General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

WARNING: Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support or money you should see a lawyer before making a complaint.

General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

Discrimination	Disability and NDIS services	Policing, Custody and Detention
Seniors and Aged Care supports and services	Consumer and Business disputes	Phone and Internet services
Banking, Insurance and Superannuation	Energy and Water services	Housing and Real Estate
Health Care services	Employment issues	Education and Training providers
Government Agencies and Departments	Child Safety and Protection	State Fines and Debts
Corruption	Privacy and Access to Information	Media and Publications

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to have all of your concerns addressed.

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you to have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.

Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that about discrimination. If your situation involves discrimination, you should consider making a discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality; relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

WARNING: The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint

bodies, but they may decide not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to Equal Opportunity Commission WA (EOC), it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

Western Australian Industrial Relations Commission (WAIRC)

In this fact sheet, we introduce the Western Australian Industrial Relations Commission (**WAIRC**). We outline how claims and applications can be made by employers, employees and others to the WAIRC.

The WAIRC is an independent tribunal with some legal functions. It deals with a broad range of industrial matters in Western Australia, including the management of disputes between employers and employees.

Legislation and Key Terms

Relevant Legislation:

- *Industrial Relations Act 1979* (WA) (the **Act**)
- *Industrial Relations Commission Regulations 2005* (WA)
- *Employment Dispute Resolution Act 2008* (WA) (the **Employment Act**)
- *Fair Work Act 2009* (Cth) (the **Fair Work Act**)
- *Work Health and Safety Act 2020* (WA) (the **WHS Act**)
- *Owner-Drivers (Contracts and Disputes) Act 2007* (WA) (**Owner-Drivers Act**)
- *Public Sector Management Act 1994* (WA).

Key terms:

Agency resolution period: The period given to a public sector body to try to resolve a breach of public sector standards claim before the matter can be referred to the WAIRC.

Applicant: The person, employer, organisation or other authorised party who starts a WAIRC matter by lodging an application, claim, referral, appeal or dispute.

Appeal: A process where a party asks a higher or different decision-maker to review a decision. In WAIRC matters, this may include an appeal to the Full Bench or, in limited cases, to the Industrial Appeal Court.

Apprentice: A person working under an approved training contract while learning a trade or occupation. Some decisions to cancel or terminate an apprenticeship or traineeship training contract can be appealed to the WAIRC.

Award: A legal instrument that sets minimum employment conditions for particular employees or industries. A contractual benefit claim cannot be used to claim an entitlement that comes from an award rather than an employment contract.

Breach of public sector standards claim: A claim that a WA public sector body breached a public sector standard, such as a standard about grievance resolution, performance management, redeployment, termination, or certain transfer decisions.

Bullying: Repeated unreasonable behaviour at work that creates a risk to health and safety. Reasonable management action carried out in a reasonable way is not bullying.

Claim: One type of WAIRC matter. A claim usually means a person is asking WAIRC to deal with a specific legal entitlement or dispute, such as a denied contractual benefit.

Complainant: A person who has made a complaint. In WAIRC matters, the person may instead be called an applicant, claimant, appellant, referrer or party, depending on the pathway.

Complaint: An expression of dissatisfaction where a response or resolution is wanted, expected or required. For WAIRC, the more precise terms are often application, claim, referral, appeal or dispute.

Conciliation: A private and confidential process where WAIRC helps the parties try to resolve the dispute by agreement. Conciliation is not a final hearing and does not decide who is right or wrong.

Construction Industry Long Service Leave Payments Board: The body that administers portable long service leave for eligible construction industry workers in WA. Some Board decisions can be reviewed by WAIRC.

Contractual benefit: A monetary or non-monetary benefit owed under an employment contract. It may come from a written, verbal or otherwise agreed contract term, but not from an award, industrial agreement or Act.

Determination: A formal decision made by WAIRC after considering a matter. A determination may be binding on the parties.

Dismissal: The ending of a person's employment by their employer. In some cases, a resignation may also be treated as a dismissal if the employee says they were effectively forced to resign.

Employing authority: The public sector office or position legally responsible for employment decisions, such as a Chief Executive Officer or Director General. It usually means the role or office, not the individual person currently holding it.

Employer: The legal person, business, organisation, public authority or other entity that employs the applicant. The correct legal employer may be different from a trading name, manager, supervisor or owner.

Federal system employer: An employer covered by the national workplace relations system rather than the WA State industrial relations system. Many WAIRC employee pathways do not apply to Federal system employers, but some pathways, such as contractual benefit claims, may still apply in limited circumstances.

Flexible working arrangement: A change to working arrangements, such as hours, patterns of work or work location. Certain eligible employees can bring a flexible working dispute to WAIRC after making a written request and trying to resolve the issue with their employer first.

Form: The approved WAIRC document used to start or respond to a particular type of matter. Different pathways use different forms.

Full Bench: A WAIRC appeal body made up of multiple Commission members. A party may be able to appeal certain WAIRC or Industrial Magistrates Court decisions to the Full Bench.

Government officer: A public sector worker covered by particular WA public sector employment laws. Some WAIRC public sector pathways are limited to government officers or other specific public sector categories.

Hearing: A formal process where WAIRC hears evidence and arguments before making a decision. Hearings may be preliminary, interlocutory or substantive.

Industrial Appeal Court: A separate court pathway that may hear limited appeals from the Full Bench or the Commission in Court Session. It is not a general rehearing of the original complaint or application.

Industrial agreement: A legal employment instrument that sets terms and conditions for employees covered by that agreement. A contractual benefit claim cannot be used to claim an entitlement that comes from an industrial agreement rather than a contract.

Industrial instrument: A broad term that can include an award, industrial agreement or other legally recognised employment instrument. Some WAIRC claims are affected by whether an industrial instrument applies.

Industrial Magistrates Court: A court that can deal with certain employment and industrial enforcement matters. If a WAIRC order is not obeyed, enforcement may need to be pursued in the Industrial Magistrates Court.

Industrial matter: A broad employment or industrial relations matter that WAIRC is legally allowed to deal with. This may include disputes about dismissal, wages, rosters, leave, discipline, redundancy, union matters or industrial instruments.

Interlocutory hearing: A hearing about a procedural or preliminary issue before the main dispute is finally decided.

Long service leave: A leave entitlement based on long periods of service with an employer or, in the construction industry, through the portable construction industry long service leave scheme.

Mediation: A voluntary process where WAIRC helps parties try to resolve an employment dispute by agreement. Mediation is separate from WAIRC's ordinary application, hearing and appeal processes.

National System Employer: An employer covered by the national workplace relations system. Many WA private sector companies are National System Employers, which means some WAIRC pathways may not be available.

Order: A formal direction made by WAIRC requiring a person or body to do something, stop doing something, pay something, reinstate someone, provide a benefit, or take another permitted action.

Owner-driver: A person who owns or operates a vehicle and contracts to transport goods in the road freight transport industry. Certain owner-driver disputes may be dealt with by the Road Freight Transport Industry Tribunal.

Party: A person, employer, organisation or other body involved in a WAIRC matter, such as the applicant and respondent.

Preliminary hearing: A hearing that deals with an issue that must be resolved before the main matter can proceed, such as jurisdiction, time limits or whether the claim can continue.

Prospective worker: A person who is seeking or applying for work. Some sexual harassment pathways can cover prospective workers, not only current workers.

