Complaint and appeals mechanisms: Protecting the right to social security [zero draft]

Key points

- Access to sound and effective complaint and appeal mechanisms, as well as remedies, is core to any rights-based social security system.
- Redress mechanisms are an essential vehicle for the effective exercise of every individual’s right to social security. They provide a means for users to seek an impartial review of the due application of the legal framework as a means to guarantee the human right to social security.
- Such mechanisms also allow social protection systems, and the actors that are part of these, to be held accountable and “in touch” with their constituents through the detection and possible remedy of malfunctions, inefficiencies or violation of rights and obligations during the initial stages of collection and processing of complaints.
- International human rights and social security standards enshrine the right to recourse and independent review as well as the underlying principles for the design of social protection systems generally, and complaint and appeal mechanisms specifically.
- The Social Security (Minimum Standards) Convention, 1952 (No. 102) and the subsequently adopted more advanced standards lay out the basic principles and parameters of the right to complaint and appeal as regards the quality and quantity of benefits.
- These were most recently confirmed and further elaborated by the Social Protection Floors Recommendation, 2012 (No. 202) which specifically advocates for redress mechanisms to be: impartial, transparent, effective, simple, rapid, accessible and inexpensive.
- States have a duty to establish and effectively implement the parameters of effective complaint and appeal mechanisms by translating these principles into tangible rights and obligations.
Introduction

Access to complaint and appeal mechanisms, as well as effective remedies, is core to any human rights-based social protection system. Every individual is entitled to social security and it is the State’s obligation to adopt measures that enable protected persons to effectively claim their rights. In this sense, these mechanisms provide stakeholders with the procedural vehicles to hold the social security institutions accountable for effectively complying with the applicable legal frameworks. They also serve to hold social protection administrators but also, to a variable extent, policy makers accountable for how schemes are implemented and fundamental rights to social security are secured.

Thus, to give effect to the human right to social security, social protection systems need to incorporate effective mechanisms allowing to lodge and process complaints, and provide for independent appeal procedures. International human rights and social security standards underline the right to efficient and accessible complaint and appeal procedures, and enshrine many guiding principles that can be used to design sound normative frameworks. In this respect, the overarching principle established by ILO’s normative framework is that the State assumes the general responsibility for the proper administration of national social security systems. This priority has also been highlighted by SDG 16 aimed at promoting peace, justice and strong institutions, which is key for achieving SDG target 1.3, namely “implementing nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable” (ILO, 2010).

The role of complaint and appeal mechanisms: subjecting social protection systems to the rule of law

The State has the general responsibility to ensure the adequate provision of benefits to those who are rightfully entitled to them. Complaint and appeal mechanisms play an essential role in securing observance of the rights and obligations of the State, of those involved in the financing of the system, including employers, as well as of protected persons. Establishing a declaratory right to social security is therefore not sufficient. Giving it substance means setting up a system but also establishing procedural and legal guarantees to secure the right of complaint and appeal (ILO, 2019).

The proper implementation of social protection systems requires States to provide protected persons or employers with legally established means for voicing their grievances. This promotes claimants’ ownership of the system by reference to rights and obligations duly established by the national legal framework. Grievance and recourse mechanisms also foster accountability of the institutions responsible for delivering social protection and can prevent the sense of unlawful or arbitrary deprivation of rights while enabling the effective functioning of both the administration of social security and of the justice system (ILO, 2011). For instance, if the provision of benefits is suspended, as permitted in article 69 of the Social Security (Minimum Standards) Convention, 1952 (No. 102), the suspension would need a legal basis and be justified according to the particularities of the case. Accompanying the legal framework with an easily accessible and reader-friendly course of action to address complaint and appeals related to social security issues enables users to gain clarity and much needed confirmation about their rights and obligations. It is therefore of primary importance, notably in cases where benefits are refused, suspended or paid at lower rates or during shorter timeframes. In this regard, the right to lodge a complaint or appeal is a fundamental part of ensuring procedural fairness, which in turn is a pivotal dimension of strengthening the legality of social protection systems (ILO, 2011).

Box 1: Guaranteeing complaint and appeal mechanisms throughout international standards

The following international standards have long since enshrined the right to recourse, as well as underlying procedural principles, such as the right to an independent tribunal and effective remedies, to guide States in the design of accountability mechanisms.

