

Customer complaints and grievance management policy

Version: 1.0 | Version effective: 1/04/2024

Audience

Whole of OIR.

Purpose

This policy supports the Department of State Development and Infrastructure (the department) and the Office of Industrial Relations' (OIR) obligations to manage and investigate complaints, including customer complaints; individual employee grievances; complaints involving the public official (Director-General); privacy complaints; human rights complaints; and public interest disclosures.

Policy statement

OIR is committed to effective and efficient complaints and grievance management. OIR supports the right to make a complaint or grievance and strives to manage these matters in an accountable, transparent, timely and fair manner that is compatible with human rights.

Principles

Principle	What this means for OIR
Complainant focus	<ul style="list-style-type: none"> • Everyone has a right to complain or raise a grievance and to not be adversely affected by their complaint or grievance. • Anyone making a complaint or grievance will be treated with respect. • OIR actions and decisions consider and are compatible with the human rights of all parties to a complaint or grievance. • OIR respects the confidentiality of personal information of complainants and others involved in the complaint or grievance process. • OIR proactively seeks and receives feedback and complaints. • Complaints can be made anonymously (grievances excepted).
Accessibility and transparency	<ul style="list-style-type: none"> • OIR complaints and grievance processes are free and accessible. • OIR clearly displays information about how and where complaints and grievances may be made either on OIR websites or at frontline service delivery locations. • OIR provides all reasonable assistance and support to make it easy for complainants to make a complaint or file a grievance.

Responsiveness	<ul style="list-style-type: none"> • Complaints and grievances are recorded and timeframes for resolution are monitored. • Complaints and grievances are acknowledged and responded to fairly, reasonably and in a timely manner. • Complainants are kept informed about the progress of their complaint or grievance, and advised about the outcome reached, reasons for OIR’s decision, and any review options available. • Where possible and appropriate OIR involves the complainant in the complaints process.
Objectivity, fairness and equity	<ul style="list-style-type: none"> • Complaints and grievances are managed objectively, without bias and in a way that is compatible with, and properly considers human rights. • Natural justice and procedural fairness are embedded in complaint management activities and OIR will take all reasonable steps to ensure that a person is not adversely affected because of a complaint made by them or on their behalf. • If a complainant’s conduct is unreasonable, OIR may implement strategies to manage the conduct so the complaint or grievance can be productively resolved, and staff welfare and wellbeing is protected.
Accountability, continuous improvement	<ul style="list-style-type: none"> • OIR uses formal, documented processes to manage complaints and grievances. • OIR policies, procedures and practices are regularly reviewed to ensure relevance, accuracy and effectiveness. • Complaint data is regularly analysed to understand performance, identify systemic issues and drive improvement, to ensure visibility of complaints trends and meet legislative reporting obligations. • Ongoing training and support are provided to staff managing complaints and grievances.

Requirements

There is a variety of complaint and grievance legislation and directives with which OIR must comply. These processes allow different types of complainants, within and outside OIR, to raise grievances and make complaints about OIR decision-making, service delivery and staff conduct. OIR is responsible for determining if and how a complaint or grievance should be dealt with. These decisions will be made in accordance with OIR policies and procedures.

1. Complaint and grievance management processes

Customer complaints

Section 264 of the [Public Sector Act 2022](#) (Qld) requires the department to establish and implement a system for customer complaints and report its annual customer complaints data on its website. The system must enable OIR to:

- manage the receipt, processing and outcome of a customer complaint.
- comply with the Australian Standard for customer complaints management.
- notify a complainant about the outcome of their complaint (unless the complaint was anonymous).

OIR aligns to the department’s customer complaints approach and the [Queensland Public Service Customer Complaint Management Framework](#) and [Guideline](#). OIR manages customer complaints (including human rights impacts) in accordance with this policy and the OIR Customer complaints management procedure, OIR

Managing unreasonable complainant conduct procedure and the OIR customer complaints - Internal review procedure.

Privacy complaints

Chapter 5 of the [Information Privacy Act 2009](#) (Qld) allows a person to make a privacy complaint to the Office of the Information Commissioner, provided they have first complained to OIR, and 45 business days have elapsed without a response, or the response is considered inadequate.

Complaints about privacy are made under the [Information Privacy Act 2009](#) (Qld) and they are managed by the OIR Privacy team. OIR employees can see the OIR Privacy complaints information sheet for more information.

Privacy complaints that are also customer complaints and engage human rights, must also be recorded in accordance with the OIR Customer complaints management procedure and included in departmental reporting.

Employee grievances

The [Public Sector Commission Directive 11/20](#): Individual employee grievances (Directive 11/20) requires OIR to establish and implement an individual employee grievance resolution system. The OIR system must enable OIR to:

- comply with the principles of individual employee grievance resolution as provided in clauses 4 and 8 of Directive 11/20; and
- be supported by written policies and procedures that are readily available to employees.

