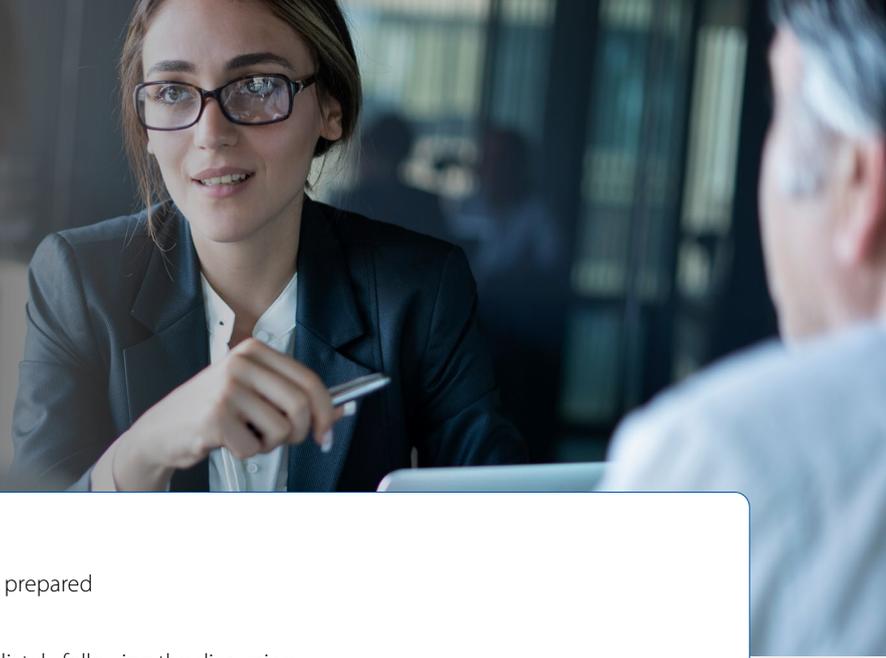


Avant factsheet:

Attending an employment meeting



Quick guide

- Find out as much information as you can and come prepared
- If possible, bring a support person
- Take notes of what occurred either during or immediately following the discussion

You may be asked to attend a meeting with your employer at any time. The meeting might be about your performance, your conduct, a clinical matter you were involved in, or you may be asked to provide information about an incident. Being called into an employment meeting can often feel rather daunting. Taking some time to prepare and seeking support can help protect your interests.

Preparing for the meeting

Can I seek advice?

Yes. You can seek advice from Avant or another representative such as the AMA or your union, even if you are told you must keep the matter confidential and you should not speak with anyone about it.

If the matter may have criminal or other serious consequences for you (for example, medical registration issues), seek legal advice before answering any questions. You may be able to claim privilege against self-incrimination.

Do I have to attend the meeting?

Generally, yes. Your employer can ask you to attend a meeting to discuss matters related to your employment. If you do not agree to attend, your employer can direct you to attend a meeting and you could be subject to disciplinary action if you do not comply.

However, you may be able to negotiate the time or format of the meeting.

In some cases, it might be better to ask to postpone the meeting if you do not know what the meeting is about, if it is not possible to attend at the requested time, or if you do not have enough time to prepare. It may be better to respond in writing rather than attend a meeting.

What should I know about the meeting before I attend?

You should ask:

- what the meeting is about;
- who will be at the meeting;
- where and when the meeting is to be held;
- whether you can bring a support person (see below); and
- whether there are any documents relevant to the matters to be discussed at the meeting. If so, you should request a copy of those documents.

If the meeting is part of an investigation (especially if you are the subject of the investigation), you can also request:

- the terms of reference for the investigation, including information about the investigator's role;
- a copy of the policies and guidelines to be followed in conducting the investigation; and
- a copy of the policies and guidelines that are alleged to have been breached.

What else can I do to prepare?

You may wish to write out your version of events. You can take this to the meeting to refresh your memory, but your employer may ask for you to provide a copy at the end of the meeting.

You may need access to patient records or other documents to prepare. If you do not have access to these materials, seek advice about obtaining access.

Ask Avant or other adviser to review your version of events to ensure your interests are protected.

Review your contract of employment, award, agreement or relevant policies to understand the process you are involved in and what to expect.

Attending the meeting

Do I have to answer questions at the meeting?

