

# **Office of Industrial Relations Customer complaints management policy**

## Policy statement

The Office of Industrial Relations (OIR) is committed to delivering high quality services that respond to community need. We will ensure that complaints received are dealt with fairly, promptly and in an efficient and confidential manner, and that the complainant is aware of the complaints management process and what to expect when they lodge a complaint.

## Purpose

This policy implements section 219A of the *Public Service Act 2008*. Under this section, Queensland Government departments must implement an effective complaints management system that complies with any Australian Standard about the handling of customer complaints.

OIR complaints management policy and guidelines have been developed according to *AS/NZS 10002:2014- Guidelines for complaint management organisations*, and the Queensland Ombudsman's *Guide to Developing Effective Complaints Management Policies and Procedures (2006)*.

This policy sets the direction for customer complaints management in OIR.

The *Customer complaint management guidelines* and the *Information privacy policy* set out the steps to successfully manage customer complaints consistently, fairly, reasonably and on time.

## Objective

The objectives of this policy are to ensure:

- fair, accountable, transparent and responsive management of complaints about OIR's functions
- identification and correction of errors or omissions
- effective monitoring of complaints
- identification and implementation of business improvement opportunities
- that 85% of all customer complaints are resolved within the designated timeframes.

## Scope

Under the *Public Service Act 2008*, section 219A (4), a customer complaint:

- a) means a complaint about the service or action of a department, or its staff, by a person who is apparently directly affected by the service or action
- b) includes, for example, a complaint about any of the following:
  - I. a decision made, or a failure to make a decision, by a public service employee of the department
  - II. an act, or failure to act, of the department
  - III. the formulation of a proposal or intention by the department
  - IV. the making of a recommendation by the department
  - V. the customer service provided by a public service employee of the department.

Complaints are recorded according to one or more of the following issue categories:

Issue	Description
provision of a service	a complaint relating to <b>how a service is provided</b> including timeliness, quality or cost of the service
staff conduct	a complaint relating to the <b>behaviour</b> of a staff member when providing a service
administrative decision	a complaint about a <b>decision</b> made by a OIR officer when providing a service, including misconduct and maladministration
policy/procedure	a complaint about the <b>process</b> followed to provide a service

## Complaints in scope

This policy applies to:

- complaints received from **external** customers i.e. the public, other departments and employee/employer associations;
- complaints received anonymously;
- complaints contained within a comment or feedback on social media channels; and
- Incoming Ministerial, Director-General (DG), Deputy Director-General (DDG), Executive Director (ED) or Regional Director (RD) correspondence or contact, whether that be in the form of a formal letter, email or phone call may contain a complaint. The relevant business area is responsible for deciding if ministerial, DG, DDG, ED or RD correspondence contains a complaint under this policy.

It is important to note that some complaints once received and assessed, may then be determined to be out of scope due to the nature of the complaint or not in actual fact a complaint e.g. comments made on social media channels that do not require any further action to be taken. Examples of out of scope complaints are those concerning breaches of privacy and corrupt behaviour. While they are subsequently considered out of scope for this complaints management policy, they will be handled in a different manner. Information on the process for handling such complaints can be found in the Treatment of out of scope customer complaints (Appendix 1) and the relevant pages on [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au).

## Complaints out of scope

The following types of complaints fall outside the scope of this policy, have different processes and as such are handled differently:

- a specified inspector's decision made under the Work Health and Safety Act 2011 (WHS Act), Electrical Safety Act (ESA) and the Safety in Recreational Activities Act (SRWAA)
- a specified regulator's decision made under the Work Health and Safety Act 2011 (WHS Act), Electrical Safety Act 2002 (ESA), the Safety in Recreational Activities Act (SRWAA) and Workers' Compensation and Rehabilitation Act 2003 (WCRA)
- a specified licensing decision made under the Work Health and Safety Act 2011 (WHS Act) and the Electrical Safety Act 2002 (ESA)
- a specified decision made by a medical assessment tribunal made under the Workers' Compensation and Rehabilitation Act 2003 (WCRA)
- A specified decision made by WorkCover or self-insurers (insurers) under the WCRA;
- A complaint about insurers' claims processes under the WCRA;

- allegations against employees involving suspected corrupt conduct and public interest disclosure complaints
- OIR employee complaints made by current public servants
- denied right to information (RTI) or information privacy (IP) access or amendment applications.

