

ADRIA Designations and Education Standards Task Force

Final Report and Recommendations re: ADRIC designations

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Appendices

The following Appendices are attached as separate documents:

Appendix A: Terms of Reference

Appendix B: Alberta History of Qualified Designations

Appendix C: Definitions of the Q.Med within ADRIA and ADRIC websites

Appendix D: Survey Results

Appendix E: ADRIA Trainer Survey Responses

Appendix F: Government of Alberta DRN Feedback

Appendix G: Summary of AAMS/ADRIA Education Program History

Appendix H: ADR Training Across Canada (incl. AAMS/ADRIA training history)

Appendix I: Environmental Scan of Canadian Regulations

1. Objectives

(See Appendix A: Terms of Reference)

The ADR Institute of Alberta (ADRIA) struck the Education and Designations Standards Task Force in September of 2017 to address concerns about the Qualified Arbitrator and Qualified Mediator designations. The ADRIA Board asked the Task Force to explore the questions raised when balancing the need to support new practitioners with the requirement to protect the public. The significant response this Task Force received from Alternative Dispute Resolution (ADR) practitioners, employers, students, and educators across the province about standards for training, practice, and designations confirms that these issues are critical to the field of ADR in Alberta.

The Terms of Reference from the ADRIA Board (see Appendix A) ask that we examine the interconnection among education, competencies, and the Qualified and Chartered designations and that we examine the following question:

At what point is one considered “qualified” to conduct a solo mediation or arbitration without risk to the public or the profession?

“The ADRIA Board embraces and recognizes the need for entry-level designation as valuable secondary qualifications for some occupations (Social work, Psychology, Law, HR etc), but also believes strongly that such designations should only function as a short-term stepping stone for those members who intend to focus on ADR, and plan to offer mediation and/or arbitration services as a core component of their professional practice. In that context, are we at ADRIA doing enough to ensure that:

- a) our members with a Qualified Mediator/ Arbitrator designation are being correctly perceived by the public and/or employers relative to their actual background and training; and
- b) our practicing members are motivated (by ADRIA and/or market forces) to advance their qualifications to achieve Chartered status?”

The Task Force is asked to research:

- Mediation and Arbitration practices in Canada and elsewhere. These include:
 - a) education programs
 - b) expectations of mediators and arbitrators for ongoing professional development
 - c) evaluations to assess competency of mediators and arbitrators
 - d) stakeholders’ or public’s perception of ADR and the attributes a qualified mediator or arbitrator should possess
- Mediator and Arbitrator training programs’ best practices
- Educational requirements for ADR Institute of Canada (ADRIC) Qualified and Chartered Designations, and how these impact Mediation and Arbitration professions.

The Task Force is asked to make recommendations:

- regarding the extent to which ADRIA should maintain or raise the Alberta training and designation standards (where allowed under ADRIC guidelines), and/or
- to what extent the ADRIA Board should advocate nationally for change.

2. Task Force Process

The core purpose of the ADRIA Designations and Education Standards Task Force is to determine how effectively the current ADRIA training and ADRIC designation requirements are in confirming dispute resolution practitioners are competent to practice solo without risk of harm to the public or the profession.

The Task Force had its first meeting in September 2017. We were originally asked to have a substantial amount of information collected by the end of November 2017, a verbal update of information collected for the ADRIA Board of Directors on December 2, 2017, and a final report for April 2018. Given the wide scope of the Task Force Terms of Reference and the number of questions we were asked to address, in December Co-Chairs Marti Ryan and Jennifer Warren asked the Board for an extension and were given direction to take time to do a thorough job.

We started by creating an outline to identify what information we needed and who we needed to hear from. We wanted to know the history of the ADRIC designations, the current requirements and intended purpose, and how the designations are perceived by ADR practitioners (both ADRIA members and non-members, and those with a designation and without), students, ADRIA trainers, employers, and clients. We also wanted to find out how effective the designations and the current training are in creating competent practitioners by seeing how practitioners are using the designations and examining the experience employers are having with practitioners who hold the designations. In addition, we wanted to have an idea what other training and designations are available across Canada and around the world, and see if it is possible to identify best practices.

In the spring of 2017, the Task Force created a survey to ask how practitioners and users of ADR perceive the ADRIC designations and standards for good ADR practice. The survey was distributed through various channels, including through ADRIA, other ADR organizations in Alberta, and organizations with members across Canada., such as the Canadian Bar Association. The survey was open March 28 through April 16, 2018, and again April 25 through May 3, 2018 after it was determined not all ADRIA members received notice of the first opportunity to respond.

While we are very pleased with the response to the survey and the insights it provided, we recognize the survey would need many more responses and rigorous collection processes to be considered statistically valid. We intend the survey information to be a glimpse of the perceptions held about the designations and training, but want to be clear it provides the feedback of a focus group and cannot be taken as reflective of all ADR practitioners and users in our province.

In October 2018, we also surveyed ADRIA trainers who have been involved in the program in the past three years and 19 out of 30 people responded. We also contacted leaders within the Alberta Government's Dispute Resolution Network, the largest employer of mediators in the province, to learn about their experiences with the current standards.

Once we completed our research, we identified the conclusions we can draw from what we found and created a list of findings to guide our recommendations.

In November and December of 2018, we held a series of in-person brainstorming sessions in Calgary and Edmonton and connected the two locations and members outside of Edmonton online. We quickly identified that we did not have enough time to address the concerns about the ADRIC designations and the ADRIA training, and still meet the deadline to have findings for the ADRIA Board for January 2019.

We agreed our Task Force would start with identifying the competencies of mediators and arbitrators and how they compare to the ADRIC designations, and that we would present those recommendations to the Board in January 2019. Then, we would work on recommendations for ADRIA's training.

The first half of the report, with recommendations for the ADRIA Board about the ADRIC designations was submitted January 20, 2019. We expect our recommendations about ADRIA's training to be complete by mid-2019.

3. Summary of Findings

It is the intent of this Task Force to provide information that can highlight for ADRIA, and in turn, ADRIC, how ADRIA's education program and the national ADR designations are perceived in Alberta and how they are shaping the mediation and arbitration professions here. In particular, we want our membership organizations to be aware of any disconnect between the intent of the designations and training, and the reality of how they are affecting the profession or how they are perceived by members, practitioners, and users. We hope this information will be useful to inform decision-making and planning to the benefit of members, the public, and the practice of ADR.

It should also be noted, that while ADRIA's education program and ADRIC's designations are two separate entities, discussion of ADR standards in Alberta often combines the two because ADRIA's training has changed significantly over the years, in part to match the standards of the designations.

The following paragraphs answer the questions raised in our Terms of Reference by summarizing the findings of our research that are explained in Section 5 of this report.

Effectiveness of current standards and training in creating competent solo practitioners and how the educational requirements of the designations impact the mediation and arbitration professions

The main question is whether the current national Qualified designation standards and ADRIA's training support the development of competent solo practitioners, and our Task Force has found that they do not. While a wide variety of people with all levels of training and experience hold the Qualified designations, we have found that the application requirements alone do not ensure that the holder is ready to practice solo in a way that protects clients, the integrity and value of the ADRIC designations, and the reputation of ADR.

This is particularly concerning because we have also found that the Qualified designations have become the new standard of practice for many people who wish to pursue ADR as a career. Since the introduction of the Qualified designation and the National Introductory Training, ADRIA's students' objectives have changed and the Chartered designations are no longer the ultimate goal.

While many practitioners with a Qualified designation do not plan to advance to a Chartered designation, the majority of those with a Chartered designation believe the requirements for the Qualified designation only prepares practitioners for less complex matters.

Members of this Task Force believe there is a level of "you don't know what you don't know" at play. We see through our survey results, that the more experience and training a practitioner has, the more likely they are to believe a Qualified designation is not enough to practice solo competently.

Looking at the training requirements of the Qualified designations, we found that they lack the necessary foundational requirements to ensure proficiency. Even though ADRIA already exceeds the minimum criteria set by ADRIC by requiring a pre-requisite to the National Introductory Mediation Training, and expanding both National courses by an additional day,

none of the ADRIA Trainers polled believe students are competent to do a solo mediation or arbitration at the end of the National Introductory Training. At the same time, recent applicants for a Qualified designation are applying within a year of finishing their ADRIA training.

From comments on our survey, there is confusion among some students who believe they are being deemed as competent to practice by ADRIA if they pass the National Introductory courses, though in reality arbitration students do not have to demonstrate how they would conduct a hearing, and mediation students are only evaluated at a level appropriate for new learners who have only had five days of training and are not expected to demonstrate an integration of concepts and skills.

Employers are finding a wide variance in the ability of applicants. While a designation can indicate a certain level of training has been acquired, employers have not found them to be a consistent indication of the applicant's abilities.

The largest employer of ADR professionals in the province, the Government of Alberta, is having trouble finding qualified applicants to fill positions. Some of the government's dispute resolution programs are finding that applicants who have completed formal mediation training are not able to demonstrate skills in a basic role play. Most programs are providing mentorships, co-mediation, and even their own training to get applicants up to speed. The concern is that soon there will not be enough experienced mediators in Alberta who are proficient in their practice to meet the growing demand for mediation in our province.

Employers and supervisors we heard from expressed that it is not the designation that determines if an applicant is qualified, but the individual's approach and their experience. From our survey, over a third of supervisors or employers put no weight on an applicant having a Qualified designation or a Chartered designation. This finding conflicts with the ADRIA Mission statement of "Maintaining accreditation standards, accountability, and designations for the ADR profession".

This brings forward another key conclusion. While, in general, the Chartered designations are well-regarded, there is concern that neither the Qualified nor the Chartered designations are recognized outside of ADRIA and its affiliates. From our survey results, we see concerns from practitioners that the distinction between Qualified and Chartered is lost on the public, that the Chartered designations have been devalued, and that the designations are expensive to obtain and maintain, with little tangible benefit.

Especially among mediators, of the practitioners we surveyed who hold an ADRIA designation, approximately half have considered letting their designation lapse. Concerns include cost, lack of benefit to the holder, and the designation not being recognized outside of ADRIA and ADRIA by employers or the public.

The descriptive word "Qualified" and whether the same is misleading to the public

Our survey found the name "Qualified" is not widely accepted by our respondents. Many ADR practitioners believe it does not accurately reflect the current requirements of training and experience, and is confusing for both practitioners and clients.

Are we at ADRIA doing enough to ensure that our members with a Qualified Mediator/ Arbitrator designation are being correctly perceived by the public and/or employers relative to their actual background and training?

Before anyone can answer if the designations are being perceived correctly, ADRIA, ADRIC, and the other affiliates need to have a standard and clear definition and purpose for each designation. Among ADRIA and ADRIC online and print materials, descriptions, promotions, and forms we found that the designations are described differently and that some of the definitions conflict with each other.

The Qualified designations are sometimes described as an “intermediate” designation, sometimes as “introductory”, sometimes as a “stepping stone” to a Chartered designation, and sometimes as a “secondary qualification” for other professionals.

Our Terms of Reference describe the Qualified designations as both “a valuable secondary qualification for some occupations” and a “short-term stepping stone for those who plan to focus on ADR”. We find the introduction of the concept of a “secondary qualification” for people in fields outside of ADR conflicts with the description of the Qualified designation as “entry-level”. It implies that the Qualified designation is enough to practice solo, and that people who use ADR as part of another line of work or who only do a few sessions a year do not need the training and experience required for a Chartered designation.

Not surprisingly, there is great disparity in how the Qualified designations are perceived and understood. Half of our survey respondents think the Qualified designations are entry-level, a third think they are an intermediate designation, and the majority do not think a Qualified designation is a stepping stone to a Chartered designation.

If the Qualified designations are entry-level, there are divergent opinions about what that means. Some respondents believe it should indicate the holder is ready to begin getting experience and others believe the holder is fully ready to practice solo competently, even in moderately to highly complex situations.

From our survey, ADR practitioners are also confused about what the term “secondary qualification” means and divided about the need for a “secondary qualification” for people in other professions. Though, even those who use ADR in another profession or part-time are clear that mediators and arbitrators need the same amount of training and level of qualification, regardless of their background, other professional training, or how often they intend to use ADR in their work.

Are we at ADRIA doing enough to ensure that our practicing members are motivated (by ADRIA and/or market forces) to advance their qualifications to achieve Chartered status?

While the original intent of the Qualified designations in Alberta was to provide a stepping stone for practitioners who did not have enough paid experience to apply for a Chartered designation, as we have already noted, a Qualified designation is now widely perceived by new or prospective practitioners as the end target.

An analogy can be seen in the introduction of a graduated driver’s license (GDL) in Alberta

A probationary license was added between a Learner's level and a full Driver's license to help new drivers gain knowledge and experience to pass the required road tests and be good drivers. The assumption was the people would apply for their full license after completing a two year probationary period, but that's not what has happened. In 2014, 250,000 drivers holding a probationary license were eligible to apply for a full license, but chose not to.¹ Having already been assessed as able to drive, many are not willing to go to the trouble or expense of passing a more difficult road test to gain a full license which offers no significant benefits for young drivers.

Our Task Force believes it is time for ADRIA to change our perspective on the issue of moving from a Qualified to Chartered designation. After examining how to make sure the Qualified designations were more accurately portrayed and perceived as entry-level designations, we realized that the more practical approach is to raise the application standards so that the Qualified designation reflects its name and the perception it carries.

If the Qualified designations change to ensure that anyone holding them is capable of practicing solo competently, does it matter whether or not people strive for the Chartered designations? We believe that ADRIA needs to hold the protection of the public and the integrity of the profession above any other interests in this issue, and therefore, as long as all designations ensure competency, it should be up to the practitioner to choose what level of designation to which they aspire.

That being said, we also find that the Chartered designations need to provide more value to the holder and to be promoted more widely to the public. The Chartered designation represents a significant accomplishment and should be recognized as such. If it offers value to holders, it is our hope that it will be a goal for those who are serious about ADR and being taken seriously as an ADR practitioner.

At what point one is considered “qualified” to conduct a solo mediation or arbitration without risk to the public or the profession?

Most mediators surveyed say ethics, training, appropriate use of skills, attitude/suitability, integration of concepts into practice, experience, and understanding of model/process are important in order to be able to work solo competently. Over a third also believe assessment by an experienced practitioners and preparation to work in a specific field are important.

