

## **We will do (almost) anything to talk you out of an investigation**



*“Hi Tony, We have an issue and we need you to do an investigation. We’ve received a bullying complaint and we know this manager is a bit difficult. So we need to see if the allegations are true.”*

*“Hold on a minute... Let’s discuss what you are trying to achieve here and then we can determine if an investigation is the best option for your people and your organisation...”*

It sounds crazy but every week we spend considerable time talking our clients out of doing investigations and into something far more productive! Not the best business model for us, but this conversation is ALWAYS in our clients’ best interests.

### **What to ask yourself?**

Do you need to attribute blame and possibly sanction someone’s behaviour? Do you need to know all about how the puzzle came apart or how the pieces fit together? Is the behaviour so serious that if true you will need to punish?

If the answer is “YES”, then almost certainly you need to investigate.

However more often than not the answer is something like... *“Well I really just want them working together more effectively”*. Then almost certainly you need a conflict resolution response and not an investigation.

### **What is the purpose of a workplace investigation?**

Working backwards, a workplace investigation is designed to apportion blame and determine whether a sanction should be applied. That is, whose fault it is and should we punish them? Punishment usually takes the form of some sort of disciplinary action like a warning or termination of employment.

The basis for the blame and punishment is the investigation where allegations have been (or not been) “substantiated” on the “balance of probabilities”.



### **When should you look at doing an investigation?**

If you need to *“know the facts”*, have *“accountability”* for what occurred and to provide a sanction because of what occurred. This includes situations such as:

- Serious misconduct that may result in the termination of employment
- Breach of WHS/OHS laws
- Discrimination or sexual harassment
- Bullying
- Inappropriate workplace conduct that may result in a lesser (then termination) disciplinary action
- If your policy requires you to investigate after receiving a formal complaint/grievance

### **What doesn't an investigation give you?**

An investigation does NOT resolve conflict. If anything it entrenches it. Once people are interviewed and provide statements their view on a person or an event is more likely to become entrenched and harder to shift. Often witnesses will feel that they have to *“pick a side”* and the discord in a team can become significantly greater. Any type of mediation or facilitated discussion is much harder AFTER an investigation rather than before it.



**Well??? Should you investigate or not?**

Are you looking to resolve conflict or are you looking to apportion blame? Of course the risk profile of the organisation, the legal implications, the individual employees' work history and the internal resources of the organisation often play a significant factor in determining the path forward.

Are you struggling with conflict resolution? Are you considering a workplace investigation? Please give us a call to discuss the many different options and opportunities.