, or employers.
- 3.2 By referring a dispute to the WG, an individual employee is deemed to be consenting to the members of the working group accessing his or her case management file.
- 3.3 For purposes of dispute resolution, the Bargaining Association working groups will operate separately.
- 3.4 The person referring a dispute to the WG will provide a comprehensive written statement of the facts and the reasons for their disagreement with the Case Management Plan, along with any supporting document, to the coordinator/chair of the working group in order to initiate a referral.

- 3.5 The coordinator/chair will distribute the referral documentation to the members of the working group as quickly as possible.
- 3.6 The working group members may request further written information from others who have been involved in the Case Management Plan including the DMP and the Union Representative. Such requests will be made through the coordinator/chair. Any information provided in response to this request will be shared with all of the working group members and the person referring the dispute.
- 3.7 The coordinator/chair of the working group will call a special meeting of the working group to consider the dispute as quickly as possible but no later than 4 days from the date of the referral. The special meeting may be held by teleconference or videoconference.
- 3.8 The working group may request that individuals with information about the file, including the DMP and Union Representative, attend the special meeting to provide further information about the Case Management Plan.
- 3.9 The WG will consider all available information and will make every effort to find a solution. The members of the working group will focus on finding a solution that is consistent with the EDMP.
- 3.10 The result of the special meeting will be either:
 - 3.10.1 A recommendation to resolve the dispute, for example by engaging a specialist to review the case. The coordinator/chair will prepare the recommendation and circulate it to the parties to the dispute within 5 days of the referral.
 - 3.10.2 A referral to the PSC. The coordinator/chair will prepare a statement of the issues, the agreed and disputed facts, along with all of the documents that were considered by the WG, and send the material to the PSC within 12 days of the referral.
- 3.11 A party who believes that a recommendation made by the WG is not acceptable or has not been implemented in a timely manner may refer the matter to the PSC. The referral will be made by sending a comprehensive written statement of the facts to the PSC dispute referral contact and sending a copy to the WG coordinator/chair.
- 3.12 The WG coordinator/chair will circulate the referral to the PSC to the working group members and will provide the PSC with a copy of the recommendation and of all of the documents that were considered by the WG.

4.0 Resolving Disputes at PSC

- 4.1 For purposes of dispute resolution, the Bargaining Association PSC will operate separately and with the specified number of representatives.
- 4.2 The PSC will designate a contact person from HEABC to coordinate dispute referrals.
- 4.3 The PSC dispute referral contact will ensure that the PSC has:
 - 4.3.1 All of the documents that were considered by the WG,
 - 4.3.2 The referral, either from the WG or from the party who believes the WG recommendation has not been implemented or accepted in a timely manner.
 - 4.3.3 A copy of any recommendation that was made by the WG,
 - 4.3.4 A statement by the party who has not accepted or implemented a recommendation.
- 4.4 The PSC dispute referral contact will circulate all the above materials to the PSC members.
- 4.5 The PSC dispute referral contact will call a special meeting of the PSC to consider the dispute as quickly as possible but no later than 4 days from the date of the referral. The special meeting may be held by teleconference or videoconference.
- 4.6 The PSC may request that individuals with information about the file, including the DMP and Union Representative, attend the special meeting to provide further information about the Case Management Plan.
- 4.7 The PSC will consider all available information and will make every effort to find a solution. The members of the PSC will focus on finding a solution that is consistent with the EDMP and with human rights legislation.
- 4.8 The result of the special meeting will be either:
 - 4.8.1 A recommendation to resolve the dispute,
 - 4.8.2 A referral to the Dispute Resolution Panel.
- 4.9 A party who believes that a recommendation made by the PSC is not acceptable or has not been implemented in a timely manner may refer the matter to the Dispute Resolution Panel. The referral will be made by sending a comprehensive written statement of the facts to

- the Dispute Resolution Panel referral contact and sending a copy to the PSC coordinator/chair.
- 4.10 The PSC dispute referral contact will communicate the result of the special meeting to all parties.
- 4.11 The PSC dispute referral contact will ensure that all materials that were considered by the PSC are provided to the Dispute Resolution Panel.

5.0 Dispute Resolution Panel

- 5.1 The **list of arbitrators approved** by the parties under the Case management Dispute Resolution Process is:
- 5.2 The PSC dispute resolution contact person will select an arbitrator from the list who can be available within 7 days.
- 5.3 The Employer and the Union will provide the PSC dispute resolution contact with the name and contact information for their representatives to the panel within 24 hours of the referral being made.
- 5.4 The PSC will review this process after 1 year and consider whether it would appropriate to set regular hearing days with arbitrators from the list in order to expedite this process.