Public authority: A public sector body or authority involved in WA public sector employment. The exact meaning depends on the relevant legislation and pathway.

Public interest disclosure: A separate whistleblowing pathway for reporting certain kinds of wrongdoing in public authorities. It should not be confused with WAIRC's ordinary employment complaint, application or appeal pathways.

Public sector body: A WA public sector agency, department, authority or other public sector entity. In breach of public sector standards referrals, the respondent is usually the public sector body that dealt with the original internal standards claim.

Public sector standards: Standards that regulate some WA public sector employment processes, such as grievance resolution, performance management, redeployment, termination and certain transfer decisions.

Public service officer: A worker within a specific category of WA public sector employment. Some WAIRC pathways are limited to public service officers or other statutory public sector categories.

Reclassification: A process where a public sector worker seeks recognition that their position should be classified at a different level because of the value, duties or responsibilities of the role.

Redeployment: A public sector process involving movement or placement of an employee into another role, often connected to redundancy or workforce change. Some redeployment decisions can be reviewed or referred to WAIRC.

Referral: A process where a matter is sent or brought to WAIRC after another step has occurred first, such as an unresolved breach of public sector standards claim.

Registered organisation: A registered employee or employer organisation, such as a WA registered union or employer association. WAIRC can deal with some registered organisation matters, but the correct pathway depends on the issue.

Respondent: The person, employer, public sector body, statutory decision-maker or organisation the WAIRC matter is brought against or concerns.

Road Freight Transport Industry Tribunal: A tribunal connected to WAIRC that can deal with certain owner-driver contract, code and joint-negotiation disputes.

Salary cap: A maximum salary threshold that can affect eligibility for some WAIRC claims, especially where no industrial instrument applies.

Sexual harassment: Unwelcome sexual conduct in connection with work. WAIRC may deal with some sexual harassment matters through stop sexual harassment orders or sexual harassment referrals.

State system employer: An employer covered by the WA State industrial relations system rather than the national system. This can include some unincorporated businesses, local governments, WA public sector employers and some not-for-profit organisations.

Stay: A temporary pause on the operation or enforcement of a decision or order. Filing an appeal does not always create a stay automatically.

Stop bullying order: An order made by WAIRC to prevent future bullying at work. It is preventive and does not include compensation.

Stop sexual harassment order: An order made by WAIRC to prevent future sexual harassment in connection with work. It is preventive and does not include compensation.

Substantive hearing: The main hearing where WAIRC considers the evidence and arguments about the substance of the dispute and makes a final decision.

Trainee: A person working under an approved training contract while completing workplace-based training. Some decisions to cancel or terminate a traineeship training contract can be appealed to WAIRC.

Unfair dismissal: A dismissal that is alleged to be harsh, oppressive or unfair. WAIRC can only hear unfair dismissal applications that fall within its jurisdiction.

Without prejudice: A rule that usually prevents what is said in settlement discussions, conciliation or mediation from being used later at a hearing if the matter does not resolve.

Worker: A broad term that may include employees and, for some pathways, contractors, subcontractors, labour-hire workers, apprentices, trainees, work experience students, volunteers and others carrying out work.

Work Health and Safety Tribunal: A tribunal that deals with specific work health and safety matters it is legally allowed to hear. It is not a general unsafe-workplace reporting body.

Step 1: What type of Complaints can be made to this body?

The WAIRC can deal with industrial matters and specific statutory applications, claims, referrals, appeals and disputes that fall within its jurisdiction. This includes some workplace and industrial disputes in the WA State system.	
Sub-category	**Example**
Unfair dismissal *Industrial Relations Act 1979 (WA)* ss 23A, 29(1)(c), 29AA	**You may be able to make an unfair dismissal application if your employer ended your employment in circumstances that were harsh, oppressive or unfair, and the dismissal is one the WAIRC can hear.** For private-sector employees, this generally means a WA state-system employer, such as an unincorporated employer, local government authority or some not-for-profit organisations, not a national-system constitutional corporation or the Commonwealth. *Examples:* • *John works for Greenline Gardens, an unincorporated landscaping business in WA. His employer dismisses him on the spot after giving him an impossible one-day task list and no real chance to respond.* • *Priya works for a local government council in WA. She is dismissed for "poor performance" even though she was not given warnings, a fair process or a genuine chance to improve.* • *Ahmed works for a sole-trader café in WA. He is told his role is redundant, but two weeks later the café hires someone else to do the same job.* • *Mia works for a small non-trading community association in WA. She is dismissed after questioning a roster change, and she says the reason given by the employer was not the real reason.* • *Daniel works for an unincorporated family business. His employer removes all his shifts, cuts off his access to the roster and tells him there is "no future here", so Daniel resigns and says he was effectively forced out.*
Denied contractual benefits *Industrial Relations Act 1979 (WA)* ss 7, 29(1)(b), 29AA	**You may be able to make a contractual benefit claim if your employer or former employer denied you a monetary or non-monetary benefit that came from your employment contract.** This is for contract-based benefits, including written, verbal or otherwise agreed benefits, not award, industrial agreement or Act entitlements. *Examples:* • *Sarah's written contract with Blueberry Café says she is guaranteed at least 20 hours of work each week, but her employer cuts her to 10 hours without changing the contract.* • *Liam's employment contract says he will receive a fixed annual bonus if he meets specific sales targets. He meets the targets, but his employer refuses to pay the bonus.* • *Mei's contract says she must receive eight weeks' notice or payment in lieu if her employment ends, but she is terminated with only one week's pay.*

	• *Noah's employer verbally agrees that he will receive a tool allowance as part of his employment package, but later refuses to pay it after Noah starts the job.* • *Aaliyah's contract says her employer will provide work-related accommodation in a regional town, but the employer refuses to provide it after she relocates for the role.* • *James' contract says he will be paid a specific higher hourly rate for weekend work, but his employer pays only the base contract rate.*
Stop-bullying applications *Industrial Relations Act 1979 (WA)* s 29(1)(e), Part IIA Div 3A	**You may be able to make a stop-bullying application if you are being bullied at work and there is still a risk the bullying will continue.** This pathway is about seeking orders to stop future bullying. It is not a compensation pathway. Reasonable management action carried out reasonably is not bullying. *Examples:* • *Lina works at a local government depot. Her supervisor repeatedly yells at her in front of the team, calls her useless and threatens to make her working life difficult, and Lina still reports to that supervisor.* • *Ben works for an unincorporated mechanic business. His co-workers repeatedly hide his tools, damage his work area as a "prank" and laugh at him when he becomes distressed, and the conduct is still happening.* • *Fatima works for a WA public sector agency. A group of colleagues repeatedly spread rumours about her, exclude her from team communications and refuse to give her information she needs to do her job.* • *Tom works for an unincorporated retail store. His manager repeatedly threatens to cut his shifts unless he agrees to unreasonable demands, and Tom is worried the conduct will continue.* • *Grace works for a local government authority. Her co-workers repeatedly mock her disability, and she still has to work with the same people.*
Sexual harassment applications and referrals *Industrial Relations Act 1979 (WA)* s 29(1)(f), Part IIA Div 3AA	**You may be able to make a sexual harassment application, or have a sexual harassment matter referred to the WAIRC, if you were sexually harassed in connection with work and want the WAIRC to help stop the conduct and/or deal with a sexual-harassment referral.** This can include orders to stop further sexual harassment, and in referral matters may include money orders, declarations or other remedial orders. *Examples:* • *Emma works at a local government leisure centre. Her manager repeatedly makes sexual comments about her body and tries to isolate her alone after shifts, and Emma wants the conduct stopped.*

