

be represented by a trade union representative at appeal hearings.

- The outcome of the appeal should be given to you in writing detailing the rationale for the decision.
- You should discuss the outcome of the appeal with your CWU representative and decide what steps next to take if needed.

### **YOUR RIGHTS DURING REDUNDANCY**

If you are contacted by the company regarding redundancy you must consult your local CWU Branch office. As an employee you have rights and the right to be represented. The link below gives more detail on how the process works. The important thing is to seek help from the CWU.

<https://www.acas.org.uk/manage-staff-redundancies/redundancy-consultations>

### **CONSULTING WITH TRADE UNION REPRESENTATIVES DURING REDUNDANCY**

Employers must consult any recognised trade union or elected employee representatives.

### **WHAT EMPLOYERS SHOULD DISCUSS DURING THE REDUNDANCY CONSULTATION**

Employers must discuss with employees;

- ways to avoid or reduce the redundancies
- how to reduce the effect of the redundancies
- how the organisation can restructure or plan for the future
- how employees are selected for redundancy

**REMEMBER: THE CWU IS HERE TO HELP YOU**

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# KNOW YOUR RIGHTS



Do you have any problems with the discipline, performance, attendance grievance, redundancy or formal processes?

**CWU**  
The communications union

**A**s CWU members, you need to be aware that you have rights if subject to any of a number of formal processes such as Discipline, Performance, Attendance, Grievance or Redundancy. These rights are detailed on the Governments Advisory, Conciliation and Arbitration Service (ACAS) website, available at: <https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html>

The CWU is consulted on the content of formal processes. Your local CWU branch office can send you a copy or they can be accessed on your employers systems.

#### **YOUR RIGHTS INCLUDE**

- A statutory right to be accompanied at discipline, performance, attendance, grievance and redundancy hearings by a Trade Union representative.
- And the right to appeal a formal warning.

#### **WHAT YOU ALSO NEED TO KNOW**

You can also request to be accompanied by a CWU representative at a 'fact finding interview' which is conducted by the manager who is investigating alleged misconduct under the discipline procedure. This is not a

right but can be requested and the manager should not unreasonably withhold union support.

- Members should check that the notes of the fact finding interview accurately reflect what was said in the meeting. If the notes are not accurate ask for them to be changed.
- Any date given for an interview with your manager on a formal process (Discipline, Performance, Attendance, Grievance, or Redundancy) can be delayed for up to 5 working days to allow you to be represented. If your CWU representative is not available at the date and time proposed for the hearing by the employer, the employer must postpone the hearing to a time proposed by the worker.
- If your manager calls you into their office and presents you with documentation and wants to begin a formal interview straight away then advise the manager that you are by right entitled to be represented by a Trade Union and you will contact them before any further discussion takes place.

#### **WHERE TO FIND HELP**

- Your Union card should have the details of your local CWU office.
- Find your local CWU branch office: [www.cwu.org/contact-us/](http://www.cwu.org/contact-us/)

#### **WHAT PAPERWORK SHOULD YOUR MANAGER PROVIDE?**

- If it is decided that there is a disciplinary case to answer you should be notified of this in writing.
- This notification should contain sufficient information about the alleged misconduct, poor performance, attendance or grievance and its possible consequences. It is also normal practice to provide copies of any written evidence, which may include any witness statements, with the notification of date, time and location of the hearing.
- The employee has the right to be represented at the meeting.
- You should also be allowed reasonable time to prepare your case. This should be done with the help of your CWU representative.

#### **WHAT HAPPENS AT THE MEETING?**

- If the process is followed correctly you should have been invited to a meeting and you will have prepared your case with the help of your CWU representative. You will also have been sent the paperwork from your manager detailing the alleged misconduct charges.
- Once in the meeting, you should be asked for your consent for the meeting to be recorded. If

you decline to have the hearing recorded, normally a note taker will be used.

- You will be asked questions about the alleged misconduct.
- Your CWU representative can speak on your behalf.
- The union's advice is that you should always be accompanied by a qualified trade union representative.
- You can ask for the meeting to be stopped if you feel you need a few minutes break.
- The company's note taker cannot ask questions they can only seek clarification of what has been said to ensure the notes are a true record.
- You are able to take breaks in order to consult with your representative outside of the meeting.

#### **WHAT HAPPENS AFTER THE MEETING? – THE RIGHT TO APPEAL**

- The outcome of the meeting and rationale for the decision should be provided to you in writing.
- If you feel the disciplinary action taken is wrong or unjust, you should appeal. As an employee you should detail the grounds for the appeal in writing. You should seek help from your CWU representative to put the appeal together.
- You have a statutory right to