Information on the process for handling such complaints, in particular the process for complaints against reviewable decisions by inspectors, the regulator and a licensing decision, can be found in the Treatment of out of scope customer complaints (Appendix 1) and the relevant pages on [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au)

## Definitions

Term	Definition
Anonymous complaint	A complaint received from a complainant who does not wish to identify themselves. An anonymous complaint must be treated in the same manner as any other complaint. It must be recorded and every attempt made to resolve it.
Complainant	Any person who lodges a complaint with the Office of Industrial Relations or the Department of Education
Complaint	An expression of dissatisfaction within the scope of this policy
Complaint officer	An employee appointed by a managing officer to assist in resolving complaints.
Complex complaint	A complaint that has multiple issues and/or is serious in nature and usually requires an internal assessment and internal review.
Corrupt Conduct	Under the <i>Crime and Corruption Act 2001</i> , corrupt conduct is conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers is not honest or impartial, knowingly or recklessly breaches public trust or involves the misuse of agency-related information or material.
Dispute	A disagreement on a matter of law or fact, or a conflict of views between parties about legal duties, rights or interests; a disagreement about an administrative decision by a party who is adversely affected by the decision (this definition is relevant to 'Out of scope Customer complaints')
External review	Review of a complaint by an agency external to OIR following internal review.
Internal assessment	Initial assessment and response to the complainant that is performed by an OIR officer. May be the complaint officer or managing officer
Internal review	Review of an internal assessment by an internal review officer.
Internal review officer	An OIR officer that manages the review of an internal assessment at the request of a complainant. **This officer can be from the same business area as long as they weren't involved in the internal assessment.
Managing officer	A line manager or other senior employee appointed by a director or manager to oversee the complaint management system.
Maladministration	Inefficient or dishonest administration; mismanagement.
Misconduct	Unacceptable or improper behaviour, especially by an employee or professional person.
Not sustained	A complaint that has been finalised where the issues raised by the complainant have not been verified or otherwise cannot be resolved.

Partially sustained	When a complaint has two or more issues, and only one/some of the complaint has been sustained.
Pending – review still underway	When a complaint has not been finalised due to the review still being underway.
Privacy complaint	A complaint by an individual about an act or practice of OIR in relation to the individual's personal information.
Processing	When a complaint has not yet been resolved, but a resolution is pending. This may or may not be within the specified timeframes. A complaint can be moved from 'processing' to 'resolved' either when the complaint is finalised or at the discretion of the complaint managing officer in other circumstances (i.e. when the complainant has not responded within an acceptable period of time).
Receiving officer	Any employee who receives a complaint.
Record of complaint	The documented record of a complaint received verbally (using a manual complaint form).
Rejected	A complaint that is outside the scope of the complaints management policy and cannot be resolved by the department. This complaint could also be a vexatious complaint that is rejected.
Sustained	When a complaint has been finalised, the issues raised by the complainant have been verified and the Customer has been notified of the outcome.
Simple complaint	A complaint that is resolved at the point of service.
Standard complaint	A complaint that usually has only one single issue or concern
Unsustained	A complaint that has been finalised where the issues raised by the complainant have not been verified or otherwise cannot be resolved.
Vexatious complaint	A complaint intended to harass, annoy, delay or cause detriment. A complaint considered to be trivial or vexatious will be refused investigation by a business area.
Withdrawn	When a complainant advised the department that they no longer want to proceed with the complaint. A withdrawn complaint is one that has already been received and classified and categorised by the business area.

