



# Responding

# to a complaint

## I've received a complaint - why is that?

The *Equal Opportunity Act 1984 (SA)* allows people to complain to us if they think they have experienced unlawful discrimination. We check to see whether the complaint seems to be covered by the Act and, if so, ask you for a response. There are two sides to every story and we want to hear yours.

## How should I respond?

Please prepare a written reply that we can send on to the person who made the complaint.

In replying, please:

- tell us how you see things, especially if there is a reasonable explanation for what happened;
- be succinct. If the complaint goes further, you will be able to say more;
- note that we are not asking you to conduct an investigation;
- give a phone number and address where you can be easily reached. Like the rest of your letter, this address will be given to the person who has complained, so if you want to keep your home address private, use a PO box or a business or other reliable address;
- tell us if you want the suggested meeting date brought forward; and
- sign and date your response.

If you want to, you can suggest how the complaint could be resolved. If you aren't sure where you stand, you could seek advice from a lawyer or industry body.

It helps us if you respond quickly. You need to respond no later than 21 days after you hear from us.

## Why does your letter include a conciliation date, before you've even heard from me?

To minimise delay, we usually reserve a date for a conciliation conference right at the beginning, in case we need it. If, however, your response shows us that there is no need, we will cancel the reserved date. Please keep the date free in the meantime.

If the conciliation conference goes ahead, then a company or organisation must send a representative to the conciliation with authority to agree on a resolution.

## What's the next step?

We will send a copy of your response to the complainant. That may lead to:

1. the complainant deciding to withdraw the complaint. If this happens, nothing more needs to be done
2. us deciding to take no further action. In that case, the complainant may take the complaint to the Tribunal\*
3. us deciding to refer the matter to the Tribunal\*
4. further efforts to resolve the complaint, including a conciliation meeting where you and the complainant can discuss solutions. In conciliating, it is our job to help resolve the complaint. It is not our job to take sides, judge who is right or wrong or make a ruling on the complaint.

There is a separate fact sheet about conciliation, explaining how to prepare and what to expect at the meeting. Make sure you read this carefully well before the meeting date.

*\* South Australian Civil and Administrative Tribunal which determines Equal Opportunity matters.*

Need more information?

### Contact the Office of the Equal Opportunity Commissioner



**Government of South Australia**

Office of the Commissioner for  
Equal Opportunity

GPO Exchange, Level 15, 10 Franklin Street,  
Adelaide SA 5000

GPO BOX 464, Adelaide SA 5001

**Phone:** (08) 7322 7070

**Fax:** (08) 8207 2090

**Country callers:** 1800 188 163

**Email:** [eoc@sa.gov.au](mailto:eoc@sa.gov.au)

**Web:** [equalopportunity.sa.gov.au](http://equalopportunity.sa.gov.au)