It was clearly identified by potential employers at the Government of Alberta and ADRIA's own trainers that the students need more integration of skills through role-playing and feedback, as part of any training certificate and designation requirements.

Most arbitrators surveyed say training, demonstration of skills, references or recommendations, and knowledge of a field of specialization are important to work solo competently.

Arbitrators need to demonstrate competency in several key areas including, award writing, knowledge and understanding of the Arbitration Act, procedural fairness, and demonstration of the ability to conduct a hearing.

¹ CTV News Calgary, May 15, 2015 <https://calgary.ctvnews.ca/large-number-of-albertans-content-with-their-graduated-driver-s-licence-1.1823709>

4. Recommendations

Based on our findings, our Task Force has a number of recommendations to make regarding:

- the extent to which ADRIA should maintain or raise the Alberta training and designation standards (where allowed under ADRIC guidelines), and
- to what extent the ADRIA Board should advocate nationally for change.

4.1. Criteria for recommendations

Our Task Force identified key interests related to the ADRIC designations and ADRIA's training that we used as criteria for our recommendations.

We believe both the national designations and ADRIA's education program need to:

- develop competency of practitioners,
- provide clear, consistent and measurable standards,
- protect clients and the integrity of ADR work, and
- be affordable.

For the national designations in particular, we also kept in mind the following criteria to ensure that the designations are meaningful to ADR practitioners and the public by:

- setting a standard for the profession
- serving a purpose for the holder and those who hire ADR professionals
- providing value to the holder
- providing credibility to the holder
- being a source of professional pride
- being widely recognized and respected
- being marketable

For ADRIA's training specifically, we also kept in mind the following criteria:

- incorporate fair and reliable training practices
- provide practical knowledge and role-playing
- be current with up-to-date information and practices
- be sought after and chosen over other training options
- provide integration by clearly defining what students should expect and will be able to demonstrate at the end of the course
- be transparent and realistic in its description
- maintain the safety of students and instructors

The most important criteria we followed in making our recommendations is that above all else, both national designations and ADRIA's education program need to protect the public and the integrity of the profession.

4.2. Recommendations related to the ADRIC designations

The Task Force recommends that the ADRIA Board of Directors work with ADRIC to adjust the standards for the current designations to better develop competency among holders to practice solo without causing harm to the public or to the reputation of ADR by making the changes described below.

We believe the key to adding value to the designations is that all the recommendations come together as a whole package to support each other: improving standards, educating the public, and encouraging people to strive for the highest level of professional designation have to happen hand in hand. For instance, working to have more rosters require an ADRIC designation will backfire if standards are not raised to ensure competent practitioners to fill the positions.

4.2.1. Arbitration Designations

We recommend ADRIA ask ADRIC to:

- clearly define the Qualified Arbitrator designation as entry-level,
- ensure affiliates across the country use the same definition, and
- raise the application requirements for both the Qualified and Chartered Arbitrator designations to better ensure all areas of competency needed to practice solo and to reflect the level of experience of the holder.

We also recommend that if ADRIC is not ready to make changes to the mediation designation requirements, that ADRIA raise its standards to those recommended by this Task Force and develop the templates and processes that could be the basis of national change.

4.2.1.1. Qualified Arbitrator (Q.Arb)

We found the qualifications for the Qualified Arbitrator were not sufficient to ensure competency to practice solo effectively and safely.

Therefore we recommend the Qualified Arbitrator designation:

- a) be defined as an **entry-level arbitration designation that indicates a minimum standard of training and experience to practice solo competently and ethically in cases of low to moderate complexity,**
- b) and that the designation encompass the following basic competencies:
 - comprehensive understanding of:
 - procedural fairness
 - rules of natural justice
 - the Arbitration Act
 - ability to effectively conduct a hearing
 - clear and accurate award writing
 - ethical practice

Recommended Application Requirements

In order to reflect the definition and competencies of the Q.Arb, we recommend that ADRIA's Board ask ADRIC to adjust the Chartered Arbitrator application requirements to the following:

- successful completion of approved arbitration training (see recommendations about revising National Arbitration Training)
- completion of an approved ethics course (to be developed)
- successful completion of a written exam including award writing, the Arbitration Act (multiple choice), and procedural fairness
- demonstration of conducting a hearing using a mock hearing assessed by C.Arb.
- member of ADRIC

4.2.1.2. Chartered Arbitrator (C.Arb)

We also found that the current qualifications for the Chartered Arbitrator designation do not ensure competency because they do not test all areas of competency or require a demonstration of how to conduct a hearing.

Therefore we recommend the Chartered Arbitrator designation:

- a) continue to be defined as a **senior-level arbitration designation that indicates an advanced level of training, experience and competency in cases of moderate to high complexity**
- b) and that the designation encompass the same basic competencies as the Qualified Arbitrator including:
 - comprehensive understanding of:
 - procedural fairness
 - rules of natural justice
 - the Arbitration Act
 - ability to effectively conduct a hearing
 - clear and accurate award writing
 - ethical practice,and also represent a higher level of experience.

Recommended Application Requirements

We recommend that ADRIA ask ADRIC to work with a group of experienced Arbitrators from across the country to determine what would be required to indicate the experience and skills of a senior-level arbitrator. As with the Chartered Mediator designation, we suggest that years of experience or number of cases should not be based on self-reporting, but have another method of accurately and effectively reflecting experience.

4.2.2. Mediation Designations

We recommend that ADRIA ask ADRIC to:

- clearly define the Qualified Mediator designation as entry-level,
- ensure affiliates across the country use the same definition,
- raise the application requirements for both the Qualified and Chartered Mediation designations to better ensure competency to practice solo and to reflect the level of the designation, and
- provide processes to support the evolution of the designations, including developing a new assessment for the Qualified Mediator designation and developing a national roster of trained assessors.

We also recommend that if ADRIC is not ready to make changes to the mediation designation requirements, that ADRIA raise its standards to those recommended by this Task Force and develop the templates and processes that could be the basis of national change.

4.2.2.1. Qualified Mediator (Q.Med)

Based on our Task Force research, people are unclear what a Q.Med designation means and the competencies it indicates (even among people who hold the designation) and there is consensus that the current qualifications do not ensure someone is qualified to practice solo. To protect the public, and the reputation of mediation and mediators, we have found that a mediator

needs to be competent, no matter how often they practice, or in what circumstances (volunteer, as part of another job, etc.) and that there should be consistency across the country.

Therefore, we recommend the Qualified Mediator designation:

- a) be defined as an **entry-level mediation designation that indicates a minimum standard of training and experience to practice solo competently and ethically in cases of low to moderate complexity**,
- b) and that the designation encompass the following:
 - successful completion of skills-based training in a mediation model or process
 - demonstrated integration of conflict management skills and understanding of a mediation model in a a role play of low to moderate complexity
 - ethical practice
 - ability to manage a mediation from intake and pre-mediation through to agreement writing and following up with the parties, if appropriate
 - effective agreement writing that reflects the parties' intent and decisions clearly and concisely
 - possess an attitude and disposition suitable to mediation practice and providing a client-focussed service; the ability to self-reflect and continually learn from each mediation experience
 - demonstrate a developing ability to manage the emotional climate of the mediation

Recommended Application Requirements

In order to reflect the definition and competencies of the Q.Med, we recommend that ADRIA's Board ask ADRIC to adjust the Qualified Mediator application requirements to the following:

- a. complete more than 40 hours of skills-based training that involves learning a conflict resolution model and includes the practical application of skills learning through role-playing (Note: the actual number of hours needed to learn skills and a model is to be discussed further, when the Task Force addresses ADRIA's training.)
- b. complete approved ADR Ethics course (to be developed)
- c. pass new Q.Med-level assessment with new criteria to demonstrate competency (see "Other Recommendations" below)
- d. demonstrate an ability to handle the administrative aspects of a mediation from beginning to end by providing a description of your typical process from intake of clients to follow up after the mediation; and include one sample of an Agreement to Mediate and any other paperwork you use with clients, if applicable
- e. complete at least 10 mediation sessions (with a minimum of five different cases) working with a co-mediator or observed by a supervisor. Solo mediations without a supervisor will not be considered. Have each supervisor or co-mediator fill out their section of the provided feedback form. (See "Other Recommendations" below)
- f. provide copies of one redacted mediated agreement to show knowledge of complete process (with permission of participants, if privacy of participants can be protected), or provide a sample based on a provided video demonstration or based on the assessment for the designation. (If the applicant does not get to the point of clients brainstorming options in their assessment, they may imagine the possible agreement, which must reflect the nature of the conversation and needs expressed in the role play.)
- g. agree to complete ongoing professional development
- h. Member of ADRIC

Other Recommendations

We also recommend that ADRIA ask ADRIC to consider the following changes to support the evolution of the Qualified Mediator designation:

- a. develop a new assessment for an entry-level designation with more stringent criteria to replace current mock mediation. This would involve:
 - i. having trained and approved assessors, and starting a national roster of assessors
 - ii. developing and using a consistent assessment tool across country with calibrations and spot-checking assessments
 - iii. creating rules around use of role players and clear guidelines for role players to ensure integrity of process and limit the access to role-play scenarios for future assessment takers
 - iv. considering increasing the amount of time allotted to a role-play demonstration to an hour and a half
 - v. having the candidate write a self-reflection on the assessment role play
- b. create a mandatory form for each co-mediator and/or supervisor to provide feedback about applicant and indicate completion of ten mediation sessions. The form should include the date, co-mediator name, signature and phone number, topic, duration, result, how many parties were involved, and notes on what went well, what could be improved
- c. review current Continuing Education and Engagement (CEE) program and put more emphasis on encouraging practitioners to develop skills, and continue professional development, including requiring a minimum number of mediations per year.

Recognizing that ADRIA works to balance the needs of its own organization, its members, ADRIC, and the public, that it put the competency of the practitioners it trains and/or awards a designation to above all other interests in order to protect the public and the integrity of ADR, we ask that the Board consider the following:

That ADRIA raise its standards for the entry-level mediation designation as recommended by the Task Force, regardless of ADRIC's response. Establishing processes (for example, assessment criteria, a form for demonstrating mediation cases etc.) provincially may also provide guidance and templates for national change.

Name of entry-level designation

Our Task Force has found that the names of the designations should be accurate and transparent (reflect the designations' purpose and qualifications), clear (tell potential holders and clients who they are getting), and be distinguishable from each other.

If ADRIC changes the requirements for the Qualified Mediator to better ensure a holder is competent to practice solo, we believe this would address most concerns about the Qualified designation name being misleading and inaccurate. There is still concern that the name is confusing, as people do not know the difference between a Chartered level and a Qualified level. We hope this can be addressed in other ways, including clear branding and a concerted marketing campaign (see section 4.2.7).

If ADRIC does not change the application requirements for the Qualified Mediator, we strongly recommend the name of the designation be changed to reflect the level the qualifications are at, ie. "Mediator-in-Training".

4.2.2.2. Chartered Mediator (C.Med)

The qualifications for the Chartered Mediator (C.Med) designation need to reflect the purpose of the designation as a senior-level designation and differentiate it from the entry-level designation, protect the public and the reputation of ADR, and deliver on the original mandate to improve the C.Med designation to reflect it is the highest level of designation available.

Therefore, we recommend the C.Med designation:

- a. continue to be defined as a **senior-level mediation designation that indicates an advanced level of training, experience and competency in cases of moderate to high complexity**
- b. and that the designation encompass the following basic competencies:
 - i. successful completion of 180 hours of skills-based training in a mediation model or process
 - ii. demonstrated integration of conflict management skills and understanding of a mediation model in a role play of moderate to high complexity
 - iii. ethical practice in mediation
 - iv. ability to manage a mediation in a solo capacity from client intake and pre-mediation through to agreement writing and following up with the parties, if appropriate
 - v. effective agreement writing that reflects the parties' intent and decisions clearly and concisely
 - vi. possessing an attitude and disposition suitable to mediation practice and providing a client-focussed service; demonstrated ability to self-reflect and continually learn from each mediation experience
 - vii. well-developed ability to manage emotional climate of a mediation

Recommended Application Requirements

In order to reflect the definition and competencies of the C.Med, we recommend that ADRIA's Board ask ADRIC to adjust the Chartered Mediator application requirements to the following:

- a. 15 solo fee-paid mediations with proof of practice (not just self-reported).
- b. minimum of two years experience practicing as a mediator
- c. 180 hours skills-based mediation training with practical role-play component
- d. completion of approved ethics course (in addition to 180 hour of mediation training)
- e. assessment with a role play more complex than a Q.Med role-play by:
 - including a self-reflection as part of assessment
 - including an ethical dilemma question as part of assessment (This needs more structure around it. Currently, the guidelines are not clear this may not be implemented consistently across affiliates.)
- f. agree to ongoing professional development
- g. demonstrate an ability to organize a mediation by provided samples of your Agreement to Mediate and three redacted agreements
- h. three reference letters (same as current requirement)
- i. can apply directly or achieve Q.Med first
- j. member of ADRIA

4.2.3. Encouraging entry-level designation holders to move to Chartered level

With new standards and changes to CEE, our Task Force believes it is not necessary to enforce a timeline (or “sunset” clause) to force someone with a Q.Med to move to a C.Med, as long as ongoing professional development and proof of practice are demonstrated. As long as a person is qualified to practice competently solo, it is up to them what level of designation they would like to achieve.

That being said, as long as there are more than one level of designation, the lowest level becomes the standard of practice and it is important to encourage mediators to strive to reach the highest level of recognition in their field using other options.

The key to encourage practitioners to strive for a Chartered designation is increasing its value to the holder. The biggest impact would come from clearly defining the designations with a standard description in all ADRIC and affiliate platforms and materials, and then actively branding and promoting the Chartered designation as a senior designation to potential applicants, potential clients, employers, and the public. We also strongly believe that the annual renewal fee for the designations should be the same for the Chartered as it is for the Qualified.

