

# UNDERSTANDING OMBUDSMEN AND MAKING A COMPLAINT

We all participate in Australia's economy in different ways as we earn or spend money; for example, by finding paid work, managing money, running small businesses, getting training or education to prepare for work, paying bills, fines and tax, and seeking concession or welfare payments.

Whether we are able to understand and use the financial systems in Australia and take part in the economy affects our health, safety and wellbeing.

Refugee and migrant women can find it harder to take part in the economy and to deal with services, due to

barriers such as limited English, low access to education and training, and a lack of affordable alternative care for children or family members (a responsibility usually held by women).

This fact sheet is designed to help refugee and migrant women living in Victoria, and the community services that work with them, to better understand the Ombudsmen's services. It explains your rights to make a complaint to these offices, what you can expect when making a complaint, and where to get more information and support.

## AUNG'S STORY — A CASE STUDY

### Who?

Aung is a 45-year-old woman from Myanmar with four children. She has lived in Australia for seven years. She worked 35 hours a week for a private cleaning company for the past year. Aung never received a contract and was paid in cash. She was not paid when she was off work sick, and when her employment ended she was not paid any annual leave.

### What happened?

Aung was recently fired without any notice. She thinks she was fired for taking five days off work because one of her children was sick.



### What did the Ombudsman do?

The Ombudsman investigated the complaint and arranged for a telephone meeting between Aung, her past employer and someone called a mediator, who did not represent either Aung or her past employer. The mediator connected everyone on a phone meeting to help resolve the dispute. The Ombudsman arranged for an interpreter during the call. Aung asked for the money she was owed and said that if she couldn't get her money through the mediation, she was prepared to go to court to enforce her rights. Her past employer agreed to pay Aung \$3,600. Aung thought she should have been paid more, but was glad she had the chance to tell her story and settle her matter.

### What did Aung do?

Aung contacted her local community legal centre, who told her she was entitled to payments for annual leave, sick days and a payment for the notice period she should have been given when she was fired. They also told her that it is illegal to fire someone for using their workplace rights, such as taking carer's leave.

The legal centre's staff helped Aung write a letter to her past employer. She mentioned minimum wage rates, leave entitlements and Fair Work laws in her letter and explained that, while she did not want her job back, she wanted to be paid the sick leave, annual leave and notice payment she was owed. When Aung did not receive an answer after two weeks she filled out a workplace dispute form and lodged it online with the Fair Work Ombudsman.

## WHAT IS AN OMBUDSMAN?

An Ombudsman investigates complaints that community members make when they think organisations or companies have acted wrongly towards them. The term Ombudsman usually describes both the person in the position of Ombudsman and the office of staff they lead. It is an Ombudsman's responsibility to resolve complaints as quickly as possible in a way that is free and fair. There are different Ombudsmen for complaints about employers, government agencies, telephone or internet companies, public transport agencies and power and water companies.

The table describes the role of four different Ombudsmen and how to contact them. To find out about other Ombudsmen that hear complaints and for more legal information go to [www.lawhandbook.org.au/search/ombudsmen](http://www.lawhandbook.org.au/search/ombudsmen)

## BEFORE GOING TO AN OMBUDSMAN

Before you go to an Ombudsman, you need to tell the organisation, company or employer that you have a problem and give them a chance to fix it. You can start with a telephone call to explain why you are unhappy. If your problem is not fixed, then it is best to write a letter describing your complaint.

### How to complain to the organisation, company or employer

Describe what happened, when and where it happened. Write down the dates, times and names of people you spoke to and what was said over the telephone. Depending on your complaint, you might include copies of any important information you have about what happened, like receipts, tickets, photographs and medical reports. Explain what you want to fix the problem. For example, you might like a refund, or an apology. Ask when you can expect a response to your complaint. Keep copies of all the letters you send and receive.

Ombudsman	What they do	Resources and contact details	How to make a complaint
<b>Fair Work Ombudsman</b> 	<p>They investigate complaints about employers and can help you understand and follow workplace rights and responsibilities.</p> <p>They can help you resolve problems with your employer about:</p> <ul style="list-style-type: none"> <li>• Wages or pay</li> <li>• Leave (including annual, sick, maternity and parental leave)</li> <li>• Number of hours worked</li> <li>• Ending employment, for example giving notice, final pay and redundancy</li> <li>• Discrimination and harassment</li> <li>• Disagreements between the employer and your union</li> </ul>	<p>Fact sheets about your workplace rights are available online in 27 different languages: <a href="http://www.fairwork.gov.au/contact-us/language-help">www.fairwork.gov.au/contact-us/language-help</a></p> <p>Talk to your employer first before contacting the Ombudsman. It is helpful to know what the Australian workplace laws are before talking to them. You can find fact sheets here: <a href="http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets">www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets</a></p> <p>For more information or advice, call 13 13 94 or visit <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a></p>	<p>Download and fill in the workplace dispute form at <a href="http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/">www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/</a></p> <p>Send the form, with copies of any relevant documents to: Fair Work Ombudsman GPO Box 2567 Adelaide SA 5001</p>
<b>Telecommunications Industry Ombudsman</b> 	<p>They investigate complaints about internet or telephone services and work to improve these services.</p> <p>They can help you resolve problems about:</p> <ul style="list-style-type: none"> <li>• Phone contracts</li> <li>• Mistakes in your bills</li> <li>• Problems with phone cards</li> <li>• Missed appointments or technicians</li> <li>• Internet</li> <li>• Pay TV</li> <li>• Marketing to you by a company</li> </ul>	<p>A fact sheet about the Telecommunications Industry Ombudsman is available online in 31 languages: <a href="http://www.tio.com.au/publications/translations">www.tio.com.au/publications/translations</a></p> <p>For more information or advice, call 1800 062 058 or visit <a href="http://www.tio.com.au">www.tio.com.au</a></p>	<p>Fill in the online complaint form at <a href="http://www.tio.com.au/making-a-complaint">www.tio.com.au/making-a-complaint</a></p> <p>Write a letter of complaint and send it to: Telecommunications Industry Ombudsman PO Box 276 Collins Street West Melbourne VIC 8007</p>

## GOING TO THE OMBUDSMAN

If you are not happy with the way the organisation, company or employer replies to your complaint, you have the right to take your complaint to the Ombudsman.

