



Good faith negotiations in conciliation

When parties consent to engage in conciliation, that consent comes with a commitment to engage in negotiation in good faith.

Negotiating in good faith

This means you must openly engage and participate in genuine negotiations to achieve settlement of the complaint.

Examples of negotiating in good faith include:

- agreeing to meet at reasonable times proposed by the other party or the conciliator
- attending meetings that you have agreed to attend
- following negotiation processes agreed to by the parties
- not suddenly adding or withdrawing items for negotiation
- disclosing relevant information for the negotiations
- not taking part for the purpose of gaining some other benefit (for example, to obtain information for another purpose).

These examples provide guidance as to the kinds of actions that could reflect good faith, however the list is not exhaustive. The circumstances of each case may vary in determining whether the parties are engaging in good faith negotiations.

Failure to negotiate

If parties do not negotiate in good faith, the conciliation can be ended and the complaint closed. Should this occur, parties lose the valuable opportunity to genuinely explore and discuss their issues in a confidential and privileged environment to achieve a resolution.

Engaging in conciliation

Some of the ways in which you can negotiate in good faith are:

- be honest in all negotiations
- be fair in all negotiations
- actively listen to all views
- be prepared to compromise
- treat everyone involved with respect
- communicate clearly
- respond promptly to telephone calls, letters or emails
- honour your agreement to attend meetings
- supply all information relevant to the conciliation
- behave professionally
- do not make false or misleading statements
- focus your negotiations on achieving agreement.

Further information

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