	• *Ravi is a labour hire worker placed at a WA warehouse. A supervisor at the host business repeatedly sends him sexual messages and asks him for dates after he has said no.* • *Chloe is applying for a job with a WA state-system employer. During the recruitment process, the interviewer makes sexual comments and suggests she would have a better chance if she met him privately.* • *Tahlia is a student doing work experience at a WA business. A staff member repeatedly asks sexual questions and touches her without consent while she is on placement.* • *Jordan is a contractor doing work on site. Staff of the business make sexual jokes about Jordan and one employee touches Jordan in a sexual way.* • *Sienna works in hospitality. A regular customer repeatedly sends her sexual messages after shifts, and the conduct is connected to her work.* • *Amara discovers that a co-worker has posted a sexual comment about her in an online group chat used by staff at the workplace.*
Flexible working arrangement disputes *Industrial Relations Act 1979 (WA)* s 29(1)(k), Part IIA Div 3B; *Minimum Conditions of Employment Act 1993 (WA)* Pt 4A	**You may be able to bring a flexible working arrangement dispute to the WAIRC if you made an eligible flexible working arrangement request, your employer refused it or did not respond within 21 days, and you made reasonable attempts to resolve the dispute first.** A request may relate to hours of work, patterns of work or work location. *Example:* • *Olivia has worked for an unincorporated bookshop in WA for more than 12 months. She asks to start and finish earlier because she is pregnant, but her employer refuses and the dispute remains unresolved.* • *Marcus works for a local government authority. He asks to compress his hours across four days so he can care for his school-age child, but the employer refuses after discussions break down.* • *Aisha is a long-term regular casual worker with a disability. She asks for later start times because of disability-related treatment, but her employer refuses and does not offer any alternative arrangement.* • *Helen is 58 and works for a WA public sector agency. She asks to work from home two days a week because of age-related health and travel issues, but her employer refuses without resolving the dispute.* • *Naomi is experiencing family and domestic violence. She asks for a temporary change to her hours so she can attend appointments and safety planning, but her employer does not respond within 21 days.* • *Peter is caring for his father, who has a serious illness. He asks to change his work pattern to attend regular medical appointments, but his employer refuses and the dispute remains unresolved.*

Equal remuneration *Industrial Relations Act 1979 (WA)* s 51O	**You may be able to bring an equal remuneration matter if you say employees are not receiving equal remuneration for men and women for work of equal or comparable value in the WA state system.** This is not a general unfair-pay claim; it is about gender-based unequal remuneration. *Example:* • *Natalie works in a female-dominated clerical classification in the WA state industrial relations system. She says the work is of comparable value to a male-dominated technical classification, but the clerical role is paid substantially less.* • *A group of disability support workers say their female-dominated occupation is undervalued compared with a male-dominated occupation requiring comparable skill, responsibility and working conditions.* • *A union applies for an equal remuneration order for workers in a female-dominated occupation, seeking changes to pay rates and classification structures.* • *The Commissioner for Equal Opportunity applies for an equal remuneration order after identifying that a group of women are paid less than men doing work of equal or comparable value.* • *An employee group seeks an order that their work be reclassified because the current classification does not properly reflect the value of work performed in a female-dominated role.*
Long service leave disputes and review applications *Industrial Relations Act 1979 (WA)* s 44; *Construction Industry Portable Paid Long Service Leave Act 1985 (WA)* s 50	**You may be able to bring a long service leave dispute or review application if the matter is one the WAIRC can hear.** This includes ordinary long service leave entitlement disputes for non-construction employees, and certain reviews of Construction Industry Long Service Leave Payments Board decisions for construction-industry employees or employers. *Examples:* • *Rosa worked for a small, unincorporated accounting practice in WA for many years. After her employment ends, she says she should have been paid long service leave, but her former employer says she was not entitled.* • *Isaac works for a local government authority. He says his employer has calculated his long service leave entitlement incorrectly after a long period of continuous service.* • *Hannah is a former employee outside the construction industry. She says her employer has wrongly refused to recognise part of her continuous service when calculating her long service leave.* • *Connor is a construction worker. He says the Construction Industry Long Service Leave Payments Board wrongly assessed his portable long service leave entitlement.* • *BuildWest, a construction employer, says the Construction Industry Long Service Leave Payments Board made the wrong decision about an employee's registration record.*

	• *Maya is a construction worker. She says the Board wrongly refused or underpaid her portable long service leave payment.*
Public sector employment decision matters *Industrial Relations Act 1979 (WA)* ss 29(1)(g), (h), (i), (j), 36AA–36AH; *Public Sector Management Act 1994 (WA)*; *Health Services Act 2016 (WA)*	**You may be able to refer a public-sector employment decision matter to the WAIRC if you are a state public sector employee, former employee, eligible organisation or employer and want to refer a public-sector employment decision the WAIRC can review.** This can include disciplinary or substandard-performance decisions, conditions-of-service interpretation decisions, reclassification claims, certain redeployment or redundancy decisions, and some dismissal decisions. *Examples:* • *Priya works for a WA government department. Her employer makes a disciplinary finding against her under the public sector employment framework, and she wants to refer that finding to the WAIRC.* • *Daniel is a former public sector employee. His agency found that he had engaged in substandard performance, and he says the finding was unfair or wrongly made.* • *Mei works for a WA health service provider. Her employer makes a disciplinary decision under the health service employment framework, and she wants to challenge that decision.* • *Thomas is a public service officer. His agency interprets a conditions-of-service provision in a way that reduces an entitlement he says he should receive.* • *Amina is a government officer. She says the work value of her office has significantly changed and her position should be reclassified to a higher level.* • *Jordan works for a WA public sector agency. He disputes a redeployment decision made under the redeployment and redundancy regulations.* • *Claire is a WA public sector employee whose employment is terminated for reasons outside the specialist police, prison officer or youth custodial officer removal-from-office pathway.*
Referral of unresolved breach of public sector standards claim *Industrial Relations Act 1979 (WA)* ss 29(1)(l), 36AI–36AL; *Public Sector Management (Breaches of Public Sector Standards) Regulations 2005 (WA)*	**You may be able to refer an unresolved breach of public sector standards claim to the WAIRC if you first made a written breach of public sector standards claim to the public sector body, the agency resolution period passed without the claim being resolved or withdrawn, and the claim is about a specified standard that can be referred to WAIRC.** This includes the Employment Standard for transfer decisions only, Grievance Resolution, Performance Management, Redeployment, Termination, and any other prescribed specified standard. It does not include recruitment, selection, acting or secondment claims in this WAIRC pathway. *Examples:* • *Hannah lodges a written internal claim saying her WA public sector employer breached the Termination Standard when ending her employment. The agency resolution period passes,*

