



# Workplace Complaint Form

## Section 1. Complainant details

- 1.1 Title\* ☐ Mr ☐ Mrs ☐ Ms ☐ Miss ☐ Dr Other

1.2 Surname/family name\*

Given name/s\*

1.3 Postal address\*

Suburb/town  State  Postcode

1.4 Daytime contact number\*  Mobile number

1.5 Email address

1.6 Date of birth

1.7 Do you need an interpreter?\* ☐ Yes ☐ No Language

1.8 Is/was your employment subject to a working visa?\* ☐ Yes ☐ No Classification

If you are unsure of your visa classification, please call the Department of Immigration & Citizenship on 13 18 81 or visit [www.immi.gov.au](http://www.immi.gov.au)

1.9 Has someone else completed this form on your behalf?\* ☐ No – Please continue with section 2 ☐ Yes

1.10 Do you authorise this person to act on your behalf? ☐ Yes ☐ No

Contact name

Contact number

## Section 2. Employer details

Note: You may find some of these details on the employer's business letterhead, your pay slips or PAYG payment summary.

- 2.1 Business name\*

2.2 ABN/ACN (Australian Business Number/Australian Company Number)\*

2.3 Full name of the business owner(s) and/or manager ☐ Mr ☐ Mrs ☐ Ms ☐ Miss ☐ Dr Other

2.4 Workplace contact number\*  Mobile number

Workplace email address

2.5 Address where you work/worked\*

Suburb/town  State  Postcode



#### Section 4. Confidentiality\*

In the course of managing your complaint the Fair Work Ombudsman may want to contact your employer by phone or in writing to request specific information about your employment and/or discuss your allegation. This will result in your employer being made aware that you have made a complaint about them.

- ☐ Option 1 – I give permission for the Fair Work Ombudsman to contact my employer for the purpose detailed above.
- ☐ Option 2 – I DO NOT give permission for the Fair Work Ombudsman to contact my employer for the purpose detailed above.

Note: If you choose Option 2, we will have to keep your complaint confidential while investigating the matter. In some circumstances we may be unable to investigate your complaint confidentially. If this is the case we will advise you.

Contact the Fair Work Infoline on 13 13 94 if you would like to discuss your situation in more detail.

#### Section 5. Complainant's declaration and acknowledgement\*

I declare that:

- The details I have provided are correct to the best of my knowledge.
- I acknowledge that the Fair Work Ombudsman may disclose or authorise to disclose information likely to assist in the administration or enforcement of a law of the Commonwealth, a State or a Territory. This includes referring my complaint, or aspects of my complaint, including any information obtained while investigating my complaint, to other relevant government agencies, including state/territory agencies, where issues fall within their area(s) of responsibility.
- I acknowledge that the information provided in my complaint form may be used for statistical research, monitoring and evaluation that may be carried out by the Fair Work Ombudsman, Fair Work Australia, the Department of Education, Employment and Workplace Relations or contracted commercial researchers, and this will not breach Australian privacy principles.

Your signature\*  Date\* 

D	D	M	M	Y	Y	Y	Y
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Please ensure you have signed and dated this form before returning it.

Note: You may be asked by a Fair Work Inspector to provide supportive documents such as: pay slips, PAYG summaries, time and wage records, tax declaration forms, employment agreements/contracts, Individual Flexibility Arrangements, correspondence with your employer, job advertisements, relevant employer policies and forms, medical certificates or other records.

Please send this form using the reply paid self-addressed envelope provided, or post it to:

Fair Work Ombudsman  
Complaints Assessment Team  
GPO Box 2567  
Adelaide SA 5001

## Investigating your complaint – what may happen next

Once a Fair Work Inspector is assigned to your case, they will contact you to begin the complaint process. Fair Work Inspectors are qualified to resolve most workplace complaints. Based on the nature of your complaint, they will advise you on your rights and guide you through the resolution process.

For more information on what may occur during an investigation go to [www.fairwork.gov.au/guidancenotes](http://www.fairwork.gov.au/guidancenotes), and read Guidance Note 8 which outlines our Investigative Process.

### An example of the resolution process

<b>Assisted Voluntary Resolution</b>	<p>The Fair Work Inspector assigned to your matter will explore the issues with you and assist you by showing you ways you can resolve your complaint either directly with your employer or facilitated through the Inspector. This can result in a much faster, easier and non-confrontational outcome that is agreed to by you and your employer.</p> <p><b>If a mutually agreeable outcome between the involved parties is reached, or if no contravention has been found, the process usually ends at this stage</b></p> <p><b>OR</b> <b>If no mutually agreeable outcome is reached, your Fair Work Inspector may refer the matter to a local Inspector for further investigation into your complaint or for mediation</b></p>
<b>Further investigation</b>	<p>In a further investigation, you will need to provide as much available evidence relating to the issue as you can. This can include copies of all pay slips, PAYG records, time sheets and any relevant correspondence and written contracts between you and your employer.</p> <p>A Fair Work Inspector may require your employer to provide information in response to a legal document called a 'Notice to Produce.' This notice requires them to hand over certain documents relevant to the case, such as correspondence and company policies. In some investigations, your Inspector may seek witness accounts and records of interviews on top of any written evidence. However, this is not used in every case.</p> <p>Your Inspector will also research your entitlements and may also seek expert advice to help them come to a conclusion about the issue. Whatever the nature of the alleged offence, your Fair Work Inspector will use the evidence available to determine if any contravention of workplace laws has taken place.</p> <p><b>If an outcome is reached, or if no contravention has been found, the process ends at this stage</b></p> <p><b>OR</b> <b>If a contravention has taken place, we will issue the offending party with a contravention letter. The letter will explain the nature of the contravention and ways it can be rectified without legal proceedings. We call this voluntary compliance.</b></p>
<b>Enforcement</b>	<p>Enforcement is when a Fair Work Inspector directs your employer to fix a contravention they have failed to address, or when the matter is serious. At the enforcement stage, there are a number of possible outcomes or enforcement actions. A Fair Work Inspector will determine the best course of action depending on the specific circumstances. Guided by our Litigation Policy, we will consider whether the matter should go to court. The Policy also includes other ways, apart from litigation, to fix the matter, for example, entering into an enforceable undertaking.</p>

Please note that in all cases the Fair Work Ombudsman is neutral and represents neither an employee or an employer. In some instances the Fair Work Ombudsman may not be able to investigate your complaint. Some work-related complaints are simply out of our jurisdiction, such as matters that are more than six years old, or some types of workplace bullying matters.

### Need more information?

You can find out more by visiting [www.fairwork.gov.au/complaints](http://www.fairwork.gov.au/complaints) or call the Fair Work Infoline on 13 13 94.

**[www.fairwork.gov.au](http://www.fairwork.gov.au)**

Fair Work Infoline **13 13 94**  
Mon-Fri 8.00am-6.00pm local time



**Fair Work**  
OMBUDSMAN