

ROLE OF SUPPORT PERSON

By your side

THE
**SERVICES
UNION**

While you may maintain a very amicable relationship with your employer, there may be times when you are required to attend a meeting which investigates matters relating to your employment. For example:

- Answering community or client complaints;
- Making a formal complaint;
- An unsatisfactory performance process;
- Discussions of allegations against you; and/or
- Disciplinary meetings.

If you are asked to attend an investigative meeting, we encourage you to take a "support person" as it is likely your employer will also have a witness in attendance.

If you are bringing a union officer, you should provide this information to your employer.

Please note that the information contained in this document does not apply to formal or agreed mediation.

Contact The Services Union for further information in relation to mediation. Call Services Connect on 3844 5300.

Who can be a support person?

One of the advantages of your union membership is access to industrial advice and representation.

We encourage you to contact our Union prior to the meeting with your employer. An officer can assist in arranging a support person for you if required.

If the matter is serious or complex, it may be recommended that a union officer accompany you to the meeting.

If your workplace is situated in a rural or remote location, it may not be possible for a union representative to physically attend the meeting. However, a union officer may be able to attend via video or teleconference to ensure the meeting is conducted with procedural fairness. You should discuss this option with your union prior to the meeting.

Your Workplace Delegate can also act as a support person in the meeting. You can also take a colleague or a trusted friend to support you. However, we recommend you do not take a parent, spouse or child as a support person.

What should your support person do during the meeting?

Many employers will try to suggest a support person's role is to merely act as a witness or observer during the meeting. That is incorrect. However, the role of your support person may vary depending on the identity of that person.

Your support person's role is not only to provide moral and emotional support to you, but also to assist you during the meeting.

The attendance of a support person may be important in observing the meeting and consequently ensuring that you are treated with fairness.

Your support person should take detailed notes during the meeting and provide you with a copy immediately following the meeting.

Your support person can also request a short break for you during the meeting. You can use this time to seek further advice from our Union or to regain composure if you are feeling emotional.

It is important your support person does not provide personal opinions during the meeting as this is counterproductive. They can, however, question the process if needed or speak to your professional strengths.

Your support person can also ask questions during the interview and seek clarification if needed.

Union representation

Union officers have considerable experience with investigative meetings and have a thorough understanding of your rights and responsibilities.

A union representative can actively engage in discussions on your behalf and ask questions.

It is important to brief your union officer about all issues which are likely to arise prior to the meeting.

As a member, it is your right to have the assistance of our Union who will represent and protect your interests. The Federal Magistrates Court of Australia has held that members of a union have a right to representation by their union during disciplinary meetings.

ROLE OF SUPPORT PERSON

By your side



This right would expand to all meetings which have the potential to impact your ongoing employment.

While our Union can represent you during the meeting, it is still important that any responses come from you.

Your union representative can intercede if questions are irrelevant or unfair and they can also rephrase your answers if they feel you are being unclear. What your representative cannot do is “defend you” from allegations. Your union will assist you to prepare suitable responses.

If your employer indicates that a support person’s role is to observe only, and not to assist and/or represent, your union representative can brief them on your rights during an investigative meeting.

Your colleague/friend as a support person

If your union officer is not present as a support person, as previously explained, you can have a colleague or friend with you as a support person.

Even though they may not have industrial experience, your colleague or friend can still act as your support person in meetings with your employer. Where your colleague is also a union member that person may be able to ‘represent’ you in the same manner as a union officer. They must be allowed to actively engage with your employer on your behalf, including asking questions and ensuring you present yourself in the most positive way. Please see “Union Representation” above. There is no case law which would support a person who is a friend acting in the role of a ‘representative’.

However, you need to be aware that your support person, if they are not a union employee, may not have the same experience as union officers and therefore may not have the skills for representing you in the meeting. If your support person cannot represent you, or you do not want them to, it is important that they are still involved in the investigative process through note-taking and moral support.

A support person can be crucial to the outcome of the meeting so make sure you have a support person who understands your rights and who can assist you to achieve a positive outcome.