**\*\*Please note that internal and external reviews do not apply to reviewable decisions under the Regulation or Act as per the Treatment of out of scope customer complaints (Appendix 1).\*\***

## Guiding principles

Our Customer complaints management system is part of a broader system for managing various types of complaints. Complaints are managed depending on the type of issue reported. Some areas of OIR comply with additional policies and laws that support this framework in relation to specific services such as Right to information and Information privacy.

Some areas of OIR also comply with additional policies and laws which support this framework in relation to specific services. An example of such a business area is Right to Information (RTI), however this policy does not replace or interfere with legislation or policy dealing with complaints about privacy or right to information.

Nor does it interfere with complaints such as staff grievances, public interest disclosures, official misconduct or mal-administration, criminal conduct or illegality, or matters specifically dealt with through other legislative and/or appeal processes.

OIR's complaint management system is underpinned by the better practice complaint management principles set out in the table below, which are outline in the *Guidelines for complaint management in organisations - AS/NZS 10002:2014* and the Queensland Ombudsman's *Guide to Developing Effective Complaints Management Policies and Procedures (2006)*.

Guiding principles	What does this mean in OIR
<b>Enabling complaints</b>	
People focus	<ul style="list-style-type: none"> <li>• Everyone has a right to complain.</li> <li>• OIR proactively seeks and receives feedback and complaints.</li> <li>• OIR has a strong commitment to addressing any issues raised within a reasonable timeframe.</li> <li>• People making complaints are treated with respect, and they should be actively involved in the complaints process as far as practicable and appropriate.</li> </ul>
Ensuring no detriment to complainant	<ul style="list-style-type: none"> <li>• Complainants are not adversely affected because of a complaint made by them or on their behalf.</li> </ul>
Visibility and transparency	<ul style="list-style-type: none"> <li>• Information about how and where a complaint may be made is well publicised on OIR's website and made available (both in writing and verbally) at frontline service locations.</li> </ul>
Accessibility	<ul style="list-style-type: none"> <li>• OIR will provide all reasonable and practical help and support to make it easy for all complainants to make a complaint by recognising the particular needs of people, including people with a disability, children, young people, people living in regional and remote areas, the aged and people from culturally and linguistically diverse backgrounds.</li> <li>• A complaint may be made to any employee of OIR in person, by phone, email letter or using the online form on OIR's website.</li> <li>• OIR will accept complaints from representatives of customers, including family members, friends and other people or organisations that act in support of the person.</li> </ul>

No charges	<ul style="list-style-type: none"> <li>A complainant will not be charged a fee to complain.</li> </ul>
<b>Managing Complaints</b>	
Responsiveness	<ul style="list-style-type: none"> <li>Complaints are acknowledged promptly and responded to fairly, reasonably and in a timely manner.</li> <li>Anonymous complaints are treated like any other complaint.</li> <li>Staff are aware of the policy and guidelines available on the WorkSafe website and the OIR intranet.</li> <li>Adequate resources, including trained staff, are available to manage complaints.</li> <li>Complaints are recorded and tracked, timeframes for resolution are monitored.</li> </ul>
Objectivity and fairness	<ul style="list-style-type: none"> <li>Complaints are taken seriously and are handled fairly, objectively and without bias.</li> <li>Complaints are assessed and categorised on nominated criteria.</li> <li>Managing officers may refuse to investigate a complaint if it is considered to be abusive, trivial or unreasonable.</li> <li>The principles of natural justice and provision of avenues for review are applied to all complainants.</li> <li>Reviews of decisions will be made by people other than the original decision maker.</li> </ul>
Equity	<ul style="list-style-type: none"> <li>All complaints are to be handled in an equitable manner and in accordance with OIR's Customer Complaints Management Policy.</li> <li>The Complaints Guidelines addresses the issue of how to manage the conduct of complainants who act unreasonably, such as unreasonable persistence, demands, lack of cooperation, arguments and behaviour.</li> </ul>
Privacy and disclosure	<ul style="list-style-type: none"> <li>Personally identifiable information about any individual should only be disclosed or used in compliance with all relevant privacy laws i.e. the <i>Information Privacy Act 2009</i> and ethical obligations when managing a complaint.</li> </ul>
Communication	<ul style="list-style-type: none"> <li>OIR will provide explanations for policies, procedures and decisions in its communication with complainants and its staff, particularly those staff handling complaints.</li> </ul>
<b>Managing the parties</b>	
Conduct of parties	<ul style="list-style-type: none"> <li>The Customer Complaints Management policy and Guidelines makes clear the expected behaviour of both its staff and complainants.</li> </ul>
Work health and safety	<ul style="list-style-type: none"> <li>The Customer Complaints Management Policy and Guidelines ensure the health and safety of staff involved in complaint management, including identity protection as required.</li> </ul>
Complaint involving multiple parties	<ul style="list-style-type: none"> <li>If a complaint involves multiple organisations, consideration should be given to options for coordinating communication with the complainant.</li> <li>Communication and information exchange between organisations should be pre-arranged, however this should be subject to privacy and confidentiality obligations.</li> </ul>
Empowerment	<ul style="list-style-type: none"> <li>Staff are properly empowered to implement its</li> </ul>