	the claim is not resolved, and Hannah refers the claim to the WAIRC. • *Omar says his agency breached the Performance Management Standard during a formal performance process. He first makes a written breach claim to the agency, then refers the unresolved claim after the agency resolution period.* • *Grace says her department failed to properly deal with her workplace grievance under the Grievance Resolution Standard. After the internal claim remains unresolved, she applies to refer it to the WAIRC.* • *Nathan challenges a transfer decision under the Employment Standard. He first uses the internal breach-of-standards process, then refers the unresolved transfer claim to the WAIRC.* • *Leanne says a redeployment process breached the Redeployment Standard. She makes a written claim to the public sector body, waits for the agency resolution period to pass, and then refers the unresolved claim.* • *Sam is unhappy about a recruitment process for a public sector job. That matter should not be matched to the WAIRC breach-of-standards referral pathway unless it is a transfer decision; unresolved recruitment, selection, appointment, acting and secondment claims remain with the Public Sector Commission pathway.*
Removal from office appeals *Police Act 1892 (WA)* ss 33P, 33ZI; *Prisons Act 1981 (WA)*; *Young Offenders Act 1994 (WA)* s 11CH	**You may be able to make a removal from office appeal if you are a police officer, prison officer or youth custodial officer appealing a removal-from-office decision that you say was harsh, oppressive or unfair.** This is a specialist employment stream and should not be confused with general public-sector employment matters. *Examples:* • *Michael is a WA police officer. The Commissioner of Police decides to remove him from office, and Michael appeals on the basis that the decision was harsh, oppressive or unfair.* • *Leila is a WA police officer who is medically retired under the Police Act. She says the medical retirement decision was harsh, oppressive or unfair and appeals to the WAIRC.* • *Andrew is a prison officer. The Chief Executive Officer of the Department of Justice decides to remove him from office, and Andrew appeals the removal decision.* • *Tessa is a youth custodial officer. The Chief Executive Officer decides to remove her from office, and Tessa appeals within the specialist removal-from-office pathway.* • *Ravi is a prison officer who wants to challenge a disciplinary decision that did not remove him from office. His matter may need to be considered under the public sector employment decision pathway instead, not this removal-from-office appeal pathway.*

Apprenticeship / training contract cancellation or termination appeals *Vocational Education and Training Act 1996 (WA)* ss 60F, 60G	**You may be able to make an appeal if you are an apprentice, trainee or employer appealing a decision of the Chief Executive Officer of the Department of Training and Workforce Development to cancel or terminate a training contract.** *Examples:* • *Ella is an apprentice electrician. The CEO of the Department of Training and Workforce Development terminates her training contract, and Ella wants to appeal that decision.* • *Mason is a trainee chef. The CEO cancels his training contract after a dispute with the employer, and Mason says the cancellation decision should be reviewed.* • *Noor is an apprentice whose training contract is terminated after her employer says the placement has broken down. Noor wants the WAIRC to review the CEO's decision.* • *WestBuild Training employs an apprentice. The CEO cancels the apprentice's training contract, and the employer says the cancellation decision was wrong.*
Owner-driver contract, code and joint-negotiation disputes *Owner-Drivers (Contracts and Disputes) Act 2007 (WA)*	**You may be able to bring an owner-driver dispute if it is a matter the Road Freight Transport Industry Tribunal can hear.** This can include disputes about the terms of an owner-driver contract, alleged breaches of the Act or code of conduct, and disputes about joint negotiations for an owner-driver contract. *Examples:* • *Tony is an owner-driver who delivers goods in a heavy vehicle for Metro Freight under an owner-driver contract. He says the hirer has refused to pay amounts owed under that contract.* • *Lina is an owner-driver. Her hirer changes key contract terms without proper notice, and Lina says the dispute arises under the owner-driver contract.* • *Sam operates a small road freight business as an owner-driver. He says the hirer has breached the owner-driver code of conduct by imposing unfair contract terms and refusing to negotiate properly.* • *Priya is an owner-driver. She says the hirer varied or ended the owner-driver contract in a way that breaches the Owner-Drivers Act or code of conduct.* • *A transport association refers a dispute about how joint negotiations for a proposed owner-driver contract were conducted.* • *A hirer and an owner-driver disagree about whether particular deductions are allowed under their owner-driver contract.*
Certain WHS Tribunal matters *Work Health and Safety Act 2020*	**You may be able to bring a WHS Tribunal matter if you have a work health and safety matter that the Work Health and Safety Tribunal is specifically allowed to hear.** This is not a general unsafe-workplace reporting pathway. It includes external review of certain inspector, regulator or internal-review decisions, and certain disputes about

(WA) ss 82, 89A, 229	unresolved WHS issues or continuity of engagement after unsafe work stops. *Examples:* • *SafeBuild receives an improvement notice from a WorkSafe inspector and applies to the WHS Tribunal to review the decision.* • *A health and safety representative disputes an inspector's decision after an unresolved WHS issue is referred for inspector involvement.* • *Kai stops unsafe work because he believes there is a serious risk, and a dispute arises about whether his continuity of engagement is protected under the WHS Act.* • *Greenway Logistics applies for external review after an internal review decision by the regulator.* • *A volunteer at a WA workplace is directly affected by a reviewable WHS decision and applies to have the matter heard by the Tribunal.* • *A union acting for an affected worker seeks Tribunal involvement in a WHS matter that the Tribunal is specifically allowed to hear.*
Police Compensation Tribunal disputes *Police Act 1892 (WA)* Part IIC	**You may be able to bring a Police Compensation Tribunal dispute if you are a medically retired former police officer or Aboriginal police liaison officer and you dispute a compensation determination the Police Compensation Tribunal can hear.** *Examples:* • *Mark is a medically retired former WA police officer. He says the approved medical specialist assessed his degree of permanent impairment too low.* • *Alana is a medically retired former Aboriginal police liaison officer. She says she should have qualified for compensation for permanent total incapacity.* • *David is a medically retired former police officer. He says the amount assessed for permanent total incapacity compensation is wrong.* • *Sofia is the spouse of a medically retired former police officer who cannot conduct the dispute himself. She seeks to lodge the dispute on his behalf.* • *James is a former commissioned officer who was medically retired because of a work-related injury or illness. He disputes the compensation determination issued after assessment.*
Union and employer industrial matters	**You may be able to bring an industrial matter to the WAIRC if you are a union, employer or eligible industrial party and the matter is one the WAIRC can deal with.** This can include a dispute about dismissal, discipline, rosters, wages, allowances, leave, hours,

Industrial Relations Act 1979 (WA) ss 7, 29, 42, 44	consultation, redundancy, industrial action, union activity, bargaining, or the interpretation of an award or industrial agreement. *Examples:* • *The Lakeside Council union applies to the WAIRC because members dispute how their industrial agreement is being interpreted for paid leave.* • *A local government employer and a union are in dispute about proposed roster changes and whether consultation obligations have been met.* • *A union brings an industrial matter about disciplinary action affecting one of its members, including suspension or reduction in classification.* • *An employer seeks WAIRC assistance because it says a union is taking industrial action during a dispute about bargaining.* • *A union applies for improved allowances or increased rates of pay for a group of employees covered by a WA industrial instrument.* • *An employer and union are in dispute about the use of fixed-term and casual engagements in the workplace.* • *A union brings a dispute about redundancies and whether affected employees have been properly consulted.* • *An employer and union jointly seek registration of an industrial agreement.*
Registered organisation and association matters *Industrial Relations Act 1979 (WA)*	**You may be able to bring a registered organisation or association matter to the WAIRC if the issue concerns a WA registered employee or employer organisation, association, or related industrial body matter that WAIRC can deal with.** This can include registration, amalgamation, rule changes, election issues, compliance with registered rules, right-of-entry permits, or relationship issues with a federal counterpart body. *Examples:* • *Members of a WA registered union say the organisation has not followed its registered rules when making a decision about membership.* • *A former member of a registered organisation applies for orders about the way the organisation has observed, or failed to observe, its rules.* • *Priya applies for membership of a registered employer organisation, is refused, and says the refusal did not comply with the organisation's rules.* • *A registered organisation applies to alter its rules, including changes to membership eligibility or the area of the State in which it operates.* • *A registered organisation seeks to change its name or substitute a new set of registered rules.*

	• *A member alleges there were irregularities in an election for office holders of a registered organisation.* • *A union secretary applies for a right-of-entry permit for an office holder or employee of the organisation.* • *A registered State organisation applies for a certificate connected to its counterpart federal organisation.*

Step 2: What is the Jurisdiction of the complaints body?

