

## 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 Industrial Relations Commission](#) for work-related complaints, or
- [Queensland Civil and Administrative Tribunal](#) for all other complaints

for a public hearing to decide whether there has been a breach of the *Anti-Discrimination Act 1991*.

### Who attends?

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 participate in the conference.

If the respondent was at work when the complaint started, the employer will usually also be named as a respondent and be required to take part in 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. A support person 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, if the conciliator agrees. Usually you will still have to speak for yourself to talk about what happened.

Please tell the conciliator well in advance if you need an interpreter, or have any other special needs at the conference.

### How will the conference be conducted?

How the conference is conducted depends on those involved and the nature of the complaint.

The conference can be with everyone meeting face-to-face, by teleconference, or with the conciliator talking to each party in separate rooms.

All discussions at the conference are confidential and private. Even if the complaint progresses to a public hearing, the Queensland Industrial Relations Commission or the Queensland Civil and Administrative Tribunal cannot be told what was said at the conference.

### **What will the conciliator do?**

The conciliator will:

- contact all the parties before the conference to talk about the complaint and discuss the process;
- help everyone discuss the complaint and work towards resolving it at the conference;
- ask questions to gather more information and better understand all sides;
- 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, if the complaint does not resolve and is decided in the Queensland Industrial Relations Commission, or the Queensland Civil and Administrative Tribunal; 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?**

Each conference is a little different and the conciliator will decide how the conference is run and ensure it is fair to all parties.

In most conciliation conferences the conciliator will:

- ask the complainant/s to talk about what happened and how it has affected them;
- ask the respondent/s to talk about what happened, what they did, and to respond to what the complainant/s said;
- allow you to take a short break if needed to talk to your support person or legal representative, or just to collect your thoughts;
- ask both sides to discuss how they can resolve the complaint;
- speak to each person separately if this will help to resolve the complaint;
- write up the agreement for everyone to sign if the complainant/s and respondent/s agree on how to settle the complaint. This agreement will be binding.
- ask the complainant if they want their complaint referred to the:
  - Queensland Industrial Relations Commission for work-related complaints, or
  - Queensland Civil and Administrative Tribunal for all other complaints for a public hearing, if there is no agreement.

### **Preparing for the conference?**

Watch the DVD *Working It Through* produced by the Anti-Discrimination Commission. It is available from the [Resolving complaints page](#) of the Anti-Discrimination 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**

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.