



COMPLAINT SUBMISSION GUIDANCE



Employment Standards Office
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Preamble

There are alternative routes to exercise the rights under the QFC Employment Regulations (the “Regulations”) and report a contravention of such Regulations:

- the judicial route: you may file a claim in the QFC Civil and Commercial Court at the Qatar International Court and Dispute Resolution Centre (QICDRC) or
- the administrative route: you may file a complaint with the Employment Standards Office of the QFC in accordance with Part 12 of the Regulations.

Before filing either a claim before the Court or a complaint with the Employment Standards Office, you may wish to consider whether it could be more constructive or appropriate to have your complaint dealt with through internal processes provided for by your employer (whether by referring a matter to the Human Resources department or the Compliance department, where available).

Proceedings before both the QFC Civil and Commercial Court and the Employment Standards Office are free of charge (although please note that the Civil and Commercial Court does have the power to make an order of legal costs against you if your claim is unsuccessful). Please also note that, once either the judicial or administrative route is chosen and the proceeding is completed, the alternative route is no longer available. This means that, if you choose to file a complaint with the Employment Standards Office and the Employment Standards Office makes a determination of the complaint, if you are dissatisfied with the determination, you cannot file the same complaint before the Court. You have, however, the right to withdraw your complaint at any stage of the Employment Standards Office proceeding before a determination is made. After the Employment Standards Office makes a determination, if you are dissatisfied with that determination, you have the right to appeal the determination before the Regulatory Tribunal at the QICDRC.

The following information will guide you through the complaint process before the Employment Standards Office.

1. BEFORE SUBMISSION

➤ Who can file a complaint?

QFC employees, former employees or other persons, including employers can file a complaint before the Employment Standards Office to report a contravention of QFC Employment Regulations.

➤ Which matters fall under the Employment Standards Office mandate?

The Employment Standards Office has the power to investigate contraventions of QFC Employment Regulations. The Employment Standards Office may determine to keep the complainant’s identity confidential if it determines that such disclosure may have an adverse effect on the complainant or the investigation.



➤ In which cases may the Employment Standards Office refuse to accept a complaint?

The Employment Standards Office may refuse to accept, review, mediate, investigate or otherwise resolve a complaint or may stop or postpone any such activity if:

- The QFC Employment Regulations do not apply to the complaint;
- The complaint is frivolous, trivial or is not made in good faith;
- There is not enough evidence to prove the complaint;
- The Employment Standards Office, the Civil and Commercial Court or the Regulatory Tribunal has previously made a decision or an order relating to the subject matter of the complaint;
- The complainant has not taken the requisite steps specified by the ESO to facilitate resolution or investigation of the complaint, or
- The dispute that caused the complaint is resolved.

2. HOW TO FILL A COMPLAINT FORM

A complaint filed with the Employment Standards Office must be in writing and contain the following:

- A. name, address and telephone number of the complainant and the complainant's representative (if any);
- B. name, address and telephone number (if known) of the respondent;
- C. details of the complaint including a concise statement of the relevant matters or alleged violation, the remedies sought by the complainant and list of documents attached to the complaint (if any);
- D. the relationship between the complainant and the respondent;
- E. the signature of the complainant, and
- F. the date on which the complaint is filed.

The complainant must specify in the complaint form whether it requests assistance for conciliation, mediation or adjudication (please refer to Annex 1 for details of the different alternative dispute resolution services we provide).

If the complainant chooses adjudication, it can request the Employment Standards Office to attempt an amicable settlement of the complaint before starting the investigation.

During the course of the investigation the Employment Standards Office communicates with the parties and may request additional information and documents.



Evidence and supportive documents must be attached to the complaint to allow the Employment Standards Office to conduct the investigation in a timely manner.

3. SUBMISSION OF COMPLAINTS

The complainant may submit a complaint via email at eso@qfc.qa or deliver it at

Employment Standards Office
QFC Tower 1, 8th Floor
Sun-Thu from 7.00 am to 2.30 pm

4. AFTER SUBMISSION

Upon receipt of the complaint, the Employment Standards Office conducts a preliminary assessment and requests further information and documents, if appropriate. Depending on the nature of the complaint, the Employment Standards Office may explore with the complainant the opportunity to attempt an internal resolution of the complaint with the human resources or compliance department, in which case the Employment Standards Office puts the complaint on hold until the conclusion of that process is exhausted.

