

Workplace Investigation? – Do it right with an Independent Investigator

Greg Millard - 4 September 2017

When it comes to risk, following a disciplinary process through to its conclusion is near the top of the list for a majority of employers. Key to successfully navigating through a disciplinary process is running an effective workplace investigation.

Whether the employer needs to address allegations of workplace misconduct or performance issues, their approach to complaints and investigations must be fair and objective.

Conducting thorough workplace investigations is also simply good business practice. A proper investigation should be an exercise in fair and objective fact finding.

The object of any workplace investigation should be to enable the employer to make the best decision for its business. To ensure they get it right from the outset, employers should consider engaging an independent investigator.

Engaging Independent Human Resources Ltd. (iHRNZ) has a number of benefits for the employer:

1. It reduces risk of bias (either actual or perceived) by removing anyone with a conflict from the investigative process.
2. The need for a workplace investigation is often unexpected and can appear on the employer's radar suddenly. These matters are usually urgent and time consuming. Engaging iHRNZ allows the employer to remain focussed on what they do best, running their business while we investigate and report back.
3. iHRNZ provides a customised service in partnership with the employer. We look at the facts through the lens of the employers own code of conduct, employment agreements and internal policies and procedures.
4. iHRNZ will ensure best practice is adhered to, and ensure impartiality and fairness for all involved.
5. We will balance the need for speed with the need for accuracy and completeness.

Our investigation report will provide the employer with a thorough understanding of the facts surrounding a complaint, giving the employer the ability to make a robust and fully informed decision.

Employers should always make a decision with challenge in mind. Should a disgruntled employee decide to have the employer's decision reviewed by the Employment Relations Authority or Employment Court, the employer needs to be confident that their decision will hold up. Engaging iHRNZ will ensure that confidence.

Employers that engage iHRNZ to conduct their workplace investigations will receive a service that is Comprehensive, Compliant, Consistent and Court-ready.

There have been a number of recent cases where the Employment Relations Authority, Employment Court and Court of Appeal have subjected employers' workplace investigations to intense scrutiny and found them wanting. Examples include:

[A Ltd. v H \[2016\] NZCA 419](#)

[Marlene Campbell v The Commissioner of Salford School \[2015\] NZEmpC 122](#)

[Margaret Harris v The Warehouse Limited \[2014\] NZEmpC 188](#)

iHRNZ works hard for our clients to ensure they are well equipped to make the best decision for their business and that risks are mitigated.

If we can assist you in anyway with a Workplace Investigation please contact us via our website ihrnz.co.nz email us at info@ihrnz.co.nz or call us on either 0800 244769 or 0220657293.

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