Jurisdiction	Description
State	This tribunal has powers to hear applications, claims, appeals, referrals and disputes under the law of Western Australia.
Geographical Scope	Most WAIRC employee complaint pathways are limited to the WA State system or specified WA public sector / local government employment. But a contractual benefit claim can also be brought against a Federal system employer. For stop bullying, sexual harassment and flexible working disputes, WAIRC's current guidance covers public sector employees, local government employees, and private sector employees only if the employer is not a National System Employer. For State public sector matters, jurisdiction turns on the statutory public sector categories and the relevant State employer / employing authority / public authority.
Time Limitations	It is important to be aware that certain claims in the WAIRC have time limits on when you can make your claim: **Unfair Dismissal and Removal from Office** claims need to be lodged with the WAIRC within 28 days of the decision. **Claims for Contractual Benefits** must be made within 6 years of the date that the contractual benefit is due. **Apprentices and Trainees Apprentices appealing decisions** to cancel or terminate their training contract must do so within 14 days of the date of the decision. **Sexual harassment applications/referrals** should be made within 2 years of the last instance of sexual harassment. If application or referral is not made within 2 years, the WAIRC may dismiss it. **Public sector redeployment or redundancy decisions** must be made within 21 days of the redeployment or redundancy decision. **Appeals against long service leave decisions** (in the construction industry) must be filed within 21 days of the initial long service leave decision. **Most other public sector matter applications** must be made within 28 days of the decision or finding you would like to challenge. **A dispute to the Police Compensation Tribunal** must be lodged within 28 days of the Police Commissioner's notice of the assessment

Jurisdiction	Description
	outcome (or within 28 days after the medically retired member's entitlement day). There are no time limits to apply for a Stop bullying order.
Exclusions	For many employee applications, WAIRC cannot deal with matters against a National System Employer. A contractual benefit claim cannot be used for an entitlement under an award, industrial agreement or Act. Some breach of public sector standards matters cannot be referred to WAIRC at all and instead stay with the Public Sector Commission pathway.
Exercise of discretion	Some limits are discretionary or threshold-based rather than absolute. WAIRC may accept some public sector referrals out of time if it would be unfair not to. It may dismiss a sexual harassment application/referral made more than 24 months after the last alleged conduct. It can make stop bullying or stop sexual harassment orders only if there is an ongoing risk of the conduct continuing.

Step 3: Who can you make a complaint against?

Respondent	Description
Employer / former employer	In unfair dismissal, contractual benefit, flexible working and many other employment matters, the respondent is usually the correct legal employer or former employer. The applicant should identify the legal entity, not just a trading name, owner, manager or supervisor.
Employing authority / public authority / State employer	In State public sector matters, the respondent is usually the State government employer. This may be an employing authority or a public authority. An employing authority is generally the office or position, such as Chief Executive Officer or Director General, not the individual person currently holding that role and not just a loose agency name.
Employer / principal in worker conduct matters	In bullying and sexual harassment matters, the employer or principal may need to be identified because WAIRC's jurisdiction depends partly on the work relationship and employer coverage.
Individual respondent in bullying or sexual harassment matters	In stop bullying and sexual harassment matters, the alleged conduct may be by an individual or group of individuals. Individual respondents should only be used where the pathway allows it. They should not be treated as a general respondent category for all WAIRC matters.
Public sector body	In a referral of an unresolved breach of public sector standards claim, the respondent is the public sector body to which the original internal standards claim was made.

Respondent	Description
Commissioner of Police	In some police removal-from-office or medical retirement matters, the relevant statutory respondent or decision-maker is the Commissioner of Police.
Chief Executive Officer, Department of Justice	In some prison officer and youth custodial officer removal-from-office matters, the relevant statutory respondent or decision-maker is the Chief Executive Officer of the Department of Justice.
Chief Executive Officer, Department of Training and Workforce Development	In apprenticeship termination appeals, the appeal concerns a decision of the Chief Executive Officer of the Department of Training and Workforce Development to cancel or terminate a training contract.
Construction Industry Long Service Leave Payments Board	In construction industry long service leave review matters, the respondent or decision-maker is the Construction Industry Long Service Leave Payments Board.
Exclusions	Not every issue involving a registered organisation can be brought to the WAIRC. Some WA registered organisation matters may fall within WAIRC's jurisdiction, while federal registered organisation matters may need the Fair Work Commission or another pathway.

Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	WAIRC does not have a single standing rule. Depending on the matter, the applicant may be an employee, former employee, worker, prospective worker, public service officer, government officer, registered organisation, employing authority or other authorised party under the legislation.
Pre-requisite steps	Some pathways require steps before filing. A flexible working dispute requires a prior written request, a written refusal or no response after 21 days, and attempts to resolve the dispute first. A breach of public sector standards referral requires an earlier written claim to the public sector body and the expiry of the 21-day agency resolution period. Reclassification applications also have pre-lodgement expectations.
Parallel complaints	Some claims cannot run in parallel with other pathways. A sexual harassment application/referral generally cannot be brought for the same allegation if enforcement proceedings have already started in the Industrial Magistrates Court or if the same allegation is already before an anti-discrimination body, unless that other matter has been withdrawn, discontinued or dismissed for want of jurisdiction. This

Eligibility	Description
	restriction does not apply in the same way to a stop-order-only application.
Can complaints be made on behalf of someone?	Yes, a complaint to the WAIRC can be made by a representative. A representative is someone who has the capacity to represent a party in a matter before the WAIRC, which could include union officials, employer associations, registered industrial agents, lawyers, family members or friends, who can help you at all stages of WAIRC proceedings including conciliation, mediation or if your matter goes to hearing. To appoint a representative, you will need to lodge Form 11 with WAIRC.
Exclusions	Some pathways are limited to specific people only. For example, removal-from-office appeals are a specialist pathway for police, prison and youth custodial officers. That is not a general WAIRC access rule; it is a limitation on that specific kind of matter.

Step 5: What remedies are available at this body?

Power	Description
Unfair dismissal	In unfair dismissal matters, WAIRC may order: • **Reinstatement:** If WAIRC finds that a dismissal was harsh, oppressive or unfair, it may order the employer to reinstate the employee to their former position on terms at least as favourable as before the dismissal. • **Re-employment in another position:** If reinstatement to the former role is impracticable, WAIRC may order the employer to re-employ the employee in another available and suitable position. • **Continuity of employment:** If WAIRC orders reinstatement or re-employment, it may also make an order to maintain the continuity of the employee's employment. • **Lost remuneration:** If WAIRC orders reinstatement or re-employment, it may also order the employer to pay remuneration lost, or likely to have been lost, because of the dismissal. • **Compensation:** WAIRC may order compensation for loss or injury caused by the dismissal only if reinstatement or re-employment is impracticable. Compensation cannot exceed 6 months' remuneration. • **Ancillary or incidental orders:** WAIRC may make ancillary or incidental orders needed to give effect to an unfair dismissal remedy, including orders about when the employer must comply.

