DETAILED INVESTIGATION PROCESS

Issue / event is not serious enough to warrant disciplinary action / dismissal but needs to be addressed

INFORMAL "heads up"
Raise the issue informally ***keep a record of***

- ☐ *The date*
- ☐ *The discussion*
- ☐ *Agreed clear standards to aim for*
- ☐ *Agreed timeframe for improvement (where applicable)*
- ☐ *Get employee to verify and sign the record*
- ☐ Explain that if issue re-occurs disciplinary action is a possibility

Ongoing issue/ event that has been addressed informally in the past and has now re-occurred

WHAT ARE THE FACTS?

Are you clear about the facts before you ask for a meeting?

What information do you need to gather at this meeting?

- ☐ Set down a suitable meeting time

Inform the employee:

- ☐ Of issue's to be discussed at the meeting
- ☐ That disciplinary action or dismissal could be a possibility after the meeting
- ☐ Of his/her right to seek advice and have a representative or support person present at meeting.

Misconduct that may warrant disciplinary/ dismissal action

THE INVESTIGATION

DO NOT make a decision to take disciplinary action or to dismiss before or during the meeting.

Give the employee a genuine opportunity to respond with their side.

LISTEN WITH AN OPEN MIND

Record:

- ☐ Discussion
- ☐ Employee's response to your questions
- ☐ Ask employee to verify and sign records
- ☐ Provide a copy of the record to the employee

Inform the employee:

- ☐ Time frame of when you will reach your decision

Investigation after the meeting

Are there other people who you need to clarify things with as a result of the meeting?

Do you need to suspend the employee while the investigation is taking place?

What does employment agreement say about suspension?

YOUR DECISION

In light of the situation is the misconduct so serious, that it can warrant ***instant dismissal?***

Consider all the relevant facts with an open mind.

NO

YES

BEFORE YOU GO AHEAD WITH THE DISMISSAL

Has your investigation been thorough and impartial?

Have you considered other alternatives to dismissal?

Is this something that can be resolved in mediation?

Are you able to justify ***both the reason*** *for the dismissal* ***and the process you have used****?*

Are your actions in line with what a fair and reasonable employer would do given those circumstances?

SEEK LEGAL ADVICE

FOR INFORMATION
VISIT: www.ers.govt.nz
CONTACT: 0800 20 90 20

SET STANDARDS FOR THE FUTURE

Discuss:

- ☐ the outcome of your investigation
- ☐ What you want to see happen as a result.

Suggest mediation if you can't get to an agreed outcome

Explain consequences if conduct/ issue re-occurs

Keep a record of

- ☐ *The date*
- ☐ *The discussion*
- ☐ *Agreed outcomes/ standards to aim for*
- ☐ *Agreed timeframe for improvement (where applicable)*
- ☐ *Ask employee to verify and sign the record*
- ☐ *Give the employee a copy*

For more information please call 0800 242 6237 (0800 CHAMBER)

AUCKLAND CHAMBER OF COMMERCE Business Vitality

DISCLAIMER: The information contained in this document is supplied as a guide only. It is not intended to replace legal advice. It is recommended that you seek legal advice before acting on information contained herein.