

# Don't Fight, Mediate!

Student Workbook

*Answer Key*





**Éducaloi is an independent non-profit organization that explains the law to Quebecers in everyday language.**

### **IMPORTANT NOTICE**

The law changes. The information in this guide is up to date to **June 2024**.

This guide is meant as legal information, not legal advice. If you need advice on a specific situation, consult a lawyer or notary.

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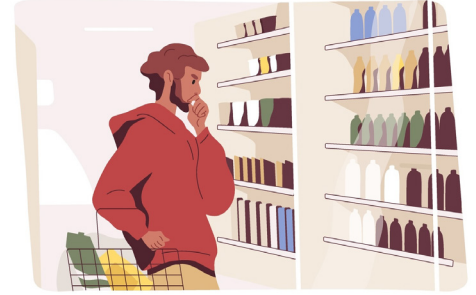
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## Scenario

Christine really wants to go on a school trip to Europe with her friends. But her parents can't afford to pay for it. To raise money, she's been working for several months as a clerk in a grocery store in her neighbourhood. She has always gotten along well with her co-worker, Simon, whose antics usually make Christine smile.



One Monday evening, Simon decides to play trick on Christine and films her with his cell phone. While they're placing items on the shelves, he rolls a can of peas behind her. Not seeing the can, Christine backs up and steps on it, falling backwards and knocking several items to the floor. She has a hard time getting up and is furious with Simon who's laughing at her. He's feeling proud of himself for having recorded the whole thing and knows he'll make his friends laugh when they see the footage. Christine sees Simon's cell phone and asks him to delete the video immediately. He pretends to delete it, then quickly puts his cell phone away.

When she arrives at school the next day, a friend of Christine's says: "Watch where you step, there might be a can of peas in the way, hahaha!" Christine realizes that Simon has shared the video with other students. During the day, when she passes Simon's friends, they pretend to fall and burst out laughing. Even though she's very angry with Simon, she decides not to report him to her employer.



Instead, she decides to get back at him in an underhanded way. She writes negative comments online about the fast-food place near the school that is run by Simon's parents:

"The employees never wash their hands. I even saw an employee wipe his nose and continue preparing the hotdogs."

"Several students told me they were sick after eating a burger. They're serving us rotten meat—it's disgusting!"

"Even their son doesn't want to work there. He works

at the local grocery store."

Christine's comments convince many students to stop eating at the restaurant. Simon's parents notice a big drop in their student customers.

Christine and Simon have stopped talking to each other since these events. The situation is very tense at work. They say bad things about each other to the other employees.



Their parents want to find a solution so that their children can keep their jobs at the grocery store and to resolve the situation at the restaurant. Above all, they want their children to reach an agreement at work before the manager at the grocery store notices the situation and intervenes. They decide to seek outside help to find a solution that will work for everyone.

## Gathering Relevant Information

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### Alternative dispute resolution methods

#### 1. What types of justice or ADR methods exist?

Based on the article "[Resolving a Conflict: Negotiation, Mediation, Conciliation and Arbitration](#)" on Éducaloi's website, differentiate the ADR methods to determine which one would be the best to resolve the conflict in the scenario.

Below, write down the relevant information about the characteristics of each ADR method.

**Negotiation:** *Discussion with the other person to reach an agreement. You're free to choose how to proceed: the law doesn't impose any rules for this ADR method.*

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**Mediation:** *Type of negotiation where a neutral person intervenes to facilitate the discussion. The mediator can propose solutions and draft a proposed agreement.*

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**Conciliation:** *Type of negotiation where a person facilitates communication between the people who are in conflict. The conciliator generally plays a less active role and does not propose any solutions.*

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**Arbitration:** *Confidential resolution method in which an arbitrator rules on the conflict and decides who's entitled to what. The arbitration process is more flexible than a court case.*

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2. In your opinion, which ADR method would be the most appropriate for resolving the conflict in the scenario? Explain why.

*Example: Mediation would be the most appropriate because the people involved can propose and choose the best solution to the conflict on their own. In the event of a problem, the mediator is there to ensure that the mediation process runs smoothly.*

*Note that all of the resolution methods mentioned above could be appropriate depending on the state of the relationship between the parties involved in the conflict.*

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## Discovering mediation

What are the characteristics and advantages of mediation? What are the roles of the different people involved in mediation?

Based on Éducaloi's website (<https://educaloi.qc.ca/en/capsules/solving-problems-without-going-to-court/>), their playlist ("[Mediation: Resolve Conflicts Without Going to Court](#)") on YouTube and the LegalYou video on mediation and arbitration ("[Mediation and Arbitration: What You Need To Know](#)") answer the questions below about mediation.