Employee grievances are managed under the OIR Employee complaint policy (OIR employees only).

Misconduct or corrupt conduct

Complaints about alleged misconduct or corrupt conduct can be made under the [Crime and Corruption Act 2001](#) (Qld), [Code of Conduct for the Queensland Public Service](#), and OIR's Standard of Practice.

Complaints about misconduct or corrupt conduct are managed under the OIR fraud and corrupt conduct investigation procedure (OIR employees only).

Public Interest Disclosures (PID)

The [Public Interest Disclosure Act 2010](#) (Qld) requires OIR provide appropriate avenues for reporting allegations of corrupt conduct, maladministration or danger to the environment.

PIDs are managed under the [OIR Public Interest Disclosure procedure](#).

Complaints involving the public official (Director-General or Coordinator-General)

Section 48A of the [Crime and Corruption Act 2001](#) (Qld) requires the department to have a policy for dealing with complaints that involve or may involve the Director-General or Coordinator-General.

These complaints are managed under the departments [Complaints about the Director-General and the Coordinator-General procedure](#).

Human rights

The [Human Rights Act 2019](#) (Qld) requires all staff to consider human rights when making decisions and make sure that decisions and actions are compatible with human rights. The Act also requires the department to include details in their annual report about any human rights complaints received and the outcomes of those complaints.

Complaints managed under each of the above complaints processes can also be human rights complaints and human rights must be considered as part of the complaints process.

2. Out of scope complaints

Some complaints are outside the scope of this and are therefore managed under different processes.

These include:

- complaints on decisions made by OIR officers under legislation such as the [Work Health and Safety Act](#) (WHS Act), [Electrical Safety Act](#) (ESA), the [Safety in Recreational Water Activities Act](#) (SRWAA) and [Workers' Compensation and Rehabilitation Act](#) (WCRA), can only be overturned or changed using an internal and/or external review or appeal process set out in the legislation (if any). However, peripheral matters may be considered, such as whether the officer's conduct and behaviour during the decision-making process met OIR standards.
- complaints regarding allegations against employees involving suspected corrupt conduct and public interest disclosures complaints. The OIR Ethical Standards Unit manages complaints about misconduct and corrupt conduct by all employees of OIR.
- complaints by OIR employees about their employment ([Public Sector Act 2022](#) (Qld) and Public Service Commission Directives).
- complaints about decisions made with under the [Right to Information Act 2009](#) (RTI Act) or [Information Privacy Act 2009](#) (IP Act) access and amendment applications.
- complaints on legal decisions will be managed in accordance with the relevant legislation and treated as disputes.
- complaints about decisions made by OIR officers under a contract with another party (such as a hire agreement or procurement contract). Any issues that arise will be dealt with under the contract.

3. The OIR complaints and grievance handling approach

OIR must manage complaints and grievances in accordance with this policy and the relevant procedures above.

Under each approach, OIR aims to resolve complaints and grievances quickly at the frontline or the point where the complaint is received.

OIR's approach ensures:

- complaints and grievances are managed responsively, using a clear and accessible process;
- human rights are considered;
- risks are mitigated through identifying trends and issues with effective solutions put in place; and
- staff are empowered to resolve complaints and grievances promptly, effectively and efficiently.

4. Complainant rights and responsibilities

While complainants have a right to make a complaint or grievance, they also have balancing sets of responsibilities regarding their conduct and cooperation. These responsibilities are outlined in the relevant procedures above and on the OIR websites.

OIR will not tolerate conduct that is abusive, threatening, unreasonable, vexatious, or makes inappropriate demands on OIR's time, resources or staff. Staff safety and wellbeing is paramount and if complainant conduct creates an unacceptable risk, OIR may discontinue contact with the complainant about the complaint.

5. Monitoring and review

The OIR complaints and grievance approach is reviewed regularly to ensure it continues to meet departmental needs and requirements. Information that informs these reviews includes:

- feedback from customers and staff;
- the results of internal or external audits, or evaluations; and
- any changes in policy, legislation or organisational structure.