Some ideas on how to increase the value of the Chartered designations:

- a. ADRIA and the other affiliates could set the application fee lower for anyone moving from a Q. to a C. (anyone applying just for a C without a Q would pay the full application fee).
- b. make those who hold Chartered more prominent in all affiliate and national directories
- c. for all affiliate and national roster opportunities, give preference to applicants who hold a C designation
- a. help C.Meds with promotion through directory with a follow link
- b. identify value of Chartered (in creating employment opportunities, providing professional engagement and pride, and recognition of abilities) and plan how to create awareness and recognition of the Chartered designation outside of ADRIC and affiliates
- c. clearly define the different designations at beginning of any directory
- d. promote benefits of holding a Chartered designation to members (for example, professional practice insurance is cheaper).
- e. market the designations with their full name so that “Chartered Mediator” and “Chartered Arbitrator” become part of people’s vocabulary.
- f. ADRIA/ADRIC to strike a committee to enhance the value and benefits for Chartered designation holders.

Other Recommendations for ADRIA

If ADRIC does not raise the designation standards, then it is advised that ADRIA focus on encouraging people to move to the Charter level.

4.2.4. Transitioning current designation holders

We recommend being transparent with membership about the need for change, and to emphasize the importance of increasing the value of all the designations.

For Qualified Arbitrators: We suggest giving current Qualified Arbitrators a period of time to move to the Chartered designation. It will have to be determined how that can be done, recognizing that change may cause frustration among holders who believe they have already been identified as competent to practice solo (and they may well be). Strategies to support current holders would have to be discussed.

For Qualified Mediators:

We suggest giving current Qualified Mediators a period of time to move to the Chartered designation or to apply for new Qualified. It would have to be determined how that can be done and if anyone can be grandfathered.

Recognizing that change may cause frustration among holders who believe they have already been identified as competent to practice solo (and they may well be), identify strategies to support current holders. One idea is to not charge an application fee for any current Q.Med applying for a new Q.Med. (assessment fees would be separate.)

For Chartered Arbitrators and Chartered Mediators:

As many of us hold a C.Med and/or C.Arb, we could not make a recommendation without being in conflict of interest. ADRIC would have to decide how to transition current C.Med holders to any new C.Med requirements.

4.2.5. Designation Costs

There is concern about cost for the value among designations holders and a perception that the designations are a “money grab”. We believe that could be addressed in part by making sure they represent a meaningful standard worth attaining and maintaining, and also by providing value.

That being said, it is important to be aware of how sensitive an issue this is and to ensure that any application fees, assessment fees, annual renewal fees, and CEE fees are fair, and reflective of costs to the organization and value to the holder.

4.3. Recommendations related to ADRIA's Training program

4.3.1. Arbitration Training

Recap of Findings

Our Task Force found that ADRIA's current use of the National Arbitration Training course is not sufficient to foster competency in students to be able to practice solo at the end of the training. The current course does not teach all areas of competency to effectively conduct an arbitration hearing. It also offers the same curriculum to all students, regardless of their background. We found that those with a law degree have extensive training in some areas needed for arbitration, such as contract law and evidence, and that those without that background would need more training.

Summary of Recommendations

ADRIA invite ADRIC to work with them to revise the National Arbitration Training program to cover all areas of competency in arbitration.

Details of Recommendations

ADRIA invite ADRIC to work with them to revise the National Arbitration Training program to cover all areas of competency in arbitration:

- a. ADRIA share findings with ADRIC and offer to work with them to revise their current National Arbitration Training program:
 - i. ADRIA share our findings to open discussion about the effect the National Introductory Arbitration course is having on competency in our province, and the risk to the public and the profession of setting this as the standard for training across the country.
 - ii. ADRIA propose revising the National Introductory Arbitration training
 - iii. the new arbitration program would have the following outcomes for students:
 - comprehensive understanding of:
 - procedural fairness
 - rules of natural justice
 - the Arbitration Act
 - ability to effectively conduct a hearing,
 - clear and accurate award writing, and
 - ethical practice.
 - iv. the program would have two streams, one for lawyers and one for non-lawyers. Those without a law degree would take pre-requisites in the legal aspects of arbitration, including procedural law and evidence; those with a law degree would not need to take the pre-requisites. Both streams would take the core arbitration courses together.
- b. If ADRIC is not ready or able to redevelop the National Introductory Arbitration Training, ADRIA should proceed with creating an arbitration training program to ensure competency of students trained at ADRIA. ADRIA should work with its arbitration instructors to decide how to best approach revising the program. This work may also provide a foundation for ADRIC, if they are interested.

4.3.2. Mediation Training

Recap of Findings

As requested, our Task Force reviewed ADRIA's training program. We found that ADRIA's current 80-hour basic mediation training is not fostering enough competency in the students to be able to practice solo at the end of the training. Because this 80-hour training encompasses both the Communications in ADR and National Introductory Mediation courses, it can only be concluded that the 40-hour National Introductory Mediation course is not enough to create competence either.

We found that most students who want to pursue mediation through ADRIA's training are now taking the two 40-hour courses (Communications in ADR and National Introductory Mediation) that meet the requirements for the Qualified Mediator designation and, consequently, that interest in the 180-hour Program Certificate in Conflict Leadership has waned. Students who want to mediate know that 80 hours of training is required for a Qualified Mediator designation and are lead to believe (via designation information on both ADRIA's and ADRI's websites) that this is enough to practice mediation. It should also be noted that only a portion of ADRIA's students wish to be mediators and most do not continue beyond Communications in ADR.

From the comments on our ADRIA trainer survey, there are two primary concerns regarding the expectation that mediation students practice on their own to integrate the skills. It is not an effective expectation if students are not solid in their philosophical, ethical, or theoretical understanding before they start practicing on their own, or if students do not have a realistic picture of their current skill level or the level of skill required to practice competently.

The data collected from our larger survey of ADR practitioners and users highlights that employers are seeing a lack of competency in role-play demonstrations from job applicants. Additionally, ADRIA instructors are seeing students struggle with higher level courses, such as Separation and Divorce, where students are still working on mastering a basic role-play and are not ready to handle more complexity in the role-plays expected as part of the course. This includes a demonstrated lack of competency and/or understanding of basic skills, model and integration.

We also understand there may be resistance to increasing training standards. Our ADR survey found that the less training a practitioner had, the less likely they were to think more training was necessary. As noted above, this conclusion makes sense when the students don't know what they don't know. We also realize that other programs and organizations also offer mediation training that can be even shorter and have different expectations for competency.

As an organization we are responsible for setting a standard for the province. Supporting the belief that people only need two courses to get a designation and be a mediator does not acknowledge the complexity of this work. We heard clearly from practitioners that mediation requires specialized training and skills and stands alone from other professions.

Given your request to review the current training offered, we are emphatically and wholeheartedly asking ADRIA to make creating competency in students and future practitioners its primary consideration when reviewing the training. In doing so, ADRIA will strive to protect the reputation of mediation and the safety of the public.

Summary of recommendations:

1. ADRIA revise its training to better ensure the competency of new mediators,
2. ADRIA change its messaging around the training
3. ADRIA share our findings with ADRIC and work for change nationally

Details of recommendations:

1. ADRIA revise its training to better ensure the competency of new mediators:

- a. ADRIA hire an expert to work in consultation with ADRIA's trainers to create a conflict resolution training program. The program could offer more than one path for students based on their goals. Those who want to learn conflict management courses for their personal and professional skill set can take the first few courses and some of the options, those who wish to mediate or work with others in conflict could take the full program.
- b.
- c. The new mediation program would have the following outcomes for students:
 - i. have a philosophical foundation for good practice by being grounded in the key principles of mediation, including client self-determination, confidentiality, impartiality, balance, safety of participants, and "do no harm"
 - ii. understand the theory of the interest-based model and the skills needed to conduct an interest-based mediation
 - iii. integrate the skills they are learning, demonstrate they can fluently guide two clients through the interest-based mediation model and into solutions, and handle a moderate level of intense emotion
 - iv. commit to practicing the skills they are learning in the classroom outside the classroom with enough guidance to ensure good practice
 - v. have a realistic and clear understanding of where they are in their integration of the concepts and skills, and understand how much their skill levels need to improve before they can pass an assessment or practice solo
 - vi. believe that the training and skills are worth the time and money they invest
 - vii. understand the full practice of mediation including how to conduct pre-mediation sessions, write an agreement, and follow up with clients
 - viii. understand and adopt the ethics of good mediation practice
 - ix. understand specialty training is needed to work in specialized areas (for example, family or workplace) and demonstrate a fluency in basic mediation scenario before moving on to specialized skills training and higher conflict scenarios
- c. The new mediation program would:
 - i. offer skills-based training,
 - ii. structure the foundational training in a way that gives learners time and opportunity to integrate the skills and model before moving to the next course,
 - iii. weave the principles of good practice (client self-determination, confidentiality, impartiality, balance, safety of participants, etc.) through every course,
 - iv. include self-assessment and trainer assessment to track skill level throughout (For example, use a matrix of "unconsciously incompetent, consciously incompetent...." or "developing, awakening, capable, integrated" for self-assessment and trainer feedback),

- v. require periods of practice outside the classroom and include coaching. Consider how to support students to create practice groups and give students support throughout the training to encourage them to continue to practice after the training,
- vi. require an assessment, recognizing that practicing for an assessment has been the biggest incentive and process for students in previous versions of AAMS/ADRIA's training to practice and integrate concepts and skills. This assessment role-play could also be eligible for a requirement of a revised Qualified Mediator designation (please see recommendations for Qualified Mediator for details.)
- vii. require an assessment or some other means of indicating a student has integrated the skills and concepts to conduct a basic mediation before they can enrol in any of the specialized courses which require them to role-play in more complex and higher conflict situations,
- viii. include an ethics course,
- ix. add more information on complete mediation practice (pre-mediation, brainstorming options, writing agreements etc),
- x. add more specialty courses, such as workplace mediation,
- xi. review and revise the current evaluation system at the end of each course,
- xii. emphasize the need for practice and coaching throughout the program (consideration could be given to requiring mandatory practice periods throughout the program, or building practice and coaching into the structure of the program),
- xiii. potential program structure could include:

Core Courses:

1. Communication Skills (understanding conflict, active listening skills)
2. Negotiation
3. Introductory Mediation
4. 1st Role-play practice period (out of classroom with some coaching)
5. Ethics course
6. Advanced Mediation
7. 2nd role-play practice period
8. Assessment (for completion of mediation program/also eligible for Q.Med)
9. Designation application (optional)

Options that can be taken without a pre-requisite

- Consensus Decision Making (existing)
- Restorative Practices (existing)
- Conflict Coaching (existing)

Options that can be taken after Introductory Mediation:

- Case Management (pre-mediation, agreements to mediate, writing agreements, follow up, etc.)
- How to set up an ADR Business (existing)

Options that can be taken after student can demonstrate integration of skills (perhaps after assessment):

- Separation and Divorce Mediation modules (existing)
- Workplace Mediation

- xiv. review standards for feedback with coaches and instructors. Students need to be clear what level of feedback they are getting - eg. good for a beginner, but not good enough to mediate, and
- xv. continue to look for mentoring opportunities, including hybrid on-the-job learning. Many students plan to offer services for their organizations, is there a way to partner with their organization to provide coaching and co-mediation in-house?

2. ADRIA change its messaging around the training

- a. promote mediation as a valuable service offered by skilled professionals who can help clients address conflict and find solutions in a new way
- b. recognize and promote mediation as a stand-alone profession and differentiate in the promotion of the training between adding to professional and personal toolkit, and training and practicing to become a mediator. Promote that ADRIA offers both options.
- c. market the Communication and Negotiation courses separately to those who want to improve their professional or personal skill set
- d. reinforce the reality that it takes time and practice throughout the training program to learn and integrate the skills needed to mediate competently. Promote the value in the long run of having this kind of in-depth, skills-based, practical training to base a career on
- e. change course descriptions and promotion to make clear what each course offers and what the student will be able to do at the end of the course or program, emphasize the benefits of practice and integrating skills and reflect realistic timelines
- f. promote ADRIA's training as standing out for providing a solid foundation of skills-based, practical training for this specialized and challenging work from professionals in the field. Stand out from other programs with the inclusion on on-going coaching to enhance skill development throughout the program.

3. ADRIA share our findings with ADRIC and work for change nationally

- a. ADRIA share our findings to open discussion about the effect the National Introductory Mediation course is having on competency in our province, and the risk to the public and the profession of setting this as the standard for training across the country.
- b. ADRIA propose to expand the work already being done to review the National Introductory Mediation course to include an expanded Mediation training program that could be used nationally. Consider offering a program developed by ADRIA as recommended above for national use.
- c. Reinforce the importance of working on the training standards and designation standards together. If the training requirements for the Qualified Mediator designation do not change with the expansion of a mediation training program, people will continue to pursue the minimum requirement of two 40-hour courses.

5. Research and Findings

5.1. About the ADR Institute of Canada National Designations

ADRIA is a regional affiliate of the ADR Institute of Canada (ADRIC) and, as such, helps administer their national designations: Qualified Mediator (Q.Med)

- Chartered Mediator (C.Med)
- Qualified Arbitrator (Q.Arb)
- Chartered Arbitrator (C.Arb)

The Chartered designations are the most senior designations ADRIC offers.

As the regional affiliate for Alberta, ADRIA is responsible for accepting local applications for designations. Applications are accepted twice a year: in March and in September. ADRIA's Designation Committees (one for Arbitrators and one for Mediators) review the applications and make recommendations to ADRIC for evaluation.

ADRIA collects and keeps the designation application fee (currently \$200) and accepts payment for any formal assessments or role-plays needed with application. Then the annual designation renewal fees and Continuing Education and Engagement fees are collected and kept by ADRIC. Designation applicants must be members of ADRIA and membership dues are paid to ADRIA, with a portion of full member's dues going to ADRIC.

In Alberta, the first Chartered Arbitrator designation was granted in 1990, the first Chartered Mediator designation in 1996, the first Qualified Mediator designation in 2009, and the first Qualified Arbitrator designation in 2013.

5.1.1. History of the ADRIC Designations in Alberta (see Appendix B: Alberta History of Qualified Designations)

Highlights of Findings:

- In Alberta, the Qualified Mediator designation was originally intended to be a temporary stepping stone for practitioners who did not yet have enough paid, solo mediations to apply for a Chartered designation.
- While questions about the effectiveness and credibility of the Q.Med designation persisted, ADRIA accepted the requirement for 80 hours of training to work with ADRIC and support the new designation.

