

What to expect at conciliation?

LARRY is employed at XYZ company and thinks his employer has discriminated against him.

Initially he attempts to discuss the issue with his employers, however, he is not satisfied. After watching a public education session, he realises that this is grounds to file a complaint at the Equal Opportunity Commission (EOC).

One of the core functions of the EOC is to receive and investigate complaints of discrimination and offer the process of conciliation to the disputing parties. So, Larry's complaint, after investigation by the legal unit was referred to the conciliation unit and Larry and his employer were informed that they will be contacted by the conciliator/mediator (C/M).

At this stage both Larry and his employers are unsure of what to expect as neither had ever participated in a conciliation process before.

Prior to the conciliation session, which was scheduled after consulting with both parties, Larry and his employer were invited to separate pre-conciliation meetings to ensure they understand the process and answer any questions and concerns they may have and help them prepare carefully.



Larry and his employer will be told that at the conciliation session both parties have the opportunity to sit with the C/M to have meaningful dialogue and explore options for resolution. They have as much time as they need to explain what has happened from their perspective and how it has impacted them.

Many conflicts occur because of a breakdown in communication and parties are encouraged to listen to each other carefully so that they can make the best choices in resolving the matter.

THE C/M's ROLE

The C/M is a neutral party in a conflict and assist parties in resolving the dispute.

The C/M helps balance the power and creates a safe space for dialogue and negotiations to take place. The C/M also helps both parties navigate

the barriers created by their different perspectives. At the conciliation session, it is not necessary to have an attorney as the process is for the parties in the dispute to tell their story, get a better understanding of the issues by listening to the other side and work towards a resolution.

Attorneys and other support persons are welcome to attend to lend support to a party, however the parties to the matter speak on their own behalf. The act of engaging in dialogue and negotiation on your own behalf is empowering and many disputants express that they finally feel that they have been heard.

Having attended a pre-conciliation meeting, Larry and his employer are now much more comfortable about engaging in the conciliation session and process.

They would have had many other questions answered at the meeting and are ready to participate knowing that they are quite competent to resolve the matter at this stage.

The conciliation process at the EOC offers parties the opportunity to resolve the matter in ways that are mutually acceptable without going to trial at no cost to either of participants attending the conciliation.