

Role of Union Representatives and Support Persons in Assisting Employees Addressing Workplace Issues

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Section one: Role of union representative

Queensland Health Union Encouragement HR Policy F4, commits Queensland Health to support the role of unions in Queensland Health which includes the right of an employee to be represented by a union.

Queensland Health acknowledges and supports the important role of union representatives assisting in the resolution of workplace issues.

It is important that there is a distinction made between the role of a union representative and that of a support person. Each role has different responsibilities and functions. Please note that a union representative is not defined as a support person

Union representatives have a role to represent their members in accordance with and to the extent that industrial legislation and their union rules provide. Representing members may include advocating on behalf of members in meetings or interviews just as a HR practitioner may advocate on behalf of managers in certain situations. It is important that participants understand their role prior to the commencement of a meeting or interview to avoid conflict during the meeting.

There are occasions when only the employee can give direct evidence regarding matters or incidents. The interviewer has the responsibility to collect direct evidence and it is important that the employee is given the opportunity to respond. At times, an employee may have trouble communicating their responses, and in such a situation the union representative may assist the employee to communicate a response.

During meetings/interviews, all parties (including union representatives and management) are to treat each other respectfully.

Queensland Health is committed to the principles of natural justice. Where possible, information regarding the interview or meeting will be provided in advance. If there are concerns with providing the information, advice is to be sought from the relevant area (e.g. Ethical Standards Unit, Workplace Services). Failure to provide such information may adversely affect the process and may result in the process being appealed or disputed in the relevant tribunal.

Queensland Health supports the role of union representatives and the participation of union representatives in workplace matters is to be focused on resolving issues with proper regard for the role of management in the resolution of such matters.

Section two: Role of support person

An employee may be requested to participate in a meeting or interview to discuss their workplace conduct and/or performance or participate in other fact-finding processes. These situations can be stressful and may sometimes lead to the commencement of disciplinary or performance management processes against the employee. In recognition of Queensland Health's commitment to the principles of natural justice, an employee asked to participate in such a meeting or interview is entitled to have a support person attend.

For the purposes of these guidelines:

'Support person' means a person nominated by an employee to support the employee in meetings. A support person could be a friend, a colleague, lawyer, or other nominated person.

A support person is not to be:

- a fellow employee whose involvement may result in an apparent or possible conflict of interest
- a Workplace Equity and Harassment Officer (WEHO)
- an employee who provides employee assistance services or counselling.

Queensland Health recognises that support persons may positively contribute in assisting employees in the resolution of workplace issues by:

- providing emotional support and reassurance
- taking notes or quietly prompting or giving advice to the employee
- explaining or clarifying questions asked and/or processes
- assisting in clarifying a response if the employee has difficulty communicating a response to the interviewer
- seeking breaks to assist employees.

A support person is not to speak on behalf of employees.

Queensland Health, as an employer, has the right to directly communicate with its employees on work-related issues. In those circumstances, it may not be necessary or appropriate for an employee to have a support person present at a meeting with the supervisor or line manager.

Circumstances when a support person may be required include, but are not limited to:

- discussions about work performance issues
- meetings regarding behavioural issues
- discussions about particular workplace incidents.

Circumstances when a support person is not necessary (and could be specifically excluded) include, but are not limited to:

- discussions about day-to-day operational matters
- required amendments to workplace procedures or systems
- general staff meetings and information sessions.

Section three: Confidentiality

Confidentiality is applicable to sections one and two of these guidelines.

Confidentiality is to be maintained by all participants involved in these types of matters. The issues are not to be discussed with any person not involved in the process unless it is with a person who can legitimately assist the subject officer.

Care must be taken in circumstances where the matters to be discussed are covered by Sections 62A to 62R of the Health Services Act 1991. These provisions relate to patient confidentiality and as such may require discussion between the parties prior to the formal discussion in order to determine the appropriate process to ensure the need to protect patient confidentiality is balanced against the requirements of natural justice.