3. Mediation:

a) What is the goal of mediation?

*To find a solution that satisfies everyone.*

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b) What are the advantages of mediation compared to going to court?

*Quicker, confidential and sometimes free.*

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4. The mediator:

a) What is the mediator's role?

*To assist the opposite parties in negotiating a resolution outside of court. In other words, to encourage discussion between the sides to find solutions that work for everyone.*

b) What is the role of the people in conflict during the mediation?

*To express their point of view, formulate their expectations and suggest possible solutions.*

c) True or false? The mediator gives legal advice or opinions. Explain your answer.

*False. The mediator guides the conversation between the people involved in the conflict. They may speak with each party about their cases, but will never give legal advice or opinions. They must remain neutral and fair.*

5. Find examples of situations where mediation can be helpful.

- *When students have a conflict at school.*
- *When two people have different beliefs, values, opinions or cultures.*
- *When parents separate.*
- *When two companies disagree about what a contract means.*
- *When two people want to avoid a long, expensive court case.*

6. True or false: The characteristics of mediation.

Statements	True	False
a) The outcome is usually win-win or lose-lose.		X
b) Only one solution is possible.		X
c) The people involved find their own solution.	X	
d) The mediator can impose a solution.		X
e) The mediator is neutral and impartial.	X	

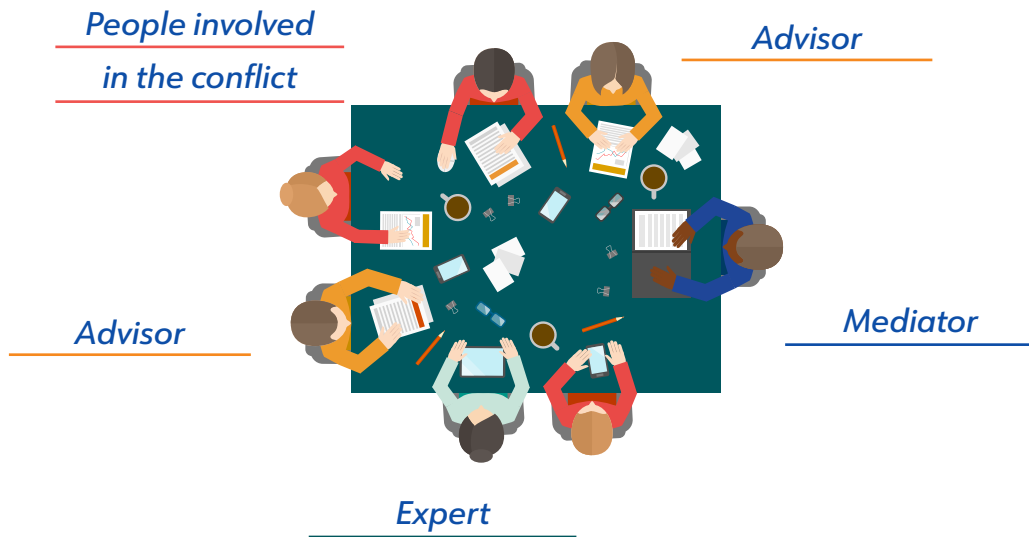
7. Mediation allows the parties in a conflict to...

- find a solution for themselves.
- find a solution that satisfies everyone.
- resolve the conflict quickly (instead of dragging it out in court, for example).
- keep the discussions and agreements confidential.
- \_\_\_\_\_

## The players in mediation

Complete the next steps with explanations from your teacher.

Write the different roles on the lines next to the characters.



8. Match each role with its description.

People involved in the conflict	•	•	We provide useful information and answer the players' questions.
Advisors	•	•	We take part in the discussions to find satisfactory solutions to our conflict.
Mediators	•	•	We help the players discuss their conflict and find solutions.
Experts	•	•	We are objective in supporting one of the players so that they reach their goals and feel satisfied.





# The Issues Involved in the Conflict

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In the scenario...

