



# **APPROPRIATE DISPUTE RESOLUTION (ADR)**

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Presented by

Anna Rose

# **What is ADR**

- **ADR stands for  
Appropriate Dispute Resolution**
- **ADR options include:**
  - **Direct negotiation**
  - **EUB staff facilitation**
  - **Third party mediation**
  - **Arbitration**
  - **EUB public hearing**





# Goals of ADR

- Improved relationships
- Less investment of time and resources
- Local solutions to local problems
- Greater efficiency
- Fewer hearings



# **What is a EUB Facilitation?**

- **One ADR option**
- **A meeting between two or more parties**
- **Explore interests, options and arrive at a mutual solution**
- **Role of the EUB Facilitator**
- **The meeting can occur prior to filing an application to the EUB or after filing a non-routine application to the EUB.**

# What is Third Party Mediation?

- Used in situations where:
  - **Multiple parties**
  - **Lawyers and advisors are involved**
  - **Extremely low trust situations**
  - **Company to company matters**
- Use of independent third party (EUB present)
- Process initiated with a Preliminary meeting
- Obtain agreement as to how to go forward to resolve (informed decision)

# Who We Are

**David Hill (Calgary) – ADR Coordinator**

## **Facilitation Advisors**

- **Jeff Strem (Red Deer)**
- **Fiona LeBlanc (Grande Prairie)**
- **Michele DelColle (St. Albert)**
- **Anna Rose (Calgary)**



# Primary Contact Map



## Contacts

Coordinator	David Hill	(403) 297-5839
	Fiona LeBlanc	(780) 538-5140
	Jeff Strem	(403) 340-5577
	Anna Rose	(403) 297-6252

# **ADR 2006 Results**

- **FACILITATIONS**

- 146 staff Facilitations

- **MEDIATIONS**

- 19 third party mediations

- **RESOLUTION**

- 94% success rate

- **ADR Effect on Hearings**

- 34 cancelled in 2005
- 42 of the 58 hearing scheduled were cancelled in 2006. Of those 19 used ADR which accounted for 45% of the hearings cancelled

# **ADR 2005 Results**

- **58239 oil and gas applications [52100 in 2004]**
- **855 applications submitted with landowner objections [659 in 2004]**
- **Fewer than 2% of Energy-related applications in 2005 had outstanding objections**
- **129 EUB field staff facilitations completed with 113 resolved = 80 % resolution**
- **ADR Effect on Hearings**
  - **34 cancelled in 2005**

# **EUB ADR Publications**

- **Enerfaq 15 – “All About Appropriate Dispute Resolution”**
  - **Commonly asked questions with user friendly responses**
  - **Provides references to other publications about ADR.**
  - **Provides some detail around issues of cost, confidentiality, group ADR, etc...**
- **ADR Annual Report – 2005**
  - **Multi-stakeholder committee’s report**

# **When EUB ADR is not Appropriate**

- **In some cases Hearings are the appropriate dispute resolution tool**
- **When safety is compromised**
- **When parties do not identify those invited to the ADR meeting**
- **When one or more parties have no intention of wanting to resolve.**

# **CHALLENGES and LEARNINGS**

- **When people say “no” to ADR**
- **Use of ADR for purposes other than to resolve**
- **Eleventh hour ADR sessions**
- **Right people at the table**
- **When those at the table are more interested in being paid for their time than coming to a resolution.**
- **When companies believe that all objections are just about money**

# **Future Vision**

- **ADR seen as a common approach to problem solving**
- **Wider use of skills throughout Industry and the Public**
- **Work Ourselves Out of a Job!**