of staff	<p>complaints management system as relevant to their role.</p> <ul style="list-style-type: none"> <li>• OIR encourages staff feedback as it is a valuable source of insight into problems with the organisation, products, services or the complaints management system.</li> </ul>
<b>Accountability, learning and prevention</b>	
Accountability	<ul style="list-style-type: none"> <li>• OIR will ensure that accountability for the operation of its complaint management policy is clear.</li> <li>• The policy and procedures are reviewed annually to ensure relevance and effectiveness.</li> <li>• Mechanisms are in place to gather and record information to meet reporting requirements, identify complaint trends, monitor the time taken to resolve complaints and identify potential business improvements.</li> <li>• Information about complaint trends in OIR will be published annually.</li> </ul>
Continuous improvement	<ul style="list-style-type: none"> <li>• Adequate and timely feedback is provided to all complainants about the progress of their complaint, the outcome reached by OIR and the reasons for OIR's decision.</li> <li>• Complainants are notified of available review mechanisms. If a complainant is unsatisfied with the outcome of their complaint, they may request an internal review. If a complainant remains unsatisfied with the outcome after an internal review, they may seek an external review.</li> <li>• OIR will seek regular feedback about the way it manages complaints.</li> <li>• Complaint trends, systemic issues and potential system improvements will be provided to the Board of Management Meeting quarterly. This information will then be used to inform the continuous improvement process.</li> </ul>
Prevention of <u>ongoing</u> disputes due to unresolved complaints	<ul style="list-style-type: none"> <li>• OIR's complaints management framework minimises the possibility of unresolved complaints being escalated into ongoing disputes by: <ul style="list-style-type: none"> <li>○ The implementation of a three stage complaints management process involving internal assessment, internal review and external review</li> <li>○ Customer complaint guidelines that provide guidance to staff to manage complaints appropriately and effectively</li> <li>○ Customer complaint guidelines that provide the rights and obligations of the complainant and OIR's complaint management staff</li> <li>○ Ensuring OIR's Customer Complaints Management Policy is publicly available</li> </ul> </li> </ul> <p><u>Prevention</u> To minimise disputes occurring we provide:</p> <ul style="list-style-type: none"> <li>• adequate staff training by ensuring all OIR staff receive compulsory complaints training, including privacy and RTI, and that all complaint officers and managing officers receive complaint management training</li> <li>• unambiguous and comprehensive documentation of Customer complaints management policy and guidelines.</li> <li>• established communication paths.</li> </ul>