International Human Rights Instruments

- Article 8 & 10 of the Universal Declaration of Human Rights, 1948
- Article 2(3) of the International Covenant on Civil and Political Rights, 1966

International Labour Standards

- Article 70 of the Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Article 23 of the Employment Injury Benefits Convention, 1964 (No. 121)
- Article 34 of the Invalidity, Old-Age and Survivors’ Benefits Convention, 1967 (No. 128)
- Article 29 of the Medical Care and Sickness Benefits Convention, 1969 (No.130)
- Article 27 of the Employment Promotion and Protection against Unemployment Convention, 1988 (No.168)
- Paragraphs 63, 112 to 114 of the Medical Care Recommendation, 1944 (No. 67)
- Paragraph 27 of the Income Security Recommendation, 1944 (No. 69)
- Paragraph 7 of the Social Protection Floors

1 “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” (https://sustainabledevelopment.un.org/sdg16)
What’s more, grievances also serve as a means to consistently evaluate and improve the adequacy of policies and service delivery, further ensuring the responsiveness of social protection systems to protected persons’ needs. Without the establishment of institutional mechanisms to receive and process complaints, a State can hardly ensure the proper administration of social security services and institutions. Complaints and appeal mechanisms are also essential for holding all involved actors accountable, including policymakers and programme administrators. This forms an essential element of a rights-based approach to social protection. Furthermore, by monitoring the functioning of grievance mechanisms, social security administrators and policy makers can also determine where the implementation pitfalls remain and reflect on ways of reforming the social security system, including to secure greater compliance. In certain cases, the national judiciary may have the power to declare legislative or regulatory provisions as violating higher legal norms, as for example the national constitution or a ratified international treaty. Together with action taken by the State at the legislative and executive power levels, setting up effective complaint and appeal mechanisms is the third lever by which the State fulfils its responsibility for the proper administration of its social security system (ILO, 2016).

International standards: Providing the blueprints for strong grievance mechanisms

Both human rights and social security standards consider the existence of strong grievance mechanisms as prerequisites for the effective realization of social security rights and obligations (see Box 1). Complaint and appeal mechanisms need to be an integral part of national social security frameworks guided by the principles set out by these various international instruments. This necessarily entails providing the relevant authorities with the mandate to impose effective remedies when a complaint results in a confirmed violation. In this regard, the Committee on Economic, Social and Cultural Rights, a body of independent experts that monitors the implementation of the International Covenant on Economic, Social and Cultural Rights, recommends that all victims of violations of the right to social security be entitled to adequate reparation, including restitution, compensation, satisfaction or guarantees of non-repetition (UN CESC R, 2008).

Realizing the right of complaint and appeal – a State’s responsibility to design and implement proper grievance mechanisms

In addition to specifically establishing the right to complain and appeal, Convention No. 102 sets out that these rights are an essential part of the State’s responsibility in the administration of social security (articles 70 to 72). The State is responsible not only for the due provision of benefits, but also for the institutions that manage services and must take all measures required to ensure the respect of social security rights and obligations. Oftentimes, national social security legislations, including in countries such as Spain or Viet Nam, have explicitly defined the responsibility of the State in the proper supervision and administration of social security to include the settlement of complaints and disputes.²

In carrying out there responsibility for the proper administration of social security systems, States have the flexibility to organize the administration of both social insurance and social assistance according to their national needs and circumstances. Many countries, including, but not limited to, Austria, Cambodia, Madagascar or Malaysia, have established separate institutions to manage social insurance and social assistance benefits, and accordingly their respective grievance procedures. In the case of Bulgaria, the Social Assistance Agency and the Social Security Institute administer the contributory and non-contributory benefits respectively. However, both entities are subject to the same administrative rules, thus simplifying complaint and appeal procedures for beneficiaries.³

Although a large majority of States have directly incorporated grievance mechanisms into their national social security legislation,⁴ many social assistance programmes throughout the world remain guided merely by policy documents and practical arrangements rather than proper legal frameworks. Without such a legal basis, it can be difficult to challenge the application of the law before the competent national authorities. Given that non-contributory schemes are generally designed to support groups in situations of vulnerability and precariousness, adequate and legally established grievance mechanisms are all the more important in these cases (Sepúlveda and Nyst, 2012). Ultimately, without a sound legal framework prescribing accountability mechanisms, the State fails at fulfilling its obligations towards the individuals most in need.