## 9. Who is involved in the conflict?

- *Simon Goodeats (posted a video of Christine online without her consent) and his parents (less revenue from their restaurant).*
- *Christine Clark (felt humiliated and ridiculed due to the video) and her parents (they want to come to an agreement with the other side).*

## 10. What problems must they solve?

- *Christine feels humiliated by the video Simon posted without her agreement.*
- *Christine's comments on the Internet made Simon's parents lose revenue.*

## 11. In your opinion, what does each side want?

- *Christine wants the video deleted. She also wants to be compensated for having had her privacy invaded, her reputation damaged and for the humiliation she suffered.*
- *Simon's parents want their restaurant's reputation and revenue restored.*

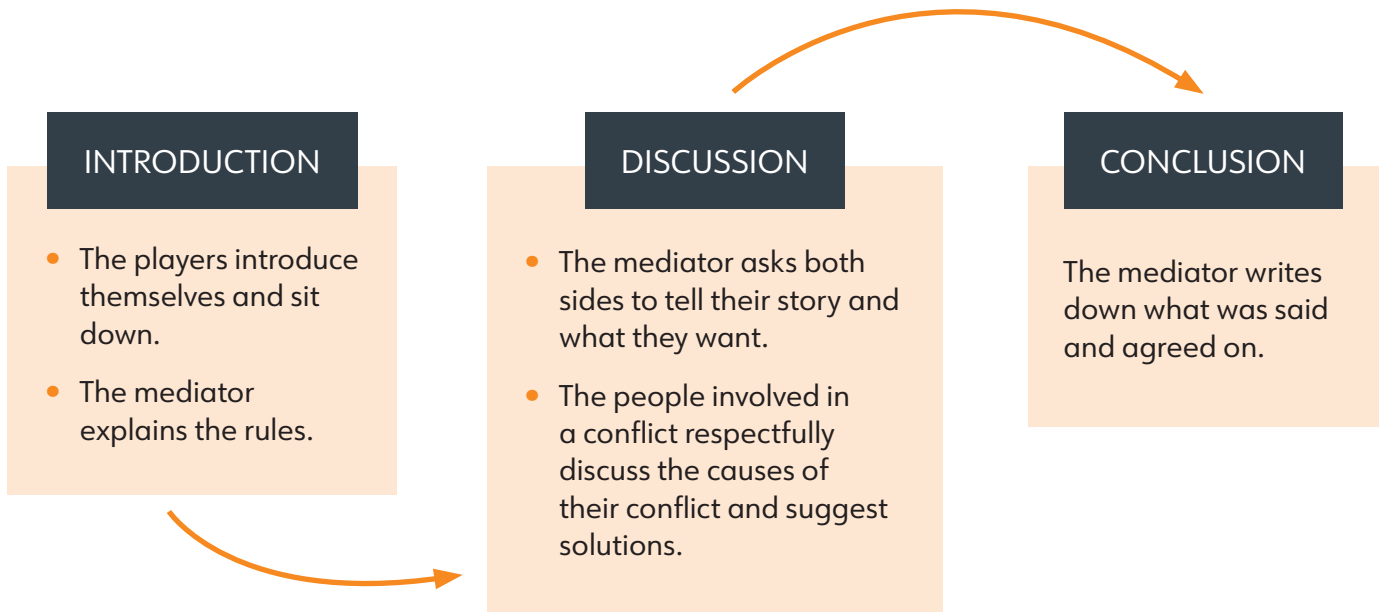
## 12. In your opinion, what do you think would satisfy everyone?

*Each student's personal answer. Do not share the answers with the class since this could influence the upcoming mediations. The students will compare their answers at the end of the activity.*

# In-Class Mediation Session

## The simulated mediation process

1. Several mediations will be simulated in the classroom at the same time.
2. In class, a role will be assigned to each student from among the following choices: the mediator, Mr. Goodeats, Mrs. Goodeats, Simon Goodeats, the advisor for the Goodeats family, Mr. Clark, Mrs. Clark, Christine Clark and the advisor for the Clark family.
3. My role will be: \_\_\_\_\_ Team # \_\_\_\_\_
4. Steps involved in the simulated mediation:



The mediator can interrupt discussions in these situations:

1. People are being **disrespectful** or are not following the rules.
2. People want to quickly **consult** their advisor.
3. **The intervention of an expert** (the teacher) is necessary.



5. With the class, identify at least 3 golden rules to follow to ensure a successful mediation:

*Examples*

1. *The players must follow the mediator's instructions.*

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  2. *The players must listen to the others, without interrupting.*

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  3. *The players must discuss calmly and respectfully.*

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  4. *The players must be open to new solutions.*

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## Prepare for the simulated mediation

1. Read the character information sheet about your role.
  - a) Remember the important information to be mentioned during the mediation.
  - b) Plan how you will act during the mediation since **you will be playing a role.**
2. Complete the "Exercise to Prepare for the Mediation" sheet related to your role.
3. Meet with the other students who have the same role as you.
  - a) Compare and improve your answers with the other students.
  - b) Share your strategies for the upcoming mediation.
4. Review your character information sheet before the day of mediation to avoid constantly looking at your sheet.



