



# Arbitration Process



# **VALUE YOUR FEEDBACK**

Skills Manitoba has a history of hosting successful Olympic style provincial competitions. The competitions are designed to promote both the students and the skilled trades and technologies which they are pursuing.

Each year, many volunteers and sponsors representing government, industry, labour, and education make every attempt to highlight the competition areas promoted by Skills Canada. All skilled trades and technology competition areas are encouraged to meet industry entry-level standards. Skills Manitoba also makes it a priority to ensure that competition equity is designed into each of these areas.

Suggestions for improvements to future Manitoba competitions are encouraged and always welcome. Comments that highlight or affirm our strengths are also appreciated and help us to gauge our effectiveness.

Therefore, to ensure that the organization continues to grow positively and meet the needs of all the stakeholders, it is paramount that methods of communication be in place to receive feedback from all participants. Skills Manitoba has three such methods:

1. Competitor Evaluation Forms
  - completed by all competitors
  - used as a tool to identify areas targeted by Skills Manitoba
2. Evaluation Forms
  - can be completed by anyone attending a Skills Manitoba competition
  - used as a tool to identify areas targeted by Skills Manitoba
3. Arbitration Process
  - limited to individuals who can legitimately enter a contest area
  - limited to concerns of competition equity
  - used as a tool to provide immediate on-site clarification
  - responds immediately to competition conflict
  - attempts to respect the anonymity of the competitor
  - speaks to issues and respects the dignity of individuals

# **THE ARBITRATION PROCESS**

The Arbitration Process is designed as a tool to facilitate conflict resolution if there is inequity or perceptions of inequity during Manitoba Provincial Skills Competitions. The process is structured to proceed from lesser to more severe intervention and is intended for use whenever more contentious issues are encountered. The process is limited to individuals eligible to enter a contest area and pertains to issues of competition equity. All other respondents are encouraged to submit the appropriate Competitor Feedback Form or the General Evaluation Form.

## **OBJECTIVES OF THE ARBITRATION PROCESS**

1. Receive input about the fairness of the competition process
2. Provide a consistent structure for resolving issues
3. Assure competition equity for all participants
4. Minimize the impact of distractions on contest proceedings
5. Respect the objectivity and dignity of all competition volunteers
6. Ensure individual rights of expression and dialogue
7. Identify and eliminate contest-specific areas of concern
8. Create an opportunity for gathering facts
9. Resolve conflict consistently, efficiently and effectively

## **COMPOSITION OF THE ARBITRATION COMMITTEE**

An Arbitration Committee of three (3), shall be appointed to serve during provincial competitions. Members shall be appointed from within the ranks of the current Skills Canada – Manitoba Association. When the committee is organized, every effort will be made to recruit to include stakeholders representing Government, Industry, Labour and Education.

# PROCEDURE

## PHASE I - Informal Protest Process

- *Verbal or written*
- *Usually in the form of a question directed by a competitor to contest Judge/s or a Technical Chair*

Any person who can legitimately enter a contest area (hereinafter referred to as (“eligible party”), as outlined in the National Regulations for the Canadian Skills Competition, the Manitoba Technical Committee Handbook, and this Arbitration Handbook, is eligible to make an Informal Protest. The protest must be with respect to that particular contest area and should be directed to the judge/s of that particular contest.

An Informal Protest may be made verbally, or in writing, using a standard format prescribed in the Manitoba Technical Committee Handbook, on the Skills Manitoba Website, or at the Operations Centre.

An Informal Protest may be filed in English or French.

An Informal Protest may be made at any time between the commencement of the particular contest and up to **ten (10) minutes** after the actual time of contest closure.

The judge/s shall determine and respond to an Informal Protest at the contest site in a timely manner and usually within **fifteen (15) minutes** of their receiving the Informal Protest.

## **PHASE II - Technical Committee Grievance Process**

- ***In writing***
- ***To the contest Technical Chair or a designate***

If any eligible party directly affected by the determination of an Informal Protest objects to the decision of the judge/s, he/she (hereinafter referred to as “Griever”) may file a Grievance with the Technical Committee Chair, or his/her designate, for that contest area. The Griever shall submit a copy of the Grievance to the Operations Centre.

A Grievance must be made in writing using a standard format prescribed in the Manitoba Technical Committee Handbook, and as found on the Skills Manitoba Website or at the Operations Centre.