Generally, no. Your employer must give you an opportunity to respond to a matter before they make a decision, but you can choose not to respond. In that case your employer may make a decision without your version of events.

If you have not had prior notice of the issues that you are being asked about and you wish to seek advice before answering, or you need to review documents before responding, you should explain why you cannot answer at that time and say that you will be in a position to answer the questions after considering your response or reviewing the relevant information.

In some cases, it may be prudent to ask the investigator to confirm their concerns in writing so that you can respond in writing.

Can the meeting be recorded?

The answer to this question is different in each state and territory, as they all have different legislation dealing with recording discussions and the use that may be made of those recordings.

If your employer is recording the meeting, ask for a copy of your employer's recording and a copy of any transcript.

Given modern technology, it is prudent to assume all meetings you attend are being recorded and always exercise caution about what you say.

Can I have a support person at the meeting?

As a general rule, you are entitled to have a support person with you at any meeting with your employer. Their role is to support you during the meeting but not to represent you, advocate on your behalf or to speak for you. You can consult with them during the meeting if you wish and you can ask them to take notes for you.

However, check what the relevant award, agreement or policy says as there may be limitations on who your support person can be. For example, sometimes only a co-worker can be a support person. The aim of most employment meetings is to resolve an issue that has arisen so that the parties can continue their employment relationship. Having lawyers present at the meeting can unnecessarily escalate issues. For this reason, we generally recommend against lawyers being support people particularly in the preliminary stages of an inquiry.

Generally, you have no right to a specific support person. If your chosen support person is not available your employer can require that another support person attend the meeting.

How should I respond to questions during the meeting?

Listen carefully to the question and only answer the question that has been asked. Do not volunteer information.

Keep your answers short and concise (for example, say "yes" or "no" and go no further).

Never guess an answer. If you don't know the answer, say you don't know. If you can't remember, say that you can't remember. If there is something that might help you to remember (for example, referring to your diary about the date of a relevant meeting), you can say so. If you don't understand the question, ask for it to be repeated or rephrased.

If you think there is a document relevant to what you are being asked (for example, time sheets, clinical records, appointment diaries), request a copy of it. Don't answer the question without first reviewing the document. If you need to review a patient's record to refresh your memory about why you made a clinical decision, then request the time and opportunity to do so – somewhere quiet without interruption or pressure.

If you give a response about something you did not hear or see directly, you should make that clear (for example, Dr Smith told me that ...). Do not speculate (for example, "he may have done that because ...").

What other matters should I consider during the meeting?

- Try not to get angry or emotional during the meeting. Request a break if needed.
- Make appropriate considered concessions.
- You can take notes during the meeting if you wish.
- You can ask questions about the process (for example, what will be the next step, when will a decision be made, what are the possible outcomes of the process).

After the meeting

As soon as possible after the meeting, make a note of the issues discussed. Follow up on anything you promised to address (for example, you may have promised a further response once you have reviewed relevant records). You can ask for a copy of the notes taken by the interviewer during the meeting, however they are not required to provide them. If you are given a copy you may review them and amend where you think they are inaccurate.

You can ask what information, if any, will be placed on your personnel file. You can provide a written response to issues discussed during the meeting and ask for it to be placed on your personnel file.

You may also wish to send an email to the interviewer confirming the matters discussed during the meeting, particularly if the interviewer made verbal concessions during the meeting. You can also request that a copy of this email is added to your personnel file.

Do I have to sign a statement following the meeting?

The interviewer may ask you to sign a statement they have prepared following the meeting. Unless your hospital policy requires it, you are not obliged to sign. The statement can be placed on your personnel file even if you do not sign it. If you wish to sign the statement, you should confirm it is an accurate record of the meeting. If not, make necessary amendments. If necessary, indicate you are signing it as an accurate record of the meeting but that you do not necessarily agree with the content of the matters discussed.

Where can I get advice or support?

As an Avant member, you can access our ongoing support if you are undergoing a disciplinary process or other matter. It is important to realise the stress such an event may generate and to have good support systems in place.

Links to a range of support services can be found on Avant's website under Health and Wellbeing:

www.avant.org.au/member-benefits/doctors-health-and-wellbeing/your-health/physical-and-mental-wellbeing/key-support-services

www.avant.org.au/news/recording-workplace-meetings

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For more information or immediate **medico-legal advice**, call us on **1800 128 268**