



**Consumer Complaints Committee
Complaints Handling Procedures**

September 20, 2017

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1. Introduction

The Consumer Complaints Committee (CCC) is established under Section 18 (1) (q) of the Telecommunications Act Chap: 47:31 (the Act) and functions as a Board-appointed committee to collect decide on and report on consumer complaints.

The committee will employ the option of mediation to resolve consumer complaints in the first instance failing which it will conduct formal hearings.

2. Relevant Legislation

The relevant Sections of the Act which were taken into consideration in the framing of these complaint handling procedures are:

Section 3(c):

*“The objects of the Act are to establish conditions for—
promoting and protecting the interests of the public by—*

(i) promoting access to telecommunications services;

(iii) providing for the protection of customers;

(iv) promoting the interests of customers, purchasers and other users in respect of the quality and variety of telecommunications services and equipment supplied”

Section 18(1)(m):

“Subject to the provisions of this Act, the Authority may exercise such functions and powers as are imposed on it by this Act and in particular investigate complaints by users, operators of telecommunications networks, providers of telecommunications and broadcasting services or other persons arising out of the operation of a public telecommunications network, or the provision of a telecommunications service or broadcasting service, in respect of rates, billings and services provided generally and to facilitate relief where necessary”

Section 18(1)(q):

*“Subject to the provisions of this Act, the Authority may exercise such functions and powers as are imposed on it by this Act and in particular—
establish a consumer complaints committee to collect, decide on and report on consumer complaints, such reports to be included in the Authority’s annual report;”*

Section 18(3):

“In the performance of its functions, the Authority shall have regard to the interests of consumers and in particular—

(a) to the quality and reliability of the service provided at the lowest possible cost;

(b) to fair treatment of consumers and service providers similarly situated;

(c) in respect of consumers similarly placed, to non-discrimination in relation to access, pricing and quality of service; and

(d) current national environmental policy.”

3. Review Cycle

This document will be modified as deemed necessary by the Authority based on amendments to the Telecommunications Act and Regulations.

4. Definitions

In these provisions:

"Complainant" means the party making the complaint.

"Respondent" means the party against which the complaint is made.

“In writing” includes email or any means of telecommunications that provides a notice.

Words used in the singular include the plural and vice versa, as the context may require.

5. Scope of Application

The CCC Complaints Handling Procedures give context and direction to ensure the:

- a) fair and reasonable investigation of complaints
- b) decision-making process
- c) resolution of matters raised in the complaints.

Where a complaint is referred to the CCC for a resolution in accordance with the Telecommunications Authority of Trinidad and Tobago’s Consumer Complaints Handling Procedures and requires further examination and/ or additional information, such dispute shall be settled in accordance with these Procedures.

6. General Powers of the CCC

The CCC shall:

1. review and decide on complex complaints referred to it by the Division within the Authority responsible for consumer complaints that cannot be resolved through normal operations.
2. mediate between the parties towards resolution of complaints.
3. conduct Hearings in such manner as it considers appropriate where mediation fails.
4. in all cases, ensure that the parties are treated with equality and that each party is given a fair opportunity to present its case.
5. ensure that Hearings take place with due expedition.
6. hold hearings at the request of either party or at its own volition.

7. Impartiality and Independence of the Members of the CCC

Each member of the CCC shall be impartial. If at any stage during the hearing process, circumstances arise that might give rise to justifiable doubt as to any CCC member's impartiality or independence, such circumstances shall be brought to the attention of to the parties, the CCC and the Authority.

If at any stage during the hearing process, a CCC member determines that the matter being heard represents a conflict of interest, that member shall recuse himself and be disqualified from any further participation in the process.

If two or more members are so disqualified, the Board shall appoint temporary members.

8. Advisory Services

The CCC, through the office of the Chief Executive Officer, may co-opt persons from time to time to assist and advise on matters being deliberated by the committee. Such persons may be from within the Authority or be independent experts in various fields.

Such co-opted persons shall have no voting power, and shall serve only in an advisory capacity.

8.1. Internal Advice

The CCC, through the office of the Chief Executive Officer, may co-opt members of the Authority from time to time who are experts within the Authority with the relevant technical competence in the area to provide advice.

8.2. Independent External Advice

Where the expertise does not reside within the Authority the CCC shall, through the Chief Executive Officer, co-opt experienced individuals who will be called upon to advise on consumer complaints.

9. Resolution of Complaints

9.1. Mediation

The CCC shall employ the principles of mediation to resolve complex complaints as a first resort.

9.2. Hearings

Where mediation fails, the CCC shall conduct hearings in accordance with the Authority's Dispute Resolution Procedures as referred to in Section 82. (1) of the Act as it relates to Section 18(1)(m).

9.3. Challenge of member of the CCC

Any CCC member may be challenged by a party if circumstances exist, that give rise to a justifiable doubt as to the member's impartiality or independence.

The challenged member will be asked to step down from the Committee until such time as the matter(s) giving rise to the concern(s) are investigated and where applicable remedied.

The Board shall appoint temporary member(s) as necessary to ensure the maintenance of the quorum.

10. Indemnity of CCC

The indemnification afforded to the Board and Authority under section 17:1 of the Act 17. (1) shall apply to the CCC.