Power	Description
Contractual benefit claims	**No interest or penalty** is available in a contractual benefit claim. The outcome is limited to providing the denied contractual benefit.
Stop bullying	If a stop bullying application is successful, WAIRC may make any order it considers appropriate, other than compensation, to **prevent** future bullying at work. WAIRC **cannot order monetary compensation** in a stop bullying matter. This pathway is preventive, not compensatory.
Stop sexual harassment order	If a stop sexual harassment order is sought, WAIRC may make an order to **prevent** future sexual harassment in connection with work, but only if there is a risk that the person will continue to be sexually harassed. WAIRC **cannot award compensation in a stop-sexual-harassment-order-only application**.
Sexual harassment referral	In a sexual harassment referral, WAIRC may: • order **compensation** for loss or injury suffered because of the sexual harassment. • order **payment for remuneration** lost, or likely to be lost, because of the sexual harassment. • order a person to **do a specified thing, or stop a specified activity**, to redress loss or injury suffered because of the sexual harassment. • make an order for the purpose of **preventing** future sexual harassment. Unlike a stop-sexual-harassment-order-only application, a sexual harassment referral does not require an ongoing risk of future sexual harassment before these broader referral orders can be made. • **declare** that the respondent sexually harassed the aggrieved person in connection with work. • **declare** that sexual harassment occurred because of the legal responsibility of another person, such as an employer or principal, where the statutory vicarious liability rules apply. • **declare** that it would be inappropriate for any further action to be taken in the matter.
Flexible working dispute	In a flexible working arrangement dispute: • WAIRC may declare whether the employer refused the request, or whether the employer's refusal was or was not based on reasonable business grounds. • If the employer did not respond, or did not respond adequately, WAIRC may order the employer to take specified action, such as responding to the request in writing or giving more detailed reasons.

Power	Description
	• If WAIRC is satisfied there is no reasonable prospect of the dispute being resolved otherwise, it may order the employer to grant the flexible working arrangement request. • WAIRC may order the employer to make a specified change to the employee's working arrangements, even if that is not exactly the change originally requested, where it accommodates the employee's circumstances.
Public sector matters – general determination	For public sector matter applications, WAIRC may conciliate the matter and, if unresolved, determine the matter within the limits of the particular statutory pathway. The available outcome depends on whether the matter is a dismissal, disciplinary finding, substandard performance decision, conditions of service interpretation issue, reclassification claim, redeployment/redundancy decision or other authorised public sector matter.
Public sector dismissal - unfair dismissal-type remedies	If WAIRC is dealing with a public sector dismissal matter and determines that the dismissal was harsh, oppressive or unfair, the unfair dismissal remedy limits apply. This means reinstatement, re-employment, continuity/lost remuneration orders, or compensation capped at 6 months' remuneration, depending on what is practical and legally available.
Public sector disciplinary or substandard performance decisions/ findings	For public sector disciplinary or substandard performance decisions/findings: • For certain public sector disciplinary or substandard performance decisions or findings, WAIRC may quash the decision or finding if the relevant statutory requirements are met. • WAIRC may remit the matter back to the employing authority. • WAIRC may direct the employing authority, if it continues the process, to recommence the process from a specified stage.
Public sector reclassification claims	If WAIRC decides a reclassification claim in favour of the government officer, it may: • determine the reclassification outcome • order that the decision takes effect from the date of the decision or from an earlier date, but not earlier than the date the officer applied to the employer for the reclassification
Public sector lawful redeployment direction matters	For some lawful redeployment direction matters, WAIRC's role is limited to deciding whether the direction was complied with or was capable of being complied with.
Breach of public sector standards referral	In a breaches of public sector standards referral: • If WAIRC decides that a public sector body breached a specified public sector standard, it may order that the action

Power	Description
	taken by the public sector body be quashed, meaning made void • WAIRC may order the public sector body to recommence the process from the beginning or from a specific stage • WAIRC may direct the public sector body to take specified steps in the recommenced process • WAIRC may order the public sector body to take specified action • WAIRC cannot order compensation for loss or injury caused by a breach of a public sector standard If an eligible breach of public sector standards referral concerns a transfer decision that has not yet taken effect, the transfer is automatically stayed while WAIRC decides the claim, unless WAIRC orders otherwise or the claim is withdrawn.
Apprenticeship termination appeal	In an apprenticeship termination appeal, WAIRC may: • confirm the decision of the Chief Executive Officer of the Department of Training and Workforce Development • set aside the CEO's decision and substitute a decision that the CEO could have made • order the CEO to decide the matter again
Removal from office	In removal-from-office matters: • for police officers, prison officers or youth custodial officers, WAIRC may uphold the removal or medical retirement decision • if WAIRC finds the removal or retirement decision was harsh, oppressive or unfair, it may order that the removal from office or retirement is to be taken to have always been of no effect and reinstate the officer
Construction industry long service leave review	In a review of a decision of the Construction Industry Long Service Leave Payments Board, WAIRC may: • affirm the Board's decision • vary the Board's decision • set aside the Board's decision and substitute another decision • send the matter back to the Board for reconsideration
Long service leave conference matters, if applicable	For non-construction long service leave disputes dealt with through a section 44 conference, if the parties reach agreement, WAIRC may: • make an order in the terms of that agreement, binding only the parties who consented • if WAIRC considers that an order is not needed, it may make, sign and file a memorandum of the terms of the agreement

Power	Description
	• hear and determine the dispute and make an order binding the relevant parties, if the matter is not settled by agreement
Procedural and interim orders	WAIRC may make procedural or interim orders where authorised, including directions about how the matter will proceed, discovery, evidence, timetables, adjournments, amendments, joinder of parties, and other steps needed for the fair and efficient handling of the matter.
Costs and expenses	WAIRC may order a party to pay another party's costs and expenses, including witness expenses, but not costs for the services of a legal practitioner or agent.
Dismissal of the application	WAIRC may dismiss an application, referral or claim if it is unsuccessful, outside jurisdiction, out of time and not accepted, not supported by the statutory threshold, trivial, unnecessary, not in the public interest, brought by someone without sufficient interest, or otherwise should not continue.
Enforcement of WAIRC orders	WAIRC orders are binding and enforceable, but WAIRC should not be described as the body that issues fines or penalties for breach of its orders. If a party does not comply, enforcement may need to be pursued separately in the Industrial Magistrates Court.
Penalties for breach of orders	Monetary penalties for breaching orders, including stop bullying, sexual harassment or flexible working orders, are later enforcement outcomes in the Industrial Magistrates Court. They are not remedies WAIRC itself awards in the original complaint/application.
Additional information you need to know	The WAIRC has discretion to make orders where authorised by the relevant pathway. WAIRC cannot order compensation in stop-bullying or stop-sexual-harassment-order-only applications. Sexual harassment referrals may allow compensation or other remedial orders, depending on the pathway and legal requirements.

Step 6: Preparing your complaint. What should it include?