Research summary:

This history of the Qualified Mediator (Q.Med) and Qualified Arbitrator (Q.Arb) designations from Alberta's point of view has been pulled together from meeting minutes and interviews with past Board and committee members. Please see Appendix B for a complete summary. Note that the history spans over the time when the Alberta Arbitration and Mediation Society (AAMS) was the regional arm of ADRIC, through 2012 when AAMS split into two organizations and ADRIA was created and became responsible for designations and training.

There is little noted about the development of the Qualified Arbitrator designation, though one former AAMS Board member recollected that after AAMS had offered its arbitration course several times, it was reviewed and revamped. It was agreed that given the deficits in the arbitration course at the time, the committee felt the priority was to revise the course and they abandoned work on the designation to focus on redeveloping it.

By August 2006, ADRIC was in discussion with AAMS about changes to its Chartered designations, and a new entry level-designation for mediators. The Qualified Mediator designation was announced in 2009.

According to AAMS Board members and meeting minutes from that time, what is now the Qualified Mediator designation was proposed as an entry-level designation to help members who were struggling to get enough solo mediation experience to qualify for a Chartered Mediator designation. The intent was to open the door for these members to gain more experience with the entry-level designation to qualify for the Chartered designation.

There was much discussion about any changes. Some at AAMS were not in favour of an 80-hour designation (at first to be called “Accredited Mediator”) and wanted to prioritize strengthening the Chartered Mediator Designation instead because it was perceived as “not functioning as intended”.²

In 2009, at the AAMS Annual General Meeting, a new designation identified as the Qualified Mediator was announced, as was a new ongoing requirement for refreshing the Chartered Mediator and Chartered Arbitrator designations every three years by adding the requirement to submit requiring the holder to submit Continuing Education and Engagement (CEE) credits.

In 2013, the ADRIA Designations Committee wanted to change the Qualified Mediator standard within Alberta but their motion was not passed. The committee had wanted to increase the requirements for the Q.Med, including no longer accepting role-plays for practical experience. The committee’s rationale had been to be on par with other provinces, ensure integration beyond the classroom, to ensure the designation had meaning, build the confidence of the practitioner, protection of the client, and to uphold the reputation of the regional and national organizations. The current ADRIA Director of Professional Development, Tammy Borowiecki, also points out that there are challenges to only relying on real-life experience because applicants are self-reporting and it is difficult to know if the mediation was safe and effective, completed, or done with clients or friends.

In response, ADRIA’s Board struck a committee to review the Q.Med designation. At the same time, the Board was advised that ADRIC had contracted ADRIA to design a new “Gold Standard” 40 hour mediation program for ADRIC to roll out across Canada in 2014 and to be incorporated by ADRIA into its core mediation training

In January 2014, the ADRIA Board meeting focused on the Designations Review. While the decision was not unanimous, the Designations Review committee saw no need to change the 80-hour education requirement for the Q.Med and did not want to set the standards too high. One concern was that applicants would go to another province to apply, and to be respectful and supportive of the new designations. The committee was tasked with preparing a list of

² Quote from the meeting minutes of the AAMS committee struck to review designations

equivalent courses and providers for the educational requirements portion of the Q.Med and C.Med. application criteria.

The committee recommended that mock mediations would be accepted and would need to be supervised by a Qualified Roster Supervisor OR; two actual mediations (paid or unpaid) with a 300-500 word report OR; any combination of the above would be accepted. The formal C.Med assessment would also be accepted in place of the two Supervised Mock Mediations or the two actual mediations. In April 2014, the ADRIA Board changed the time a formal assessment can be used in a C.Med application from two years to three years, and identified the need to review the C.Med and C.Arb designations.

In 2017, still hearing concerns about the Qualified Designations, the ADRIA Board struck this Task Force.

5.1.2. Purpose of the ADRIC Designations

Highlights of Findings:

- The Qualified designations are not clearly defined, and have more than one description and purpose, some of which conflict.
- The introduction of the concept of a “secondary qualification” for people in fields outside of ADR conflicts with the description of the Qualified designation as “entry-level”. It implies that the Qualified designation is enough to practice solo, and that people who use ADR as part of another line of work or who only do a few sessions a year, do not need as the training and experience required for a Chartered designation.
- ADRIA and ADRIC rely on membership, training, and designation fees to maintain and grow revenue. (For ADRIA, training is the biggest source of income). They each need to be aware that there is a perception that the membership, designation, and training fees can be a “money grab”. It is key that the duty to maintain professional standards and protect the public are always paramount to any other interest the organization have.

Summary of Research:

(See Appendix C: Definitions of the Q.Med within the ADRIC and ADRIA Websites)

Both ADRIC and ADRIA intend the Chartered Designations to be their senior designation. The purpose of the Qualified designations is less clear. They are described differently by ADRIC and ADRIA, and sometimes differently within ADRIA itself. The Qualified designations are at times described an entry-level designation, an intermediate-level designation, a secondary-qualification for people in other fields or work, or a stepping-stone to the Chartered-level designation.

ADRIC’s website describes the Chartered Designations as their most senior designations “known and respected across Canada and internationally”. This is echoed on the ADRIA website, where the Chartered designations are described as the most senior designation offered by ADRIC for experienced practitioners.

For the Qualified designations, ADRIC's website says that members "with appropriate training and some practice experience" can apply for the Qualified Designations, which "indicate they have been judged to be practicing at an intermediate level".

ADRIA's website described the Qualified designations as more basic, but still intermediate and sufficient to practice:

- "Qualified Mediator (Q.Med) recognizes members who have completed sufficient mediation and dispute resolution training to be qualified to practice as mediators. It is an intermediate step for mediators working to receive their Chartered Mediator designation, or a secondary qualification for members who work in another profession."
- "Qualified Arbitrator (Q.Arb) recognizes members who have completed basic arbitration training. It can be a final designation, or an intermediate step for those working to receive their Chartered Arbitrator designation."

ADRIA has also been promoting its 80-hour training for mediation as a way to get a designation and be a practising mediator. Ads on Facebook promoting courses often give this message and on ADRIA's website, the summary of the comparison designation requirements notes that "completion of both ADRIA's Communications in ADR course and the National Introductory Mediation course fulfill the educational requirements for the Q.Med designation". No notes are included on which training meets the requirements for the other designations.

On ADRIA's website, the National Introductory Mediation Course is described as meant for someone who is considering a career as a mediator or for "Human resources professionals, managers and leaders who want to implement conflict resolution processes into their organization..." It is promoted as meeting the requirements for both the Qualified and Chartered designations. The National Introductory Arbitration Course is described as a introducing students to arbitration procedures and applications, and as a way to "learn the arbitration process". It is promoted to those considering becoming an arbitrator as "necessary to apply for a nationally recognized designation".

Internally, as seen in the Terms of Reference for this Task Force, ADRIA describes the Qualified designations as entry-level designations meant to be a short-term stepping stone to the Chartered designations. The ADRIA Board describes the Qualified designations in terms of there being a valuable secondary qualifications for some occupations (Social Work, Psychology, Law, and Human Resources are mentioned) and the organization has been actively promoting the designations to these groups as part of its Strategic Plan.

5.1.3. Current Designation Requirements in Alberta

Highlights of Findings:

- The ADRIC designations have different requirements set by the province administering them, as long as they meet or exceed ADRIC's standards. The training portion of the requirements does not have to be taken through an ADRIC affiliate, but does need to have an evaluation component and be approved by ADRIC or an affiliate.
- ADRIA's requirement for designations differ from other affiliates in the following ways:

- It is the only affiliate that has a mandatory pre-requisite (40 hours of skills in Communication in ADR) for the National Introductory Mediation (NIM) training. It also has made the NIM training a 6-day course (as opposed to a 5-day course).

Summary of Research:

The designations can have slightly different requirements set by the province administering them, as long as they meet or exceed ADRIC’s standards. Note that the training portion of the requirements does not have to be taken through an ADRIC affiliate, but does need to have an evaluation component and be approved by ADRIA (in Alberta) or ADRIC.

Requirements	Chartered Mediator (C.Med)	Qualified Mediator (Q.Med)	Chartered Arbitrator (C.Arb)	Qualified Arbitrator (Q.Arb)
Education	80 hours of mediation theory and skills training from a program approved by the ADR Institute of Canada (ADRIC) or acceptable to ADRIA Designations Committee AND 100 hours of training in dispute resolution or related field	40 hours mediation training approved by ADRIA or ADRIC AND 40 hours specialized training in dispute resolution or related field	40 hours of arbitration and hearing procedure training approved by ADRIC or ADRIA AND successful completion of ADRIC's written open book Chartered Arbitrator exam or an exam which is part of a course approved by ADRIC or ADRIA no more than 10 years prior to application	40 hours of arbitration and hearing procedure training approved by ADRIC or ADRIA AND successful completion of ADRIC's written open book Qualified Arbitrator exam or an exam which is part of a course approved by ADRIC or ADRIA no more than 10 years prior to application
Experience	Conducted at least 15 mediations as the sole mediator or the mediation chairperson and all 15 of the mediations must have been fee paid.	Conducted one of the three following options, or any combination of the three options: -two actual mediations -two supervised mock mediations, or -one of each above	Practiced as an arbitrator for not less than two years AND Chaired at least 10 arbitrations, all of which were fee-paid (or, if unpaid, demonstratively complex)	Not required.

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Requirements	Chartered Mediator (C.Med)	Qualified Mediator (Q.Med)	Chartered Arbitrator (C.Arb)	Qualified Arbitrator (Q.Arb)
Skills Assessment	Observation and approval of an applicant conducting a solo mediation, to occur within 12 months before the date of the application, through one or more of the following: -Formal Mediation Skills Assessment -Video recorded Actual Mediation -Video recorded role-play Mediation.	Not required but the Designations Committee may require a skills assessment upon review of your application.	Provide three redacted arbitration awards/decisions for review.	Not required.
Letters of Recommendation	Provide three Letters of Recommendation (one character / personal and two professional) of your services as a mediator.	Provide three Letters of Recommendation (one character / personal and two professional) of your services as a mediator.	Provide three Letters of Recommendation (one character / personal and two professional) of your services as an arbitrator.	Not required.
Membership	Must be a full member of ADRIA.	Must be a full member of ADRIA.	Must be a full member of ADRIA.	Must be a full member of ADRIA.

Requirements	Chartered Mediator (C.Med)	Qualified Mediator (Q.Med)	Chartered Arbitrator (C.Arb)	Qualified Arbitrator (Q.Arb)
Continuing Education and Engagement (CEE)	Must accumulate 100 points for CEE in three years. There is a fee to submit CEE points. (As of Dec 2018, approx. \$100 over three years.)	Must accumulate 60 points for CEE in three years AND complete three actual mediations, paid or unpaid, sole or co-mediated, within three years of designation being awarded. There is a fee to submit CEE points (As of Dec 2019, approx. \$100 over three years.)	Not determined to date.	Not determined to date.
Insurance	Errors and Omissions insurance with a limit of at least \$1 million aggregate.	Errors and Omissions insurance with a limit of at least \$1 million aggregate.	Errors and Omissions insurance with a limit of at least \$1 million aggregate.	Errors and Omissions insurance with a limit of at least \$1 million aggregate.
Application fees (skills assessments or mock mediation not included)	\$200 plus GST	\$200 plus GST	\$200 plus GST	\$200 plus GST
Annual Designation Fee	\$178 plus GST	\$99 plus GST	\$178 plus GST	\$99 plus GST

5.1.4. Designation Trends in Alberta

Highlights of Findings:

- Since the introduction of the Qualified designations, there are more people receiving designations annually overall, and more people receiving Qualified designations compared to the number receiving Chartered designations. Applications for Qualified designations are growing, while Chartered applications have been stagnant. Even though there are more

people holding Qualified designations, there are not more people applying for Chartered designations.

- Few people receive a Qualified designation before applying for a Chartered designation. (Note that the Qualified designations were only an option after 2009).
- Though information is limited, it appears recent applicants for Chartered designations are more likely to have taken training through AAMS, MRU, and JIBC than ADRIA.
- The most recent Qualified Mediator applicants applied for a designation within a year of finishing their training.

Summary of Research:

5.1.4.1. ADRIA Current Designation Information (as of Fall 2017)

In the Fall of 2017, there were 253 current ADRIA members with designations (these numbers do not include lapsed members, but do include successful designation applicants from September 2017):

16	Chartered Arbitrator only
41	Qualified Arbitrator only
72	Chartered Mediator only
97	Qualified Mediator only
13	Chartered Mediator and a Chartered Arbitrator
8	Chartered Mediator and a Qualified Arbitrator
6	Qualified Mediator and a Qualified Arbitrator
0	Chartered Arbitrator and Qualified Mediator

5.1.4.2. ADRIA Designation Statistics by year obtained

ADRIA Designation Statistics for Current Members (as of Fall 2017)

Year Received	Chartered Mediator (C.Med)	Qualified Mediator (Q.Med)	Chartered Arbitrator (C.Arb)	Qualified Arbitrator (Q.Arb)
	95 awarded from 1996 to 2017*	115 awarded from 2009 to 2017*	29 awarded from 1990 to 2017*	56 awarded from 2013 to 2017*
1990	0	n/a	1	n/a
1991	0	n/a	0	n/a
1992	0	n/a	0	n/a
1993	0	n/a	0	n/a
1994	0	n/a	3	n/a
1995	0	n/a	0	n/a
1996	1	n/a	0	n/a
1997	1	n/a	3	n/a
1998	2	n/a	0	n/a
1999	3	n/a	0	n/a
2000	3	n/a	5	n/a
2001	5	n/a	0	n/a
2002	3	n/a	0	n/a
2003	2	n/a	0	n/a
2004	2	n/a	0	n/a
2005	2	n/a	1	n/a
2006	5	n/a	0	n/a
2007	3	n/a	0	n/a
2008	2	n/a	1	n/a
2009	6	12	0	n/a
2010	16	4	2	n/a
2011	10	9	0	n/a
2012	5	14	3	n/a
2013	10	17	0	7
2014	4	16	4	7
2015	3	17	1	9

ADRIA Designation Statistics for Current Members (as of Fall 2017)

Year Received	Chartered Mediator (C.Med)	Qualified Mediator (Q.Med)	Chartered Arbitrator (C.Arb)	Qualified Arbitrator (Q.Arb)
	95 awarded from 1996 to 2017*	115 awarded from 2009 to 2017*	29 awarded from 1990 to 2017*	56 awarded from 2013 to 2017*
2016	4	16	2	15
2017	3	10	3	18

The data in the chart above only reflects current ADRIA members, so it does not include data for anyone who is no longer a member of ADRIA, even if they once held a designation. The numbers in the chart show data from the beginning of the designations up until the Fall of 2017. The totals include lapsed designations for members, and members who obtained a Qualified designation before getting a Chartered designation are included in both categories.

