



AGENDA ITEM 12.1

TOPIC: Alternative Dispute Resolution

History of Topic

General Information

Alternative dispute resolution refers to a confidential method to resolve conflicts and disputes outside of more traditional and formalized complaint processes. Alternative dispute resolution offers a more informal, less expensive, and often quicker method for achieving a mutually agreed upon outcome. Agreement is required between all parties and is achieved through mediation and negotiation by an independent facilitator. Alternative dispute resolution also fosters a climate of co-operation and openness even if a resolution is not ultimately reached.

The College has offered voluntary alternative dispute resolution through its policy-based Mediation Resolutions Program (MRP) since 2013. Since this time, 106 member-related matters have been offered the opportunity to participate in the MRP program and 18 have successfully reached agreed upon resolutions.

In its February 2018 Concept Paper to the Ministry of Agriculture, Food and Rural Affairs entitled “Achieving a Modern Approach to the Regulation of Veterinary Medicine in Ontario”, the College requested an expansion of its current approach to alternative dispute resolution to allow for a mandatory program to be implemented. While this specific objective was not achieved under the *Veterinary Professionals Act, 2024 (VPA)*, the statute does provide formal recognition of the inclusion and importance of the program within the College’s screening process for member-related complaints and provides a clear framework for further regulatory structure to be developed.

Legislative Framework

Section 45 of the *VPA* provides the basic structure for the College to formally incorporate alternative dispute resolution as part of its robust investigations and resolutions screening model. Section 45 of the *VPA* permits the development of supplementary regulatory components related to alternative dispute resolution should they be required.

Development of Regulatory Concept by Transition Council

Transition Council reviewed and forwarded for public consultation a regulatory concept related to alternative dispute resolution in September 2024. This concept included:

1. Proposed Inclusion of Language Related to Administration of the Program

The *VPA* provides the basic structure for a formal alternative dispute resolution process. Transition Council proposed the development of regulation language that provides additional structures for administering the program including provisions related to process, confidentiality, and access to records and information.

2. List of Ineligible Complaints

Transition Council proposed the development of regulation language that outlines the types of complaints that would be ineligible to participate in alternative dispute resolution to ensure that concerns related to a higher risk of harm or potential harm to the public and/or animals continue to be addressed through the more formal complaints and reports stream. This included complaints related to:

- The misuse of controlled substances;
- Fraud or misrepresentation;
- Falsification of records or documents;
- Any form of abuse of an animal or person;
- Serious harm to or death of an animal or person;
- Sexual impropriety;
- Criminal charges or convictions; and
- Concerns or risks related to public safety.

3. Encouraging Use of Alternative Dispute Resolution

In recognition of the benefits and positive outcomes associated with alternative dispute resolution, Transition Council proposed that alternative dispute resolution be used in all applicable cases unless any participant does not consent (an opt-out instead of opt-in approach).

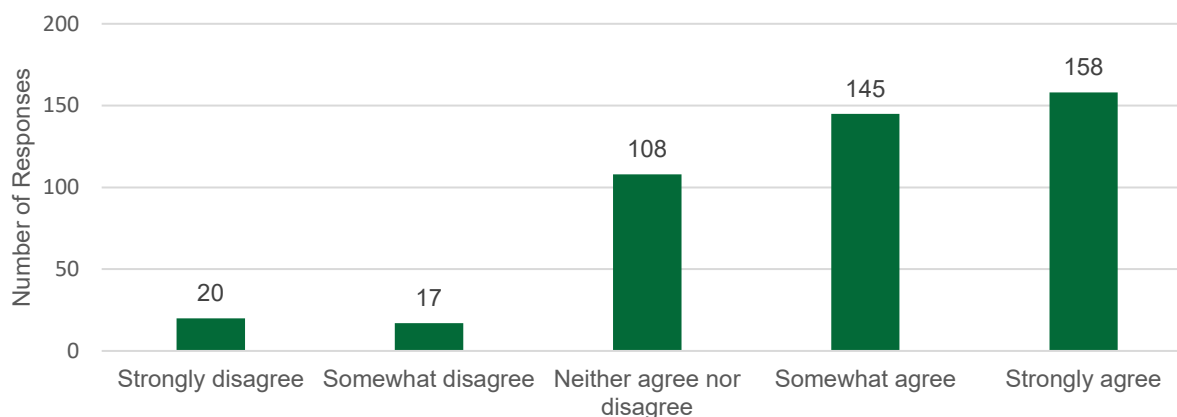
General Consultation Feedback

Alternative dispute resolution was included in the list of regulatory concepts that were circulated for public consultation from February 11 to April 16, 2025.

The following quantitative responses were received related to alternative dispute resolution:

Survey respondents were asked to indicate their agreement with a statement about Alternative Dispute Resolution on a Likert scale of responses from “Strongly disagree” to “Strongly agree”.

The figure below presents the results of 448 responses to the statement “*The proposed approach to ADR is sufficient.*”.



In addition to this quantitative data, the following qualitative trends were noted:

- Overall support of the proposed approach and its ability to help speed up the complaints process; and
- Requests for more information related to the process including what issues are appropriate for alternative dispute resolution and more details on how it will work.

For more information on this consultation feedback, please refer to pages 63-64 of the full consultation report.