In this respect, Pakistan has, for example, grounded its contributory and non-contributory programmes in separate normative frameworks. Both enshrined basic principles, including the right to recourse but grievance (article 117(5)), which both refer to the Administrative Procedure Code, 2006 (as amended in 2019).⁴

² Spain, Real Decreto Legislativo 8/2015, de 30 octubre, por el que se aprueba el texto refundido de la Ley General de la Seguridad Social (art. 135, 303(3), 350); Viet Nam, Law No. 58/2014 on Social Insurance (art. 7(6)).
⁴ In 2019, 75 per cent of governments indicated this was the case (ILO, 2019).
mechanisms are determined by each institution separately. The Benazir federal social assistance programme, granting income support and medical treatment for certain target beneficiaries, is managed by its own board of directors which enacts the programme’s regulations. Grievances regarding eligibility for the Benazir programme may be filed within 30 days of said decision and the accompanying procedural requirements are detailed in the authority’s regulations.5

The overall responsibility of the State for the proper administration of social security systems includes the design of grievance mechanisms that are culturally sensitive and avoid stigmatization. This is also core to any rights-based social security system as part of the principles of non-discrimination and equality6. The State is responsible for mainstreaming these principles in the design and implementation of social protection systems as a means to ensure they are accessible to all, with special attention to vulnerable groups, and do not stigmatise beneficiaries7. This includes paying attention to the particular needs of persons in atypical forms of employment. This can be achieved by adapting complaint and appeal procedures, for example by integrating multiple channels for presenting complaints, allowing anonymous complaints, ensuring confidentiality, and considering low levels of literacy (including legal and digital literacy)8. Requirements which may undermine the physical or mental integrity of citizens should also be avoided. For example, in order to adequately serve all segments of the population, States may consider creating facilitation centres that assist in formulating claims. In South Africa, for instance, the Social Assistance Act requires the Agency to offer all reasonable assistance to a person, who, due to his or her age, a disability or inability to read or write, is unable to understand, appreciate or exercise his right or her rights, duties or obligations in terms of this Act, in the official language of the Republic which he or she is likely to understand.9 Similar measures to promote, inter alia, the accessibility of services for persons living in remote locations or in need of assistance with communications, have been adopted in Bulgaria, Malaysia, Viet Nam and Thailand. The ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) and Domestic Workers Convention, 2011 (No.189) also recognize the need to adapt complaint and appeal mechanisms to the particular contexts of the informal economy and domestic work.

Setting the foundation for the right to recourse

Landmark social security standards have cemented the importance of grievance procedures for the proper functioning of social security systems. As such, anchoring the right to recourse in national legal frameworks is an indispensable step in creating a sound social security system as well as part of the State’s responsibility. Convention No. 102 establishes a core set of principles applicable to all social security systems, among which the right to complaint and appeal (article 70). The Social Protection Floors Recommendation, 2012 (No. 202), which calls for constituting national social protection floors as part of comprehensive social security systems, equally advocates for enshrining complaint and appeal mechanisms in law and further details the principles on which such mechanisms should be rooted (paragraph 7).

According to international social security standards, claimants should at least have a right of complaint as regards the quality or quantity of benefits as well as a right to appeal in case of refusal of the benefit. Concretely, a claimant considering that his or her legal entitlements have been partially, or fully, unobserved should be able to have their claim examined, first, by the social security institution, and, in case of disagreement with the decision, seek appeal with an impartial and independent tribunal. The right of appeal should equally extend to employers including when their contributions, or other obligations, are called into question.10 In cases where all social security related claims are settled by special tribunals that have been established to deal with social security questions and comprise representatives of persons protected, international social security standards do not require an instance of appeal, however this tends to be common practice, at least in certain instances.

In order to take the general principles embodied in international standards into account, States often foresee the need for establishing effective, independent and impartial grievance mechanisms in general terms in their national constitutions. Enshrining these rights in this manner is a prima facie protection guaranteeing that any law that contradicts the provisions set out therein may be deemed unconstitutional and inoperable (ILO, 2016). As a result, this may lead tribunals to invalidate the laws or regulations found in breach of these general constitutional principles. Indeed, many countries have adopted this approach and protected the right to judicial review in their national constitutions, thus demonstrating the fundamental role such mechanisms play in guaranteeing the supremacy of the rule of law.

