

Factsheet: The conciliation process

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If your complaint is accepted by the Commission:

- a conciliator will contact you to discuss your complaint and the outcome you are seeking
- the conciliator will notify the person or organisation your complaint is about (**the respondent**), provide them with a copy of your complaint and invite them to participate in the process. The conciliator will only provide your name to the respondent and **not** your personal details.

If the respondent agrees to participate, the conciliator will suggest the best type of conciliation.

What is conciliation?

The Commission's service helps people resolve complaints of [discrimination](#), [sexual harassment](#), [racial or religious vilification](#) and [victimisation](#) using a process called conciliation.

Conciliation is an informal voluntary process where a conciliator helps the parties to tell their stories, listen to one another, understand the impact, and work together to find an outcome.

There are two main types of conciliation used at the Commission:

1. **Conciliation conference:** This is an informal meeting of parties, chaired by a conciliator, that can be conducted in person or by phone or video.
2. **Shuttle negotiation:** This is where the conciliator shares information between the parties and helps the parties to negotiate by phone or email, without any direct contact between the parties.

Most complaints are finalised within six months but may be fast-tracked if they are of an urgent nature (for example, if your employment is about to be terminated).

If the respondent does not agree to participate, the Commission will close the complaint. However, you can still make an application to the [Victorian Civil and Administrative Tribunal](#) (VCAT) to hear the matter.

What is the role of the conciliator?

The role of the conciliator is to help the parties resolve the complaint in a fair, safe and supportive way. This includes ensuring everyone has the chance to share their story, be listened to and feel respected.

The conciliator does not take sides or decide who is right or wrong. The conciliator also does not provide legal advice to the parties but can help you understand how the Commission's laws work.

Do I need a lawyer or advocate?

Although you can if you want to, you do not need a lawyer or advocate to participate in conciliation. Our conciliators are nationally accredited and trained to support all parties.

Can I bring anyone to conciliation?

You can bring a support person to conciliation if you would like to. A support person should be someone neutral (such as a friend or family member) who can provide you with emotional support.

What happens during conciliation?

During conciliation, your conciliator will:

- give both parties an opportunity to share their point of view about what happened
- promote frank, honest and open discussions about possible solutions
- encourage the parties to work together to reach a mutually agreeable outcome.

Although parties may have different views, this does not mean the matter can't be resolved. People often agree it is better to resolve a matter than leave it unresolved or pursue it in a court or tribunal.

This factsheet is intended as a guide only. It should not be used as a substitute for legal advice.

What possible outcomes are there?

The Commission cannot make findings about a matter or decisions about the outcome. Instead, our conciliators help the parties to reach a mutually agreeable outcome such as:

- an apology, statement of regret or acknowledgement of distress
- changes to policies or practices
- a commitment to provide equal opportunity training to staff
- reinstating a person's job (or terms of their job) or a service (or how it is delivered)
- financial compensation.

If you reach an agreement, the parties may wish to record it in writing. Either party may agree to draft the agreement or your conciliator can help you to draft it.

What happens if we can't reach an agreement?

If you can't reach an agreement, your conciliator may be able to help finalise your negotiations by shuttle negotiation (sharing information by phone or email).

If a resolution can't be reached, the Commission will close your complaint. However, you can still make an application to [VCAT](https://www.vcat.vic.gov.au/) to hear and decide your matter.

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