

SOAR Annual Conference November 4, 2021




Society of
Ontario
Adjudicators and
Regulators


TITLE: Balancing accessible and inclusive justice with procedural fairness and efficiency

Speakers: Moya Teklu, Marion Overholt & Eli Fellman

Critical dimensions to fairness




Understanding Does SRL understand language used in tribunal, process and way decisions are made?



Neutrality Does SRL believe that decisions are made without bias?



Respect Does SRL feel that they have been treated with dignity?



Voice Does SRL feel that they have had an opportunity to be heard?

Source: [Center For Court Innovation](#)

Understanding

- Have I explained the process and how I will be making decisions?
- Am I using plain language as opposed to legalese and acronyms?
- What are the literacy levels of the parties?
- What language(s) do the parties speak? Do the parties require an interpreter?
- Am I speaking slowly and in short sentences?
- Have I checked in to ensure understanding?



POLL QUESTION

The SRLs that appear before me believe that I am making my decision in a neutral and unbiased way.

- Always
- Often
- Sometimes
- Rarely
- Never

Neutrality

- What biases may I hold about the parties involved?
- In what way am I like the parties involved?
- How would I treat someone who was not from a marginalized group?
- What evidence has supported every conclusion I have drawn? How have I challenged unsupported assumptions?
- What does the law say? Have I followed the statute and the applicable case law?



POLL QUESTION

The SRLs that appear before me feel heard and seen.

- Always
- Often
- Sometimes
- Rarely
- Never



Voice

- What language(s) do the parties speak? Do the parties require an interpreter?
- Were the parties given an opportunity to speak and be heard? Make their submissions? Respond?
- Have I demonstrated an open mind?



Respect

- Have I engaged in active listening?
- Have I made eye contact?
- How does my tone sound?
- What is my non-verbal communication saying?
- Have I made jokes or used offensive language?
- Am I addressing all the parties in the same way (e.g. by name vs. “counsel”, first name/last name)?
- Has someone identified something I have said or done as being hurtful/disrespectful?



Questions and Discussion



Thank you!