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5 Benazir Income Support Programme Act, 2010 (Article 21).
6 for example, UDHR, Article 8 and ICCPR, Article 2
8 Ibid.
9 Social Assistance Act No.13 of 2004 (section 2(3)).
10 See paragraphs 63 and 112 of the Medical Care Recommendation, 1944 (No. 69); paragraph 27 of the Income Security Recommendation, 1944 (No. 67).
In Portugal, for example, the Constitution provides that every citizen has the right to individually, or jointly with others, submit petitions, representations, claims or complaints in defense of their rights (Art. 52(I)). Although this is not an exhaustive list, the right to complain or appeal can also be found in the Constitutions of China, Colombia, Namibia, Poland, Spain, Slovenia, the Russian Federation, and Vietnam.

Grounding complaint and appeal mechanisms on key internationally agreed principles

In fulfilling their overall responsibility, States need also to ensure that the grievances mechanisms established are designed with due regard to a set of key principles. Not only did Recommendation No. 202 establish complaint and appeal procedures as a fundamental element of social protection systems, it established a set of principles from across labour, civil and administrative procedures that contribute to fostering a culture of compliance and embody elements of a rights-based approach. Equally essential elements of the rule of law, these key principles stand as prerequisites for the full realisation of social security rights and obligations.

Independent & impartial

Taking further the approach of Convention No. 102, Recommendation No. 202 sets out that complaint and appeal mechanisms must be impartial and independent. Social security legislation should guarantee the right to recourse to an external body independent from that which administers benefits. The majority of countries have indicated that their accountability mechanisms reflect this particular principle recognized by social security standards (ILO, 2011b) while also recognizing the possibility to see claims initially examined by the relevant social protection institution.

Transparent, simple, accessible and inexpensive

Grievance mechanisms must be transparent, simple and accessible. Decisions taken by the relevant authorities should be motivated, clearly explaining, in writing, the applicable legal basis and the reasoning leading to a particular outcome. In Norway, any decision rendered by the Norwegian Labour and Welfare Administration will include an explanation on how to proceed should one decide to appeal the decision, whom to address and the deadline. In addition, reporting procedures should be clearly established and information on the financial and administrative operations of social security programs should be publicly available, allowing persons to understand how programmes function and who is responsible for their implementation.

Similarly, all operations, parameters and instructions should be simple. The language and terminology should be easily understandable, irrespective of a claimant’s background, education or other related circumstances. Measures should facilitate dialogue and promote cooperation between the social security system and its stakeholders, including as regards user disagreements and potential claims. Such an initiative has been promulgated in El Salvador, where protected persons have the right to be informed of any irregularities in their claim and must be provided with sufficient time to remediate. As previously mentioned, it falls within the State’s responsibility for the proper administration of schemes to safeguard and actively extend social security rights to all members of the community. In this sense, complaint channels should also be flexible to respond to various realities which may affect an individual’s capacity to claim their rights. In Mexico, recognizing the administrative hurdles that disproportionately affect workers in the informal economy, legislation was adopted to allow the lodging of complaints by means of mail, drop boxes, email, telephone, fax, in person or on the internet, complemented by a time-sensitive response requirement.

Complaint and appeal mechanisms should also, according to Recommendation No.202, be accessible and inexpensive. Given the complexity of social security legislations, protected persons should be entitled to legal aid to assist them in identifying and understanding their rights and obligations but also as means to not be discouraged from enforcing their rights. In many countries, users may be represented by a local non-governmental organization or State-appointed attorneys. In Viet Nam, trade unions may represent and even file lawsuits for violations of the social insurance law on behalf of worker. Similarly, the costs associated with accessing such mechanisms should not cause financial hardship to claimants nor deter them from lodging a complaint. As is the case in 40 per cent of countries, access to claims procedures should be free of charge to the applicant (ILO, 2019).

Rapid & effective

Finally, grievance mechanisms should be rapid and effective. As Portugal has illustrated with its digital information technology system Segurança Social Direta (Social Security Direct), users should receive an answer to their claim and be provided with adequate remedies in a timely manner. The new information and communication technology employed by the Portuguese social security system, which includes the electronic submission of certain complaints, was established to improve the speed, efficiency, security...
and convenience of services of the Social Security system (ISS, 2020). Moreover, attributing social security claims a priority status within national judicial systems, as in the Philippines,\textsuperscript{15} encourages claimants to lodge complaints knowing they shall be treated with minimal delay.

