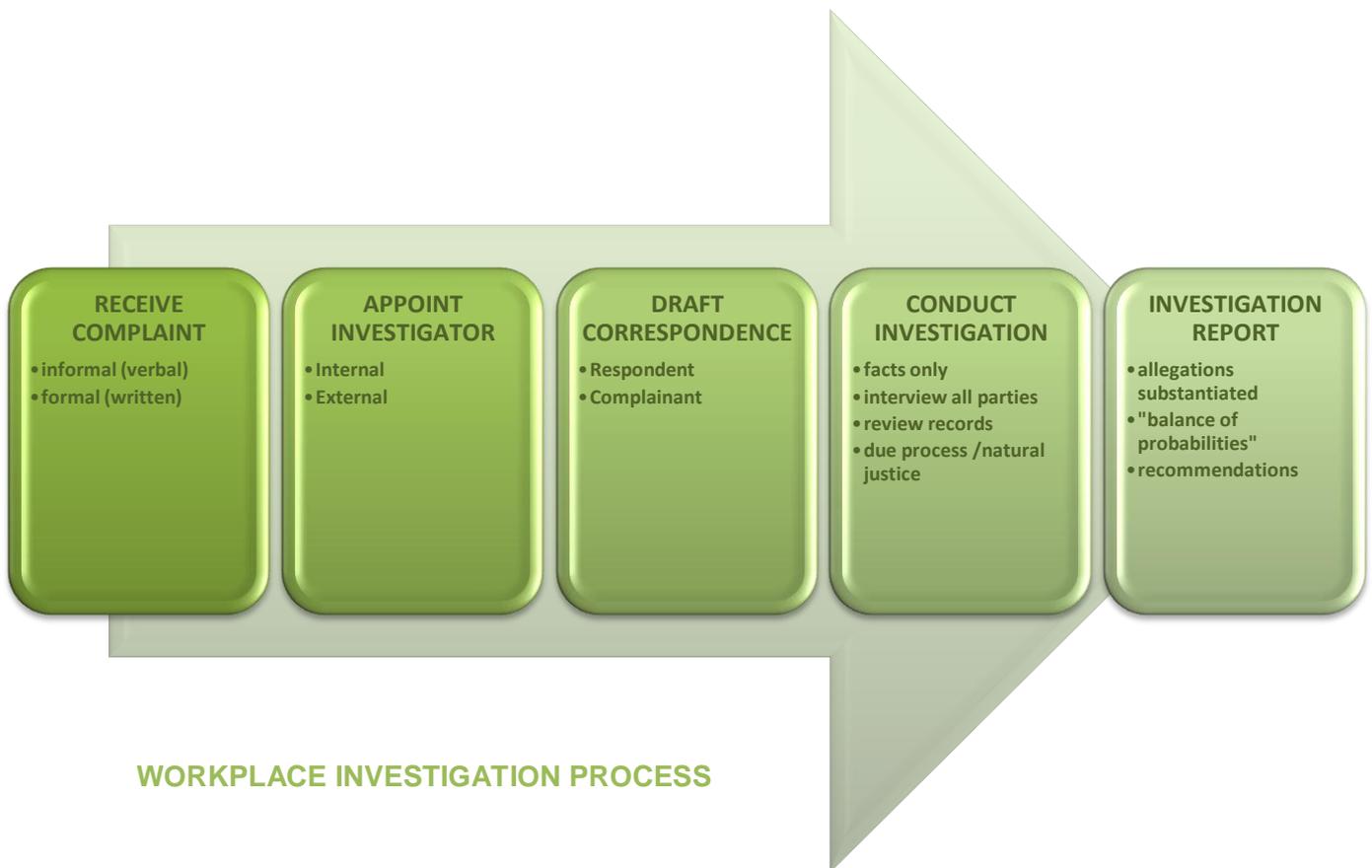


WORKPLACE INVESTIGATION PROCESS

Process Step
1. Receipt of formal complaint / Appointment of investigator
<ul style="list-style-type: none"> • Investigate complaint internally • Appoint an external investigator to ensure that the investigation is transparent and conducted without bias
2. Liaison with identified contact person / management to brief investigator on the purpose of the investigation
<ul style="list-style-type: none"> • Arrange interview dates/times/venues • Gain access to required documentation
3. Drafting correspondence to complainant and respondent
<ul style="list-style-type: none"> • The nature of the allegations • The investigation process that will be undertaken
4. Conducting the investigation
<ul style="list-style-type: none"> • Obtain all the facts <ul style="list-style-type: none"> ▪ the background to the incident/s ▪ relationship between the complainant and the respondent ▪ was the behaviour repeated ▪ were there witnesses ▪ what was done at the time by management ▪ what legislation (Anti-Discrimination/IR/WHS) does it breach ▪ what organisational codes of conduct or policies does it breach • Conduct interviews and review relevant documentation, ensuring underlying principles of natural justice and due process are followed by all in the investigation <ul style="list-style-type: none"> ▪ the respondent’s right to know what they are accused of, and by whom ▪ the respondent’s right to have adequate time to consider the allegations ▪ the respondent’s right to respond and give their side of the story ▪ the right for a decision to be made by an unbiased person ▪ the right of the respondent to have representation or support ▪ support of all parties and any witnesses that there will be no victimisation before, during, or after the investigation ▪ guarantee of confidentiality to the complainant, the respondent and any witnesses. This means there will be no external debate or gossip relating to the allegations and subsequent investigations ▪ the onus of proof required will be on “the balance of probabilities” meaning allegations will be proved to be “more likely than not” • Interview the complainant <ul style="list-style-type: none"> ▪ who was involved ▪ what was specifically done or said ▪ time, place and witnesses ▪ previous incidents, if any ▪ how did the incident arise ▪ contributing factors

<ul style="list-style-type: none"> ▪ nature of injuries ▪ was the respondent told to stop ▪ what outcome is the complainant hoping for
<ul style="list-style-type: none"> • Interview the respondent <ul style="list-style-type: none"> ▪ the responses to each of the allegations
<ul style="list-style-type: none"> • Interview the witnesses <ul style="list-style-type: none"> ▪ inform both the complainant and the respondent of the witnesses that will be interviewed ▪ seek direct observations of the witness not opinions, interpretations or impressions
<ul style="list-style-type: none"> • All parties to sign the interview protocol which provides a written record of their statements as true and accurate
<p>5. Draft and deliver investigation report</p>
<ul style="list-style-type: none"> • Report investigation findings i.e. whether or not specific allegations were substantiated • Where there is disagreement over what occurred, or there are no witnesses and no way of verifying information offered, the allegations may not be substantiated however recommendations may still be made relating to the complaint
<ul style="list-style-type: none"> • Report investigation recommendations i.e. appropriate actions to address any substantiated allegations, and additional recommendations if relevant which address subsidiary issues identified during the investigation



Contact **Integrated HR Solutions** at www.integratedhrsolutions.com.au for assistance with your workplace investigations