If the Employment Standards Office accepts the complaint, it follows the procedures related to the Alternative Dispute Resolution (ADR) method chosen by the complainant (conciliation, mediation or adjudication).

If the complainant has chosen conciliation or mediation and the parties reach an agreement, the Employment Standards Office may assist them in drafting or reviewing the settlement agreement; if the parties do not reach an agreement, the Employment Standards Office declare the conclusion of the conciliation or mediation.

If the complainant has opted for adjudication, the Employment Standards Office conducts an investigation, upon completion of which it gives the parties the opportunity to provide oral and written submissions before the determination is made. A copy of the determination is notified to both parties at their address for service, and the dissatisfied party may appeal the determination before the Regulatory Tribunal at QICDRC.

- Regardless of the ADR method chosen by the complainant, an amicable settlement of the dispute can be reached at any stage of the proceeding. If you need assistance in completing the complaint form, please send an email to eso@qfc.qa



Annex 1 – Difference between conciliation, mediation and adjudication

Conciliation, mediation and adjudication are the Alternative Dispute Resolution (ADR) mechanisms that the Employment Standards Office offers to facilitate conflicting parties in the QFC in resolving their employment disputes in an informal setting.

Conciliation and mediation are non-adversarial methods that focus on assisting parties in reaching voluntary agreements, with the key difference being the level of control retained by the parties during the proceedings.

Both aim to help parties focus on the problem, overcome emotional blockages and deadlock, understand the other party's case, probe each party's case in private meetings to help them identify interests and needs, assess their own weaknesses and the chances of settlement realistically and safely, save face and frame settlement proposals effectively, among others. However, whilst the conciliator plays a relatively direct role in the actual resolution of a dispute and even advises the parties on certain solutions by developing and making proposals for settlement, the mediator maintains neutrality and impartiality during the entire proceeding, acting as a facilitator.

Adjudication, on the other hand, involves less control from the parties on the proceeding and a binding determination made by the adjudicator. Although adjudication proceedings are confidential, determinations made by the adjudicator may be made public if they are appealed before the Regulatory Tribunal at the QICDRC.

Each ADR mechanism has its own characteristics and processes, which are identified below along with a table summarising their distinctions.

Conciliation

Process: The conciliator acts as a neutral, independent and impartial third party who assists the parties involved in an employment dispute in reaching a voluntary settlement agreement.

Role of the conciliator: The role of the conciliator is to facilitate communication and negotiation between the parties. The conciliator may develop and suggest to the parties alternative ways to settle their differences without making decisions on their behalf.

Legally Binding: The outcome is not legally binding unless the parties agree to it in writing.

Control: Parties have significant control over the conciliation proceeding.

Mediation

Process: The mediator, also a neutral, independent and impartial third party, helps the disputing parties communicate, identify issues, and explore possible solutions.



Role of the mediator: The role of the mediator is exclusively to facilitate dialogue without interfering with the parties' decision. The mediator does not give advice nor suggest ways to resolve the dispute.

Legally Binding: The outcome is typically not legally binding unless the parties choose to formalise it in a legal agreement.

Control: Parties maintain full control over the mediation proceeding.



Adjudication

Process: Adjudication involves the submission of the dispute to a neutral, independent and impartial adjudicator (or a panel of adjudicators) for a binding decision.

Role of the adjudicator: The adjudicator investigates the complaint, reviews evidence, hears arguments, and, after giving both parties the opportunity to state their case, issues a legally binding determination. At any stage of the adjudication proceeding and before a determination is made, the adjudicator may explore the parties' availability to settle the dispute amicably.

Legally Binding: The determination is legally binding and enforceable. It can be appealed before the Regulatory Tribunal at the QICDRC.

Control: Parties have limited control over the final outcome as it is determined by the adjudicator. However, at any stage of the adjudication proceeding and before a determination is made, the parties may settle their dispute or withdraw the complaint.

	Conciliation	Mediation	Adjudication
Neutral Third Party	Yes	Yes	Yes
Role of the Third Party	Facilitates communication and may develop and propose to the parties alternative ways to resolve the dispute	Facilitates communication without giving advice	Makes binding determination
Legally Bounding Outcome	Optional (if parties agree)	Optional (if parties agree)	Legally binding
Control by the Parties	Significant	Full	Limited

