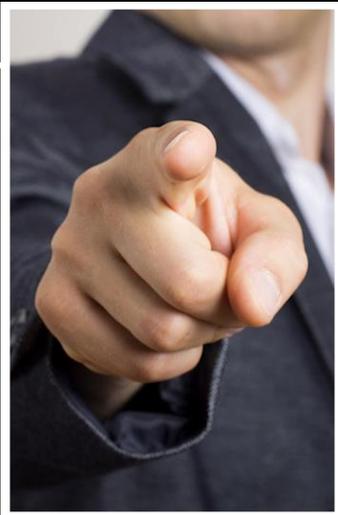


KNOW YOUR rights



**TO PROTECT &
IMPROVE YOUR
ENTITLEMENTS BE
AN ACTIVE UNION
MEMBER**

**Please discuss
any problems with
your shop steward
or ring the union
on 03 9387 0189**



**COMMUNICATION
WORKERS' UNION**

75 Melville Road
Brunswick West, 3055
Phone: 03 9387 0189
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EMPLOYEE COUNSELLING & DISCIPLINE

Employee Counselling and Disciplinary Policy

A good deal of disciplinary action takes place in Australia Post - more in some workplaces than others.

'Our Ethics' is a very broad and expansive document, and Australia Post has many policies which can be broken deliberately or accidentally. There is also an Employee Counselling & Disciplinary Policy. This states that disciplinary action is not meant to be adversarial, but is supposed to provide counselling on what policies or behaviour Australia Post expect you to comply with, and to help you meet the expected standards. That said, discipline can be used by unscrupulous managers to threaten your job security.

If you are accused of breaching "our Ethics", you will be asked to explain yourself in an interview with your Manager. You should not go into such a meeting alone. Take your local shop-steward in with you as a witness. If you cannot locate a shop-steward take some-one else you trust as a witness. You have the right to postpone this meeting if you wish a union organiser to attend with you.

It should be noted that Corporate Security are not 'the police' and do not have the right to question you or detain you. Most people think they 'will look guilty' if they refuse to speak to them straight away. But you are well within your rights to simply say: "I have been told that I should ring the union office before talking to you". Many people are unaware that some of their actions may be interpreted as a breach of "Our Ethics."

Disciplinary matters range in seriousness.

Generally if it is a first or minor offence you could be subject to a **'face-to-face' counselling**, also known as an 'informal counselling'. Often you may not be aware that you have had one of these – the Manager simply makes a diary note that he has talked to you.

KNOW YOUR rights

EMPLOYEE COUNSELLING & DISCIPLINE

The next step is a FORMAL COUNSELLING.

You will be advised in writing about which breach of 'our Ethics' you have allegedly committed and a meeting will be scheduled, usually for 24 hours after you receive the letter. Please ring the union office for advice if you need to. If the allegations are proven, a Formal Counselling penalty can be for a minimum of 3 months and up to 12 months.

The first official part of the disciplinary code is a WARNING COUNSELLING.

These last for 12 months. There is a final review 6 months after this 'active period', and the paperwork is supposed to be removed from your file 18 months after this, i.e. it will remain on your file for 2 years after the 'active' period has past.

In reality, if matters escalate, these disciplinary breaches will be raised in any subsequent matters. It is important to defend any matter brought against you and to ensure that 'your side of the story' is correctly recorded on the Counselling paperwork.

The most serious action is AN INQUIRY.

While, as with the other processes, the first step is an investigation, if you are found to have breached "our Ethics", the consequences of an Inquiry are dismissal, transfer, loss of up to two increments of pay or a Warning Counselling. The worst element of an Inquiry is that it is often kept 'open' for several weeks and the Inquiry Officer will be actively looking for other misdemeanours you may have committed to add to the original allegations. **You should definitely contact the union for representation if you are placed on an Inquiry.**

Australia Post determines matters on the balance of probabilities. That said, they need to establish that the offender knew what they did or didn't do was 'wrong' and that they deliberately did it. You cannot be dismissed or transferred for your first 'offence' unless it can be established that it was serious and wilful misconduct or 'grossly negligent conduct.' Even if Australia Post have a valid reason for taking disciplinary action against you, they have an obligation to take into account any mitigating circumstances, and to treat you in a manner similar to other employees who have committed the same breaches.

Appealing

If you believe you have been unfairly treated there are a range of appeals.

The union can write to more senior Australia Post managers to appeal an unjust code.

An appeal can be made to the Board of Reference if the penalty involves a transfer, a demotion, a loss of increments or a dismissal.

If you are dismissed, the union can make an Unfair Dismissal application to the Fair Work Commission.

Unfair Formal Counsellings and Warning Counsellings are more difficult to deal with, but for important issues a dispute can be brought to the Fair Work Commission if warranted.