



College of Respiratory
Therapists of Ontario

Ordre des thérapeutes
respiratoires de l'Ontario

ADR **Fact Sheet**

A Guide to the Alternative Dispute Resolution Process

What is ADR?

The Alternative Dispute Resolution (ADR) process is an optional approach to the formal complaints investigation process. The ADR process allows the complainant and the Respiratory Therapist to work together with a facilitator/mediator to create solutions that satisfy everyone involved. The ADR process is entirely confidential.

The goal of the ADR process is to resolve complaints in a manner that protects the public interest while giving parties the opportunity to participate actively. This approach focuses on the communication between the complainant and the Respiratory Therapist with an emphasis on quality improvement and education.

The College of Respiratory Therapists of Ontario (CRTO) has a legal obligation to consider all complaints received about a Respiratory Therapist's practice or behavior.

How does it work?

Once the Registrar has referred the complainant and the Respiratory Therapists to the ADR process, after both have consented, a facilitator/mediator will contact both parties. The facilitator is a neutral person paid for by the CRTO, who takes no sides in the complaint and works with the parties confidentially to assist them in exploring and agreeing upon a resolution.

The complainant or Respiratory Therapist may withdraw from the ADR process for any reason. If this occurs, the complaint will then be handled through the investigation process and the facilitator will have no more involvement in the matter. All information shared during the ADR process will be kept confidential and not used in any way during the investigation process.

Issues that may be eligible for ADR

There is potential for almost any case involving a Respiratory Therapist's practice or conduct to be resolved utilizing the ADR process, but there are some matters that may not be suitable such as complaints of sexual abuse, fraud or criminal activity. Allegations involving poor communication skills or rude behaviour that do not identify serious practice concerns are more appropriate for this identify serious practice concerns are more appropriate for this process. In instances where the letter of complaint involves some issues that may be suitable for ADR and some issues that are not, it is not possible to separate them; all allegations would be investigated through the complaints process.



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Outcomes

The key to a successful outcome in ADR is mutual agreement by the complainant and the Respiratory Therapist, and the goal is to identify and agree upon a reasonable resolution that will satisfy both parties.

Some resolutions that may be feasible include:

- i. An apology from the Respiratory Therapist where appropriate.
- ii. Acknowledgement by the Respiratory Therapist of the concerns expressed by the complainant, demonstrating his/her understanding of the impact his/her actions had on the complainant.
- iii. Policy changes that may improve care.
- iv. Agreement by the Respiratory Therapist to take an appropriate educational course.
- v. Agreement by the Respiratory Therapists to meet with and receive advice from a CRTO representative regarding standards of practice.
- vi. Any other reasonable outcome or combination of outcomes.

Once an agreement has been reached, the complainant and the Respiratory Therapist will be asked to sign an agreement where the resolution is clearly outlined, and that in light of the resolution the complaint is withdrawn. The agreement will be reviewed by a panel (sub-group) of the Inquiries, Complaints and Reports Committee (ICRC) of the CRTO. If the panel accepts the withdrawal of the complaint, the file will be closed. In the unusual event that the panel does not accept the withdrawal, the ICRC would continue with its investigation of the complaint.

*For further information
about the ADR process,
please contact Shaf
Rahman, Manager of
Professional Conduct,
at 1-800-261-0528 ext. 24
or by email at
rahman@crto.on.ca.*

KEY POINTS REGARDING THE ADR PROCESS:

- a. The facilitator/mediator is a neutral third party
- b. The facilitator/mediator is not a CRTO staff member; CRTO staff members are not part of the ADR process
- c. ICRC members do not participate in the process other than to consider the final agreement and withdrawal of the complaint
- d. This is a voluntary process so consent is required and withdrawal from the process is permitted at any time for any reason
- e. The process assumes that all parties are participating in good faith and want to achieve a resolution
- f. Information shared during the ADR process is confidential and is not permitted to be disclosed elsewhere including any subsequent process such as an investigation
- g. The facilitator will, in most cases, communicate via telephone with the parties (one-on-one or jointly by teleconference)
- h. There are no costs to the complainant or Respiratory Therapists for this process
- i. The ICRC panel will notify both parties of its acceptance (or not) of the agreement. No formal decision will be issued if withdrawal of the complaint is approved, and the file will be closed
- j. In the case where the ICRC does not accept the agreement the formal complaints process will continue