

What Is Conciliation and What Does It Do?



Conciliation is negotiation and discussion between both parties with a Conciliator assisting them. It allows both parties to settle a problem and reach a satisfactory outcome for all. The Conciliator independently assists both parties to try and reach an agreement but has no power to impose agreement.

Conciliation is a good way to reach agreement. It is faster, free of charge and less distressing than going to Hearing and gives both parties greater control over the outcome.

Conciliation can be informal or sometimes the Conciliator will suggest a meeting between the parties called a Conciliation Conference.

Conciliation Conference

This is an impartial and confidential meeting held by the Conciliator with the people directly involved in the complaint. It can be held at any stage of the complaint process.

The aim is to give parties the opportunity to discuss the issues and attempt to find a mutually agreeable way to resolve the problem. Parties are given equal speaking time.

It is a free and open discussion - nothing that is said or done may be used in further proceedings and agreement may be reached without any admission of liability.

Under certain circumstances this meeting may be held by telephone conference or with each party in separate rooms.

Successful Conciliation

Discussion and negotiation usually leads to agreement between both sides.

Agreements can include:

- changes to policies and procedures to prevent discrimination
- agreement to have anti-discrimination training
- job reinstatement, transfer, promotion, training or some adjustment to hours, pay or conditions
- access to previously refused accommodation or services, course admission, etc.
- a written or verbal apology
- compensation for economic loss or damages

If both sides agree, then the complaint is settled and both parties sign a confidential written agreement. The Commission confirms in writing that the complaint has been conciliated.

What Happens if a Complaint is not Conciliated?

Most complaints conciliated by the Commission are resolved successfully, however if the parties do not reach agreement, the matter can be referred for Hearing. Hearings are public and formal, (similar to a court) and conclude with a written judgement. This may contain orders such as dismissing the complaint, awarding compensation, enforcing disciplinary action, re-instatement, etc. Outcomes or penalties awarded as a result of the Hearing are legally enforceable.