Oftentimes, social security benefits are claimants’ only means of revenue and they rely on these benefits to make ends meet. Unnecessarily postponing the payment of benefits can seriously threaten a protected person’s ability to survive. In consideration of this, States should adopt measures to support users as long as their claim is not resolved. For example, the procedures surrounding the provision of disability pensions may involve various instances and evaluations which overall prolong the period during which a protected person is not receiving any form of income. In Bulgaria, to remedy this situation, claimants may receive a temporary basic pension while awaiting a decision on the degree of disability.\textsuperscript{16}

Establishing comprehensive complaint and appeal processes

Generally, grievance procedures should be two-fold; consisting first in an administrative review, followed by a judicial appeal. The design of claims proceedings varies in each country, but can ultimately be classified into four main procedural legal categories: (i) internal administrative procedures, (ii) special judicial procedures (iii) judicial procedures before general courts, and (iv) mixed procedures (ILO, 2011). In principle, for a social security system to comply with the requirements set out in ILO social security standards, including Convention No. 102, grievance mechanisms must allow claimants to appeal against the decision of the administrative authority that reviewed the initial claim. Of course, no two countries being alike, as mentioned above, where social security claims are settled by special tribunals on which the persons protected are represented, ILO standards do not require establishing a right of appeal against the decisions of such authorities (article 70).

In most cases, lodging an administrative complaint is the first procedural step, often made directly with the administrative authority involved in rendering the contested decision, for example with regards to the eligibility conditions, or the amount or duration of benefits. The decision may be reviewed by the initial decision-maker, but more often than not the complaint is lodged with a higher level administrative authority, within the social security system itself. In some cases, such as in Panama, the Philippines and Norway, a second level of administrative appeal exists.\textsuperscript{17}

Once this initial phase is completed, claimants usually have the right to appeal to an external independent authority, in most cases part of the country’s judiciary system. This second level appeal may be lodged in administrative courts, labour courts, social security jurisdictions or in the general court. The Income Security Recommendation, 1944 (No. 67) specifically advises that appeals be treated by a specialized social security tribunal (paragraph 27(8)). Accordingly, many countries, such as Kenya, Malaysia and Spain, have opted for the creation of tribunals that specifically address social security disputes.\textsuperscript{18} National legislations generally prescribe certain requirements, such as professional training, education and years of experience, for an individual to be named member of these specialized entities on which representatives of persons protected are often also present.

Likewise, States may go beyond establishing a general social security tribunal and create specialized chambers within such tribunals to address particularly complex contingencies. They can alternatively also create specific chambers within general tribunals charged with examining social security matters. For example, risks such as disability or employment injury involve an assessment of the level of incapacity. Establishing a committee of experts under such circumstances serves to provide a more comprehensive treatment of the complaint or appeal. In Oman, the

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\textsuperscript{15} Social Security Act No. 11199, 2018 (sec. 5(c)).

\textsuperscript{16} Code of Social Insurance, 1999, as amended in 2018 (article 98(7)).

\textsuperscript{17} Panama, Ley 51 que reforma la Ley Orgánica de la Caja de Seguro Social, 2005 (articles 114, 116 and 119); Philippines, Social Security Act No. 11199, 2018 (sec. 5); Norway, National Insurance Act, 1997, as amended in 2017.

\textsuperscript{18} Kenya, National Social Security Fund Act, 2013 (articles 15(8)(c) and 53); Malaysia, Employees’ Social Security Act, 1969, as amended in 2019 (article 83); Spain, Ley 36/2011 reguladora de la jurisdicción social (article 1).
Public Authority of Social Insurance transfers all requests pertaining to the evaluation of the degree of disability to the Appellate Medical Committee, composed of specialists appointed by the Ministry of Health. In addition to requiring medically qualified members, certain legislations require a tripartite composition consisting in a chairperson, a representative of employers and a representative of workers to ensure the representation of all stakeholders (see Box 2).

Building complaint and appeal legal frameworks

Anchoring and defining social protection rights in national legal systems, including the right to lodge complaints and appeals, is a fundamental part of ensuring their effective realization (UN CESC, 2008). States need to develop reliable legal frameworks, in line with international human rights and social security standards, in order to properly regulate the exercise of power, as well as increase protected persons’ visibility and capacity to claim their rights (Sepúlveda and Nyst, 2012).

