
Building Mediation Expertise with Alberta Environmental Appeals Board

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Since 1997, CBI has assisted the Alberta Environmental Appeal Board (EAB) to develop and refine their mediation program through training, policy analysis, and evaluation.

EAB is an administrative tribunal that hears appeals regarding the actions of the provincial Ministry of Environment in Canada. Appeals may range in topic from toxic waste cleanup, to water withdrawal permits, to reclamation certifications on former gas and oil drilling sites. EAB hears appeals through their formal administrative process but also has a mediation program that allows disputants to seek resolution through a Board member trained in mediation. EAB is a leader in using mediation to resolve disputes before they are heard in a formal administrative law setting.

Training

In order to ensure that the diverse Board members are highly skilled in mediation, CBI has provided training in mediation to Board members and staff initially in 1997 and again in 1999, 2000 and 2003. The trainings have focused on the land reclamation, air and water permitting, and facilitating site disputes that the Board must address. CBI has tailored simulations, vignettes, and case studies to highlight the particular challenges faced by administrative tribunal members who mediate. The Pringle Site simulation is an example.

Policy Development

In addition to extensive training, CBI has also assisted EAB in refining its policies related to mediation in the tribunal context. This policy development has included new Confidentiality and Agreement to Mediate forms along with an extensive mediation manual to guide EAB mediators and on-going consultation with Board staff. In addition, with the EAB chairman, we have written a paper, published in the Dalhousie Law Journal, on Opportunities and Best Practices for the Use of Mediation in Canadian Environmental Administrative Tribunals and an article on Overcoming the Barriers to Environmental Dispute Resolution in Canada in the Canadian Bar Review. We are also preparing a manual for all future Board members instructing how best to apply mediation in the unique context of environmental administrative tribunals.

Program Evaluation

In 1999, CBI developed an evaluation program for the Board's mediation. From June 1999 to January 2003, CBI received over 150 responses from parties involved in EAB-sponsored mediation.

Seventy-five (75%) percent of respondents said they reached agreement in mediation, and therefore did not require a formal Board hearing. Of all respondents (both that did and did not reach agreement), 68 percent said the process was satisfying to them. Only 10 percent of respondents said they would not participate in mediation again. Sixty-seven percent of participants agreed that mediation encouraged them to consider various options for resolving differences. Seventy-three percent of respondents agreed that the process took less time and money as compared to going to a formal hearing before the Board.

These results reinforce that the EAB program does save time and money, not only because the Board can calculate the difference in cost to the taxpayer between mediation and a formal Board hearing, but because participants have a clear alternative (i.e., going before the formal Board in an administrative hearing) to compare the mediation's cost and time against.

For more information on this case, please contact Managing Director [Patrick Field](#).
Clients: [Environmental Appeal Board, Alberta, Canada](#)