	<p><u>Management</u></p> <ul style="list-style-type: none"><li>• We ensure that all parties in the dispute are informed of their rights and responsibilities.</li><li>• In some cases, we may provide a person independent of OIR to assist the complainant with their complaint – a ‘conflict coach’.</li><li>• An appropriate apology, given at the right time, will often avoid the escalation of the dispute.</li></ul>
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## Responsibilities and accountabilities

OIR's responsibilities under the Complaints Management Policy are:

- to provide a common framework across the OIR to develop and review service, product, action or decision related complaint handling procedures, including the administrative decision-making processes
- to add value to using complaints data to identify areas where the OIR can improve business processes and systems.
- to promote public confidence in the department by ensuring openness and transparency in handling complaints about its services, products, action and decisions
- to capture and analyse information on service, product, action or decision related complaints to improve service delivery to the public
- to provide officers handling complaints with appropriate training in areas such as interviewing skills, problem solving and conflict resolution skills
- to review the Customer complaints management policy and guidelines annually and report on the results of the review to the OIR Board of management.
- the review will consider feedback from clients, including from annual complainant satisfaction surveys, staff feedback, the results of annual internal audits and any external audits, changes in policy, legislation or organisational structure and opportunities to use technological innovations.

### Executive director or business manager responsibilities:

The executive director or business manager of each business unit will:

- nominate managing officer/s for the business area
- nominate an internal review officer/s who will be responsible for managing the review of an internal assessment when requested by the complainant.

Managing officers responsibilities:

- assess complaints to decide if they can be actioned by the business area
- assign complaints to the complaints officers for action
- liaise with senior management on complex issues
- analyses and reports on complaints
- provide complaints registers to the Principal Governance Coordinator, Business Innovation and Planning Unit on a quarterly basis, when requested.

### References

- *Public Service Act 2008*
- *Information Privacy Act 2009*
- *Guidelines for complaint management in organisations - AS/NZS 10002:2014*
- *Developing Effective Complaints Management Policy and Procedures*, Queensland Ombudsman
- *Effective Complaints Management Fact Sheets*, 1-16 Queensland Ombudsman
- *Code of conduct for the Queensland Public Service*
- OIR: Treatment of Out of Scope Customer Complaints
- OIR: Draft Information Privacy Policy
- OIR: Public Interest Disclosure Procedure

## Endorsement/approval

<b>Document owner</b>	Principal Governance Coordinator, Business Innovation and Planning Unit
<b>Original policy approved by</b>	Simon Blackwood, Deputy Director- General
<b>Date original policy approved</b>	16 November 2016

## Version History

Version	Notes	Author	Date of change
1.0	Newly created following review of DJAG and QT policy	Senior Executive Officer, ODDG	May 2016
2.0	Improvements suggested by Queensland Ombudsman	Senior Executive Officer, ODDG	July/August 2016
3.0	Further amendments made	Principal	March 2017
4.0	Further amendments made	Governance Coordinator, BIPU	May 2018

## Appendix 1

# Treatment of out of scope customer complaints

The following complaints matters have different management processes and are out of scope of the OIR Customer complaints policy. If your complaint relates to any of the following matters, please select it to find out about the appropriate process.

### **A specified inspector's decision made under the Work Health and Safety Act 2011 (WHS Act), Electrical Safety Act (ESA) and the Safety in Recreational Activities Act (SRWAA)**

This complaints policy and guideline does not provide a mechanism for dealing with disputes about an inspector's decision. You have the right to seek a review of decisions made by inspectors if they affect you. The review process is explained on the back of enforcement notices or can be found on [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au)

### **A specified regulator's decision made under the Work Health and Safety Act 2011 (WHS Act), Electrical Safety Act 2002 (ESA), the Safety in Recreational Activities Act (SRWAA) and Workers' Compensation and Rehabilitation Act 2003 (WCRA)**

This complaints policy and guideline does not provide a mechanism for dealing with disputes about a Regulator's decision. You have the right to seek a review of decisions made by the Regulator if they affect you. Information regarding review of regulator decisions under WHSA, ESA and SRWAA can be found on [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au). Information regarding review of regulator decisions under WCRA can be found on [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au).

