



CONSUMER COMPLAINTS PROCEDURE

As part of its mandate, the Commission has a responsibility of ensuring that the provision of all licenced products and services is conducted in such a manner as to confer optimum benefits to both the consumer and the economy. The Eswatini Electronic Communication Act, Section 17 provides for licensees to establish an efficient mechanism for receiving complaints. Section 36 (1) of Eswatini Communications Commission Act also empowers the Commission to investigate complaints filed by an end-user of electronic communication, broadcasting as well as postal and courier services.

In the event that a product or service proves defective or unsatisfactory, it is important for the consumer to complain as soon as possible. Complaints in the postal and courier sector should be raised within one (1) month and broadcasting complaints should be submitted within three (3) months. Complaints relating to telecommunications should be submitted within six (6) months of the occurrence.

A complaint is any grievance alleging non-compliance by a Service Provider with the Eswatini Communications Commission Act, 2013, terms and conditions of its license, Regulations gazetted in terms of the Act, or any directive issued in terms of the Act.

TYPES OF COMPLAINTS

You can lodge a complaint against any service provider licensed by the Commission to provide telecommunications, broadcasting as well as postal and courier services.

The broad categories of complaints that may be lodged are as follows:

COMPLAINTS AGAINST TELECOMMUNICATIONS SERVICE PROVIDERS

- Quality of service complaints, such as complaints about network coverage; dropped calls; line installation, activation, suspension and suspension of service
- complaints about the billing of data, voice, SMS and international roaming services
- Contract renewal and termination
- Breach of lawful personal privacy

COMPLAINTS AGAINST POSTAL AND COURIER SERVICE PROVIDERS

- Quality-of-service complaints about poor service or misbehaviour by post office staff
- Delayed, wrong delivery or non-delivery of mail items
- Lost, damaged or stolen mail items
- Delayed payment or non-payment of money order or electronic money orders
- Non-receipt of acknowledgement of registered articles
- Abstraction of contents of mails articles except articles.

COMPLAINTS AGAINST BROADCASTING SERVICE PROVIDERS

- Billing complaints such as TV licence disputes
- Broadcasting complaints such as allegations of non-compliance with the Broadcasting Code, Broadcasting Guidelines, the broadcaster's licence terms and conditions or applicable legislation or regulations.

LODGING COMPLAINTS WITH THE COMMISSION

The primary responsibility for complaint resolution rests with the Service Provider and the Service Provider's complaints handling processes must be exhausted before a consumer approaches the Commission for assistance.

ESCCOM will investigate consumer complaints against any service provider if there is sufficient evidence to establish a case. Consumers should follow the steps below when lodging their complaints with ESCCOM;

- Step 1:** First lodge the complaint with the relevant service provider and request a reference as well as an indication of an expected timeline to resolve the issue.
- Step 2:** Keep records of all facts substantiating the complaint and correspondence made with the service provider.
- Step 3:** If the Service Provider does not respond, or their response is unsatisfactory, do escalate the complaint to the Commission.

A complaint can be lodged with the Commission through any of the following channels;

- By filling in the complaints form on the ESCCOM website, <https://www.esccom.org.sz/consumers/complaints-form/>
- By sending an email to info@esccom.org.sz
- Telephonically by calling 2406 7000
- Via the post to P. O. Box 7811, Mbabane,
- Hand delivered to the ESCCOM Offices;

- 4th Floor, Sibekelo Building, Mbabane.
- Through social media on the **Eswatini Communications Commission** Facebook page or **ESCCOM_eswatini** Twitter handle.

The complaint should include, as much as possible, the following details;

- The name, physical address and contact details of the complainant,
- The name and contact details of the service provider,
- Full details of the complaint,
- Attachments of all documents pertaining to the complaint, including evidence reflecting the steps taken in addressing the complaint with the service provider.

Upon receiving a complaint, the Commission shall;

- Register the complaint in a Complaints Register,
- Acknowledge receipt of the complaint within 24 hours,
- Determine if the complaint falls within the Commission's jurisdiction.
 - If within its jurisdiction, the Commission will review the details of the complaint and intervene by forwarding a copy of the dispute to the service provider for resolution. The service provider shall, within 7 days, submit a response to the Commission. If the complaint is resolved, the service provider will notify both the complainant and the Commission of the positive outcome. The Commission will confirm this status with the complainant and close the case. If the complaint is not resolved, or the stipulated time period has expired, the Commission shall decide on the matter and issue a decision on the dispute as guided by its Legal and Compliance Directorate and such decision will be communicated to both the service provider and the complainant, following which, the case will be closed.
 - If the complaint falls outside its authority, the Commission shall notify the consumer of this position and refer them to the relevant alternative Authority and then close the consumer complaint.
- The Commission may also independently commence investigations for possible contravention of licence conditions. Where the Commission is satisfied that a licensee is contravening or has contravened the Act, Regulations, Guidelines, decision, directives, codes, standards, policies or any other legal framework made under the Act or any condition of its licence, it shall secure compliance with the Act, Regulation, legal framework or condition in question. The Commission may provide for a public hearing and consider public views received in making its final determination on the matter.

Complaint resolution is a free service to users of telecommunications, postal and broadcasting consumers who have been unable to settle disputes directly with their service providers.

COMPLAINTS THAT MAY NOT BE CONSIDERED

- A complaint with incomplete details to facilitate resolution
- Complaints outside the Commission's jurisdiction
- A complaint made after the reasonable time period has lapsed, making it impossible to investigate and resolve
- A complaint that is frivolous or made in bad faith