

DISPUTE RESOLUTION POLICY

KEY FEATURES:

- The policy creates a framework to work collaboratively to resolve disputes and where necessary, a fair mechanism to achieve final and binding resolutions.
- Stewards may initiate dispute resolution in accordance with this policy.
- Requests for dispute resolution must be submitted in writing.

I. Overview

1. This policy provides guidance to stewards regarding dispute resolution policy and procedures.
2. Nothing in this policy limits a program's ability to escalate a steward to the applicable Ministry or Authority in accordance with the governing legislation.

II. Purpose

3. The stewardship programs and stewards share a common goal to promote fairness for all stewards and to enable the stewardship programs to operate in a cost-effective manner.
4. Despite this, disagreements may arise from time to time. It is important to have a fair process to address disputes in a timely manner, minimizing the impact to the programs' and the stewards' organizational operations.
5. In circumstances where an issue cannot be resolved informally, this policy sets out the way issues will be addressed in a manner that balances:
 - administrative efficiency;
 - fairness;
 - cost to one or more of the stewardship programs and the steward ; and
 - finality

III. Scope

6. This policy applies for all stewards and voluntary stewards (“stewards”) meeting their regulatory stewardship obligations in one or more of the following stewardship programs supported by CSSA:

- Recycle BC (formerly MMBC);
- Multi-Materials Stewardship Western (MMSW);
- Multi-Material Stewardship Manitoba (MMSM); and
- Stewardship Ontario Blue Box Program and Municipal Hazardous or Special Waste Program (MHSW)

with respect to the stewards’ payment of fees (“dispute”).¹

IV. Policy

7. If a dispute arises between a steward and a stewardship program the steward may initiate Dispute Resolution by way of the following steps.

Step 1: Notice of Concern

8. If an issue arises, which the steward has been unable to resolve with the staff member with whom they have been working most closely, the steward must within 30 days raise the matter with the stewardship program(s) in writing by sending an email:

- (a) to the email address disputes@cssalliance.ca;
- (b) with the subject line: “Dispute Resolution Request” and the steward’s name and steward number;
- (c) summarizing the nature of the dispute, the impacted stewardship program(s), the key facts, and attaching any relevant documentation.

Step 2: Informal Discussion

9. Within 30 days of receipt of written notice, CSSA staff will contact the steward on behalf of the stewardship program(s) to:

¹ Please note that nothing in this policy limits a program’s ability to escalate a steward to the applicable Ministry or Authority in accordance with the governing legislation

- (a) clarify the nature of the concerns;
- (b) request any further documentation in support of the concerns; and
- (c) arrange for and facilitate a meeting in person or by telephone to attempt to address and resolve the concerns with the steward and with stewardship program representatives.

Step 3: Management Discussion

10. If the dispute remains unresolved following the Informal Discussion, the steward must, within 30 days of the completion of the Information Discussion:

- (a) send an email to CSSA at disputes@cssalliance.ca with the subject line “Dispute Resolution Management Meeting Request” and the steward’s name and steward number;
- (b) summarize the concerns which remain outstanding following the Informal Discussion;
- (c) provide all documentation in support of the concerns and such other information or documentation requested by CSSA on behalf of the stewardship program(s).

11. Within 30 days of receipt of written notice, CSSA will arrange for and facilitate a meeting between senior representatives of the steward and the stewardship program(s) to discuss and attempt to resolve the concerns.

Step 4: Arbitration

12. If the steward’s concerns remain unresolved following the Management Discussion, the steward must within 30 days of the completion of the Management Discussion:

- (a) send an email to disputes@cssalliance.ca with the subject line “Arbitration Request” and the steward’s name and steward number;
- (b) summarize the concerns which remain outstanding following the Management Discussion; and

- (c) provide all documentation in support of the concerns and such other information or documentation requested by the stewardship program(s).

13. For Arbitration:

- (a) within 30 days of receipt of the steward's request for arbitration, the steward and the stewardship program(s) shall jointly agree upon an arbitrator;²
- (b) an arbitration lasting no more than four hours shall be scheduled to take place on a mutually convenient date;
- (c) the steward and the stewardship program(s) shall divide the time equally to present their position to the arbitrator;
- (d) the steward and the stewardship program(s) shall each be entitled to:
 - (i) make submissions to the arbitrator; and
 - (ii) submit documentary and other evidence to the arbitrator.
- (e) The decision of the arbitrator shall be final and binding. The steward and the stewardship program(s) have no right of appeal or review. In particular, the court has no jurisdiction to hear an appeal or a judicial review from the arbitrator's decision.
- (f) Each party shall bear its own costs of the arbitration, regardless of the outcome. The arbitrator's fees shall be split equally between the parties, regardless of the outcome. The arbitrator shall have no jurisdiction to award costs in favour of one party or the other party.

² If the stewardship program(s) and the steward cannot jointly agree on an arbitrator, each of the stewardship program(s) and the steward shall jointly submit two names of potential arbitrators, and the identity of the arbitrator shall be chosen randomly from the four possible names.