

## Managing grievances checklist for employers

If your staff members are in conflict, you may need to investigate to work out what action to take. Acting quickly can also stop a situation from escalating, so it's important to know what to do and understand your obligations.

If an investigation is warranted, follow these essential steps to ensure it's as effective as possible.

Tick off each item in this checklist as you consider it, and keep it on your investigation file, along with any relevant notes and documents.

### Planning

- Make an Investigation plan before you start so you're clear on what needs to happen
- Identify key witnesses
- Outline the objective of the investigation
- If termination of employment is possible, seek legal advice, or be prepared to do so. Ensure you put the allegations to the worker in writing.

### Action

- Investigate as soon as possible

### Communication

- For written communications with the worker, ensure careful drafting to reduce the risk of any suggestion that you have pre-determined the outcome

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## Process

- Observe proper processes, including any requirements in your workplace policies and procedures
- Observe the rules of natural justice (fairness)
- Give the complainant a chance to have input
- Give the alleged perpetrator a chance to have input
- Rely on the best sources for information, for example, witnesses who saw the incident, rather than hearsay or innuendo
- If an interviewee requests a support person, clarify their role with the interviewee
- Encourage both complainant and alleged perpetrator the opportunity to have a support person during the investigation (but you don't have to find them one)

## Interview

- Set up interviews with the complainant and any witnesses
- Keep written records of the interviews, and ask each interviewee to read and sign their respective records of interviews
- Consider asking a second person to act as a note-taker during the interviews
- If an interviewee raises any counter-allegations, consider and address them as necessary

## Confidentiality

- Maintain confidentiality during and after the investigation

## Evidence

- Be aware of what constitutes proper evidence
- Be aware of the dangers of inadmissible evidence
- Examine any physical objects that may be part of the complaint, for example, stolen items
- Keep any documents and electronic records intact and in a safe place

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## Records

- In addition to interview notes, keep detailed notes of other aspects of your investigation and decision-making

## Privacy

- Consider whether you have complied with [Privacy Act](#) requirements for collecting personal information
- Consider any other laws that prohibit the use of information, for example, in the [Return to Work Act](#)

## Things to remember

Remember that some aspects of an investigation are critical to its success. These elements are central to all workplace investigations.

### Confidentiality

Before advising your employees about the outcome of your investigation, remember to seek legal advice about how to deliver the message fairly. Avoid making promises about anonymity because you may not be able to do so.

### Conflict of interest

Remember that if the complaint is about you, you cannot be the investigator, and you should avoid direct involvement in the investigation. Similarly, if the complaint is about one of your managers, that manager can't act as an investigator.

### Client legal privilege

In some circumstances, you may need to seek legal advice about client legal privilege. In particular, legal advice is a good idea if the allegations are proved and termination of employment is possible.

### Disciplinary action

If an employee refuses to cooperate or breaches your direction about maintaining confidentiality, you may need to take disciplinary action. Again, seeking legal advice to discuss this possibility is a good idea.

### Contact us for workplace investigation assistance and advice.

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