A Grievance may be filed in English or French.

A Grievance may be filed at any time between the determination of the Informal Protest and up to ***thirty (30) minutes*** after the actual time of contest closure.

A written Grievance will be considered by the Technical Committee Chair or designate responsible for that particular competition area. The Technical Committee Chair or designate can exercise their professional discretion to determine which other members of the Technical Committee shall be present at the consideration of a Grievance.

The Griever, and any eligible party directly affected by any determination under review, may be in attendance during the consideration of the Grievance. The Chair of the Technical Committee, or his/her designate, may allow others to be in attendance during the consideration of a Grievance, including the judges who determined and responded to the Informal Protest.

The Technical Committee Chair or designate and any other Technical Committee members appointed by the Technical Committee Chair or designate may consider any relevant information when attempting to resolve a Grievance.

Once a decision has been reached, the Technical Committee Chair or designate may take appropriate corrective action. This can include the disqualification of any competitor who has breached competition rules/regulations.

The decision of the Technical Committee Chair or designate shall be delivered verbally to the Griever and to all affected eligible parties at the conclusion of the consideration of a Grievance. A written confirmation of ***one (1) page*** shall be filed by the Technical Committee Chair or designate at the Operations Centre in a timely manner and usually within ***fifteen (15) minutes*** of the decision being rendered. The Griever and any eligible party may obtain a copy of the written confirmation of the decision from the Operations Centre.

### **PHASE III - Arbitration Committee Appeal Process**

- ***In writing***
- ***To the Arbitration Committee***

If a Griever, and/or any eligible party directly affected by a decision rendered after consideration of a Grievance, wishes to appeal that decision, the Griever and/or any eligible party may appeal the decision to the Arbitration Committee.

An appeal must be made in writing using a standard format prescribed in the Manitoba Technical Committee Handbook, on the Skills Manitoba Website, or at the Operations Centre.

An Appeal may be filed in English or in French.

Appeals can be filed by the Griever or eligible parties at the Operation Centre no later than ***thirty (30) minutes*** after written confirmation of the Grievance decision has been filed with the Operations Centre by the Technical Committee Chair or designate.

Consideration of an Appeal shall take place at a location to be determined by the Arbitration Committee Chair or his/her designate.

The Griever, and any eligible party directly affected by a decision that is the subject of an Appeal, may be in attendance during the consideration of that Appeal. The Chair of the Arbitration Committee or designate may allow others to be in attendance during the consideration of an Appeal. This could include the judges who considered the original Informal Protest and/or the Technical Committee Chair, or designate, who reviewed proceedings as the result of a Phase II Grievance.

The Arbitration Committee may consider any information the Arbitration Chair or designate considers relevant in the consideration of an Appeal.

Members of the Arbitration Committee who feel their objectivity could be compromised during an appeal or feel that a conflict of interest could arise from their participation while considering a particular Appeal should excuse themselves from further proceedings. Decisions of the Arbitration Committee shall be made by a majority vote. If the Arbitration Committee cannot make a determination by clear majority, the Arbitration Committee Chair or his/her designate shall cast a deciding vote.

When a decision has been reached after consideration of an Appeal, the Arbitration Committee may take whatever corrective action it considers appropriate. This may include the disqualification of any competitor who has breached competition rules or regulations and may include the removal and return of any medals awarded, notwithstanding awards ceremony proceedings.

The decision of the Arbitration Committee shall be delivered orally at the conclusion of the consideration of an Appeal and communicated to the Griever and all eligible parties in a timely manner and as soon as possible. A written confirmation of **one (1) page** shall be filed by the Arbitration Committee Chair, or designate, at the Operations Centre in a timely manner and usually within **sixty (60) minutes** of the decision being rendered. The Griever and any eligible parties may obtain a copy of the written confirmation of the decision from the Operations Centre.

## **DECISIONS OF THE ARBITRATION COMMITTEE**

The decisions of the Arbitration Committee are final and binding and are not subject to further appeal.

Any written decisions rendered by the Arbitration Committee and filed with the Operations Centre shall be forwarded to the Skills Canada Manitoba Association and the Skills Canada Manitoba Executive Director as soon as possible after the conclusion of the competition.



Signature \_\_\_\_\_ Initials \_\_\_\_\_

**SKILLS CANADA - MANITOBA ARBITRATION PROCESS TIMELINE**