Effective regulatory frameworks should express both substantive as well as procedural elements such as:

- Revision of programme eligibility
- Reporting of instance of abuse or errors
- Supervision of the distribution of benefits
- How to initiate a complaint or appeal a decision
- Which authority is in charge of the decision
- Which type of remedies are available
- Sanctions resulting from non-observance of law
- What are the time limits and formalities to be accomplished

These parameters allow users to clearly identify where they stand and what are their legally established rights and obligations within the system. In Namibia, the national Constitution sets the foundation for the right to recourse by enshrining its underlying principles: “Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed upon such bodies and officials by common law and any relevant legislation, and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a competent Court or Tribunal.” Constitutional provisions such as this are an imperative that guides the State in the subsequent organization of norms, rules and organization of public services in the field of social security (ILO, 2016). The Employees’ Compensation Amendment Act of Namibia then translated these general principles into key parameters for accountability mechanisms, stating that any person aggrieved by a decision in social security matters may, within 60 days of receiving notice of the decision, lodge an appeal with the Labour Court. Moreover, normative frameworks must not only define the right to social security, but map out the procedures individuals must complete in order to actively exercise their right to benefits (see Box 3). The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) reiterated this point, indicating that “however well-drafted or comprehensive the legal framework, it can only be effective when supported by an adequate institutional framework to ensure that the rights and guarantees set out in the legislation are materialized as benefits for the persons protected” (ILO, 2019). Without effective and efficient grievance mechanisms, social security schemes cannot reach their objectives.

Conclusion

Complaint and appeal mechanisms are guided by due process principles, empowering protected persons and other persons with legitimate interest to claim their rights and enforce obligations by the corresponding social security institution. As such, they are a fundamental part of procedural fairness and the respect for due process (ILO, 2011b). When States establish such mechanisms, they provide protected persons with the legal means of accessing the benefits to which they are entitled. They also allow the State to build trust and awareness among its population by empowering users to claim their rights, seek to secure observance for social security related obligations, signal implementation gaps and feed into policy making debates for social protection reforms.

The rights-based approach endorsed throughout international human rights instruments and ILO social security standards aims at ensuring the enforceability and predictability of benefits by establishing rights and corresponding obligations based on core principles for designing grievance mechanisms. Therefore, in parallel to establishing the main benefit parameters and rules for the administration and financing of social security in national legal frameworks, rooting complaint and appeal mechanisms in sound legal frameworks also is an essential part of securing compliance and guaranteeing the human right to social security through equal access to justice for all, in line with SDG target 16.3. On the road to achieving the Sustainable Development Goals, and notably SDG 1.3, grievance mechanisms are an essential part in ensuring that no one is left behind.

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19 Royal Decree No. 72/91 Promulgating the Social Insurance Law, as amended in 2019 (articles 2(15), 43 and 44).
21 Employees’ Compensation Amendment Act No. 5, 1995 (article 21).
References


**Box 3: Navigating claims procedures: the Québec pension plan**

In the province of Québec, Canada, persons entitled to retirement, survivorship or disability benefits under the Act Respecting the Québec Pension Plan, 1965, may file a claim against the relevant authority (Retraite Québec) in charge of administering benefits. Once a person has received notice of a decision rendered by the administrative entity concerning them with which they do not agree, the Act outlines the steps to be followed as such:

- **Initial decision rendered by Retraite Québec**
  - Internal review of the decision by Retraite Québec
    - Must be filed within 90 days
    - Must be in writing
    - May be submitted electronically or by mail
    - Must briefly state the reasons for contesting
  - Outcome of the review by Retraite Québec
    - If satisfied with the decision, procedures end
    - If in disagreement with the decision
      - Must be in writing
      - Must state the grounds on which it is based
      - Must mention the claimant’s right to contest before the Administrative Tribunal of Québec

- **File a claim of the decision reviewed to an external judicial authority, the Administrative Tribunal of Québec**
  - Enshrinement of key principles
    - Claimants that fulfill certain conditions may receive government legal services to assist them
    - Retraite Québec must share a copy of the records it has related to the decision, thus ensuring the right to information
    - Staff must assist applicants in drafting their claims
    - In some cases, the decision to cease periodic payment of benefits may be suspended, preventing claimants from falling into poverty

- **Option of participating in a non-obligatory conciliation process, an alternative dispute resolution**
  - Participation in a conciliation session
    - An agreement is reached, proceedings are terminated
  - Refusal to participate in conciliation
    - No agreement is reached
    - Hearing
      - Decision rendered the Administrative Tribunal of Québec on the decision by Retraite Québec
        - Must be rendered within 3 months of the hearing
        - Must be in writing
        - Must be communicated to the parties

In certain cases, internal review of the Administrative Tribunal of Québec decision by the Tribunal itself is permitted.