

Complaint Handlers

Safeguarding the student experience



**Overseas Students Ombudsman
Fair Work Ombudsman
NSW Ombudsman's office
Victorian Ombudsman's office
Australian Human Rights
Commission**

CISA Conference, Melbourne, 8 July 2015

Who we are & what we do

- Fair Work Ombudsman - work rights complaints
- Overseas Students Ombudsman –*private* education providers complaints
- State and Territory Ombudsman –*public* education providers complaints
- Australian Human Rights Commission – discrimination and human rights complaints

The Fair Work Ombudsman

- We make sure everyone's rights at work are protected, understood and enforced
- We work with both employers and employees
 - Eg. we provide free assistance and advice
 - Eg. we investigate allegations of non-compliance
- We educate employers and employees about workplace rights and obligations



Overseas Students
OMBUDSMAN



- We investigate complaints from intending, current and former international students about private colleges, universities and schools
- We work with education providers to help them improve their internal complaints and appeals processes
- We report to government on trends and systemic issues that we see from the complaints we investigate

State & Territory Ombudsman

- There is an Ombudsman office in every State and Territory in Australia
- We deal with complaint about most State government departments and authorities, including **public universities**, TAFEs, technical colleges, schools
- We are an impartial and independent external complaint handling body
- There is no cost to access our services



South Australia – Office of the Training Advocate

For students enrolled with public or private Providers

- Information or advice about any aspect of living, working or studying in South Australia
- Advocacy
- Independent complaints and investigations
- Monitoring the training system

www.trainingadvocate.sa.gov.au



The Australian Human Rights Commission

The Commission's functions include:

- Investigation and conciliation of complaints about discrimination & breaches of human rights
- Human rights education and promotion
- The Commission can deal with complaints about most types of service providers and employers
- There is no cost for using our complaint service



The Commission can deal with complaints from international students about:

- Racial discrimination
- Disability discrimination
- Age discrimination
- Sex discrimination
- Other types of discrimination in employment
- Breaches of human rights by the Commonwealth

Other people who can help..

- Consumer Affairs/Fair Trading if you have complaints about goods or services
- Community legal centres if you are involved in a legal dispute including a dispute with your landlord
- The Tuition Protection Service if your provider closes
- Check out: www.oso.gov.au/useful-links/

Why have complaint handlers?

- To help students resolve problems they may have
- To restore the student experience if things go wrong
- Free and easy to access (online, phone etc.)
- Informal (not like going to court)
- Impartial (we act like an umpire – we don't take sides)

When to contact us

You can complain to an ombudsman or other complaint handler if:

- You believe your education provider or employer has not treated you fairly **and**
- You tried to resolve the problem with your education provider or employer **but**
- You are unhappy with the way your education provider or employer has handled your complaint **or**
- You are unhappy with the outcome

How we help

- We provide tips and information to help you know your rights and what to do if you have a problem
- We identify systemic issues that may affect other students & work with others to address this
- We publish reports, newsletters, use social media, provide training and talk to government, employers and education providers to help find solutions to wider problems
- We work to ensure everyone in Australia, including international students, can know their rights and have their rights respected

What have we achieved?

- Since FY 2011/12 the FWO has recovered \$427,923 for 182 international students who have lodged requests for assistance
- OSO – resolved thousands of complaints, highlighted common mistakes education providers make to help them improve, contributed to ESOS Reforms
- State and Territory Ombudsman – resolved complaints by international students at public education providers.
- AHRC – Produced the principles on the human rights of international students

Students we've helped

OSO

- Mr A withdrew from his course half way through his first study period. His provider pursued him for fees for the second study period. Mr A complained to our office and when we investigated we found his written agreement with the provider did not allow them to charge fees for future study periods in the event of student default. We recommended that the provider cease pursuing Mr A for the fees, which it did.

Students we've helped

FWO CASE STUDY

- 85 Degrees Coffee Australia Pty Ltd t/a 85C Bakery Café entered into an Enforceable Undertaking with the FWO on 5 June 2015
- In October 2014, FWO received a Request For Assistance from 4 employees including a Chinese student visa holder working as a Retail Assistant
- The investigation determined contraventions of underpayment of the hourly rate, non-payment of casual loading, non-payment of penalty rates and record keeping
- The employees received \$12.00 – \$20.92 per hour
- The underpayment for all employees totalled \$42,775.66.

Students we've helped

AHRC

Sunil is an international student from India who worked in a fast food restaurant. He said that one night at work there was an accident and he injured his arm. He claimed that his manager did not call a company doctor to attend to his injury, was rude to him, told him he would send him back to India and refused to pay his medical allowances. Sunil said the company ended his employment a week after the accident.

The company told the Commission it did not agree with Sunil's version of what happened. However, the company said it was willing to participate in conciliation. The complaint was resolved with an agreement that the company would re-employ Sunil in a similar job at a different location, assist him to make a workers compensation claim and pay him \$3,100 in lost wages. Sunil's previous manager also agreed to write to him apologising for his comments.

What do we hope to achieve?

- International students understand their rights and responsibilities in Australia, know when to complain and feel empowered to complain if necessary
- Employers understand international students' work rights and treat students fairly as employees.

What do we hope to achieve?

- Education providers understand their responsibilities and treat international students fairly
- Everyone in Australia respects the diversity of others and treats each other equally, without discrimination

How do we hope to achieve this?

OSO

- Better use of online information and social media
- Connecting with international students networks via Austrade and consulates
- Continued engagement with the industry through student and provider peak bodies

FWO

- Digital communications campaigns to inform international students of their workplace rights and responsibilities
- Use of Facebook and Twitter posting in English and the top 6 languages spoken by international students in Australia

How do we hope to achieve this?

AHRC

- Human rights education
- Resolving individual complaints
- Preparing submissions and advice on laws, policies and programs

We want your ideas

- What's the best way to let students know their rights in Australia?



Questions?