

1 Complaints handling at WorkSafe

WorkSafe Victoria (WorkSafe) is committed to actively seeking client and stakeholder feedback. Complaints about WorkSafe, our authorised Agents or service providers are an important aspect of client feedback. We value this feedback and see it as an opportunity to improve our service.

WorkSafe has developed complaints handling processes which comply with the Australian Standards and Australian Securities and Investments Commission (ASIC) policy statement and encourages anyone who has contact with WorkSafe to provide feedback. There is no fee associated with providing feedback or having a complaint investigated.

WorkSafe will consider all feedback in a manner that is fair both to the complainant and to the party being complained about and which equally values all views.

WorkSafe will manage complaints consistently with its corporate values of being constructive, accountable, transparent, effective and caring.

Constructive

We are constructive in the way we provide information, advice and service.

Accountable

We are accountable for what we do and what we say. We live up to our promises.

Transparent

We work in a transparent way in an environment which is open and honest.

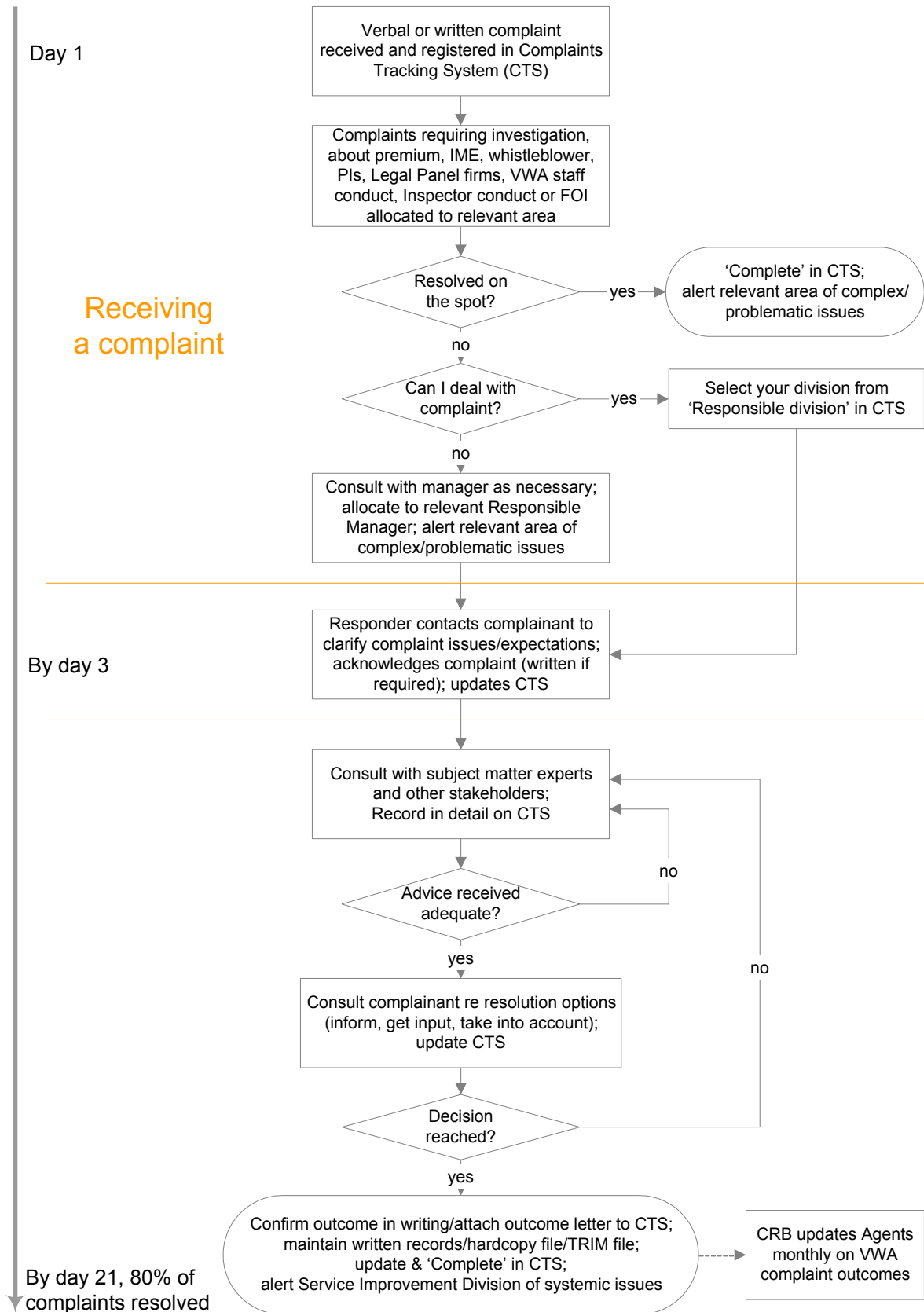
Effective

We are effective by working collaboratively to deliver high quality services.

Caring

We demonstrate care by showing empathy in our dealings with everyone we work with.