### **A specified licensing decision made under the Work Health and Safety Act 2011 (WHS Act) and the Electrical Safety Act 2002 (ESA)**

This complaints policy and guideline does not provide a mechanism for dealing with disputes about a licensing decision. You have the right to seek a review of the decision or appeal if they affect you.

### **A specified decision made by a medical assessment tribunal under the Workers' Compensation and Rehabilitation Act 2003 (WCRA)**

Decisions made by a medical assessment tribunal are final and binding in accordance with the legislation. However these decisions may be reviewed only in the following circumstances:

- On receipt of fresh medical evidence not known to the original tribunal, in which case the matter would be referred back to the original tribunal. However, this new evidence must relate to the issue the tribunal considered and be submitted within 12 months from the date of the original tribunal decision
- By making an application for judicial review to the Supreme Court, where they have to prove that there was an error in 'fact or law'. There are timeframes on how long you have to lodge a judicial review.

Complainants are always advised of the two options for review when they receive the response to their complaint.

### **A specified decision made by WorkCover or self-insurers (insurers) under the Workers' Compensation and Rehabilitation Act 2003 (WCRA);**

This complaints policy and guideline does not provide a mechanism for dealing with disputes about the insurer's decision. You have the right to seek a review or appeal of decisions made by the insurer if they affect you. Information regarding review of insurer decisions under the WCRA can be found on [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au).

### **A complaint about WorkCover or self-insurers' (insurers') claims processes under the Workers' Compensation and Rehabilitation Act 2003 (WCRA);**

This complaints policy and guideline does not provide a mechanism for dealing with complaints about the insurer's claims processes. Such a complaint would be referred to WorkCover or the self-insurer in the first instance.

### **Allegations against employees involving suspected corrupt conduct and public interest disclosures complaints**

Contact the Director of Ethical Standards on (07) 3406 9811  
All cases of suspected corrupt conduct must be reported to the Crime and Corrupt Conduct Commission (CCC) by the CCC Liaison Officer within OIR.

### **OIR employee complaints made by current public servants**

Refer to the Managing employee complaints policy on the intranet, however if you require any further information contact HR (mailto:OIR.HR@oir.qld.gov.au) on (07) 3406 9997.

### **Denied right to information (RTI) or information privacy (IP) access and amendment applications**

If the department makes a decision in relation to your application for access to documents, including a decision to refuse you access to documents that no documents exist or can be located, or not to waive charges, you may either:

- apply for an internal review of the decision, by a different departmental officer no less senior than the original decision-maker.
- contact the Right to Information Unit directly.  
Level 11  
1 William Street  
Brisbane QLD 4000  
Phone: +61 7 3406 9983  
Email: Right to Information (mail to: OIR.RTI@oir.qld.gov.au)
- apply directly to the Information Commissioner  
(<http://www.oic.qld.gov.au/about/right-to-information/apply-for-external-review-of-an-access-or-amendment-decision>) for an external review of the decision.

You should note that in general a 20 business day time limit applies in which you can lodge an application for review.

**It is important to note that some complaints once received and assessed, may then be determined to be out of scope due to the nature of the complaint and so will be handled in a different manner. Examples of this listed below:**

### **Complaints concerning breaches of privacy**

Such complaints are to be referred without delay to the Manager, Administrative Review (telephone 3035 1863), who will manage the complaints in accordance with the *Information Privacy Act 2009*.

### **Complaints concerning legal complaints**

Legal complaints will be managed in accordance with the relevant legislation, and treated as disputes.

### **Abusive, trivial or unreasonable complainants**

Business units may refuse to investigate a complaint if it is seen to be abusive, trivial, unreasonable, misleading, and untrue or where the complainant refuses to cooperate with OIR's efforts to investigate. The decision not to investigate will be made by the managing officer. If such a complaint is refused investigation, the complainant must be advised in writing that the department is not proceeding with the complaint.