***ADRIA Designation Statistics by Year Obtained Chart Notes:**

The data includes designations obtained up until the Fall of 2017.

For the Chartered Mediator designations:

- Eight members had a Q.Med prior to applying for their C.Med.
- For those eight members, the approximate time between receiving a Q.Med and the C.Med was: 6 years (1), 5 years (1), 4 years (1), 3 years (3), 2 years (2). T
- Two members have lapsed C.Med designations. One originally obtained their designation in 1999 and let it lapse in 2016; the other obtained it in 2006 and let it lapse in 2012 (lapsed are included in the chart).

For the Qualified Mediator designations:

- Four members have lapsed Q.Med designations; One originally obtained their designation in 2013 and let it lapse in 2017, two obtained in 2013 and lapsed in 2017, and one obtained in 2015 and lapsed in 2017 (lapsed designations are included in the chart).

For the Chartered Arbitrator designations:

- One person who obtained a C.Arb previously obtained a Q.Arb. The time between achieving the Qualified designation to achieving the Chartered designation was 2.5 years.
- No lapsed C.Arb within current membership.

For the Qualified Arbitrator designations:

- No lapsed Q.Arb within current membership

5.1.4.3. Applicant Training

There is limited information on where applicants completed their training. The information below is based on two or three application periods prior to Fall 2017.

Qualified Arbitrator applicants

- 13 ADRIA
- 1 AAMS
- 1 ADRISK (Saskatchewan affiliate: National Introductory Arbitration Course)
- 1 Training from the UK

Chartered Arbitrator applicants

- 3 AAMS

Qualified Mediator applicants

- 6 ADRIA
- 1 AAMS
- 5 CAB - Conciliation and Arbitration Board (Aga Khan)
- 1 Mount Royal University, Calgary
- 2 ADR International Group (private training, Edmonton)

Chartered Mediator applicants

- 2 AAMS
- 1 Mount Royal University

5.1.4.4. Qualified Mediator Fall 2018 Applicants

Statistics from ADRIA for the most recent round of applicants for a Qualified designation applied for their designation within a year of finishing their training.

Of the eight who applied through ADRIA for a Qualified Mediator designation in the Fall of 2018:

- One person had 290 hours of training completed May 2018
- One person had 290 hours training completed May 2018
- One person had 266 hours training completed November 2017
- One person had 115 hours of training completed November 2017
- One person had 91 hours of training completed November 2017
- Two people had 80 hours of training completed November 2017
- One person had 80 hours of training completed April 2018

5.2. Perceptions of the ADRIIC Designations
(see Appendix D: Survey Results)

A significant number of people took the time to fill out the entire survey and add comments, showing a deep interest in the standards for training and designations for ADR in our province.

The Task Force surveyed of ADR practitioners, those who use ADR in their work, ADR employers and co-workers, clients, and current or recent students.

The significant response this Task Force received from Alternative Dispute Resolution (ADR) practitioners, employers, students, and educators across the province about standards for training, practice, and designations confirms that these issues are critical to the field of ADR in Alberta.

While we are very pleased with the response to the survey and the insights it provided, we recognize the survey would need many more responses and rigorous collection processes to be statistically valid. We intend the survey information to be a glimpse of the perceptions held of the designations and training, but want to be clear it provides the feedback of a focus group and can not be taken as representative of the opinions of all ADR practitioners and users in our province.

In all there were 240 responses, and 180 people who completed the entire survey:

- 148 identified as an ADR Practitioner (109) or as using ADR in their job (39)
- 16 identified as currently or recently taken ADR training
- 5 identified as working with ADR practitioners
- 2 identified as clients
- 10 identified as none of the above

Employers/Supervisors: 49 respondents are involved in hiring or supervising ADR practitioners (most were also ADR practitioners or use ADR in their jobs, the rest work with ADR practitioners, are currently taking training, or are a client of ADR)

Type of ADR respondents practice (145 responses, respondents could give more than one answer):

- 38 do arbitration work
- 129 do mediation work
- 20 do Restorative Justice work
- 35 do other ADR work, including: tribunals, investigations, facilitation, conciliation, settlement conferences, collaborative family law, conflict coaching, training, consensus building, Family Group Conferencing, Peacemaking circles, consensus building/multi-stakeholder, parenting coordination, counselling, ombudsman, or use the skills in their work.

Respondents by ADRIA membership status (169 responses):

- 123 respondents are current members
- 6 former members who once held an ADRIIC designation

- 5 former members who did not hold an ADRIIC designation
- 35 who had never been a member

Respondents with Current ADRIIC Designations: (78 responses)

- 6 Q.Arb
- 5 C.Arb
- 26 Q.Med
- 29 C.Med
- 2 Q.Med and Q.Arb
- 6 C.Med and Q. Arb
- 4 C.Med and C.Arb

Respondents with a Mediation designation (67 responses: 29 Q.Meds and 39 C.Meds):

There are some differences in the background of survey respondents who identified as Qualified Mediators and those who are Chartered Mediators which may provide some context to their responses. In particular, the Qualified Mediators are more likely to be newer ADRIA members and the Chartered Mediators are more likely to be longtime members and practitioners.

The majority of Q.Med respondents have been an ADRIA member for 1-5 years (48%). The majority of C.Meds have been a member for 15+ years. A higher percentage of C.Meds (60% compared to 30% Q.Meds) do ADR work 75-100% of the time.

11% of Q.Med respondents do not do solo work. C.Med respondents seemed to take more training before doing solo work, i.e., 200+ hours compared to Q.Meds mostly starting at 80-200 hours.

The C.Meds have more training hours than the Q.Meds, in that 87% of C.Meds answered they presently have over 200 hours of training, compared to 43% of Q.Meds. The next highest category of Q.Meds (32%) have 80 – 200 hours of training. It is reasonable to assume that the Q.Meds have taken the more recent 80-hour, two course training, and the C.Meds were trained under older programs, with more hours of training and a formal skills assessment.

Generally speaking, C.Meds gave stronger credence to all factors that contributed most to their ability to practice solo: working with a partner or mentor, role-play groups, specialized ADR training, working towards a higher level assessment, and reading. Considering answers that were either Helpful or Very Helpful, C.Meds rated the following categories markedly higher than Q.Meds: working towards a higher level assessment by 38%, 18% stronger for role play practice and 12% stronger for additional specialized ADR training as compared to Q.Med responses.

82% of C.Meds did not hold a Q.Med designation before getting their Chartered designation, keeping in mind the Q.Med has only been an option since 2009.

Respondents with an Arbitration designation (23 responses: 14 Q.Arbs, 9 C.Arbs)

There is less contrast between our Arbitrator responders. Both the Q.Arbs and C.Arbs were spread across the board in terms of years of ADRIA membership and practice and amount of training. Q.Arbs were just as likely as C.Arbs to have been members for over 15 years and to have more than 80 hours of training.

5.2.1. Comparing Qualified to Chartered designations

Highlights of Findings:

- The significant response this Task Force received from Alternative Dispute Resolution (ADR) practitioners, employers, students, and educators across the province about standards for training, practice, and designations confirms that these issues are critical to the field of ADR in Alberta.
- Most ADR practitioners who responded to our survey believe the Chartered designations indicate a readiness to work solo in situations of higher complexity.
- Perceptions of the Qualified designations split according to the respondent's training and experience, and the type of designation they hold. Those with less training and experience and/or who hold a Qualified designation were more likely to believe the Qualified designation indicates the holder is competent to work in moderately or even highly complex situations, and those with more training and experience, and/or who hold a Chartered designation were more likely to believe the Qualified designations do not indicate the holder is ready to work in more complex situations, or even work solo at all.
- Of ADRIA members surveyed, those with a Chartered designation value the Chartered designations more than those with a Qualified designation do. Generally, Chartered designation holders have more training and have been members of ADRIA for a longer time.
- A slim majority of Qualified Mediators and Arbitrators surveyed believe a Qualified designation does not qualify someone to work in situations of high complexity.
- The differences in responses may be a result of the confusion over what the Qualified designations mean in the first place.

Summary of Research:

From our survey, overall the Chartered designations are viewed more positively than the Qualified designations by those who identified as ADR practitioners or as using ADR in their work.

When asked about the value of the **Qualified** designations:

- 67% of ADR practitioners think they add credibility to qualifications and resume*
- 61% see them as a credential for people starting ADR career
- 58% see them as showing commitment to minimum standards
- 15% think it is not needed, but indicates a readiness to practice solo

- 18% see it as having no value

*Note that in the comments, some who responded that the Qualified designations added credibility to qualifications and resume clarified that they thought the Qualified designations give a false impression of experience and qualifications.

When asked about the value of the **Chartered** designations:

- 68% of ADR practitioners see them adding credibility to qualifications
- 66% see the providing a credential for experienced mediator or arbitrator
- 55% think they show a commitment to highest standards of ADR
- 11% say they have no value

The vast majority of ADR practitioners who responded believe the C.Med and C.Arb indicate a readiness to practice solo in high complexity cases. That said, there were many comments with varied opinions, including that ability to work solo in complex case also depends on professional development, ethical practices, self-reflection, and expertise in the field.

Fewer ADR practitioners believe the Qualified designations indicate a readiness to practice solo, especially in more complex situations.

- Overall, 75% of ADR practitioners or those who use ADR in their work (128 respondents), think Qualified Mediator designation indicates readiness to practice solo, 13% says it does not. For those who responded the Q.Med indicates a readiness to practice solo, the responses were broken down by complexity of case:
 - 19% of ADR practitioners believe Q.Med designation indicates ability to handle cases of low complexity,
 - 34% say moderate complexity,
 - and 22% say high complexity.
- Overall 62% of ADR practitioners or those who use ADR in their work, think the Qualified Arbitrator designation indicates readiness to practice solo, 7% said it does not. For those who responded the Q.Arb indicates a readiness to practice solo, the responses were broken down by complexity of case:
 - 13% of ADR practitioners believe the Q.Arb designation indicates the ability to handle cases of low complexity
 - 29% of ADR practitioners say moderate complexity,
 - and 20% say high complexity.

Further insights were provided by comparing how those who hold a Qualified designation responded compared to those who hold a Chartered designation. Those who held a Qualified designation were more likely to believe it indicates an ability to practice solo and work in more complex situations, and those who hold a Chartered designation often believed the opposite.

- Most arbitrators (45%) indicated that the Q.Arb qualified the holder to practice solo in moderately complex arbitrations, 16% said high complexity cases, and 3% said not ready to practice solo.
 - Looking at designation holders, people holding a Q.Arb designation are more likely to think it qualifies someone to work solo in high complexity arbitrations: 38% of Q.Arbs think the qualified designation indicates someone is ready to work in high complexity situations, compared to 0% of C.Arbs.
- Looking at mediation, people holding a Q.Med designation are more likely to think it qualifies someone to work solo in high complexity mediations: 44% of Q.Meds said the Qualified designation qualified someone to work solo cases of high complexity, only 5% of C.Meds agreed. As for whether a Qualified Mediator designation indicates someone is ready to practice solo, 30% (11 out of 63) of C.Med's thought a Q.Med was not ready to practice solo, as did 8% (2 out of 63) of Q.Meds.
- 38% of Q.Meds thought 40 hours mediation plus 40 hours specialized is very well prepared to practice solo, whereas only 8% C.Meds agreed with that.
- When considering formal mediation skills assessment marked by three C.Meds, 48% of Q.Meds thought this was either very well or fairly well preparing for solo, compared to 74% of C.Meds

5.2.2. Perceptions of the Qualified Designations

Highlights of Findings:

- There is great disparity in how the Qualified designations are perceived and understood.
- Half of survey respondents think the Qualified designations are entry-level, a third think they are an intermediate designation, and the majority do not think a Qualified designation is a stepping stone to a Chartered designation.
- Respondents indicated they have had very different experiences with Qualified designation holders, with some being very experienced and some not experienced at all, but many also say the requirements for the Qualified designations alone do not ensure someone is ready to practice solo.
- Half of our survey respondents believe Qualified designation holders have been found competent by a third party assessment, even though there is no assessment requirement for the Qualified designations.
- There are concerns that the designations are not recognized outside of ADRIAC and ADRIAC, that the distinction between Qualified and Chartered is lost on the public, that the Chartered designations have been devalued, and that the designations are expensive to obtain and maintain.

Summary of Research:

When asked about the various descriptions used for the Qualified designations by ADRIC and ADRIA, the survey answers show a variety of perceptions and a lack of consensus. Of 187 responses to this question:

- Half of respondents think the Qualified designations describe an entry level designation
- A third think they are intermediate designations
- 40% think they are a secondary qualification for professionals in other occupations
- One quarter think they are a short-term stepping stone to a Chartered designation
- 37% think it indicates extensive training and some practical experience
- Half think they help ADRIC members convey their level of experience and skill to prospective clients
- Half think they show a practitioner has been found competent based on an objective third party assessment
- 10% of respondents think none of these descriptions apply to the Qualified designations

It is worth noting that the majority of respondents do not think the Qualified designations are a stepping stone to a Chartered designation, and only half think they are entry-level designations.

Part of the challenge respondents identified in sharing their perception of the designations, is that a wide variety of people hold (or have held) a Qualified designation. Some have extensive training, have had a formal assessment under an older ADRIA/AAMS program, have extensive experience, and/or are well-known in ADR or another profession. But then, based on the requirements for the Qualified designations alone (particularly mediation?), many ADR practitioners are concerned those requirements in themselves only guarantee basic training with minimal practical experience (if any), and based on that, the requirements themselves do not mean someone is competent to practice solo.