## Mediation day!

1. Meet with the students on your team and **bring your character information sheet**.
2. Take a few minutes as a family, with your advisor, to develop a strategy for the mediation.
3. Follow the steps explained by the mediator on your team.
4. **Play your role based on your character information sheet.**
5. Respect the established golden rules.
6. Propose solutions and **be open to the solutions of the other family.**
7. If needed, ask for time for your family to consult with your advisor.
8. Remember that the mediation will only be successful if both families reach an agreement that satisfies everyone. Do what it takes to make it happen!
9. Once an agreement has been reached, sign the Summary of the Agreement.
10. If your team finishes before the other teams, do one or more of the additional activities presented further on in this workbook.
11. When all the mediations are over, as a class, compare the different agreements reached.

## Self-evaluation of your participation

	Often	Sometimes	Rarely	Never
1. I respected the established golden rules.				
2. I stayed calm and listened.				
3. I proposed solutions.				
4. I was open to the solutions of others				



# Conclusion to the Simulated Mediation

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1. How did you find your simulated mediation experience? What positive and/or negative aspects did you observe?

*Positive examples: I was surprised that we reached an agreement that satisfied everyone.*

*The mediator helped to make sure that everyone had a chance to speak.*

*Negative examples: I'm disappointed with the agreement. Several people were speaking at the same time.*

2. Did the mediation establish a winning side and a losing side? Explain your answer.

*Normally, the answer should be no! A successful mediation should result in an agreement that satisfies both families (win-win). This question seeks to check the students' understanding of mediation.*

3. Which solution proposed during the mediation did you find the most interesting? Explain your answer.

*A variety of answers depending on the teams and the proposed solutions.*

4. Compare the solution chosen during the simulated mediation with the one you imagined before the activity (The Issues Involved in the Conflict, Question 12). Which solution do you prefer? Explain your answer.

*Variable answers. Ask the students to share their answers with the class.*

5. What aspect or compromise was a determining factor for your team in order to reach an agreement during the mediation?

*Variable answers. Ask the students to share their answers with the class.*



6. During the mediation, did you hear any errors in reasoning (double foul, false dilemma, over-generalization, personal attack, emotional plea, false analogy, false causality, etc.)? Identify the error(s) and explain them.

*Examples: **Personal attack:** Mrs. Goodeats accused Christine of lying about the accident so that her son would have problems and lose his job.*

***Emotional plea:** Christine cried, saying that the trip is a lifelong dream and that they should show empathy by agreeing to compensate her financially for the invasion of her privacy and damage to her reputation.*

7. Critical reflection: Basing yourself on this scenario, what impact can our comments on the Internet have?

*Examples:*

- Our comments can influence how people behave with others.*
- People can believe our comments without checking their source or their legitimacy.*
- Our comments can harm the reputation of a person or a company.*

**In addition to the mediator, several other people work in the field of justice. Discover them by doing the "Legal Careers" activity.**





## Activity 2: When I grow up, I'm going to be an astronaut, a pilot or... A MEDIATOR!

Now that you're an expert in mediation (yes, you are!), name 4 important qualities of a good mediator. Explain your answers.

*Examples*

### 1. **Impartial**

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*To avoid favouring one person over another.*

### 2. **Confident**

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*To be able to speak up to ensure that the mediation runs smoothly.*

### 3. **Organized**

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*To ensure that the session follows a logical structure.*

### 4. **Patient**

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*To stay calm if the players have difficulty discussing their conflict appropriately.*

Have you ever thought about becoming a mediator?

It's a profession worth finding out about!



## Activity 3: Not without my Lady!

Camden and Ridley are separating. But they can't agree on the fate of their dog Lady, a beautiful Collie who has won the last six beauty contests in Saint-Idéon-de-Brantford. They both want her!

Through mediation, they hope to resolve the fate of their darling Lady.

If you were in their shoes, how would you solve the problem?  
Find 4 original solutions that could be considered.



**\*\* Note: Cutting darling Lady in two is not an option! 😊**

Examples :

1. *Share custody, one week each.*

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2. *Take turns participating in beauty contests with Lady.*

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3. *Allow the other person to take Lady to the dog park at least once a week.*

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4. *Agree that both will attend important events: veterinary appointments, beauty contests, etc.*

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