



# Fact Sheet: The Complaint Process

Individuals can lodge complaints of sexual harassment under the *Sex Discrimination Act 1984* (Cth) with the Human Rights and Equal Opportunity Commission (HREOC). The person who is claiming to have been harassed or victimised and lodges the complaint is referred to as the complainant. The respondent is the person against whom the complaint has been lodged and may be an individual, individuals and/or an employer.

A complaint is initially assessed to make sure it can be investigated under the *Sex Discrimination Act 1984* (Cth). After receiving all the relevant information, the complaint is then reviewed to decide if it should be administratively closed, terminated or if it is suitable for conciliation.

Conciliation is a process where HREOC brings the parties together – the complainant and the respondent – to try and resolve the matter. Conciliation is a confidential process where both parties are given the opportunity to talk through the issues and reach an agreement. HREOC does not determine whether or not there has been sexual harassment under the Sex Discrimination Act. This is a matter for the Courts, on application by the complainant, if the complaint is terminated.

Many complaints are successfully conciliated. The settlements that have been agreed upon are wide and varied. Outcomes depend on how the complainant is seeking to resolve the complaint and what the respondent is prepared to offer.

If a complaint cannot be conciliated, it will be terminated by the President of HREOC. A complainant may then make an application to the Federal Court of Australia or Federal Magistrates Court to hear and determine the allegations.

## The Complaint Handling Process

