

# Prepare for Conciliation

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In cases of unfair dismissal applications, after the applicant has filed their material and the respondent has been offered the right to respond, the next step is usually the conciliation conference.

This step is often that is the most daunting for clients, since this is the stage when the parties meet to discuss the issues leading to dismissal.

Even if you are in the situation where you don't have legal representation - whether you are an on employee or employer - there are certain ways that you can prepare for the conciliation. In my experience, having a good strategy set out for the conciliation conference is the best way to ensure all of the grievances of the parties will be voiced and all questions they wish answered are raised.

The Fair Work Commission website sets out a guide that takes applicants and respondents through the conciliation process, step by step. It provides a checklist to help the parties prepare for the conference and includes a list of frequently asked questions.

Because the Fair Work Commission has various registries, usually in capital cities, the conciliation conferences often take place by phone. In the weeks before the conciliation, the registry of the commission will contact the parties to obtain your preferred contact numbers. The registry will later contact them and link them into the conciliation conference at the nominated time.

At the conference there will be the conciliator, the applicant and the respondent and their legal representatives (if applicable). The process of the conference is structured in a way to ensure both parties get their say, and to allow the conciliator to ask questions of either party to clarify the issues or assist the parties to reach a resolution.

What the conciliator cannot do is force the parties to come to an agreement, and there are many disputes that proceed past this conference stage to a hearing.

Elsbeth Ledwy is a Senior Associate at Kelly Legal and can be contacted on [elsbeth.ledwy@kellylegal.com.au](mailto:elsbeth.ledwy@kellylegal.com.au) or at [www.kellylegal.com.au](http://www.kellylegal.com.au)

Elsbeth's articles can be accessed on the Daily Mercury website at <http://www.dailymercury.com.au/topic/elsbeth-ledwy/> or you can find Elsbeth's column "Mind Your Own Business" in the Daily Mercury newspaper each Wednesday.



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