There are concerns that the distinction between the Qualified and Chartered designations is lost on the public, and the answers of our respondents show there are very different perceptions of what the Qualified designation means.

Practitioners surveyed are also concerned that the designations are not widely recognized outside of ADRIC and ADRIA, are expensive, and that there is confusion between the two levels of designation. Some commented that the Chartered designations used to have value, but that has changed with the introduction of the Qualified designations and changes to the Chartered designations.

5.2.3. Qualified designations as entry level qualification

Highlights of Findings:

- ADR practitioners who responded to our survey are split about whether or not there is a need for an initial-level designation for arbitrators and mediators.
- If the Qualified designations are entry-level, there are divergent opinions about what that means, with some respondents believing it should be a starting place to start getting experience and others believing the holder is fully ready to practice solo competently, even in moderately to highly complex situations.

Summary of Research:

As noted previously, only half of our survey respondents see the Qualified designations as an entry-level designation.

There is confusion about the purpose of an initial-designation. Several respondents believe the designation should require no experience, as it should be a starting place to allow someone to gain experience. Others think a Qualified designation means the holder is ready to practice solo, even in moderately to highly complex situations.

There is also disagreement about the need for such a designation.

- 49% of ADR practitioners overall (69 out of 141 respondents) agree there is a need for an initial-level designation for arbitrators and mediators, and 30% disagree (42 out of 141 ADR respondents).
 - Broken down for mediators with a designation: 64% of Q.Meds agree there is a need for an initial designation, and 53% of C.Meds agree there is a need for an initial designation
 - About half of both Q.Arbs and C.Arbs believe there is a need for an initial designation.

5.2.4. Qualified designations as a secondary qualification

Highlights of Findings:

- ADR practitioners are confused about what the term “secondary qualification” means.
- Practitioners who responded to the survey are divided about the need for a “secondary qualification” for people in other professions.

Summary of Research:

There is confusion about what is meant by a “secondary-qualification” in arbitration or mediation for people in other professions and disagreement over whether such a designation is necessary. Some question why the standards would be any different regardless of the purpose of the designation or the type of ADR practice. As one commenter put it “You are a mediator or arbitrator, or you are not.”

Overall, 49% of survey respondents overall agree there is a need for a secondary qualification for persons practicing ADR in other professions (including Human Resources, Engineering, Law, Social Work, and Psychology), and 35% disagree.

There is slightly less support for a secondary qualification when the numbers are broken down. For those who identified themselves as an ADR practitioner or someone who uses ADR in their work, 45% agree with the need for a secondary qualification and 41% disagree.

The comments indicate confusion, rather than agreement, about what the term “secondary qualification” means, and division between those who believe that there should be consistency and standards in training for all practicing ADR in any circumstance, and those who think their profession already has training or experience equivalent to training in ADR.

5.2.5. Less ADR training for some professions

Highlights of Findings:

- Most ADR practitioners who responded to the survey, even those doing ADR part-time or as part of another profession, believe strongly that all ADR practitioners need the same amount of ADR training, regardless of their background, other professional training, or how often they intend to practice.

Summary of Research:

The majority, over 60%, of the survey respondents overall disagree or strongly disagree that lawyers, social workers, or psychologists require less mediation training to practice, though a few suggested allowing people to bypass training through an assessment or challenge.

Over 45% of survey respondents disagree that lawyers need less training to be arbitrators.

And over 58% of all survey respondents disagree a person needs less training if they are only doing mediation or arbitration as part of their non-ADR occupation, 20% agree.

While some believe there are good practitioners who have not taken training, most of the comments indicate that specific ADR training is important and necessary.

5.2.6. Standards for those using ADR as part of another job

Highlights of Findings:

- Survey comments indicate there is a need to differentiate between using communication skills to help with conflict prevention and management, and mediating or arbitrating or otherwise facilitating a dispute resolution process.

Summary of Research:

The majority of survey respondents disagree that people who are only doing mediation or arbitration as part of their regular non-ADR job need less training and experience.

Overall, 58% of survey respondents disagree people using ADR as part of another job need less training, and 20% agree, with only a handful saying they strongly agree.

For those who identified as ADR practitioners or as using ADR in their jobs: 60% disagree less training is needed, and 18% agree. Breaking that down further to just those who use dispute resolution as part of another job, 45% disagree, and 25% agree.

The comments indicate there is a need to differentiate between mediation or arbitration and other conflict management processes, and using some conflict resolution skills at work. There is concern about the potential for harm to be done if people are un-trained or undertrained people are offering in-house informal ADR or full-fledged conflict management programs in organizations. There is again a division of opinion, some believing all sorts of people are already doing mediation and may not need training, and those who would like to see standards in place and the same standards for all practitioners, even as part of workplace conflict resolution strategies

Most commenters say the more mediation or arbitration training, the better.

5.2.7. Perception of Term “Qualified”

Highlights of Findings:

- The name “Qualified” is not widely accepted by survey respondents. Many ADR practitioners believe it is inaccurate and confusing for both practitioners and clients.

Summary of Research:

The term “Qualified” for an initial-level designation is not universally accepted: 42% of ADR practitioners surveyed think the title is inaccurate, 37% think it is accurate, and 21% are unsure.

Looking at the responses of those with a designation, Q.Meds are equally divided between agreeing that the term Qualified accurately describes an initial-level ADR designation and saying no or unsure. C.Meds mostly disagree that it’s an accurate term, with 85% saying no or unsure. For Q.Arbs, 71% believe Qualified is an accurate term, but only 33% of C.Arbs do.

Many people took the time to comment on this issue. The 57 comments from ADR practitioners reflect the varied opinions on the term and the various understandings of the purpose of the designation itself, with a split between those who want the term to be clarified as being an ‘in-training’, junior, or intern level of practice, and those who think it fully qualifies the holder to take any complexity of case and who do not want to be referred to as “in-training”.

The concern about the inaccuracy of the term “Qualified” filtered down to a concern about protecting the public and the reputation of ADR.

Some say the term “Qualified” is vague or inaccurate and creates confusion among the public. The main points raised are that:

- there is no way for the average person to distinguish the difference between “Qualified” and “Chartered” and to understand which is the senior designation, and

- “Qualified” suggests more training and experience than required for the designation and that it is not fair to potential clients to present someone as a qualified practitioner with such minimal training and experience requirements.

As for the name of an “initial-level” designation, just over a third of ADR respondents preferred the term “Associate”, almost a quarter preferred “Qualifying” and the rest suggested other titles, including: Trainee, Certified, Apprentice, Entry-level, Junior, Provisional, or Intern. A few believe there is no need for another title, just use mediator, arbitrator, or Conflict Resolution Practitioner.

5.3. Effectiveness of ADRIC designations

5.3.1. Advancement from Qualified to Chartered designation

Highlights of Findings:

- Over a third of ADR practitioners who responded to our survey do not believe it is important to move from a Qualified designation to a Chartered designation.
- Of the 16 respondents who identified as recent or current ADR students, ten said their goal was to be a practicing mediator or arbitrator. Most (9 out of 10) said a Qualified designation was the qualification needed to practice ADR. (The other said no qualification was needed.)
- Since the introduction of the Qualified designation and the National Introductory Training, students goals have changed with the Chartered designation no longer being the ultimate goal. Instead, a Qualified Mediator is widely perceived by new or perspective practitioners as the end goal.
- The Qualified designation is not being used as a “stepping-stone” to a Chartered designation.
- For the small number of respondents who did have a Qualified designation before having a Chartered, it took anywhere from one to ten years to advance, with the majority falling in the two to five year range.
- ADR practitioners surveyed believe cost, lack of experience, and the belief there is not significant benefit in getting a Chartered designation prevents practitioners from advancing from a Qualified designation to a Chartered.
- Many practitioners with a Qualified designation do not plan to advance to a Chartered designation, and yet the majority of those with a Chartered designation believe the Qualified designation only prepares them for less complex matters.

Summary of Research:

A significant number of ADR practitioners surveyed see no reason to move from a Qualified to a Chartered designation. Reasons include the cost, a lack of experience, and more than half believe there is no significant benefit of holding a Chartered designation compared to a Qualified designation.

This holds true when the numbers are broken down by type of respondent:

37% of ADR practitioners overall say it is not important to move from a Qualified designation to a Chartered designation, 29% believe it is somewhat important, important, or fairly important, and 17% no opinion.

- 53% of ADR Practitioners and 45% of those who use dispute resolution as part of another job see no significant benefit in moving for Qualified to Chartered.
- Of the 38 people who identified as arbitrators, over 47% do not feel it is important or feel it is only somewhat important to move from a Qualified designation to a Chartered. Over 18% have no opinion.
 - Looking at the numbers of those holding an arbitration designation (23 responses), more Q.Arbs (5 out of 14) think it is not important to move to a Chartered designation, and more C.Arbs (5 out of 9) think it is very important.
- Of the 128 people who identified as mediators, 38% do not think it is important to move from a Q.Med to a C.Med.
 - Broken down by mediation designation holders (67 responses), 45% of Q.Med respondents think it is not important to move from Q to C, and 36% of C.Med respondents think it is very important.
- Of the 16 respondents who identified as recent or current ADR students, 27% said it was not important to move from a Qualified Designation to a Chartered, 20% said it was fairly important or very important
 - Of the 16 respondents who identified as recent or current ADR students, 10 said their goal was to be a practicing mediator (8 responses) or arbitrator (2 responses). To reach their goal, one responded that no qualifications were needed, the other nine said a Qualified designation was the qualification needed to practice ADR (none said a Chartered designation was needed.)

According to survey, what ADR practitioners believe prevents people from moving from a Qualified to a Chartered designation:

- 41% say cost
- 44% say lack of experience
- 52% say there is no significant benefit in getting a Chartered designation
- Many comments: designations not recognized by other organizations, practitioners have AFMS and local collaborative designation already, lack of time and effort to do it, don't want to jump through hoops, hours, time, practice, public doesn't know the difference, cost vs value, dilemma of jobs as mediator, difficulty getting practice and volunteering.

Only 7 of 38 Chartered Mediators held a Qualified designation previously, it took one of them one year to move to a C.Med to a Q.Med, three took 2-3 years, two took 4-5 years, and one took 5-10 years.

Only two of nine Chartered Arbitrators had a Qualified designation before their C.Arb - it took one 3-5 years to get their Chartered designation, and the other 2-3 years.

5.3.2. Designation Holders' Perception of Value

Highlights of Findings:

- Especially among mediators, of the practitioners we surveyed who hold an ADRIC designation approximately half have considered letting their designation lapse. Concerns include cost, lack of benefit, and the designation not being recognized outside of ADRIC/ADRIA by employers or the public.

Summary of Research:

A significant number of current ADRIC designation holders have considered letting their designations lapse:

- 59% of Q.Med respondents and 56% of C.Med respondents have considered letting their designation lapse. The strongest reason for both Q and CMeds to let their designation lapse is No value for cost. For QMeds, the next reason is that they practice ADR but see no benefit to the designation, followed by that it is not necessary for their job. For CMeds, the next reason is tied between there is no meaningful standard and it is not required for their job.
- 36% (5 out of 14) Q.Arb respondents and 22% (2 out of 9) C.Arb respondents have considered letting their designation lapse. The biggest reason was concern that the designation did not provide value for the cost, followed by not needing a designation for their job and not thinking the designation benefits the practitioner. Other reasons included that the designation is not recognized in their area of expertise, and a loss of respect in for the field and concerns over the neutrality and cost of the designation process.

5.3.3. Impact of designations on ADRIA's training

(See Appendix E: ADRIA Trainers Survey Responses)

Highlights of Findings:

- A majority of ADRIA trainers do not think students are ready to practice solo at the end of the National Introductory Training.
- ADRIA trainers agree practice and integration of concepts and skills is missing from the mediation and arbitration education programs.

Summary of Research:

A survey of ADRIA trainers who have been on the roster in the past three years shows that none of the coaches or instructors who responded think that students were competent to do a solo mediation or arbitration at the end of the National Introductory Courses. Trainers in both the

arbitration and mediation program identify the need to practice and integrate skills as essential to learning and this integration and practice is currently missing from the program.

The survey was provided to 30 ADRIA trainers, and we received 19 responses: 17 from the mediation program and two from the arbitration program. The respondents are as follows:

- *10 coaches (7 have 3-10 years experience, 3 have more than 15 years experience as an ADRIA trainer)*
- *3 instructors (1 has 3-5 years experience, 1 has 7-10 years, and 1 has 10-15 years experience)*
- *6 both instruct and coach (1 has 5-7 years experience, 2 have 7-10, 3 have more than 15 years)*

For mediation, there is strong agreement that students need time to integrate concepts and practice skills. Most ADRIA trainers support any methods that will accomplish that, but with specific mention of the following measures:

- Requiring a period of practice before evaluation or second evaluation/requiring minimum number of hours of practice before getting certificate (4)
- More courses (4)
- Roleplaying after taking courses (3)
- Ongoing feedback from coach or mentor after taking courses (3)
- Co-Mediating (2)
- Opportunity to observe mediation (1)
- Two training streams (one for professional development, one to be a mediator) (2)
- All of the above (2)
- Formal assessment (1)
- Encourage skill integration as a mindset (1)

For arbitration, instructors supported all suggestions, with emphasis on a formal assessment:

- more time in the courses
- more courses
- feedback from a coach or mentor
- practicing for a formal assessment
- passing a formal assessment
- working with a co-arbitrator
- observing a real arbitration
- practice writing awards

As for the Qualified designations, the mediation trainers rated the requirements for the Qualified Mediator designation an average of 6 out of 10 on how well they prepare a student to be competent in conducting a solo mediation. They suggest:

- Formal assessment after period of practice and roleplaying with feedback
- Increasing the number of mediations needed /complete 6 solo mediations (no mock)
- a mandatory ethics course
- an assessed practicum program
- at least 180-200 hours relevant training, formal assessment, proof of hours in practice

The arbitration trainers ranked the requirements for the Qualified Arbitrator an average of 3 out of 10 in ensuring someone is competent to conduct a solo arbitration. They suggest adding an assessment, and the need for more experience writing awards.

