



ALL ABOUT CONCILIATION CONFERENCES

What is a conciliation conference?

A conciliation conference is a meeting to help you resolve your complaint.

It is one of the ways the Anti-Discrimination Commission Queensland helps people settle disputes about discrimination, sexual harassment, vilification and victimisation.

NOTE: Complaints that cannot be resolved at a conciliation conference may be referred to the Queensland Civil and Administrative Tribunal (QCAT) for a public hearing to decide whether there has been a breach of the *Anti-Discrimination Act 1991*.

Who will attend?

A conciliator from the Anti-Discrimination Commission will organise the conference and manage it.

The complainant/s (the person or people making the complaint) and those they are complaining about (the respondent/s) are required to attend the conference.

If the respondent was at work when the complaint started, the employer will also be named as a respondent and be required at the conference.

If the complainant or respondent is a company or organisation, their representative should be authorised to settle the complaint.

You can ask to bring a support person to give you moral support. However, your support person cannot speak at the conference and should be someone who is not involved in the complaint. For example, witnesses or people who investigated the complaint cannot be your support person.

You can also ask to bring a solicitor to the conference to give you advice, although you will usually have to speak for yourself to describe what happened.

Please tell the Commission well in advance if you need an interpreter.

How will the conference be conducted?

This depends on those involved and the nature of the complaint. The conference can be with everyone meeting face to face or with the conciliator talking to each party in separate rooms. If needed, some or all of the parties can be connected by phone.

All discussions at the conference are confidential and private. Even if the complaint progresses to a public hearing, QCAT cannot be told what was said at the conference.

What will the conciliator do?

The conciliator will

- help everyone discuss the complaint and work towards resolving it
- ask questions to gather more information
- explain the law, point out the strengths and weaknesses of the complaint and response and provide information about the process
- tell all parties about previous cases and what kind of outcomes are likely and
- make suggestions or give options for resolving the complaint.

The conciliator will NOT

- determine whether there has been a breach of the *Anti-Discrimination Act 1991*
- take sides or
- advise you what to offer, or ask for, to settle the complaint.

What happens at the conference?

- The complainant/s will usually be asked to talk about what happened and how it has affected them.
- The respondent/s will usually be asked to talk about what happened, what they did about it and then respond to what the complainant/s said.
- Both sides will discuss how they can resolve the complaint. The conciliator may speak to each person separately if this will help to resolve the complaint.
- If the complainant/s and respondent/s agree on how to settle the complaint, the conciliator will write up the agreement for everyone to sign. This agreement will be binding.
- If there is no agreement the conciliator will ask the complainant if they want their complaint referred to QCAT for a public hearing.

NOTE: You can ask the conciliator to stop the conference so you can talk privately with your support person and/or solicitor, or to give yourself time to think.

How can I prepare for the conference?

Watch the DVD *Working It Through* produced by the Commission. It is available free on the complaint process page of the Commission's website.

Think carefully about all the points you want to make at the conference. You can make notes and take them to the conference.

Consider what the other party might say and be ready to explain, ask or answer any questions.

Collect and give the conciliator any documents such as witness statements,

diary notes and medical reports that might help resolve the complaint. The conciliator will pass these on to everyone else.

Think about how you want to resolve the complaint.

If you are unsure about your options, phone the conciliator well before the conference, or get legal advice.

CHECKLIST

Please use the checklist to prepare for the conference.

- TELL the conciliator if you want an interpreter or have other special needs.
- ASK the conciliator if you want a support person or solicitor at the conference.
- DECIDE the main points you want to make.
- CONSIDER the other party's side of the story.
- GET legal, financial or other advice, if required.
- ACCESS our website to read about what happened in similar cases so you can see what outcome is realistic.
- THINK about how to resolve the complaint and tell the conciliator.
- ARRANGE your time so you are available for the conference for at least three hours.
- GIVE all important documents to the conciliator.
- PHONE the conciliator if you have any questions or need more information.