



# Conciliation Conference Information sheet

*This information is intended to assist with preparing and participating in conciliation conferences with the Fair Work Commission, South Australian Employment Tribunal, Equal Opportunity Commission, and the Australian Human Rights Commission.*



**WORKING  
WOMEN'S  
CENTRE**

## What is a Conciliation Conference?

- A confidential meeting in which parties come together to try and resolve a matter with the assistance of an accredited conciliator.
- The conciliator is independent from the parties to the dispute and is trained and experienced in dispute resolution.
- A conciliation conference will be held on a specific date, usually via telephone. On this date the conciliator will call both you and your employer.
- You may choose to be represented by a lawyer, advocate or union official. However, it is not uncommon to be self-represented in conciliation conferences.

**Note: There is no requirement to be represented.**

## What is the conciliator's role?

- To facilitate communication between two parties and direct discussion around the issues. Conciliators may raise questions, make comments or recommendations to help the parties come to a resolution.
- Conciliators do not make decisions or decide who “wins” or “loses”. They assist the parties to come to an agreement to resolve the matter.
- These discussions are undertaken on a “without prejudice” basis, meaning anything said in the conference cannot be used later if the matter proceeds to a Hearing.

**Note: You can have a support person with you during the conciliation conference. This could be a friend or family member. A support person may take notes on your behalf or help you if you feel overwhelmed.**

## How to prepare for a conciliation conference

- Gather all relevant documents and forms in relation to your claim.
- Prepare an opening statement to read out at the beginning of the conciliation conference. This is your opportunity to tell your story and explain why you say the employer has broken the law.
- You will be asked what you are seeking to resolve the matter. You should prepare your ideal proposal for settlement
- Ensure you have considered what your first offer will be e.g. an amount of compensation, a statement of service, or conversion of your termination to resignation. Start with your best-case scenario, so you can compromise if necessary.

**Opening Statements: This is a summary of your application. The purpose of this statement is to put forward your case in a concise way at the beginning of the conference.**

## What happens during a conciliation conference?

- The first phase on a conciliation conference is called a “joint session”. A joint session is where all the parties are on the same conference call.
- The conciliator will usually commence the conference by introducing the parties and explaining the how the conference will proceed. They will usually advise of the ground rules or guidelines which always involves confidentiality and respectful behaviours.
- Each side is given an opportunity to present an opening statement or comments. This outlines key facts which have led to the conciliation.
- Each side then has an opportunity to identify and explain key issues in their submissions.
- Following this, there may be some general discussion and a chance to clarify issues raised and ask questions about what has been said. The Conciliator may also ask questions of the parties.
- Each party will have a chance to say their side of the story.
- The conciliator will usually close the joint session and then speak with each side privately, in separate sessions, and ask for suggestions on how they wish to resolve/settle the matter.
- The offer will then be taken to the other party. The conciliator facilitates a negotiation and may go back and forth between the parties exchanging offers several times.

**Another example of a guideline during a conciliation is that only one person may talk at a time. A conciliator will ensure the conversation remains polite and on topic.**

## What next?

- If the parties come to an agreement the conciliator will help draft the “Terms of Settlement” document for both parties to sign. Terms of Settlement are documents that outline what the parties have agreed on and may include a clause that requires the terms to be kept confidential.
- If an agreement is made, it is binding, and the complaint will be closed. If no agreement is reached, the next stage is a Hearing. A Hearing, or Trial, is a more formal process which requires giving evidence and submissions, and a binding Decision is made by a Member of the relevant Tribunal.

**Note: Parties are under no obligation to reach a settlement.**

## For more information, or advice contact the Working Womens Centre SA

*P: (08) 8410 6499*

*Free Call: 1800 652 697*

*Or submit an online enquiry form: <https://wwcsa.org.au/enquiry-form/>*