Requirement	Description
Format	Complaints to the WAIRC must be made in writing and lodged with the WAIRC. The specific form will differ depending on the type of matter your complaint relates to. Below are links to the forms for each claim/application: • Unfair dismissal • Dismissal from office for public sector employees • Contractual benefit claims • Bullying and sexual harassment

Requirement	Description
	• Flexible working arrangements • Public Sector Matter Applications • Equal remuneration provisions • Appeal against long service leave decisions • Disputes about owner-driver contracts to the Road Freight Transport Industry Tribunal • Work health and safety matters
Personal Details	When you complete a form with the WAIRC, you need to put in some personal details, which include: • your contact details including name(s) and address; • whether you need an interpreter to assist you or any other accommodations to be made for you; and • the details of your representative (if you have one). You cannot make your claim or application anonymously.
Respondent's Details	In most cases, you will need to provide the details of the person or the company that you are claiming against. These details could include: • the name of the person, organisation or business; • the business trading name (if applicable); • ACN or ABN number; • postal address; • phone number; • email address; and • the nature of the Respondent's business.
Relevant Facts	When you prepare your claim or application, the Form you use will give you some guidance on what details to include to support your application. It is important to answer these questions clearly. You will generally need to provide details of the relevant facts of the incident/s, the outcome you are seeking, and the reasons why your application should be accepted. You can provide supporting documents when you submit your completed form but you should only submit documents that are directly related to the issues in dispute.
What NOT to include	You should only include basic information and supporting documents that are directly related to the issues in dispute. All your background and supporting documents should be provided at a later stage (if the matter goes to hearing).

Requirement	Description
Additional information you need to know	If you are attending a hearing or appearing at WAIRC and need an interpreter, you should contact WAIRC in advance so they can arrange an interpreter for you. You can arrange interpreters in: • your spoken language; or • in AUSLAN. You will not need to pay for the interpreters. The WAIRC will send you a copy of your completed form once it has been submitted. If you need help understanding how the WAIRC works and what you need to do, you can contact the WAIRC staff. They can: • give you information on its processes; • explain how to fill out forms; and • suggest other organisations that might be able to help you. Please note that the WAIRC cannot give you legal advice.

Step 7: Lodging your complaint and next steps.

Step	Description
Where to lodge your complaint	• **Online form:** You can lodge your claim or application through the WAIRC Portal. To do this, you will need to register an account which requires you to enter your email address, your name and surname. You will also need to make a password. • **Email:** You can also lodge your claim or application by emailing your completed form to the WAIRC at registry@wairc.wa.gov.au. • **Post:** You can post your completed form to the WAIRC's postal address: Locked Bag 1, Cloisters Square, Perth WA 6850 • **In person:** You can also lodge your completed form in person at Level 17, 111 St Georges Terrace, Perth WA 6000
Respondent's response	The Respondent will have the opportunity to file and serve a response to your claim or application. There will usually be a timeframe for them to respond to your application by completing, filing and serving their own form. Their completed, filed version will be sent to you by the WAIRC.
Mediation	The WAIRC provides free mediation for employment disputes. The WAIRC can handle many types of employment disputes through mediation, so it is likely that the WAIRC can help you to mediate your dispute. The WAIRC can mediate disputes falling under the Commonwealth jurisdiction as well as the Western Australian jurisdiction. That means

Step	Description
	if you are a Commonwealth employee or employer, the WAIRC can still mediate your dispute. To start the process to mediate your dispute, you need to complete *Form M1 – Request for Mediation* and then lodge the form to the WAIRC. The WAIRC can take any action to assist you and the other party to resolve your dispute. It cannot, however: • make a party in the mediation do something (or not do something); • arbitrate the dispute; or • make a decision in relation to the employment dispute. If the parties reach agreement at the mediation, the WAIRC may register the agreement as a settlement agreement.
Conciliation	The WAIRC can conduct a conciliation conference to help parties resolve their employment disputes. Its purpose is to explore whether an agreement can be reached. If a conciliation is successful, the matter will not need to go to hearing. Most disputes heard by the WAIRC will involve conciliation. You can have multiple conciliation conferences with the WAIRC if that is what is needed to resolve your dispute. If you have any other questions about conciliation conferences, you can read the WAIRC Conciliation factsheet or watch the WAIRC Conciliation video for more detail.
Arbitration / hearing	If a conciliation or a mediation is unsuccessful, the usual next step is to go to hearing. Hearings at WAIRC are very similar to court hearings. They involve both parties making written submissions and arguing the matters in a formal environment. There are two types of hearing at the WAIRC. **Interlocutory or Preliminary Hearings** resolve procedural or administrative issues about a claim that need to be resolved before the WAIRC can address the main claim. **Substantive hearings** are where the WAIRC hears and determines the substance or merits of the issue(s) in dispute. This is where you would argue your case and give evidence. Each party at a hearing has the opportunity to present evidence and call witnesses to support their cases. Witnesses can be cross-examined. At the end of the hearing, the Commissioner will make a final, binding decision called a determination. Sometimes the Commission will reserve its decision at the end of a hearing, meaning that it will take some time to consider what has been presented before making its determination. Therefore, you may not find out the result of the dispute immediately after the hearing finishes. You can get more information by reading the WAIRC hearing factsheet.

Step	Description
Additional information you need to know	Conciliation conferences and mediations are done on a "without prejudice basis". This means that anything you discuss in the conference cannot be used against you if the matter goes to hearing. In contrast, WAIRC hearings are open to the public and all hearing decisions will be published online. The WAIRC can only help you find information on its processes and to fill out the necessary forms. If you need other help, the WAIRC can tell you about other organisations that may be able to assist you instead.

Step 8: Post-complaint – what if you are not happy with the outcome of your complaint?

Avenue	Description
Appeal to the Full Bench	If you are unhappy with a WAIRC decision, you may be able to appeal to a Full Bench of the Commission. You need grounds of appeal. This may include, for example, that the Commission made an error of law, acted outside power, or made a significant error in how it dealt with the evidence or process. You generally cannot raise any new evidence in the appeal. This means you can only use evidence that you used in the WAIRC hearing. It is good to get legal or industrial advice before you appeal a decision the WAIRC has made at a hearing.
Enforcement in the Industrial Magistrates Court	If a WAIRC order is not obeyed, enforcement may need to be pursued in the Industrial Magistrates Court. This is a separate enforcement pathway. The Court may be able to enforce orders and impose penalties for non-compliance.
Alternative or concurrent sexual harassment pathways	Sexual harassment allegations may also fall within anti-discrimination or Industrial Magistrates Court pathways. However, the same allegation generally cannot be pursued as a WAIRC sexual harassment application/referral if it is already included in enforcement proceedings or anti-discrimination proceedings, unless that other matter has been withdrawn, discontinued or dismissed for want of jurisdiction. This is a pathway-choice issue, not part of WAIRC's ordinary complaint process.
Separate voluntary mediation service	WAIRC also offers a separate voluntary mediation service for employment disputes where the parties consent, or where there is a written referral arrangement. This is not an appeal, review or enforcement pathway and should not be confused with WAIRC's ordinary complaint/application process.
External review/ remedies	If you are unsatisfied with a decision of the Full Bench of the WAIRC, you may be able to appeal its decision to the Industrial Appeal Court. You are only able to appeal to the Industrial Appeal Court if it seems like:

Avenue	Description
	• the WAIRC has acted outside its jurisdiction in making its decision; • there has been an error of law; or • the appellant has been denied their right to be heard. You must file an appeal to the Industrial Appeal Court within 21 days from the date of the Full Bench's decision. This time limit cannot be extended. If you are thinking about appealing a decision to the Industrial Appeal Court, you should consider getting legal advice first.
Public interest disclosure or whistleblowing pathways	Public interest disclosure, corruption, misconduct or whistleblowing processes are separate from WAIRC's ordinary employment application pathways unless the specific WAIRC pathway itself applies. They should not be folded into this factsheet as WAIRC complaint outcomes.
Additional information you need to know	To appeal to the Full Court Bench, you need to complete and file *Form 8* with the WAIRC within 21 days of the WAIRC's decision in the main hearing. Appeals to the Industrial Appeals Court must be filed within 21 days of the date on which the Full Bench makes its decision.

