

## **Guide to Dispute Resolution**

Dispute resolution is an opportunity for people to talk about the dispute and explore ways of resolving it by mutual agreement.

When a conciliator is allocated a complaint, they will have initial discussions with all parties and forward the statement of complaint to the respondent/s.

Depending on these initial discussions, dispute resolution can happen in a number of different ways with the parties asked to:

- Meet together in person, at the Commission's office or at another neutral venue; or
- Have discussions via teleconference or videoconference; or
- Have informal discussions via the conciliator (shuttle discussions)

During the dispute resolution process we:

- Assist parties to try and resolve the dispute
- Don't make any determinations
- Provide an informal, timely, cost effective way to try and resolve the dispute

If the respondent agrees to participate in dispute resolution, they are not required to provide a written response but the respondent may decide to provide relevant information to help parties to resolve the matter.

### **Outcomes in dispute resolution**

#### **Resolved**

The parties have agreed to resolve the dispute in conciliation. The Commission can prepare this agreement or the parties can use their own agreement. The agreement may be certified under section 120 of the Act and lodged with the Victorian Civil and Administrative Tribunal (VCAT) and VCAT can enforce the terms of the agreement.

Common outcomes include (but are not limited to):

- Apologies/Acknowledgement
- Statements of service/References
- Access or provision of service
- Training
- Policy change
- Financial Compensation

#### **Not resolved**

Despite discussions in dispute resolution, the parties have been unable to reach agreement. The Commission closes the file and sends letters to all parties confirming this.

## **Withdrawal**

Dispute resolution is voluntary and either party can withdraw from dispute resolution at any time. Before making this decision, you should first speak with the conciliator.

## **Decline**

The Commissioner has the discretion to decline dispute resolution for the following reasons:

- the allegations are more than 12 months old;
- the matter has already been dealt with, or would be more appropriately deal with, by a court or tribunal;
- the person has initiated proceedings in another forum;
- having regard to the circumstances, the Commission considers it is not appropriate to provide or continue to provide dispute resolution services

## **Victimisation**

It is against the law for anyone to threaten or subject someone to any detriment because they have brought a dispute or intend to bring a dispute to the Commission.

## **Confidentiality**

Generally, anything said or done in dispute resolution is confidential and inadmissible in proceedings before VCAT or any other legal proceeding relating to the subject matter of the dispute.

If conciliation takes place, the conciliator will ask the parties to agree in good faith to keep the conversations confidential to encourage an open and frank conversation.

## **For further information:**

**Enquiry Line:** 1300 292 153 or (03) 9032 3583

**Translating and Interpreting Service (TIS)** 13 14 50 for callers who wish to speak with us in another language.

**National Relay Service (NRS)** for people who are deaf or have a hearing and/or speech impairment

**Email:** [enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au)

**Fax:** 1300 891 858

**Website:** [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

**Disclaimer:** The information provided on this fact sheet is intended as a guide only. It should not be a substitute for legal advice.