

PREPARING YOUR WRITTEN RESPONSE TO ALLEGATIONS OF POOR WORK PERFORMANCE OR MISCONDUCT

DURING YOUR EMPLOYMENT, ALLEGATIONS OF POOR WORK PERFORMANCE OR MISCONDUCT MAY ARISE.

These allegations may be communicated to you in a number of ways; including by formal letter or verbally during a meeting with your employer.

The Services Union members who are advised of allegations against them should contact your Union as soon as possible for advice from an Industrial Officer.

The person who the allegations are raised against is best placed to know whether the allegations are accurate (in whole or in part) or if they are insubstantial.

For this reason, your own consideration and preparation of a written response addressing all allegations made is absolutely essential and must be undertaken before being reviewed by your designated Union Industrial Officer.

The Industrial Officer will provide feedback and guidance but cannot write the response for you.

In most circumstances, written allegations against you should be addressed by a written response to ensure that an accurate and balanced account of the perceived inadequacy is maintained for the record.

If you have received allegations against you verbally, in a meeting with your employer, it is important you ask that they be provided in writing to enable you to respond to them.

Most importantly, do not feel pressured to verbally respond to allegations.

On the following pages is a suggested process for you to follow when you receive the allegations in writing and need to provide a written response.

01

Contact our Union.

Contact your Union on (07) 3844 5300 to report that a formal letter has been received from your employer.

You will be allocated a Union Industrial Officer who will assist you throughout the process.

Send a copy of the employer's letter outlining the allegations to your allocated Union Industrial Officer or industrial@theservicesunion.com.au to enable the best possible advice is provided to you.

02

Timeframe for your response.

If the employer's letter requests your response within the following two working days, it should be considered an unreasonable timeline and you should seek an extension of the timeframe for your response. This action is appropriate as an unreasonable timeframe for your response may prevent you from seeking and receiving industrial advice from your Union in drafting your response. Your Union Industrial Officer can advise how to word your extension request.

Your request for an extension should be provided to your employer immediately- not on the date they expect to receive your formal written response.

03

Identify the allegations.

With the assistance of your union officer, identify all allegations contained in the letter that require your response.

In the interests of simplicity, list each specific allegation under a separate heading in the order it appears in the employer's letter.

Then prepare your response to each allegation in turn, addressing the following:

- **Is there sufficient detail to be able to adequately respond to the allegation?**
- If not, it is very difficult to develop a comprehensive response. Any vague, general, subjective or unsubstantiated allegations should be identified as such in your response. You should also indicate, where appropriate, that more information is needed to be able to provide a more comprehensive response.
- It is important not to make assumptions regarding *what you think* the allegations are about. The allegations must detail exactly what the concern is (e.g. who, what, when, where), or your employer is not giving you enough information to be able to respond. You should indicate there is not sufficient detail to adequately respond to the allegations.

- **Are the allegations factually correct?**

It is important to acknowledge if any of the allegations are factually correct in order to ensure an honest response and to move the focus from the problem to potential outcomes to resolve any legitimate concerns.

If the allegations are correct, you may wish to include a statement regarding your motivation or rationale for taking a particular action that is the subject of the complaint.

There may have been a sound reason (or reasons) for your actions and it is important this is communicated to your employer. If the allegations are incorrect (or partly incorrect), this should be clearly stated, together with an identification of the error(s).

- **Did the allegations occur more than a few weeks ago?**

Question why the allegations were not provided to you in a more timely manner? The more serious the allegation, the greater the onus on the employer to act promptly.



04

Prepare the letter.

Once you have drafted your response to the allegations, you should arrange your response in the format of a letter to your employer. Therefore, you should include:

- Your address, the date and the employer's details at the top;
- An introduction containing the purpose of the letter (i.e. that you are responding to allegations);
- A list of the allegations and your response to them;
- A concluding paragraph; and
- Your name and signature at the end.

05

Have your letter reviewed by our Union.

After you have constructed your written evidence, provide this to your Union Industrial Officer for their review and advice.

Your Industrial Officer will advise you if any additional industrial or legal considerations should be included to best protect your interests.

06

Submit your letter.

Your final letter should now be signed by you and submitted to the employer by the date agreed.

The employer may have requested that response be supplied directly in a scheduled meeting.

If this is the case, ensure that you have organised for a support person to attend this meeting with you.

Should any new issues be raised by the employer in this meeting, request that these new issues be supplied to you in writing for your consideration and response. Do not engage in debate with the employer on any new issues raised on the spot without notice.

07

Seek written confirmation of resolution.

If your written response is accepted by the employer or no further action has been taken, seek their written confirmation that the matter has been resolved or the allegations have been found to be without substance. Your Union Industrial Officer can assist you with this request.

08

If not resolved, contact our Union.

If your written response is not accepted you may have to undergo disciplinary action or a more formal process.

Contact your Industrial Officer for more advice and information about possible outcomes.

09

In situations where a member of management or a colleague is spreading rumour or innuendo about an employee's conduct or performance, your Union Industrial Officer will be able to advise of appropriate strategies to stop this.

The approach may differ, depending on the employer, so it is important to consult with your Union for information.

Remember, it is important to be cooperative throughout the process. Even if the allegations are completely unsubstantiated and untrue, being hostile or obstructive is counterproductive to resolving issues.

You must also remember that employers are entitled, even obligated, to investigate matters of concern, and provided it is done in a fair and reasonable manner, your active participation will afford you the maximum protection of your position.

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UNION CONTACT DETAILS

If you are a member and have an industrial enquiry, please see if your question can be answered by our most Frequently Asked Questions section on our website.

If your question has not been answered fully, please send your question through to our online Request for Assistance form.

This specialised service is for people seeking industrial advice or who have a problem at their workplace where they require assistance. Please upload any supporting documents to assist us with your query.

After you have filled out the form, an experienced Industrial Officer from The Services Union will aim to respond to your enquiry within 48 hours.

Alternatively, you can telephone Services Connect on (07) 3844 5300 to make an appointment to speak with an Industrial Officer.



(07) 3844 5300



industrial@theservicesunion.com.au



www.theservicesunion.com.au



FREE WILL: Need a new Will? Never had one? Our partners at Hall Payne Lawyers provide a FREE professional Will for members of The Services Union. This is normally worth \$199.

Just give us a call on (07) 3844 5300 or email general@theservicesunion.com.au and we will arrange for your law referral.

