



Office of the **Anti-Discrimination Commissioner**

Conciliation

What is conciliation?

Conciliation is a way to try and resolve complaints. It involves the parties talking about issues in a complaint and how it could be sorted out. A person from Office of the Anti-Discrimination Commissioner (OADC) runs conciliation. They are called a conciliator.

Conciliation usually involves the parties attending a meeting with a conciliator. The meeting is called a 'conciliation conference'. Sometimes conciliation involves phone calls or e-mails or letters between the parties and a conciliator.

Conciliation is not a court or tribunal hearing. It is not about a party trying to prove their case. Parties do not need to have a lawyer.

What are the benefits of conciliation?

Benefits of conciliation include:

- It is a quick and cheap way for the parties to try and resolve a complaint.
- It is private and confidential.
- It can help the parties understand the issues.
- The parties have control of the way a complaint can be sorted out.
- A complaint can be resolved without going through a court process.

What happens at a conciliation conference?

This is what usually happens at a conciliation conference:

- The conciliator will talk separately to the parties.
- Everyone will then come into the same room.
- The conciliator will give an introduction.
- The conciliator will ask the complainant to speak about why they made a

complaint and what they want to achieve from conciliation.

- The conciliator will ask the respondent for their views about the complaint and what they want to achieve from conciliation.
- A lot of the focus is on negotiation and compromise to try and sort out the complaint.
- The conciliator can talk separately to the parties during the meeting.

About the conciliator

Conciliators are impartial and try and help both parties resolve a complaint. Conciliators do not act as lawyers for either party. Conciliators do not give legal advice. Conciliators are not judges and can't order the parties to do things.

Conciliators can provide information about what the *Anti-Discrimination Act 1998* (Tas) says and about how a complaint could be resolved.

What happens if a complaint is resolved by conciliation?

If the complaint is resolved by conciliation, OADC records the terms of the agreement and gets the parties to sign it. The terms of the agreement sets out what the parties said they would do to sort out a complaint.

If one of the parties does not do what they agreed to do, the agreement can be enforced in the Supreme Court.

Possible conciliation outcomes

There are lots of ways a complaint may be sorted out by conciliation, including:

- Apology.
- Compensation.
- Changing policies.
- Discrimination training.

What happens if a complaint is not resolved by conciliation?

If the complaint is not sorted out by conciliation, the complaint keeps going through the complaint process (for more information see separate brochure: *Complaint process and timelines*).

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