

EMPLOYMENT INVESTIGATIONS



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dundas street employment lawyers

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Be prepared

When a workplace complaint is made, you are legally required to take steps to address it, which will often require a formal investigation. The Courts are setting an increasingly high benchmark for employment investigations and it is easy to get the process wrong. Getting the process right from the outset will save time and money in the long run.

We offer a range of targeted workplace investigation solutions. Whether your goal is to build your in-house investigations capability, or to engage an independent expert to manage the end-to-end process, we can deliver for you.

Enhance your in-house capacity

We can assist with developing and upskilling your in-house capability:

- We can deliver targeted and interactive training sessions designed for human resources staff and managers.
- We can partner with you to provide ongoing advice and support through the investigation process.
- We can upskill your staff on investigative interviewing and evidence-gathering techniques. The Employment Court has said that employers are expected to have upskilled their managers and HR staff on how to properly conduct employment investigations to avoid adverse findings.

External investigations

Some workplace complaints require an external investigator. This may arise when:

- Your organisation does not have a sufficiently skilled or experienced internal investigator available to conduct the investigation;
- If there is an actual or potential conflict of interest in appointing an in-house investigator;
- The allegations involve serious issues or senior employees;
- The outcome of any investigation is likely to be subject to external scrutiny or challenge;

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- Your usual legal advisor cannot act as an independent investigator, or will be assisting you in other processes arising out of the investigation;
 - The investigation requires the protection afforded by legal professional privilege.

We can help

- We run effective investigation processes that are impartial, sensitive and will withstand legal scrutiny.
- We work within clear and agreed terms of reference to produce reports which clearly identify the factual and legal findings.
- We provide practical and targeted recommendations for your organisation.
- We provide cost effective outcomes and do not “over cook” the process.