



Interim Practice Directive 11: Mediation Process

1. Purpose

This practice directive explains the mediation process for the Health Professions Discipline Tribunal (Discipline Tribunal).

2. Authority

The Discipline Tribunal operates under the Health Professions and Occupations Act (HPOA). When this practice directive mentions a section number, it refers to a section in the HPOA, unless it says otherwise.

3. Scope and application

This practice directive applies to discipline proceedings before the Discipline Tribunal during case management and before the consent resolution deadline (CRD).

4. Objective of mediation

Mediation at the Discipline Tribunal:

- provides an alternative to the adversarial hearing process;
- offers an opportunity to resolve a case without a hearing; and
- allows parties to reach agreement during mediation on factual, legal, or procedural issues to streamline the hearing process.

5. Principles of mediation

- Participation in mediation is voluntary, and any party may withdraw at any time.
- Mediation is confidential and without prejudice. All discussions, proposals, and information exchanged during mediation must remain confidential and must not be disclosed outside the mediation unless all parties consent.
- Settlement information, including any terms discussed or proposed, must not be disclosed for the purposes of a discipline hearing unless both the regulatory college and the respondent consent, as set out in section 181.
- Parties must make an honest effort to resolve the case with the assistance of a neutral mediator.



- The process is flexible and may be adapted to meet the needs of participants, for example, through trauma-informed approaches.
- All participants must sign an Agreement to Mediate outlining expectations and terms.

6. Mediation availability and format

- Parties may request mediation at any time up to the (CRD).
- The Director appoints a Discipline Tribunal member to conduct the mediation. If the case is not resolved in mediation, the appointed mediator will not sit on the discipline hearing panel.
- Mediations may be held in person, virtually, or in a hybrid format.
- Mediation is scheduled at the discretion of the Director.

7. Mediation cost

- There is no cost for the mediator's time or services.
- If the mediation is virtual, the Discipline Tribunal is responsible for hosting the mediation.
- If the mediation is in person, the Discipline Tribunal may assist the parties in making arrangements for the location, but the parties are responsible for the cost.
- The parties are responsible for any additional mediation-related costs as agreed between them.

8. Role of the Director in mediation

Because the Director is responsible for approving any proposed resolution under section 139(1), the Director is considered a party to the mediation process. The Director may, at the Director's discretion, participate in discussions with the parties during the mediation process.

The Director's interest in the mediation is to ensure that any resolution reached aligns with the guiding principles of the HPOA (section 14) and the factors in sections 265, 266 and 267.

9. Mediation outcome and Director approval

Any resolution reached in mediation must be submitted to the Director for approval under section 139(1).



If the Director approves the proposed resolution, the Director cancels the citation, and the College makes the agreed-upon order.

If mediation does not resolve the case, it will continue in case management and move to hearing management once the CRD expires.

