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EMPLOYMENT INVESTIGATIONS

Employment investigations is an area where Employers carry the most risk when it comes to employment problems and personal grievances.

In a large number of cases where there is either an issue with an Employee or a complaint from an Employee, Employers fail to meet their obligations in terms of the investigation process.

As a result, even though the Employer may well have been justified in either disciplining or dismissing an Employee, because they fail to follow the correct process of fairly, thoroughly and promptly investigating the issue they leave themselves exposed and end up being penalised.

An Employer has an obligation to deal with any issues promptly. Sitting on a problem for several weeks is not dealing with it promptly and in doing so will often make matters worse. This is especially so in the circumstances where an Employee has made a complaint about some aspect of their job or a relationship with another Employee such as a sexual harassment claim.

Secondly the Employer must undertake a fair, thorough and robust investigation.

This can be quite a challenging obligation where the person conducting the investigation for the Employer is also the complainant or a witness.

In these circumstances it is often worthwhile giving serious consideration to engaging an independent Employment Investigator.

That way the Employer can carry on with their normal daily activities and the Investigator can deal with matters promptly, thoroughly and efficiently.

The independent Investigator would interview all relevant staff including the staff member that is alleged to have acted inappropriately or is in alleged breach of their Employment Contract.

The Employment Investigator will then present the Employer with a report so the Employer can then meet with the relevant Employee before the Employer makes a final decision. The Investigator does not make the decision. They simply collect the facts and provide a report with a determination of what they believe the facts state on the balance of probabilities.

Engaging an independent Employment Investigator who is experienced and appropriately qualified increases the Employers chances of meeting all their obligations in relation to the investigative process.

Eugene Collins of our firm recently attended an Independent Employment Investigator's course run by the "Association of Work Place Investigators of America" in Austin, Texas. He would be happy to speak with any clients who think the engagement of an independent Employment Investigator would be of benefit to them. Please feel free to contact Eugene at anytime.

20 MINUTE FREE

WANT to review your Family Trust structure? THEN call us and take advantage of our 20 Minute Free interview