2 Complaint handling process



2.1 What is a complaint

A complaint is any written or verbal expression of dissatisfaction with:

- the service provided by, or
- the conduct of

the Victorian WorkCover Authority (VWA) including WorkSafe Victoria, its authorised Agents, WorkCover Assist, self insurers, Independent Medical Examiners, Occupational Rehabilitation Providers, Legal Panel, Private Investigators or WorkSafe Authorised Certificate Assessors.

Complaints about licensed or registered service providers are not included in the scope of this definition.

A complaint also includes dissatisfaction with any aspect of Victorian workers compensation legislation or scheme.

A complaint can include the following:

- any claims issues (for example poor decision making, poor explanations, lack of/incorrect information provided, poor/inappropriate communication)
- the performance of WorkSafe functions, or the way these functions and decisions are communicated
- premium issues/objections
- conciliation non-compliance
- matters of conduct about an employee of WorkSafe or its authorised Agent(s), including inappropriate behaviour
- non-compliance or delays in complying with requests for information made under Victorian workers compensation or freedom of information legislation
- inadequate or inappropriate handling of personal information, including potential breaches of the *Privacy Act 1988* or other relevant acts
- complaints about employers not meeting their obligations as specified in Victorian workers compensation legislation, and associated WorkSafe and WorkSafe Agent enforcement requirements.

2.2 Receiving complaints

2.2.1 Who can make a complaint?

Any external stakeholder, including:

- an injured worker, their representative or family member
- Workers, Health and Safety Representatives or members of the public
- an employer
- a union official
- employer bodies
- healthcare professional treating an injured worker
- Members of Parliament, Ombudsman, and the Accident Compensation Conciliation Service.

2.2.2 How to make a complaint

Complaints may be received in many ways:

- verbally (face-to-face or over the phone)
- written
- email (via the web or email addresses).

2.3 Privacy

Personal and health information collected by WorkSafe in connection with a complaint will be handled in accordance with all applicable Privacy laws and will be used for the purpose of investigating the complaint.

In some cases, to fully investigate a complaint, and to ensure that the complaint is handled fairly, WorkSafe may need to disclose the information to others who we believe have relevant information about the complaint, including the person or body which may have been complained about. However, personal details will only be provided to another party with the consent of the complainant, or if otherwise permitted under privacy laws.

If a complainant does not provide their personal contact details, WorkSafe may not be able to fully investigate the complaint.

Complainants can access WorkSafe Privacy Policy at worksafe.vic.gov.au

2.4 Investigating complaints

Complaints will be investigated in accordance with the following principles:

- All complaints will be investigated by an appropriately authorised person.
- The investigation of complaints must be fair to both the complainant and the organisation or individual being complained about.
- With the exception of complaints about WorkSafe Inspector Conduct which are referred to the WorkSafe Compliance Co-ordination Branch (CCB), complaints about the conduct of a WorkSafe staff member are to be referred directly to the respective staff member's Manager for investigation. Only the Manager will collect information about the nature of the complaint.
- Any Whistleblower complaints will be investigated in accordance with the *Whistleblowers Protection Act 2001*. These complaints are referred directly to the Protected Disclosure Officer.
- Complaints will be dealt with quickly and complainants will be treated courteously.
- The complaints handling process will have the capacity to determine and implement remedies.
- Where matters cannot be satisfactorily resolved by the complaints process the complainant will be advised of the independent external avenues to resolve the complaint.

2.5 Referral of complaints

- Complaints may be referred to another area, in accordance with the following: Staff in the WorkSafe Advisory Service will endeavour to resolve the complaint personally unless the complaint relates to Premium, an Independent Medical Examiner or the conduct of a WorkSafe staff member. If this is not possible, they may refer it to their direct manager.
- Any claims-related complaint that requires detailed investigation is to be referred to the Complaints Resolution Branch.

- The Complaints Resolution Branch is responsible for investigating claims related complaints and any consultation with business subject experts.
- Any Workplace Injury Insurance related complaint or objection is to be referred to the Premium Division for investigation.
- Complaints about WorkSafe matters will either be handled by the WorkSafe Advisory Service (OH&S Team) or referred to the relevant manager or the WorkSafe CCB.

WorkSafe's agents are expected to resolve complaints directly within their own complaints procedures rather than escalating to WorkSafe.

If the complaint needs to be referred to another organisation for investigation, WorkSafe will notify the complainant.

2.6 Responding to complaints within appropriate time limits

While WorkSafe expects that some complaints can take longer to resolve, WorkSafe is committed to resolving 80% of complaints within 21 days, with the following exceptions:

- Premium objections, including Premium audit objections (90 days)
- WorkSafe Inspector Conduct complaints (45 days)
- Complaints about Private Investigators (as per Private Investigator Management Unit guidelines).

Where a complaint cannot be resolved within the specified timeframes, the complainant shall be contacted and advised the:

- work is in progress
- expected timeframes for a resolution
- person responsible for responding to their complaint.

After advising the complainant of established timeframes, all complaints should be handled within these timeframes. The 21 days begins from when the complaint is received by WorkSafe. Timelines for particular activities such as registering and allocating to people to resolve is specified in the procedures.

