

CIRCULAR TO EMPLOYERS ATTENDANCE AT CONFERENCES



The process of conciliation, in accordance with the Ministerial Guidelines for the Arrangement of the Business of Conciliation Officers, focuses on the parties to the dispute.

Clause 7 of the Ministerial Guidelines allows a party to a dispute to have another person to assist them at a Conciliation Conference. However, the Guidelines state that the attendance of an assistant does not subsume the prime responsibility of the party to the dispute to be a principal participant in the conference.

Employer consultants regularly accompany employers to conciliation conferences as assistants. That remains acceptable.

However, there is a growing trend for consultants to attend conciliation conferences in place of the employer and as a representative of the employer. The Ministerial Guidelines do not allow for this. The Guidelines also provide that a Conciliation Officer shall not permit an assistant to be an advocate for any party.

It is therefore expected that employers who are a party to a dispute will personally attend conferences either alone or accompanied by an assistant.

A handwritten signature in black ink, appearing to read 'Susan Cibau', is positioned above the typed name.

Susan Cibau
Senior Conciliation Officer

8 December 2008