



CONCILIATION

ANTI-DISCRIMINATION COMPLAINT PROCESS

STAGE 2



Can your matter still be conciliated?

If a complaint does not settle in stage 1 at the compulsory conciliation and is referred to evaluation, the matter may still be resolved by:

- Compulsory conciliation
- Voluntary conciliation
- Private settlement
- Facilitated negotiation by the Anti-Discrimination Commission (ADC)

Compulsory / Voluntary conciliation

A *compulsory conciliation* is one directed by us the ADC that by law requires you and any other party to attend. A *voluntary conciliation* is one requested by you and any other party.

Both types of conciliation are run by us and both have the same protection. A conciliation maybe run face to face, by shuttle (parties separated), over the phone or a combination of any of these. We are flexible in how the conciliation is run and will always try and accommodate any obstacles or concerns you have in attending. So if you are unsure please call us on 08 8999 1444 and we will answer your questions.

Private Settlement

This is where you and any other party negotiate your own settlement without the ADC's involvement. We will not provide your personal details to the other party without your consent and will check you are comfortable having private discussions. If asked, we will take any offer direct to you rather than you speaking with the other party.

ADC facilitated negotiation

Sometimes parties will not want a face to face conciliation but will want to talk about how to resolve a complaint through us. We can have discussions between you and other parties, via phone, email or in person. These may be discussions about settlement or about terms of a settlement agreement.

If a matter is settled through the ADC a settlement agreement is signed by you and any other parties. This is a legally binding agreement.

Time Frames

Any of these resolution options may be used during the evaluation period, up until we make a decision. Once we have finished our evaluation we can no longer help parties to settle their matter. An evaluation will take about 3 months.

Tips

Complainants

- Be prepared
- Have a clear idea of the outcome you are seeking
- Know why this outcome will satisfy your concerns
- Ensure the outcome you are seeking is a logical one given the nature of your complaint.

Example:

Parties are more likely to agree to settlement outcomes that align with the issues that have been complained about. For example a café does not serve you. You request a free meal from the café so they can demonstrate that they are happy to have you as a customer.

- Ensure what you are after is reasonable.

Example:

Do not ask for \$60,000 if you experienced no actual financial or emotional loss. If you are asking for money what is this money for, be able to explain how you arrived at your figure.

- Be prepared to meet the other party half way
- Come ready to listen to the other side

Respondent

- Listen to what the Complainant has to say
- Remember that complaints can be valuable feedback to improve your organisation or service
- Conciliation is not about proving that you did nothing wrong. It is about finding solutions even when you don't agree with their account of what happened
- At conciliation you need to bring problem solving skills and an open mind. Do you really need a lawyer or advocate, do you have the skills do this yourself
- Come with authority to settle on the day of the conciliation