Ombudsmen will usually ask you to fill in a dispute form about your complaint. If you want help from someone you trust when dealing with the Ombudsman, like a family member or community worker, you will need to sign a form to give this other person 'Authority to Act' on your behalf.

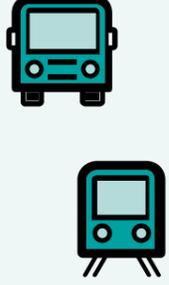
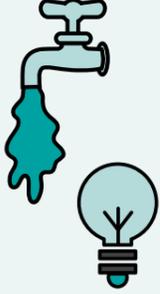
When making your complaint, give as much detail as possible, including all the information you provided when you complained to the organisation, company or employer. Include all relevant dates, times and locations of events. If you are asking for a refund or money to fix the problem, you need to explain how much money you are asking for and how you calculated that amount.

Keep in mind that it can sometimes be a long and complicated process to get a resolution for your complaint.

### Getting an interpreter

You can access free interpreting when contacting all Victorian Ombudsmen. They can arrange this for you, or you can arrange this yourself. You can read more information about getting an interpreter in fact sheet one.

For a telephone interpreter, call 13 14 50. For an interpreter to come to your appointment in person, call 1300 655 082.

Ombudsman	What they do	Resources and contact details	How to make a complaint
<b>Public Transport Ombudsman</b> 	<p>They investigate complaints about public transport, including trains, trams and buses.</p> <p>They can help you resolve problems about:</p> <ul style="list-style-type: none"> <li>• Myki cards</li> <li>• Concessions</li> <li>• Faulty ticket machines</li> <li>• Overcrowding or cancellation of trains</li> <li>• Authorised officers (public transport staff)</li> <li>• Customer service</li> </ul>	<p>A fact sheet about the Public Transport Ombudsman is available online in eight languages: <a href="http://www.ptovic.com.au/images/documents/Translation_brochure.pdf">www.ptovic.com.au/images/documents/Translation_brochure.pdf</a></p> <p>For more information or advice, call 1800 466 865 or visit <a href="http://www.ptovic.com.au">www.ptovic.com.au</a></p>	<p>Fill in the online complaint form at <a href="http://www.ptovic.com.au/make-a-complaint/complaint-form">www.ptovic.com.au/make-a-complaint/complaint-form</a></p> <p>Write a letter of complaint and send it to: Public Transport Ombudsman PO Box 538 Collins Street West Melbourne VIC 8007</p>
<b>Energy and Water Ombudsman</b> 	<p>They investigate complaints about electricity, water or gas companies.</p> <p>They can help you resolve problems with:</p> <ul style="list-style-type: none"> <li>• A company failing to provide or disconnecting electricity, water or gas</li> <li>• Mistakes in your bills</li> <li>• Marketing to you by a company</li> <li>• Switching your account to another company without permission</li> <li>• Problems with electricity poles and wires, and with gas and water pipes</li> </ul>	<p>A fact sheet about the Energy and Water Ombudsman Victoria is available online in 31 languages: <a href="http://www.ewov.com.au/publications-and-media/translations">www.ewov.com.au/publications-and-media/translations</a></p> <p>For more information or advice, call 1800 500 509 or visit <a href="http://www.ewov.com.au">www.ewov.com.au</a></p>	<p>Fill in the online complaint form at <a href="http://www.ewov.com.au/complaints/complaint-form">www.ewov.com.au/complaints/complaint-form</a></p> <p>Write a letter of complaint and send it to: Energy and Water Ombudsman GPO Box 469 Melbourne VIC 8060</p>

\*To find out about other Ombudsmen that hear complaints and for more legal information, go to: [www.lawhandbook.org.au/search/ombudsmen](http://www.lawhandbook.org.au/search/ombudsmen)

## FOR MORE INFORMATION AND SUPPORT

Community legal services can give you help for free if you have problems with any government agency. Community legal services are very busy, so you might need to wait before you can get an appointment. Gather as much information as you can before your appointment, and take any relevant documents with you. Also, tell your community legal service if you need an interpreter before your appointment so they can arrange one.

Visit [www.fclc.org.au/](http://www.fclc.org.au/) to find your closest community legal service.

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*Suggested citation: Women's Health West 2016, Fact Sheet Two: Understanding Ombudsmen and making a complaint, Women's Health West, Melbourne*



This fact sheet accompanies the Promoting Economic Participation and Equity for Refugee and Migrant Women Research Report (Women's Health West, 2016). The full research report, a plain English summary of what we found, and another fact sheet designed to help community women better understand Australian Government agencies, are available from: [www.whwest.org.au/health-promotion/wellbeing/economicparticipation](http://www.whwest.org.au/health-promotion/wellbeing/economicparticipation)



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