Definitions

Term	Definition
Complaint	An expression of dissatisfaction about the service, decision, action or inaction of OIR, or its staff, and the complainant is directly affected by the service or action.
Complainant	A person, organisation or their representative/advocate making a complaint. A complainant is a 'customer' for the purposes of the customer complaints management framework if they are directly affected by the issue they are complaining about, or they are authorised representative of someone who has been directly affected.
Employee	Any current department employee whether permanent, temporary, full time, part-time or casual.
External review	A process conducted by an external review body (for example, Queensland Ombudsman , Queensland Human Rights Commission , or Queensland Civil and Administrative Tribunal) to ensure departmental decision-making is fair, reasonable and proper.
Human rights complaint	A complainant can make a human rights complaint if OIR has: <ul style="list-style-type: none"> acted or made a decision in a way that is not compatible with human rights; or failed to give proper consideration to a relevant human right when making a decision.
Individual employee grievance	A grievance made by a current public service employee who has an honest belief, based on reasonable grounds, that: <ul style="list-style-type: none"> an administrative decision, which they are aggrieved by, is unfair and unreasonable; or the conduct or behaviour of an employee, agent or contractor is unfair and unreasonable; or the conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality; or the conduct or behaviour of an employee is a breach of the Code of Conduct; or an act or decision is not compatible with human rights, or a decision failed to give proper consideration to a relevant human right under the Human Rights Act 2019 (Qld).
Procedural fairness	Providing any party who may be affected by a complaint or grievance with a fair opportunity to be heard and a reasonable opportunity to respond to any claims. Procedural fairness is also known as natural justice.
Public official	In the context of this policy, 'public official' means the chief executive officer of a unit of public administration. This is the Deputy Director-General of OIR.
Resolution	A complaint is resolved when the issue raised is dealt with in line with the OIR complaint policy and procedures. The resolution may or may not be to the complainant's satisfaction.
Unreasonable complainant conduct	Conduct is likely to be unreasonable if it involves actions or behaviours which, because of the nature or frequency, raises substantial health, safety, wellbeing, resource or equity issues for OIR, its staff, other service users or the complainant themselves.

	The OIR Managing unreasonable complainant conduct procedure provides more information. Please also refer to the OIR Information sheet - Excluded complaints.
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Legislation

- [Public Sector Act 2022 \(Qld\)](#) section 264
- [Human Rights Act 2019 \(Qld\)](#) part 2 and sections 58(1), 63, 97
- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Industrial Relations Act 2016 \(Qld\)](#)
- [Public Sector Ethics Act 1994 \(Qld\)](#)
- [Public Interest Disclosure Act 2010 \(Qld\)](#)
- [Individual employee grievances \(Directive 11/20\)](#)
- [Work Health and Safety Act 2011 \(Qld\)](#)
- [Electrical Safety Act 2002 \(Qld\)](#)
- [Safety in Recreational Water Activities Act \(Qld\)](#)
- [Workers' Compensation and Rehabilitation Act 2003 \(Qld\)](#)

Delegations/Authorisations

- [HR Delegations](#) (OIR employees only)

Policies and procedures in this group

- [OIR Customer complaints management procedure](#)
- [OIR Customer complaints – Internal review procedure](#)
- [OIR Managing unreasonable complainant conduct procedure](#)
- [Complaints about the Director-General and Coordinator-General procedure](#)
- [OIR Work-related violence and aggression policy](#) (OIR employees only)
- [OIR Public Interest Disclosure policy](#) (OIR employees only)
- [OIR Public Interest Disclosure procedure](#)
- [OIR Privacy policy](#) (OIR employees only)
- [OIR Information Classification Procedure](#) (OIR employees only)
- [OIR Incident notification and investigation procedure](#) (OIR employees only)
- [OIR Public interest disclosure procedure](#)

Supporting information/websites

- [OIR Guide – Customer complaints - Internal reviews](#) (OIR employees only)
- [OIR Guide – Human rights complaints](#) (OIR employees only)
- [OIR Guide – Unreasonable complainant conduct](#) (OIR employees only)
- [OIR Information sheet – Excluded complaints](#)

- [OIR Information sheet – Internal reviews](#)
- [OIR Request an Internal review form](#)
- [OIR Information sheet – Unreasonable complainant conduct](#)
- [OIR Customer complaints management and templates](#) (OIR employees only)
- [OIR Privacy complaints information sheet](#) (OIR employees only)
- [OIR Employee complaint management](#) (OIR employees only)
- [Workplace behaviour and environment – Code of conduct](#) (OIR employees only)
- [Human Rights information](#) (OIR employees only)

Other resources

- [AS 10002:2022 – Guidelines for complaint management in organisations](#)
- [Queensland Public Service Customer Complaint Management Framework](#)
- [Queensland Public Service Customer Complaint Management Guideline](#)
- [Queensland Public Sector Commission](#)
- [Crime and Corruption Commission](#)
- [Office of the Information Commissioner](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Concerns, complaints, or feedback \(WorkSafe website\)](#)
- [Queensland Ombudsman resources](#)
- [Managing complex complainant behaviour](#) (Victorian Ombudsman)
- [Managing unreasonable conduct by a complainant practice manual](#) (NSW Ombudsman)

Contact

For customers who wish to make a customer complaint, please:

Complete the form on the [Queensland Government – complaints and compliments webpage](#), or [Compliment or complain about our services | WorkSafe.qld.gov.au](#).

Call 1300 362 128 (WorkSafe)

For staff who would like more information about the framework, policy, or procedures, please see the [Customer complaints management](#) page on the OIR intranet, the related and supporting document links above or contact the Business and Innovation Planning Unit, Office of the Deputy Director-General.

Review date

1 July 2024