Consultation Feedback from Key Partners

Ontario Veterinary Medical Association (OVMA)

In its April 15, 2025, submission the OVMA shared:

- General support for the concept of alternative dispute resolution;
- Interest in obtaining more details related to the opt-out process;
- Ongoing support for the use of third-party mediators;
- Requests for consideration of the ability to extend alternative dispute resolution timelines due to extenuating circumstances;
- Recognition of the importance of confidentiality; and
- Requests for mechanisms for feedback related to the alternative dispute resolution process.

Ontario Association of Veterinary Technicians (OAVT)

In its April 16, 2025, submission the OAVT noted that it had no further comments to provide on this topic at this time.

For more information related to these submissions, please refer to the beginning of page 131 of the full consultation report.

Further Information Gathered Based on Consultation Feedback

1. Confirmation of Timelines Associated with Alternative Dispute Resolution

Section 45 (6) of the *VPA* states that “if the complainant and the member or former member do not reach a resolution of the complaint within 120 days of a referral to alternative dispute resolution under paragraph 1 of subsection 43 (3), the Registrar shall refer the complaint to the Investigations and Resolutions Committee, which shall proceed with an investigation of the complaint.”

2. Feedback Related to Opt-Out Process

Since the consultation was published, the College has received feedback that the proposed opt-out process for alternative dispute resolution could be viewed as counter to the spirit of obtaining consent prior to participation as outlined in the *VPA*. Whether the model is opt in or opt out, all cases deemed suitable for mediation will be referred to that process stream and require consent by the parties prior to proceeding.

Additional Context to Assist with Decision Making

Based on this work, Transition Council is asked to consider revising the regulatory concept and propose that alternative dispute resolution program operate as an opt-in process, while keeping all other elements of the proposed regulatory concept, such as ineligible complaints, as presented.

For a review of the proposed amendments within the full regulatory concept, please see the chart attached as Appendix A.

Transition Council Discussion

The information contained in this cover sheet is being presented to Transition Council for its review and discussion related to next steps. To aid in this discussion, Transition Council is encouraged to consider if any further clarification or additional information is necessary prior to providing its direction.

Potential Direction

Based on this review and discussion, Transition Council may direct:

1. That the regulatory concept be approved for submission to OMAFA as presented or amended;

2. That the regulatory concept be returned to College staff for further work and consideration; or
3. Any other direction as determined by Transition Council.

Attachments

1. Appendix A– Regulatory Concept (with tracked changes related to opt-in vs. opt-out approach).

Concept Chart – Alternative Dispute Resolution

Section	Primary Concepts Confirmed by Transition Council	Additional Information	Date of Confirmation
This column outlines the specific section of regulation.	This column provides a description of the objectives sought and the associated reasoning.	This column provides any additional specific information required to ensure clarity.	This column outlines when Transition Council confirmed the concept as well as any additional questions raised.
Alternative Dispute Resolution	<p>General</p> <p>Transition Council proposes the development of regulation language related to alternative dispute resolution in accordance with Section 45 of the <i>Veterinary Professionals Act, 2024 (VPA)</i>.</p> <p>This regulation language will apply to both veterinarians and veterinary technicians.</p> <p>Purpose</p> <p>The College of Veterinary Professionals of Ontario (CVPO) will administer a formal alternative dispute resolution program as part of its investigations and resolutions process.</p> <p>Overview</p> <p>Alternative dispute resolution allows for mediated solutions to specific types of disputes, which has been shown to</p>	<p>The types of higher risk complaints that would be ineligible for alternative dispute resolution include those involving:</p> <ul style="list-style-type: none"> • The misuse of controlled substances; • Fraud or misrepresentation; • Falsification of records or documents; • Any form of abuse of an animal or person; • Serious harm to or death of an animal or person; • Sexual impropriety; • Criminal charges or convictions; and 	Transition Council confirmed the regulatory concept related to alternative dispute resolution in September 2024.

Section	Primary Concepts Confirmed by Transition Council	Additional Information	Date of Confirmation
	<p>contribute to greater satisfaction for all parties involved through outcomes such as faster resolutions, tailored resolutions, and increased compliance. Alternative dispute resolution also fosters a climate of co-operation and openness even if a voluntary resolution is not reached.</p> <p>Language Related to Administration of the Program</p> <p>The <i>Veterinary Professionals Act, 2024</i> provides the basic structure for a formal alternative dispute resolution program. The Transition Council is proposing that regulation language be developed that provides additional structures that the CVPO requires to administer an alternative dispute resolution program including provisions related to process, confidentiality, access to records and information, <u>and outlining an opt-in approach to the program.</u></p> <p>List of Ineligible Complaints</p> <p>Transition Council proposes that regulation language be developed that outlines the types of complaints that would be ineligible to participate in alternative dispute resolution to ensure that concerns related to a higher risk of harm or potential harm to the public and/or animals continue to be addressed through more traditional methods.</p> <p>Encouraging Use of Alternative Dispute Resolution</p> <p>In recognition of the benefits and positive outcomes associated with alternative dispute resolution, Transition Council proposes that alternative dispute resolution be used</p>	<ul style="list-style-type: none"> Concerns or risks related to public safety. 	

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	in all applicable cases unless any participant does not consent (an opt-out instead of opt-in approach).		