



## Workplace Complaint Form user guide

This user guide will help you complete and submit the ABCC Workplace Complaint Form. If you need further assistance, please contact the ABCC Hotline on 1800 003 338.

### Before submitting a complaint

It is our experience that matters can often be resolved without formal intervention, so we ask that you first speak or write to your employer about your concerns. A sample letter from employees to employers can be found at the end of this guide. (See **Attachment A.**)

If you feel uncomfortable approaching or writing to your employer (for example, if you genuinely feel your job or your safety will be at risk), please make a note of this in question 6.1 of the Workplace Complaint Form.

### Taking your own action

If you are considering, or are in the process of undertaking, your own legal action when you submit the Workplace Complaint Form, please advise the ABC Inspector that responds to your complaint.

### Whether or not to lodge a complaint

You should only complete the Complaint Form if you believe that you have not received your correct wages or conditions, or if you believe that your workplace rights have been violated.

You should **not** complete this form if your complaint is only for **unfair dismissal** or **termination** of your employment. Complaints for unfair dismissal **must** be dealt with by Fair Work Australia and lodged within **14 days** of the dismissal. Unlawful termination complaints must be made to the Fair Work Australia within **60 days** of the termination.

**Please contact Fair Work Australia on 13 13 94 or visit [www.fairwork.gov.au](http://www.fairwork.gov.au) as soon as possible.**

### Completing the Workplace Complaint Form

All questions marked with an asterisk (\*) are mandatory and **must** be completed.

You need to provide us with as much detail and evidence as possible regarding your complaint. This includes providing supporting documents such as **copies** of:

• payslips	• employment agreements/contracts	• job advertisements
• PAYG summaries	• individual flexibility agreements	• doctor’s certificates
• time and wage records	• correspondence with your employer	• diary records
• tax declaration forms	• relevant employer policies and forms	

Please attach additional pages if you require any extra space to explain your complaint. Copies of supporting documents should be attached to your completed workplace complaint form — **do not send originals.**

## Not an employee?

The Workplace Complaint Form can be used by **any party** who wishes to complain about an alleged contravention of Commonwealth workplace laws. If you are not an employee, you should still complete Section 1 and Section 2, followed by the relevant questions in sections 5 to 8.

## Completing the Workplace Complaint Form

The workplace complaint form allows you to make three different types of complaints: **wages and conditions**, **unlawful discrimination** and **workplace rights**.

You can fill out more than one section if you wish to complain about more than one issue, otherwise, you only need to complete the parts of the form relevant to your complaint.

### Part A — wages and conditions complaint.

In this section you must provide an explanation of why you believe the employer owes you any outstanding entitlements and include any evidence to support your complaint.

### Part B — unlawful workplace discrimination complaint.

The ABCC can investigate complaints of unlawful workplace discrimination that took place on or after 1 July 2009. For matters that occurred earlier, please contact the Australian Human Rights Commission (AHRC) on 1300 656 419 or at [www.humanrights.gov.au](http://www.humanrights.gov.au)

Unlawful workplace discrimination occurs when an employer takes adverse action against a person who is an employee or prospective employee because of the following attributes of the person:

• race	• social origin	• political opinion
• colour	• marital status	• national extraction
• sex	• family/carer’s responsibilities	• social origin
• sexual preference	• pregnancy	
• age	• religion	

The Fair Work Ombudsman can also provide you with further information on unlawful workplace discrimination - visit [www.fairwork.gov.au/discrimination](http://www.fairwork.gov.au/discrimination)

### Part C—workplace rights complaint

This section is for any complaint other than wages and conditions or unlawful discrimination. This may include one of the following broad categories that the ABCC can investigate:

- 1. General protections** - these cover a number of areas, including workplace rights, industrial activities, your right to make a complaint, sham arrangements, and others. For more information, please call the ABCC Hotline on 1800 003 338 or visit [www.abcc.gov.au](http://www.abcc.gov.au)
- 2. Industrial action** - if you believe that a party has engaged in unlawful industrial action.
- 3. Right of Entry** – if you believe a person has contravened their obligations regarding the rights of organisation officials (such as a trade union) to enter premises.
- 4. Enterprise Agreements** - if you believe a bargaining representative has contravened a bargaining order issued by Fair Work Australia.

## Lodging your complaint

Post your completed Workplace Complaint Form and supporting documents to **Office of the Australian Building and Construction Commissioner, GPO Box 9927, in your Capital City.** (*Northern Territory residents should send their documentation to the ABCC's Adelaide office.*)

## What happens next

Once you have lodged your complaint, an ABC Inspector will contact you within 10 working days to discuss your matter and indicate the next steps.

### ***Need additional help?***

Contact the ABCC Hotline on 1800 003 338 between 7.00am and 7.00pm Eastern Standard Time, Monday to Friday, for the cost of a local call.

### ***Need an interpreter?***

Contact the Translating and Interpreting Service (TIS) on **13 14 50** for free help 24 hours a day, 7 days a week.

### ***Have a hearing or speech impairment?***

Phone the National Relay Service (NRS):

- For TTY, phone 13 36 77 and ask for the ABCC Hotline on 1800 003 338.
- Speak & Listen: 1300 555 727, and ask for the ABCC Hotline on 1800 003 338.

*Please note:*

- *This is a suggested draft letter for workers who believe they are owed monies by their employer.*
  - *The words which are in dark print and in the brackets indicate points where specific information needs to be entered by the employees.*
  - *Any other relevant information which supports the complaint should be included in the letter that the employee writes.*
  - *It is recommended that the letter be delivered by certified mail with Australia Post and the receipt retained for record purposes.*
  - *You will need to keep a copy of the letter you send to the employer, and provide a copy to the Office of the Australian Building and Construction Commissioner if you are seeking to have a matter investigated.*
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Put in your address and contact number here

Put in name and address of employer here.

Date: day, month, year

Dear..... **(insert name of employer)**

I am writing about a concern I have in relation to certain employee entitlements. I was employed by you between...../...../..... and ...../...../..... **(put in the date you started and finished with the employer)** on a.....(full time or part time or casual) basis as a.....**(trade or job title)**.

I understand that my employment is/was subject to ..... **(name of award, agreement or legislation such as the *Fair Work Act 2009* or the *Workplace Relations Act 1996*)**. Under this Award/Act, I believe I am entitled to ..... **(list your complaint here including details of monies owed, if known)**.

I have enclosed a current award summary in support of my complaint. **(If available – delete if not relevant)**.

I would appreciate your consideration of my complaint. If I do not hear from you within 7 days, I will consider approaching the Office of the Australian Building and Construction Commissioner to assist in resolving this matter, which may result in a full investigation. You may wish to seek independent legal advice on this matter.

If you require further information in relation to your obligations under the Award/Act you can contact the ABCC hotline on 1800 003 338.

I look forward to an early resolution of this matter.

Yours sincerely

**Your name and signature**