



## Introduction

It is inevitable that complaints will arise in relation to the purchase of communications equipment and services. As a result, consumers can find themselves in disputes with vendors or service providers. There are, however, right and wrong ways to complain. There are also a number of regulations that have been specifically designed to protect the interests of the consumer.

## Which body regulates all complaints against the communications industry?

In its mandate, The Communications Commission of Kenya is charged with the responsibility of ensuring that the provision of telecommunications services is conducted in such a manner as to confer optimum benefits, both to the citizens of Kenya, and to the economy of the nation. To this end, the Commission is empowered to handle all complaints that are made against those organizations which it has licensed to operate and to assist in the resolution of any disputes that may arise.

## The rights of the consumer

A consumer has certain rights under the laws of Kenya. Before making any form of complaint, it is wise to know and understand what these rights are. Consumers are also advised to read all documents that may have been supplied at the time of purchase of either a product or service, and to supply copies of all such literature in any communications they may have.

## The United Nations Guidelines for Consumer Protection

In 1985, the United Nations issued its endorsement of eight specific 'consumer rights'. These are now internationally recognized and should be taken into consideration whenever problems arise between consumers and suppliers.

They are:

1. **The right to safety** - the right to be protected against products, production processes and services that are hazardous to health or life.
2. **The right to be informed** - the right to be given the facts and information you need to make your own choices.
3. **The right to choose** - the right to be able to choose from a range of products and services offered at competitive prices. As a consumer, you have the right to expect satisfactory quality.
4. **The right to be heard** - the right to have your interests as a consumer represented in government policy.
5. **The right to redress** - the right to a fair settlement of consumer disputes, including the provision of compensation in relation to the incidence of misrepresentation, the supply of shoddy goods or the provision of unsatisfactory services.
6. **The right to education** - the right of access to the knowledge and skills required to make an informed and confident choice with regard to the purchase of goods and services.
7. **The right to a healthy environment** - the right to live and work in an environment which does not threaten the well-being of present or future generations.
8. **The right to the satisfaction of basic needs** - the right of access to such basic essential goods and services as; adequate food, clothing, shelter, health care, education and sanitation.



## The importance of prompt action with relation to complaints

In the event that a product or service proves defective or otherwise unsatisfactory, it is important for the consumer to complain as soon as possible. This is due to the fact that if a consumer continues to use a faulty product or service they may be considered to have accepted it as such. Some contracts or warranties stipulate set time-limits for the raising of a complaint, but even in the absence of such stipulations it makes good sense for the consumer to complain as soon as any defects become apparent – not least because the facts surrounding the complaint will be fresh in their minds.

## When not to complain

Once a purchase has been made, the consumer cannot take action against the vendor if:

- He/she was aware of the defects at the time of purchase.
- He/she has changed their mind about the purchase – or found a cheaper alternative.
- He/she has not followed the instructions on how the item should be used.
- A malfunction or failure is the result of long-term use ('normal wear and tear').

## Proof of purchase

It is the responsibility of the consumer to prove that they purchased the goods or service about which they wish to complain. Ideally this proof should be offered in the form of the sales receipt. In the absence of such, and if the consumer paid by credit or cheque, the credit card slip or statement, a cheque stub or bank statement will suffice.

## Where to start when making a complaint

It is advisable to commence the complaints procedure with an informal complaint – by telephoning or speaking to the vendor of the item or service. This gives them the chance to react in the correct manner and make immediate efforts to resolve the complaint for you. Most licensed operators are more than willing to resolve complaints amicably and swiftly.

If informal contact with the vendor does not deliver the required results, the next complaint should be delivered in writing. At this stage it is useful to check if the vendor has a specific route for customer complaints – a specific complaints department, or complaints form. When making a written complaint:

- State ALL the facts clearly and concisely
- Remain objective and truthful – do not exaggerate
- Keep a copy of the correspondence
- Attach copies of all relevant documents to your complaint (receipts, warranties/guarantees)

## How do I file a complaint with the CCK

In the event that repeated requests to a vendor or a service provider for assistance are not met satisfactorily – in whatsoever terms are pertinent – then the consumer is entitled to approach the Communications Commission of Kenya. This should be done as follows:

- In writing to the Director-General
- Providing copies of all documents pertaining to the complaint
- Providing an indication of how the consumer would like to complaint to be resolved.