5.3.4. Employer Experience with Designations

Highlights of Findings:

- Over a third of supervisors or employers surveyed put no weight on an applicant having a Qualified designation or a Chartered designation. This finding conflicts with the ADRIA Mission statement of “Maintaining accreditation standards, accountability, and designations for the ADR profession.”
- Most supervisors and employers surveyed are satisfied with the level of competence of applicants with the C.Med even though they do not give it much weight in the interview process.
- Government of Alberta’s dispute resolution programs are having difficulty finding suitable candidates for jobs and rosters and have met with ADRIA representatives to express concern about the current training and standards. The Government of Alberta is the largest employer of mediators in the province and there will be a need for more mediators, in particular, with a renewed focus on using ADR to divert from court and requiring mandatory mediation. The main concern is a lack of integration of ADR concepts and skills, even in candidates who hold a Qualified designation. The DRN has suggested there should be mandatory hours of practice and/or working with a role-play group, and a requirement for a practical demonstration meeting a certain threshold, before receiving a certificate or designation.

Summary of Research:

Survey Feedback

From our survey, 49 respondents identified themselves as supervising ADR practitioners or programs, or being involved in hiring practitioners. Overall, they give more weight to a Chartered designation than a Qualified designation, but stress that they put greater weight on experience, reputation, and ability to perform in an interview role-play than the designation. It is also noted that some have had a wide variety of experiences with practitioners holding a Qualified designation.

- 40% of supervisors/employers surveyed put no weight on an applicant having a Qualified designation and 32% put no weight on an applicant having a Chartered designation
- 23% of supervisors/employers assign significant weight (between 50% and 100%) to an applicant having a Qualified designation, and 45% give significant weight to an applicant having a Chartered designation.

- 30% of supervisors/employers are not satisfied generally with the level of competence they see in applicants with a Qualified designation, while 50% are satisfied or very satisfied
- 12% of supervisors/employers are not satisfied generally with the level of competence they see in applicants with a Chartered designation and 73% are satisfied or very satisfied.

Alberta Government Dispute Resolution Network Feedback

Appendix F: Government of Alberta DRN Feedback

The largest employer of ADR professionals in the province, the Government of Alberta, cannot find enough qualified applicants to fill positions in its dispute resolution programs.

While a designation can indicate a certain level of training has been acquired, DRN supervisors have found they are not a consistent indication of the applicant's abilities. Some are finding that applicants who have completed formal mediation training are not able to demonstrate skills in a basic role play.

DRN programs are providing mentorships, co-mediation, and even their own training to get applicants up to speed. The concern is that soon there will not be enough experienced mediators in Alberta who are proficient in their practice to meet the growing demand for mediation in our province.

Employers and supervisors we contacted indicated that it is not the designation that determines whether an applicant is qualified, but the individual's approach and their experience.

Supervisors suggest there should more practice in role-plays with skilled feedback and co-mediations to ensure competency. It was also suggested that a certain amount of practice be mandatory in order to get a course certificate or a professional designation.

5.4. Creating competency to practice solo

At its heart, the question this Task Force is addressing is how effectively the ADRIA designations are in verifying practitioners are ready to practice solo competently, in a manner that protects the public and the integrity of ADR processes and the profession.

Highlights of Findings:

- ADR practitioners we surveyed believe the following criteria are needed to work solo competently (in order of importance):
 - Most mediators say ethics, training, appropriate use of skills, attitude/suitability, integration of concepts into practice, experience, and understanding of model/process are important. Over a third also believe assessment by an experienced practitioners and preparation to work in a specific field are important.
 - Most arbitrators surveyed say training, demonstration of skills, references or recommendations and knowledge of a field of specialization are important.

Summary of Research:

Feedback from ADR practitioners on minimum requirements for an initial-level mediation designation:

Mediators ranking in order of importance to ensure a mediator is competent to work solo (129 responses):

- Ethics 84%
- Training: 70%;
- Appropriate use of skills 71%
- Attitude/Suitability 69%
- Integration of concepts into practice 64%;
- Experience 63%
- Understanding of model/process 63%
- Assessment by an experienced practitioner 40%
- Preparation to work in a specific field 36%.
- Other comments include that mentoring should be included, lack of formal training may have a negative impact on the mediation process, practical experience over time is important and consistent assessments are needed.

Minimum requirements for an initial level mediation designation (109 responses):

- Training: ranged from 20 hours to 220 hours, with the two highest responses of 40 hours (24 responses) and 80 hours (18 responses).
- Experience: responses ranged from none for an initial level to 20 mediations. The most strongly supported comments, in order, were: 10 real life paid or unpaid mediations (13 responses), continuing assessment mentorship until ready for solo (12 responses), 3 to 5 paid or unpaid mediations as lead (11 responses), real life and role plays (11 responses) and other experience, education or volunteering should be considered (10 responses). It is significant to note that for some individuals coming from other professions, their impression of an initial-level designation is that it is a starting point to get experience, no experience is required to get the designation.
- Demonstration of skills: responses ranged from some type of consistent skills assessment (27 responses for C.Med assessor), role-plays (7 responses), and various other methods for observing and assessment of skills.
- References/Recommendations: most mediators (22 respondents) thought it was unnecessary for an initial level if there was an assessment, 10 thought it was important or helpful and there were many others who offered specific details of what would be appropriate, including who would provide the reference and the number of references required.
- Knowledge of Field of Specialization: 26 respondents thought that was very important, particularly for family, and there were also 20 respondents who thought that this was not

important. Other responses included specifics on how this specialized knowledge could be achieved.

- Other Criteria included many things, in particular suitability and ethics training, but also degrees, mentorship, indigenous awareness and role plays.

Comparison of Q.Meds and C.Med responses on minimum requirements:

- **Training:**
 - Q.Meds most strongly supported 40 hours (7 similar responses) and closely followed by 80-100 hours and 200+ hours (each with 5 similar responses). Other requirements were certification from a qualified institution or organization, and 3-course requirement of communication, negotiation and mediation.
 - C.Meds most strongly supported 80 hours (8 similar responses), followed by 40 hours (6 similar responses), then 180 hours (5 similar responses).
- **Experience:**
 - Q.Meds most strongly supported mentorship (3 similar responses) and 20 hours of role play (2 similar responses). Other Comments ranged from two mediations to 10 supervised mediations, and the need to recognize relevant experience.
 - C.Meds most strongly supported participating in three supervised co-mediations with a C.Med giving feedback, and other responses were five mediations all the way up to 20 mediations. There were also responses on using role plays, specialized experience and volunteer work.

Feedback from arbitrators about minimum requirement for an initial-level arbitration designation:

Most agree prerequisites for training, training, understanding the right to a fair hearing and the rule against bias, ability to determine the issues, understanding of applicable law, and ability to assess and review evidence are important to ensure an arbitrator is competent to work as a solo practitioner.

Arbitrators ranking in order of importance what the minimum requirements for a initial level arbitration designation should be:

Training:	76%
Demonstration of skills	64%
References or recommendations	64%
Knowledge of field of specialization	60%
Other criteria	16%
I don't know	20%

Most responders felt 40 hours of training was sufficient.

Some responders felt that 5-6 “real” arbitrations should be sufficient

Several responders indicated that demonstration of skills should include a written exam and perhaps a skills assessment by a third party (i.e. mock arbitration). Some responders questioned whether writing an arbitral award alone was an adequate assessment.

The need for references was perceived as being a good requirement however who those references came from seemed to be important-there was a call for references to be for both character and competency (the latter coming from a mentor or co-arbitrator/panelist).

9/15 responders who provided additional information indicated that knowledge of field of specialization was necessary.

Other criteria included allowing institutions to determine the qualifications for its own arbitrators; for demonstration of skills before peers to be a requirement and another was to have a law degree.

6. Context/ADR professional standards

6.1. Education

6.1.1. AAMS/ADRIA's history of education and training (Appendix G: Summary of AAMS/ADRIA Education Program History)

Highlights of Findings:

- As AAMS, ADRIA has a long history of providing ADR training. The original programs required more class time (over 200 hours of core and elective training), more courses, and for mediation, passing a formal assessment in order to receive a Certificate in Conflict Management.
- AAMS/ADRIA training evolved over time as the programs tried to address challenges of falling enrolment and frustration of students who were unable, or uninterested, in completing the whole program. (The mediation program was condensed from over 200 hours to 120 hours.)
- It was common practice in the previous versions of the mediation programs for students to spend a significant amount of time after finishing their courses in role-play practice groups and working with coaches to prepare for a formal assessment in order to earn a certificate for the program.
- In 2009, when ADRIA Board members were in discussion with ADRIIC about Qualified designations, AAMS/ADRIA students would have had more training than required, having been required to pass an assessment, and may have been experienced in volunteer or co-mediation, but did not have enough paid solo experience for a Chartered designation. These would be the members they had in mind in needing a stepping stone to a Chartered designation.
- ADRIA significantly condensed its mediation and arbitration training programs to align with the requirements for the Qualified designations. (The mediation program went from 120 hours to 80 hours and the arbitration program went from 11 days to 5 days). Students on the final day of evaluations are “not assessed on integrated skill development” because of the “learning curve of comprehension and the minimal opportunity for practical role-play experience”. (Source: 2016 White Paper from ADRIA's Mediation Advocacy Task Force)
- ADRIA's version of the National Introductory Mediation training expands on the minimum requirements offered by other affiliates, requiring a pre-requisite course in communication skills prior to the National Introductory Mediation training and offering a six day version of the National training, compared to the five days offered elsewhere.

- The course description of the National Introductory Mediation Training on the ADRIA website tells potential students they should be ready to effectively conduct a facilitative model of conflict resolution at the end of the course.
- ADRIA still offers electives in mediation and an 180-hour Program Certificate in Conflict Leadership that meets the requirements for the Chartered Mediator designation, but specialty courses remain undersubscribed. Currently, there are no specialty training opportunities for arbitrators through ADRIA.

Summary of Research:

The Alberta Arbitration and Mediation Society (AAMS) and then the ADR Institute of Alberta (ADRIA) have been providing dispute resolution training in our province since about 1995. The training went through several changes over the years, eventually condensing the main offerings of the programs and removing the requirement for a formal assessment in order to align with the requirements of the Qualified designations

AAMS/ADRIA Mediation Training

The first mediation training program AAMS offered was based on the curriculum offered by the Justice Institute of British Columbia and focused on skills to build competency in interest-based negotiation and mediation. The Certificate Program in Conflict Management required a minimum of almost 200 hours in course work and two two-hour skills assessments (one in negotiation and one in mediation) to receive a program certificate. It was common practice for students to spend months after finishing their courses practicing in role-play groups and hiring coaches to give them feedback as they prepared to take the assessments.

The program changed in 2009 to address concerns that students were not always able to finish the Certificate Program in Conflict Management and it was becoming more difficult to fill courses. The revised program allowed students with different goals to earn certificates along the way to earning a full AAMS Certificate in Conflict Management, if desired.

ADRIA's training changed again in 2015 with the decision to have core courses meet the 80 hour training requirement for the Qualified Mediator designation. (Note that ADRIA created the National Introductory Mediation course for ADRIC). ADRIA now has two core courses of 40 hours each: Communications in ADR and National Introductory Mediation Training.

According to the 2016 White Paper from ADRIA's Mediation Advocacy Task Force, "In 2015, the ADR Institute of Canada implemented an introductory mediation course for use across the country. ADRIA adopted the national mediation program to support consistency and educational standards nationally for credentialing (Q.Med, C.Med). This course pulls highlights of concepts, skills and the model from former ADRIA courses. The final evaluation looks to determine if the student understands the concepts and can demonstrate at a reasonable level what can be expected from five days of training. Because of the learning curve of comprehension and the minimal opportunity for practical role-play experience, students are not assessed on integrated skill development."

ADRIA still offers a 180-hour Program Certificate in Conflict Leadership which meets the educational requirements of the Chartered Mediator (C.Med) designation. It has the two condensed core courses and the option of several specialty courses focused on learning

specific mediation practices such as Multi-Party Mediation, Restorative Practices, Separation and Divorce Mediation, and Conflict Coaching. There are currently not enough student interest to regularly schedule the electives more than once per year.

It should be noted that ADRIA's training is different than affiliates across the country which offer the National Introductory Mediation training. It is the only affiliate that has a mandatory pre-requisite for the course: 40 hours of skills in Communication in ADR. It also has made the National Introductory Mediation training a 6-day course, with evaluations happening on the last day. Other affiliates offer a five-day version, with evaluations on the last day. ADRIA's course provides a day for students to do a practice a one-hour role-play of the whole mediation model the day before the evaluations.

ADRIA's description of the National Introductory Mediation Course on its website is that it "prepares learners to be able to effectively facilitate the understanding-based approach to resolving disputes". It does not mention of the level of practice students are being evaluated at, or what else students would need to do to integrate and practice what they have learned.

AAMS/ADRIA Arbitration Training

The first arbitration program was offered in 1995. AAMS Arbitration: the Law and Practice consisted of 38 hours of training over eleven weeks. The course was offered once a year and qualified for the Chartered Arbitrator designation.

In 2009, the program changed to the Certificate in Arbitration and included five courses: an introduction to ADR, Arbitration levels I, II, and III, and a course in Med/Arb - Arb/Med. After completing Arbitration III, students had to write an Arbitration award that was pass/fail.

In approximately 2015, ADRIA adopted ADRI's National Introductory Arbitration Training to align with the requirements for the Qualified Arbitration designation. The course work is now 40 hours and students are evaluated on the writing of an arbitration award based on a case study.

6.1.2. ADR Training across Canada (See Appendix H: ADR Training Across Canada)

Highlights of Findings:

- The ADR Institute of Canada (ADRIC)'s affiliates started offering its National Introductory Mediation Training and National Introductory Arbitration Training since 2015. The ADR Institute of Saskatchewan and ADR Institute of BC websites offer the National Introductory Mediation and Arbitration Training. It appears that the ADR Institute of Ontario and ADR Atlantic Institute have focused on promoting courses approved by ADRIC for a designation instead of offering its own courses.
- Generally the timeframes for the programs nationally vary between course from 40 to 280 hours of course work, or in the case of university programs, one or two years. (Some university programs do not teach a model, may be focussed on conflict analysis.)
- In Alberta, there are other mediation programs accepted by ADRIC and ADRIA as meeting the education requirement for a designation, partly because they include an evaluation component, and there are some mediation programs that are not.

