

When requested to attend an employment interview

You may be requested to attend a meeting with your employer about performance issues or a particular incident. The meeting request may be made at short notice. Here, we outline some tips about attending the meeting.

Should I seek advice?

If possible, you should seek advice from Avant or another advisor (such as the Australian Medical Association or your union) before attending the meeting.

You can seek advice even if your employer says the matter is confidential and you should not speak with anyone about it.

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, your employer can direct you to attend a meeting. Such a direction is likely to be lawful and reasonable. If you do not comply, you could be subject to disciplinary action.

You are not obliged to attend a meeting at the time requested by your employer if it is not possible for you to attend at that time (for example, you are sick, your support person is unavailable or you will not have enough time to review relevant documents). In this case, you should request a reasonable adjournment of the meeting time.

In some cases, it might be better to respond in writing to matters rather than attend a meeting to respond to those matters. This is something your advisor can speak with you about.

What should I know about the meeting before I attend?

You should know:

- ▶ what the meeting is about
- ▶ who will be at the meeting
- ▶ where and when the meeting will be held
- ▶ whether you can bring a support person (see below for further information)
- ▶ 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.

You can request that this information is provided to you in writing.

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
- ▶ a copy of the policies and guidelines alleged to have been breached.

I have been asked to attend a meeting in 15 minutes.

What should I do?

You should ask what the meeting is about and who will be attending. Often, the person who has asked you to attend the meeting will not know what the meeting is about or will not tell you.

You should attend the meeting but 'just listen'. You should not answer any questions. You should take a copy of any letter handed to you but not comment about it.

You should then immediately call Avant or another workplace advisor.

What should I do to prepare for a meeting when I have enough notice of the meeting?

Write out your version of events and refer to it during the meeting if you need to. Consider whether you should provide a written response to your employer in addition to a verbal response during the meeting. Your written response will often clarify matters and shorten the time taken in the meeting.

Ask Avant to review your version of events to ensure your interests are protected. Consider what other processes may be happening in relation to the same issues (for example, legal proceedings or a medical board investigation). You should ensure your responses in all areas are consistent and considered. Review your contract of employment, award, agreement or relevant policies to understand the process you are involved in and what to expect. Seek advice if you want to.

Do I have to answer questions at the meeting?

Your employer cannot generally require you to answer questions during a meeting. Your employer is required to give you an opportunity to respond to a matter before it makes a decision about your employment. If you choose not to respond, your employer may make a decision having regard only to the information available.

If you do not wish to answer a question for a particular reason (for example, you have not reviewed the relevant documents), you should explain why you cannot answer the question and explain when you will be in a position to answer the question (for example, after reviewing the relevant information).

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

Can the meeting be recorded by either party?

In each state, there is legislation which deals with recording discussions and the use that may be made of those recordings. Unfortunately, the legislation in each state is different. In some states, a discussion can only be recorded with the consent of all parties to the discussion. In other states the consent of the other parties attending the meeting is not required.

You should ideally request permission to record the meeting if you wish to do so.

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

If the meeting is being recorded, you should exercise extra caution about what you say.

Given modern technology, it is prudent to assume all meetings you attend are being recorded.

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. The role of the support person is to provide support to you during the meeting. Their role is not to represent you, advocate on your behalf or to speak for you. You should check what the relevant award, agreement or policy says about a support person. There may be limitations on who your support person can be. For example:

- ▶ often a lawyer is unable to act as a support person (although they can provide you with advice prior to the meeting)
- ▶ sometimes only a co-worker can be a support person
- ▶ generally, you have no right to a specific support person. This can be relevant when your chosen support person is on extended leave and unable to attend a meeting. Your employer can require that another support person attend the meeting.

Choose your support person carefully, having regard to the matters to be discussed during the meeting. You can consult with your support person during the meeting if you wish.

Some interviewers will allow a representative from Avant to attend if asked 'nicely', even though they are not compelled to do so.

Can my employer have more than one person at the meeting?

Yes. Your employer may have more than one person present at the meeting. It is common for a 'note taker' to attend a meeting with a manager.

Can I take a break during the meeting?

Yes. You can request a break at any time during the meeting.

How should I respond to questions during the meeting?

- ▶ If you don't know the answer, say you don't know. Don't guess the answer.
- ▶ Keep your answers short and concise (for example, say 'yes' or 'no' and go no further).
- ▶ Do not volunteer information.
- ▶ Be accurate.
- ▶ Do not exaggerate.
- ▶ State the basis for your comments if relevant (for example, 'I observed ...' or 'I heard ...' or 'Dr X told me that ...' or 'I measured the heart rate by x and recorded it to be y').
- ▶ Do not agree with something unless you know it to be true from your own direct observations.
- ▶ Do not speculate (for example, 'He may have done that because ...'). If asked to speculate, it is OK to say you don't know.
- ▶ If you think there is a record relevant to what you are being asked, request a copy of it (for example, time sheets, clinical records, appointment diaries showing failures to attend).
- ▶ You should not answer the question without first reviewing the record.
- ▶ 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.

What other matters should I consider during the meeting?

- ▶ Try not to get angry or emotional during the meeting. Request a break if you feel yourself getting angry or emotional.
- ▶ 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?).

What should I do after the meeting?

- ▶ As soon as possible after the meeting, make a file note of the matters discussed during the meeting.
- ▶ Follow up on any matters you promised to address during the meeting (for example, you may have promised a further response once you had reviewed relevant records).
- ▶ You can ask for a copy of the notes taken by the interviewer during the meeting to enable you to review them and amend where you don't agree they are an accurate reflection of events. In general, the interviewer is not required to provide you with a copy of their notes. You should check the relevant policy or procedure if you are unsure.
- ▶ You can ask what information, if any, will be placed on your personnel file.
- ▶ You may provide a written response to issues discussed during the meeting and ask for it to be placed on your personnel file.
- ▶ You may 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.

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. Subject to relevant policy requirements, you are not obliged to do so. 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 the statement is an accurate record of the meeting. If not, make necessary amendments
- ▶ indicate you are signing it as an accurate record of the meeting, but you do not necessarily agree with the content of the matters discussed a disciplinary, performance management or other employment process.