

This tipsheet is intended to provide general information and is not a substitute for legal advice.

If you are a consumer who's unhappy with something you've bought recently, or a merchant who's tired of complaining customers, you can benefit by handling complaints effectively. Most complaints can be settled if buyers and sellers recognize each other's rights and responsibilities, and use common sense. This tipsheet provides some guidelines to help resolve complaints and negotiate solutions that are fair to both parties.

Know your rights and responsibilities before complaining

Many complaints result because consumers don't understand their rights and responsibilities when dealing with the return of deposits and goods.

Getting a deposit back

A deposit is money you give to a business to hold goods for you. The business agrees to hold the goods, and promises not to sell them to anyone else for a certain time. This gives you a chance to decide if you really want to buy the goods.

The law does not require stores to return deposits. Each store sets its own rules so ask the salesperson what they are. If you are told you can get your deposit back, ask the salesperson to write that promise on your receipt and to sign it.

Returning unwanted goods

If you change your mind about something you bought, the law does not require the store to let you return it. Each store sets its own rules about returns. For example, you may have to present your receipt, and return the goods within a certain number of days. The store will usually decide whether you get a refund, an exchange, or credit. For health reasons most stores don't allow you to return certain items, such as swimsuits and earrings for pierced ears. Ask about a store's return policy before you buy.

Returning damaged goods

Sometimes you buy goods and find, when you get home, that they are damaged or don't work properly. Here are four common situations:

- If the store where you bought the goods advertises "satisfaction guaranteed or your money refunded," it should live up to its promise and refund your money. You may prefer to have the goods replaced, and the store will probably agree to do so.
- If the goods came with a warranty, the warranty may cover repair or replacement. Read the warranty. If you're still not sure if it covers repair or replacement, check with the store where you bought the goods.
- If the store doesn't have a "satisfaction guaranteed" policy and there's no warranty either, the store should repair the goods. If the store refuses, your only recourse may be through the courts.
- If the goods were sold "as is," the store doesn't have to repair or replace them.

Returning goods sold "as is"

Used and damaged goods are often sold "as is." That means they are sold with all their good and bad features. When you buy something "as is," you accept the defects in it. Before you buy something "as is," check it carefully. There's no warranty, so you'll have to pay the cost of any repairs it may need.

You do have some protection when you buy "as is" goods. The *Fair Trading Act* requires salespeople to tell the truth about a product. Salespeople break the law if they sell you defective goods when they know you aren't aware of the defects.

Refusing goods that don't arrive on time

A business may promise to deliver goods to you by a certain date. But, if the goods don't arrive as promised, you can't automatically cancel the contract. You must usually give the business a reasonable amount of extra time past the promised date to deliver the goods. If you feel the delay is too long, talk to the manager of the business. Explain why you can't accept the delay. The manager may agree to cancel the contract, or you could negotiate a delivery date that works for you both.

If you definitely must have goods delivered by a certain date, make the delivery date a condition of the contract. Ask the salesperson to write on your receipt or contract: "This sale is conditional upon receipt of goods by (date)."

Cancelling a purchase from a door-to-door seller

If you bought something from a door-to-door seller and pay more than \$25 for it, special conditions may apply. Under the *Fair Trading Act*, you have the right to cancel any contract that is negotiated or concluded in your home. You must cancel the contract within ten days after you receive a copy of the contract. You don't have to give a reason for cancelling. You can cancel the contract by any method as long as you can prove you cancelled. You can send or deliver the notice to any address on the contract. If you have paid a deposit, the

company must refund it. For more information, get the tipsheet *Dealing with Door-to-Door Sales*.

Planning your purchases carefully

Take steps to avoid consumer problems. Avoid buying on impulse. Think about why you want something, what you need it for, when you must buy it, and how you're going to pay for it. Compare products in consumer magazines. Compare prices in different stores before you buy, and deal with reputable businesses. Beware of extravagant claims about a product or service. Make sure you read all instructions and terms of guarantees before you buy. If the label on your new sweater says "Dry clean only," don't expect it to hold its shape after you wash it.

Consumer's guide to complaining effectively

There are three ways to make a complaint - in person, by telephone, or in writing.

If you complain in person, it's a good idea to bring along a witness. When you get home, write down what happened at your meetings. These notes will be useful in case there is any question about what was decided during your talks.

Telephone complaints don't get the best results, as it's often difficult to get through to someone who is able to help you. If you must complain by phone, gather all your information together before you make your call. When you phone, jot down the names of the people you talk to. Don't be put off. Keep asking to talk to someone willing and able to help you. When you get through to that person, explain your problem clearly. Then ask exactly what will be done about it, and when. Make sure you go over what has been agreed before hanging up the phone. Follow up with a letter which describes the agreement, and keep a copy.