Summary of Research

There are other organizations and individuals offering ADR training in Alberta, Canada, and around the world. Some training programs are approved for an ADRIIC designation, others are not.

The ADR Institute of Canada (ADRIIC)'s affiliates started offering its National Introductory Mediation Training and National Introductory Arbitration Training since 2015.

Outside of Alberta, few affiliates have previous experience in providing training . As mentioned previously, ADRIA is the only affiliate that requires a pre-requisite for the mediation course, and which adds a 6th day to the National Introductory Mediation Training for the student evaluations.

The ADR Institute of Saskatchewan and ADR Institute of BC websites offer the National Introductory Mediation and Arbitration Training. It appears that the ADR Institute of Ontario and ADR Atlantic Institute have focused on promoting courses approved by ADRIIC for a designation instead of offering its own courses.

The following is a brief overview of other ADR training programs available across the country.

Training in British Columbia

British Columbia has been a pioneer of mediation training in western Canada.

The Justice Institute of BC (JIBC) offers a robust series of conflict resolution programs including: Mediation, Negotiation, Conflict Leadership, Child Protection Mediation, Family Mediation, Conflict Coaching and Workplace Conflict.

Their Certificate in Conflict Resolution: Specialization in Mediation/Third Party Intervention is 252-hours and involves an assessment that counts towards experience required by the Civil or Family roster with MediateBC.

AAMS's original training programs were heavily influenced by JIBC's courses and approach. Many instructors took their training there, and the course materials borrowed liberally from the JIBC program. JIBC has also offered its program in Calgary and online for several years.

In Victoria, Royal Roads University has two graduate level programs that focus more on the dynamics of conflict. Many experienced mediators in Alberta have taken one of these programs to enhance their knowledge and credentials, especially working within an organization.

Royal Roads' Masters program is two years online with two two-week residencies. It examines conflict from interpersonal to international. The focus on theory and the effects of conflict and the role of the practitioners. Explores a systemic approach to conflict.

Royal Roads' Graduate Diploma in Conflict Analysis and Management is one year online with two week residency.

Training in Alberta

In Alberta, besides ADRIA, several organizations offer mediation training. Calgary in particular has a couple of well-established and extensive programs through the U of C Faculty of

Extension (with programming by the Justice Institute of BC) and Mount Royal University, which both require an assessment.

Then there are shorter programs, such as the Legal Education Society of Alberta's 40 hour Family Mediation course aimed at lawyers.

Of note is that in the last couple of years, new programs have popped up in Alberta: a well known Edmonton mediator and Trainer and former ADRIA instructor has started a training institute and the Alberta Family Mediation Society has developed a 40-hour basic mediation course.

Ontario

The focus in Ontario has been on approving other training programs which meet the training requirement for the designations. There are many types of programs available. Appendix H provides a table with examples of the types of training available.

6.2. ADR Standards and Regulation: Canada and International

Highlights of Findings:

- There is little regulation of ADR across Canada. What legislation there is, is mostly related to Family Law and/or mandatory dispute resolution before attending court. British Columbia has the most regulation, with changes to the Family Law Act brought in in 2014 setting out standards for Family Law Mediators and Arbitrators.
- The International Mediation Institute is a non-profit organization that develops professional standards for mediators and other collaborative dispute resolution and negotiation processes. It recommends any training have a competency framework that sets out core competencies a mediator should possess, and that any training should be a bare minimum of 40 hours of classroom time, while recognizing that the higher number of practical hours will translate into better learning opportunities for participants.
- Australia has a system of self regulation: the National Mediator Accreditation System which sets minimum standards for accreditation and practice. In 2008, it also has legislated the accreditation of Family Dispute Resolution Practitioners and defined competencies, training, and assessment of anyone who wants to practice Family mediation in that country.
- Germany was to establish the federal Mediation Act and was establish a "Certified Mediator" designation in 2017. To be certified, mediators require at least 120 hours of training including one case and a one-on-one supervision (coaching) of that case. After qualifying, the mediator requires four documented cases over two years, at least four one-on-one supervision sessions on four cases in those two years, and forty hours further training within every four years. It is not clear to us if this new designation was implemented.

Summary of Research:

6.2.1. Canadian Regulations

See Appendix I: Environmental Scan of Canadian Regulations

British Columbia

B.C. has 30 separate statutes encouraging or enabling mediation. Mediate BC has set minimum requirements to enter the Civil or Family Mediation rosters.

Starting Jan 1, 2014 family law mediators must meet Family Law Act minimum training and practice standards: two years of experience in a family-related field and take specified training in family law, mediation theory and skills development, and family violence.

Starting Jan 1, 2014 all family law arbitrators must meet Family Law Act minimum training and practice standards. Arbitrator must be: a lawyer, psychologist or social worker, have at least 10 years experience in a family-related field and take specified training in arbitration, family law, decision-making, skills development and family violence. Only an arbitrator who is a lawyer may conduct arbitrations on all family law issues, including child-related issues, property and spousal support. An Arbitrator who is a psychologist or a social worker may only arbitrate child-related issues and straightforward child support.

Alberta

Alberta's Rules of Court only speak to the use of "ADR" and do not break down mediation/arbitration/interest-based negotiation.

On July 9, 2018 the Court of Queen's Bench issued a proposal for a pilot project to be effective January 1, 2019 which would see reinstatement of mandatory dispute resolution (previously suspended in February 2013) before they can go to trial.

Arbitrators are awaiting receipt of the Municipal Government Act's regulation directing Arbitration of inter-municipal issues including the powers of the Arbitrator. MGA Section 708.35(1) provides that Municipalities must adopt an inter-municipal collaboration framework by April 1, 2020 failing which the dispute will be referred to an Arbitrator. The powers of the Arbitrator are anticipated to be wide sweeping.

There are currently no regulations setting minimum education or training qualifications for mediators or arbitrators in Alberta. There are two Court of Queen's Bench practice notes (Family Law Practice Note 7 and Practice Note 8) which speak to qualifications of persons who provide services in the area of "Parenting Experts" (ie. Parenting Coordinators).

Saskatchewan

Saskatchewan has experience with mandatory mediation in Queen's Bench civil matters ,and in 2017 was exploring alternatives to court for family matters.

Ontario

Rule 24.1 of the Rules of Civil Procedure establish mandatory mediation for case managed civil, non-family actions. Rules 24.1 and 75.1 apply in Toronto, Ottawa and Windsor. Rule 75.1 bring contested estates, trusts and substitute decisions matters within mandatory mediation.

The Construction Act of Ontario provides for a scheme for adjudication.

In 2006 Ontario passed the Family Statute Law Amendment Act. Under this legislation, family arbitrations based on non-Canadian law and principles including religious principles will have no legal effect and will not be enforceable by the Courts. The statute and a new regulation under the Arbitration Act, 21991 came into force on April 30, 2007. The regulation requires a family arbitrator to complete training prior to April 30, 2008 or before an arbitrator conducts a family arbitration after that date. The regulation also requires a family arbitrator to submit information on his/her arbitrations to the Ministry on a form provided by the Ministry. (See attorneygeneral.jus.gov.on.ca)

Quebec

The 2016 reviewed version of Standards of Practice in Familial Mediation was adopted by several organizations including the Quebec Bar Association.

Newfoundland

The Labour Code includes a med/arb provision which makes it clear that the process is not a combination of arbitration and mediation processes but rather a process of its own.

6.2.2. International Regulations

6.2.2.1. International Mediation Institute

<https://www.imimediation.org/practitioners/competency-criteria/>

The International Mediation Institute (IMI) is a non-profit organization that aims to develop global, professional standards for experienced mediators, advocates and others involved in collaborative dispute resolution and negotiation processes. It does not itself offer training or services.

IMI makes recommendations on what should be included in mediation program training (<https://www.imimediation.org/training/training-program-requirements/>). It notes that any training should have a competency framework that sets out the core competencies a mediator should possess and give clarity to students throughout the course as to what they should achieve.

For a course to adequately cover the necessary content, IMI recommends courses have a substantial number of hours, not less than 40 (not including breaks or prep work). Its website notes that “this minimum level of 40 hours, however, should not prevent training providers from aspiring to a higher number of practical hours, given that more practice will translate into better learning opportunities for participants.”

6.2.2.2. Germany

http://mediation-net.eu/index.php?option=com_content&view=article&id=63:germany&catid=24:germany&Itemid=43&lang=en

Germany brought in its Mediation Act in 2012 and updated it in 2015, as part of its plan to implement the EU's Mediation Directive and laid out the basic duties of a mediator. In 2017, a new Certified Mediator designation was to come into force (note: it is not clear if this has happened). Previously, there was no mediation law in Germany though some requirements to oblige courts to look for amiable settlements in civil and family matters.

Anyone can still call themselves a mediator in Germany, but to use the new designation “certified mediator”, mediators will now require at least 120 hours of training including one case and a one-on-one supervision (coaching) of that case. The regulation lists in detail what the 120 hours training must cover and the number of hours required for each – from principles of mediation to conflict theory, communication techniques, negotiation techniques, the law in mediation and of mediation, and mediator values. After qualifying, the mediator requires four documented cases over two years, at least four one-on-one supervision sessions on four cases in those two years, and forty hours further training within every four years.

6.2.2.3. Australia

It took years for Australia to bring in a system of regulation for dispute resolution, but they now have a National Mediator Accreditation System and a legislation regulating Family Mediation.

National Mediator Accreditation System (NMAS)

<https://msb.org.au/themes/msb/assets/documents/national-mediator-accreditation-system.pdf>

Mediators voluntarily accredited under the Australian National Mediator Standards must comply with the Approval Standards as well as the Practice Standards.

The NMAS comprises the following:

- Approval Standards which specify the training, assessment, personal qualities and experience required of a NMAS accredited mediator and for their renewal of accreditation
- Practice Standards which specify the minimum practice and competency requirements of a NMAS accredited mediator
- Recognised Mediator Accreditation Bodies (RMABs) which accredit mediators according to the Approval and Practice Standards
- The Register of Nationally Accredited Mediators (National Register) which is the authoritative list of NMAS accredited mediators
- The Mediator Standards Board (MSB), which oversees the NMAS. Members of the MSB comprise RMABs; professional, government, community and consumer organisations; and education and training providers.

The training requires:

- a training course of a minimum of 38 hours in duration which may be conducted as a single course or in modules over a period of up to 24 months;
- a training team of at least two trainers in which the principal trainer has more than three years’ experience both as a NMAS accredited mediator and as a trainer;
- sufficient coaches for each trainee to be observed performing the role of mediator by different coaches in two simulated mediations each of at least 1.5 hours in duration;
- coaches who are accredited as mediators under the NMAS and have at least two years or 50 hours mediation experience and who provide written feedback to the trainees they have observed;

- each trainee participating in at least nine simulated mediations, in at least three of which they perform the role of mediator;
- content that includes the knowledge, skills and ethical principles articulated in the Practice Standards. 2.4

The assessment requires:

- an applicant, at a minimum, performing the role of a mediator in a simulated mediation of at least 1.5 hours;
- an assessor observing a simulation (in real time or digitally or video recorded for later observation) without providing any coaching to the applicant during the simulated mediation;
- an assessor who is a NMAS accredited mediator with at least 3 years mediation experience and with no conflict of interest with respect to the applicant and who is independent of the training team;
- assessment criteria reflecting the knowledge, skills and ethical principles articulated in the Practice Standards;
- an applicant being found competent by an assessor using an assessment form documenting the extent to which the applicant has met or has not met the assessment requirements; providing written feedback on the applicant's performance and indicating the assessment outcome;
- in so far as circumstances allow, a copy of the assessment form being supplied to the applicant a reasonable time prior to the conduct of the assessment.

An applicant who meets the requirements of this Standard will be accredited for two years. (See attachment for renewal requirements.)

Family Dispute Resolution Practitioners

Australia brought in federal legislation in 2008 for Family Dispute Resolution Practitioners which outlines the accreditation process and obligations of the practitioner. (<https://www.legislation.gov.au/Details/F2008L03470>)

To be a Family Dispute Resolution Practitioner, a person is required to meet criteria for accreditation relating to qualifications and competencies, which includes competency in screening and assessing families for family violence and child abuse.

Generally, competencies are met through training which includes a workplace assessment under direct observation to demonstrate competency in delivering services to clients, including clients affected by family violence.

Practitioners can meet this accreditation requirement by:

- completing the full Graduate Diploma of Family Dispute Resolution (or the higher education provider equivalent), or
- have an appropriate qualification and competency in the six compulsory units from the Graduate Diploma of Family Dispute Resolution (or the higher education provider equivalent), or

- have accreditation under the National Mediation Accreditation System and competency in the six compulsory units from the Graduate Diploma of Family Dispute Resolution (or the higher education provider equivalent).

A practitioner can achieve units of competency for the Graduate Diploma of Family Dispute Resolution through a Registered Training Organisation (RTO) or a higher education provider that has certified it offers an equivalent course.

6.3. What we can learn from ADR around the world

Our Task Force did a very high level scan of what is happening across Canada and around the world, and want to be clear that a tremendous amount of more work would be required to truly discover what is happening around the world in ADR.

We think it is fair to say that ADR is at a similar stage of its development around the world, and that other organizations and countries face the same questions we are trying to answer in this report. ADR remains largely unregulated and the standards vary widely.

Where there is regulation, it comes becomes ADR overlaps with other regulated processes or industries, such as with Family mediation and the court process, or arbitration and the construction industry.

While we think it would be valuable to know more about what is happening with ADR around the world, and to learn from other's successes, it seems there is no one clear pioneer leading the way whose example we could follow.

This has left us with the conclusion we want to emphasize to the ADRIA Board. ADRIA's long history of offering quality ADR training and its access to experienced instructors and coaches, and Alberta's strong ADR community, including the voluntary formation of the Dispute Resolution Network at the Alberta government gives us a wealth of experience to draw from. We believe our organization has the expertise to identify what constitutes best practices for mediation and arbitration training and professional designations, and we need to give significant weight to our group knowledge and experience.

ADRIA and ADRIC can be leaders in setting standards that ensure the public receives knowledgeable and effective service in ADR, and that protects and builds the reputation of ADR in the greater community.