2.7 Remedies

Staff responding to complaints will determine remedies appropriate to the conclusions that have been made following investigation. In assessing and determining remedies, the following will be taken into account:

- whether all aspects of the complaint have been considered
- whether the remedy adequately addresses all aspects of the complaint
- whether the complainant has been consulted appropriately about the remedy
- whether the remedy is consistent with WorkSafe policies and guidelines and with remedies offered to other parties in like circumstances.

Remedies to be considered by the person resolving the complaint are:

- an apology
- information, advice, explanation or clarification
- technical assistance
- referral to another party or body
- changes to decisions where appropriate under the relevant legislation
- provision of access to services/benefits which the complainant has an entitlement to under the relevant legislation.

2.8 **Right of review**

Complainants who remain dissatisfied after the initial investigation of their complaint may request a review. In the first instance, and unless otherwise requested, reviews will be conducted by an appropriately authorised employee of WorkSafe.

Complainants who remain dissatisfied with the outcome of their complaint following review, should be made aware of their rights to escalate the matter externally:

- this option will be advised to all complainants
- the complainant will receive the necessary contact details to escalate outside WorkSafe on request
- the external processes available are:
 - Ombudsman – for service and conduct related matters
 - Accident Compensation Conciliation Service – for claims matters such as claim acceptance, benefit entitlements or medical and like services
 - Medical Panels – for claims issues related to Impairment Benefits
 - Courts – for matters that have already been heard by the Accident Compensation Conciliation Service or relate to Workplace Injury Insurance Objections.

Where there is any impact on timing, for example the Conciliation Service has a 60 day time limit on lodgement, the complainant will be advised of this up front.

2.9 **Recording information about complaints**

WorkSafe staff and agents will systematically record details of all complaints and their outcomes.

Complaints will be recorded and classified in WorkSafe Complaints Tracking System so as to accurately reflect the perceptions of the person making the complaint. WorkSafe will not make any assessment as to the validity of a complaint at the time of initial recording. Complaint outcomes and actions will be reported on to assist WorkSafe in understanding the root causes of complaints. This approach will be noted in any reports WorkSafe produces using the complaints data.

The following principles will be followed when recording information about complaints:

- All WorkSafe staff receiving a complaint will register the complaint and all relevant details within WorkSafe Complaints Tracking System.
- The details recorded could include (depending on the complexity of the complaint)
 - the details of the complainant, for example name, address, phone number, organisation
 - the details of the person referring the complaint, for example a Union representative may contact WorkSafe on behalf of a complainant
 - the category of the complaint, that is the general subject matter
 - the detail of the complaint, for example the precise matter of concern, claim number
 - the channel the complaint was received by, for example phone, email, written
 - the relevant dates, for example the date received and the date due
 - the details of the person resolving the complaint, for example name, contact details, WorkSafe division, branch and physical location
 - the action taken and the final resolution
- Upon resolving the complaint the matter will be closed in the system.
- All information will be kept in accordance with applicable privacy laws.

2.10 Identifying and recording systemic issues

Complaints are to be classified and analysed for the identification and rectification of systemic and recurring problems:

- The Director, Service Improvement will be responsible for regular reporting of complaints to the management of WorkSafe.
- The category distinctions will be used to identify any areas leading to disproportionately high levels of complaints, such as reporting by complaint type, stakeholder group, WorkSafe Agent or regional categories.
- The Director, Service Improvement will be responsible for identifying any generic issues which require action and bringing them to the attention of the relevant operational areas.
- The Director, Service Improvement will be responsible for communicating systemic issues to WorkSafe Agents through the appropriate forums.

2.11 Review of Complaints Handling Process

The complaint handling process will be reviewed regularly to ensure that it is functioning according to policy and delivering effective outcomes. The regular reviews will include:

- An annual business planning process which will incorporate a review of the complaints process efficiency, particularly in terms of outcomes. This review will be conducted by the Service Improvement division.
- A regular independent assessment by Internal Audit or by a contracted third party as required.

2.12 Visibility of the Complaints Handling Process

WorkSafe will ensure that the existence of the system and the mechanisms for accessing it are publicised internally and externally in such a way that people who wish to complain will find it a simple matter to do so. In order to achieve this, the following will be undertaken:

- information on the complaints handling process will be available on the intranet and included in internal communications for WorkSafe staff
- information on the complaints handling process will be on the public WorkSafe internet site, included in WorkSafe brochures for workers and employers, in the Annual report, on material provided by WorkSafe's agents, such as correspondence and generally available material (for example advertising material, fact sheets, claims forms and posters).

Information about the complaints process will be provided via telephone by the WorkSafe Advisory Service, other WorkSafe staff that take public calls, such as reception, and WorkSafe Agent staff.

For more information on WorkSafe's Complaints Handling Policy or to make a complaint, please contact the WorkSafe Advisory Service on 1800 136 089 or access the WorkSafe web site at worksafe.vic.gov.au.