

WORKPLACE ADVICE AND SUPPORT

OUR MEMBER CHARTER: YOUR RIGHTS AND OBLIGATIONS

We are committed to helping members resolve workplace issues when they occur. We have been helping Australian professionals for more than 60 years. We can provide you with expert and personalised support and advice when you need it.

We value every single member. To help you get the best possible advice we have produced this charter which is your guide to understanding the services, advice and representation we can give you. This will primarily be through our national Workplace Advice and Support Centre (WAS) - the first point of contact in most instances, and where necessary through your local branch or division.

Issues faced by individual members vary greatly. We believe that members have a right to the best possible advice and representation. This is why we established the Workplace Advice and Support Centre in 2009 to handle the bulk of workplace issues and matters of employment law.

You may not realise it but there are certain limits – including legal limits – which we must operate within. This document is designed to help you understand your rights and responsibilities when accessing the services we offer.

WHAT ASSISTANCES DO THE ASSOCIATION PROVIDE?

Every day members from all over Australia contact the Association for advice and assistance for a wide range of employment related matters.

These include but are by no means limited to the following matters:

- Termination of employment
- Review of individual common law employment contracts
- Conditions of employment
- Disciplinary issues/performance management
- Workplace bullying and harassment
- Discrimination
- Market Rates Salary information
- Award rates of pay
- Independent Contractors – review of contracts for service
- Restrictive Covenants
- Intellectual Property

WHAT ARE THE SORTS OF THINGS THE ASSOCIATION CANNOT HELP WITH?

We exist to provide assistance to our members in respect of employment related matters.

It does not provide support in respect of the following types of matters that are outside an employment context:

- Criminal proceedings
- Actions by members for damages
- Defamation
- General civil proceedings

If you have a non-employment related legal matter we are able to refer members to recommended law firms. However, once the referral is made the carriage of the matter and any resultant costs/action etc. is entirely a matter between the member and the law firm.

WHO WILL PROVIDE THE SERVICE?

Workplace advice and support is provided by a team of experienced legal and industrial officers. Our staff members are located across Australia and have a wide range of experience which helps us provide the best service to you.

We will make sure that the most appropriate person handles your case.

WHAT CAN A MEMBER EXPECT FROM US?

When a member contacts Professionals Australia they can expect the following:

- That their confidentiality will be respected
- That there will be a prompt response to their request for information and advice
- That no approaches will be made to organisations or individuals, either verbally or in writing unless approval by the member has been given
- That they will be consulted about any proposed action that will be taken on their behalf

WHAT ARE PROFESSIONALS AUSTRALIA EXPECTATIONS?

In order to be able to provide effective service we expect that members will:

- Provide the Association with all available relevant information
- Maintain full financial membership of Professionals Australia
- Follow Professionals Australia's verbal and written advice

LEVEL OF ADVICE AND REPRESENTATION

We will carefully assess each case on its individual merits.

After discussion and consultation with the member we will advise of the appropriate course of action in relation to the matter.

In order to ensure that the Association's resources are used most efficiently for all of our members we will:

- Reserve the right to determine the level and extent of the service that will be provided in respect of each individual case
- Reserve the right not to pursue any matter which we believe to be unreasonable, lacking in substance, unlawful, frivolous or vexatious

DISCONTINUANCE AND CESSATION OF SUPPORT

In representing the Association's members we will endeavour to provide the highest quality service in a professional and courteous manner.

However, the Association reserves the right to withdraw or limit support for members whose behaviour makes it difficult or impossible for a member of the Association's staff to effectively handle their issue so that we can assist other members with their cases.

This can include for example:

- Ignoring or acting contrary to the advice which is provided
- Making unreasonable demands or expectations on staff
- Not providing the Association with all relevant information
- Seeking alternative advice and representation simultaneous to receiving assistance from the Association

- Professionals Australia respects the right of an individual member to request the Association not to take any further action on the member's behalf and/or to seek independent representation at the member's own cost.

NEW MEMBERS AND PRE-EXISTING MATTERS

We are a membership based association and exist because of the continued financial support of our members most of whom have paid membership fees for a long period of time.

This being the case, the Association has an obligation to ensure that our finite resources are responsibly and fairly utilised. We prioritise our assistance to the great majority of our members that have been a member of Professionals Australia for many months or years. Therefore we are not able to provide representation (including advocacy, meeting with employer etc.) for new members with a pre-existing matter. A new member is a person who has a period of membership of less than 3 months.

However it may be possible to provide some limited telephone advice and/or refer the member to other sources for assistance. The level of advice provided in these circumstances will be at the sole discretion of the Association and will be designed to assist the member to represent themselves.

In rare circumstances the Association may, at its discretion, be able to provide additional assistance in the context of a new member having joined the Association as part of an organising campaign at their workplace. In these instances the member will be required to pay the Association in addition to the relevant membership fee a further "up front" amount of a full year's membership subscription.

WHAT CAN MEMBERS DO IF THEY ARE DISSATISFIED WITH THE SERVICE PROVIDED?

We welcome and greatly value the feedback it receives from our members.

This feedback may involve suggestions for improving the level of service or dissatisfaction regarding the manner that a member's individual issue is to be progressed.

If a member is dissatisfied about the way their individual issue has been handled they have the right to seek a review of their case. In such an instance the request for a review should be made to the Association's Director Industrial Relations.

LEGAL REPRESENTATION

From time to time but in a very small number of instances it may be necessary for the Association to assist a member with direct legal representation. If this occurs such representation will be provided in accordance with the APESMA Legal Policy by the Association's in-house legal firm APESMA Lawyers.