

Mediator Code of Conduct and Ethics
November 1, 2010 to March 31, 2011

Applicability

- This Code of Conduct and Ethics applies to all mediations conducted for Alberta Justice.

Interest Based Process

- I will use an interest based mediation process in which:
 - All decisions are made voluntarily and uncoerced by the parties, even though entry into mediation need may not be voluntary: and
 - I will not generate any options for solutions of any kind or give any indication of what decisions parties should make.

No Advice

- I will not give legal, professional or technical advice, and when appropriate, adapt the mediation process to accommodate the parties and their legal counsel to seek such advice.

Impartiality

- I will act impartially. I will not show favoritism. I will not mediate if I have or develop a bias. I will not influence the decisions of the parties' or their legal counsel; express an opinion on the issues; or express a preference for an outcome, either directly or indirectly.

Respect

- I will treat all persons participating in mediation with dignity and respect.

Safety

- I will work to create a safe atmosphere for everyone in attendance at mediation. A safe atmosphere means a space where participants feel that they are in a secure place out of harm's way.

Explanation of Process

- I will explain the interest based mediation process clearly to the parties and legal counsel and will make the process as transparent as possible. I will ensure the parties are aware of their rights to withdraw from mediation.

Equal Opportunity to Participate

- Parties to mediation will have equal opportunity to participate in mediation.

Confidentiality

- The mediation process is confidential unless the parties otherwise agree, and I will respect that confidentiality. I will only disclose confidential information from a mediation in a way that is respectful to the parties, and;
 - With the written consent of all parties and their counsel;
 - When required to do so in a court or by law;
 - When, in my opinion, there is an actual or potential threat to human life;
 - When the information does not identify the parties and is used for research, statistical, accreditation or educational purposes; or
 - When participating in a process arising from a complaint about my conduct in the mediation.

Confidentiality in Caucus

- I will discuss with the parties the applicability or non-applicability of confidentiality as it relates to caucus, and where information given in caucus is to be kept confidential from the other party, I will respect that confidentiality.

Conflict of Interest

- I will not mediate in a case which I have any interest, whether personal, financial or otherwise. I will explain any circumstances that might create an apprehension of bias, or raise doubt about my impartiality, and will withdraw unless all parties wish me to mediate and I am satisfied that any conflict of interest that might arise can be dealt with to the satisfaction of the parties.

Future Work

- After the mediation, I will not do any work for either party which relates to the subject matter of the mediation, without the consent of all parties to mediation.

Termination

- I will terminate mediation if either party may suffer harm or be prejudiced by continuing or if the process is being used for an unfair purpose by either party.

Competence

- I am committed to continuous learning, and I will continue to increase my skills and competence through training, experience and discussion with others. I will engage as a participant in interest based mediation training for at least three days in every two year period.

Insurance

- I will maintain Professional Liability Insurance of at least \$1,000,000.00 per occurrence, for errors and omissions in performing my professional services.

Breach

- Breach of this Code of Conduct and Ethics may result in suspension or termination from the Roster.

Date

Name (please print)

Signature