

Workplace Investigations: How to Get Them Right

The A to Z of Workplace Investigations - A Complete Guide

SYDNEY - TUESDAY, 23 MAY 2017

HWL Ebsworth Lawyers is pleased to invite you to attend a workshop designed specifically to equip employers with the skills and knowledge to deal with issues that commonly arise in relation to the conduct of effective and fair workplace investigations.

TOPICS

PROGRAMME AND KEY LEARNINGS

TOPIC 1

MAKING THE DECISION: WHEN IS AN INVESTIGATION REQUIRED?

- What is a workplace investigation?
- Examining events that trigger a need for a workplace investigation
- Analysing an employers' duty to investigate - what does your policy say?
- Legal risks and requirements in conducting an investigation - examining recent case law around employers' failure to investigate promptly and fairly
- Key considerations around evaluating complaints:
 - When to investigate, and when not to
 - What constitutes a complaint?
 - Complaints that are easier vs. harder to recognise
- Deciding if an investigation is an appropriate response - what are the alternatives?
- What if the complaint is anonymous?

TOPIC 2

PLANNING THE INVESTIGATION

- Reviewing the necessary policies, rules and documents
- Identifying the investigator and the decision maker
- Ascertaining the purpose and scope of the investigation
- Identifying and briefing the investigator
- Securing available evidence
- Determining the list of individuals who should be interviewed and in what order
- Preparing an investigation checklist
- Considering confidentiality
- Considering communication

TOPIC 3

CONDUCTING A PROCEDURALLY FAIR AND "DEFENSIBLE" WORKPLACE INVESTIGATION

- What are the principles of procedural fairness?
- Best practice strategies and practices in conducting fair workplace investigations
- Gathering and reviewing evidence
 - Legal constraints on how sensitive and confidential information can be gathered and used
 - Considering all documentary evidence
- Conducting effective interviews
- Designing a framework for questioning
- Complainant vs. Accused vs. Witnesses
 - Asking the right questions
 - Questions to avoid
- Documenting the interview and balancing confidentiality