Written complaints work the best. Your letter should be short, neat, and typed if possible.

Read the *complaint letter checklist* for a list of information to put in your letter. Try to keep it to one page, and address it to a named person if you can. (You may have to call the business first to find out who would deal with your problem.) Send your letter by certified or registered mail so that you can prove you sent it. Keep a copy.

Complaint letter checklist

When you write a letter of complaint, include:

- your name and address
- a telephone number where you can be reached during the day
- the name or type of product or service you bought
- the price you paid
- the date and place of your purchase
- a description of the problem and what you've done to try to solve it
- what you want the company to do about the problem
- copies of receipts or other documents

Whichever method you choose, you'll get the best results if you prepare before you complain. Follow these guidelines:

- Decide exactly what your problem is, and who you think is responsible. Be fair about this. If you are unhappy with an item because you've changed your mind about the colour or model you want, you don't have a reasonable complaint. If there is something wrong with the item, or it doesn't live up to the claims made by advertisements or salespeople, you have every right to complain.
- Get your facts in order, so that you can explain your problem briefly and clearly.
- Complain promptly. This is most important if you are dealing with a product or service with a limited-time warranty.
- Complain to the right person. Start with the person you first dealt with, or the customer service department. If they can't help, ask for the name of someone who can. Keep a note of the people you speak with, and what they have said.

- When you complain, your behaviour is very important. Be firm, assertive, and persistent, but stay calm and reasonable. Don't apologize for complaining. You have a right to complain about shoddy products or poor service.
- Show any documents (warranties, bills, sales slips, advertising material, etc.) you may have to support your claim. Don't give the original copies away, make photocopies.
- Say what you want done, and suggest a reasonable length of time for solving the problem. Do you want the item repaired or replaced? Do you want a refund? Will you take a credit note? Think over carefully any offer the business makes.
- Don't give up. If the business won't help you, take your complaint to a consumer agency. Ask for advice from local consumer organizations, the Better Business Bureau, or your local chamber of commerce. You might also get in touch with any industrial or trade associations to which the company belongs, and ask for help.

Where to go if you need more help

If you're sure that your complaint is reasonable, contact the nearest office of Alberta Government Services, Consumer Services Branch. Someone there may be able to help you solve the problem or put you in touch with an agency that could help.

If all else fails and you are complaining about something worth \$25,000* or less, you could file a claim in the Civil Division of the Provincial Court. You can find out more about the Court from the Alberta Justice and Attorney General's office. Look under "Government of Alberta" in your phone book. (* The new \$25,000 limit for small claims actions came into effect November 1, 2002.)

Merchant's guide to dealing with complaints

Always take complaints seriously, no matter how trivial they may seem to you. Small complaints can lead to bigger problems and loss of business. Follow these steps:

- Set up a complaint handling system, and be sure your staff know about it. You may want to ask staff to fill out complaint forms, which describe the problem and the action taken.
- Listen carefully and politely to the customer's problems. Explain the situation from your point of view. Admit any errors frankly.
- Be prepared to negotiate. Suppose a customer has asked for a refund on an item of clothing, even though the deadline for making refunds has passed. Perhaps the customer has been ill, or the weather has been extremely bad. Consider allowing the customer to exchange the item for another item of equal value.
- Co-operate with any government consumer relations officer, lawyer, newspaper consumer columnist, or other mediator brought in to help resolve the problem. Describe your side of the dispute so the mediator can help find a satisfactory solution.

Avoid conflict by communicating clearly

Be clear about exchanges and refunds. This is one of the best ways to reduce complaints.

- Post notices about your store's refund and exchange policy so customers and staff can easily read them.
- Be specific. "Absolutely no refunds or exchanges" is more straightforward than "Sales are final."
- If you offer exchanges or credits, but not refunds, make sure customers understand the difference.
- Clearly identify any exceptions to your policy. For example, if you exchange all items of clothing except bathing suits, make sure customers know this.

- Make sure customers understand the conditions under which you will make refunds or exchanges. If they need a sales receipt, or a time limit exists, state this clearly. Communicate clearly with staff and customers. Be sure your staff know how long deliveries, repairs, and other services will take. Don't let them make promises you can't keep. If you can't deliver on the date promised, call the customer and explain the circumstances.

Don't use misleading terms. Don't claim that something will last "a lifetime" if it will only last five years with normal use.

Know your obligations. Be sure you and your staff are familiar with consumer protection legislation.

For more information call Alberta Government Services, Consumer Services Branch for the names of agencies and associations that could help negotiate a settlement in a consumer complaint.

Alberta Government Services
Consumer Services Branch
Edmonton (780) 427-4088
toll free in Alberta 1-877-427-4088
www.gov.ab.ca/gs

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