Step 9: Other bodies that handle employment-related complaints

Complaint body	Description
Australian Human Rights Commission	The Australian Human Rights Commission (AHRC) can handle complaints about discrimination that occurs in employment, education, the provision of goods and services, accommodation, sport or the administration of Commonwealth laws and services. If you have experienced discrimination, bullying or harassment on the basis of your sex, disability, race, age or sexual preference, the AHRC may be able to help. There are also State Government discrimination complaint bodies who may also be able to assist.
Office of the Australian Information Commissioner	The Office of the Australian Information Commissioner (OAIC) can handle complaints about the way personal information has been handled by Australian Government agencies and some private organisations. The OAIC can also review freedom of information decisions that are made by Australian Government agencies and ministers. There are also State Government privacy and information complaint bodies who may also be able to assist.
National Anti-Corruption Commission	The National Anti-Corruption Commission (NACC) handles complaints about serious or systemic corruption in the Australian Government public sector.

Complaint body	Description
	WA corruption or misconduct bodies may also be relevant for WA public sector corruption or misconduct concerns.
Fair Work Commission	The Fair Work Commission is Australia's national workplace relations tribunal and registered organisations regulator. The Fair Work Commission can hear a variety of claims or applications for national system employees (employees who work for the Commonwealth government, employees of Commonwealth authorities and some employees who work interstate or overseas trade or commerce). In Western Australia, the Fair Work Commission will also hear applications for employees working for companies formed and operating in Australia (other than local government organisations).
Fair Work Ombudsman	The Fair Work Ombudsman is the national workplace relations regulator. It helps employees and employers by providing information, education and advice on pay rates and workplace rights and obligations. It also enforces compliance with the Act, other related legislation, awards and registered agreements.
Department of Local Government, Industry Regulation and Safety – Private Sector Labour Relations	Private Sector Labour Relations is a division of the Department of Energy, Mines, Industry Regulations and Safety. It regulates employers to ensure they are following state employment laws. It is also responsible for developing policies and reforms for labour relations. You can complain to Private Sector Labour Relations if you have been underpaid wages or leave entitlements.
WorkSafe	WorkSafe assists the regulator to administer the WHS Act in Western Australia. WorkSafe works with employers, employees and employee representatives to set up and maintain systems of work so that employees are not exposed to hazards.
Public Sector Commission	The Public Sector Commission maintains and advocates for public sector professionalism and integrity. It is concerned with defining the underlying values of the public sector and building and regulating the public sector.

Need help preparing or pursuing your complaint?

Below are organisations that may be able to help you to make your complaint, provide support or advocacy during the complaint process or give you more information.

Organisation	Contact Details	How they can help
WAIRC	Website: https://www.wairc.wa.gov.au/general-information/contact-us Email: registry@wairc.wa.gov.au Telephone: (08) 9420 4444 or 1800 624 263	The WAIRC can provide you with more information about its processes and the steps you need to take to prepare your claim or application. It can also refer you to other organisations that may be able to help you with other queries you may have.
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provides support to people if English is not their first language.
National Relay Service	Website: www.accesshub.gov.au	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.
National Information Service	Website: https://humanrights.gov.au/our-work/complaint-information-service/make-enquiry Email: infoservice@humanrights.gov.au Telephone: 1300 656 419 (Option 2) and 02 9284 9888	Provides information and referrals for individuals, organisations and employers about a range of human rights and discrimination issues.
Deaf Connect (formerly WA Deaf Society)	Website: https://deafconnect.org.au/contact-us Email: info@deafconnect.org.au Telephone: 1800 893 855 Address: 44A Kings Park Rd West Perth WA 6005	Provides a range of support to deaf and hard of hearing Western Australians.
Circle Green Community Legal	Website: https://circlegreen.org.au/ Telephone: (08) 6148 3636 Address: Ground Floor, 445 Hay Street, Perth 6000	Circle Green is an independent, non-for-profit community legal centre who are specialists in workplace issues in Western Australia. You may be able to get free legal advice by contacting Circle Green.

Organisation	Contact Details	How they can help
Law Access	Website: https://lawaccess.org.au/ Telephone: 08 6488 8725 Address: PO Box 3359 Broadway, Nedlands WA 6009 Application form: https://lawaccess.org.au/legal-help/find-legal-help/	Law Access is a non-for-profit organisation that is a "last resort" for people needing legal advice. You can apply for legal help on the website. You may be able to get assistance for a variety of legal issues.
Wageline	Website: https://www.wa.gov.au/organisation/private-sector-labour-relations/contact-wageline Telephone: 1300 655 266 Email: wageline@demirs.wa.gov.au Wageline is open and will take calls between 8:30 am to 4:30 pm on Monday to Friday (except for Western Australian public holidays).	Wageline is an information service for private sector employees in Western Australia. It can help with information on long service leave and pay rates for state system employees. It is a service provided by Western Australia Private Sector Relations.
Working Women's Centre WA	Website: https://www.wlswa.org.au/wwcwa/ Telephone: (08) 9272 8800 or 1800 625 122 You can contact by telephone on Monday to Friday from 9:00 am to 4:00 pm	Working Women's Centre offers free and confidential support to women and gender diverse people including legal assistance, welfare services, information and referrals for work-related issues such as workplace rights, unfair treatment or discrimination or sexual harassment or assault.

Self-help tools and additional resources

Resource	How this helps
WAIRC Resources	A resource page with general resources for making a claim or application with the WAIRC.
Call It Out	Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.
Law Society: Know Your Rights	Guidance for individuals who are uncertain about where to start when seeking legal advice. Note that this is a NSW resource but has some general information that may be relevant in other states.
Practice-Notes	Guidance on the rules for making a claim or application to WAIRC.

Resource	How this helps
Conciliation	A video with guidance on how to prepare for and what to expect from a conciliation conference at WAIRC
Fact sheet – Conciliation Conference	A fact sheet prepared by WAIRC with guidance on preparing for and attending a conciliation conference.
Fact sheet - Evidence	A fact sheet prepared by WAIRC with guidance on preparing and submitting evidence in a hearing.
Fact sheet - Hearings	A fact sheet prepared by WAIRC with guidance on what happens at a hearing and preparing for hearings.
Fact sheet - Mediation	A fact sheet prepared by WAIRC with guidance on what happens at a WAIRC mediation and preparing for a mediation.
Fact sheet - Representation	A fact sheet prepared by WAIRC with guidance on who can represent you at the WAIRC and providing some suggestions if you are representing yourself.
Circle Green Community Legal – Update on recent changes to employment laws	An article published by Community Green Legal outlining the changes made to WA employment laws effective from January 2025 and what they could mean for you (if you want to make a claim or application to WAIRC).
Circle Green – Sexual Harassment claims guide	Guidance on making sexual harassment applications to the WAIRC (updated to January 2025).