



When should we engage an external workplace investigator?

As soon there is a potential issue. You do not have to wait for a formal complaint.

Why an external workplace investigator?

An investigation can be costly and time consuming if you don't get it right. You must follow a fair and unbiased process, following the principles of natural justice, otherwise you could open yourself up to potential costs and legal issues further down the track.

It is difficult to be objective and unbiased when conducting your own internal investigation, particularly when you know the parties involved. By engaging with Cubal Team, you can be sure that the process will be run appropriately. Our findings will be unbiased, objective, and soundly based. We also provide recommendations around your policies and processes, identifying areas such as further training and development, policy reviews or structural reviews.

Types of investigations

There are many types of investigations we can do. **The most common are:**

- **Bullying and Harassment;** The Health and Safety at Work Act means there is a primary duty of care on employers to ensure that the health and safety of workers is protected. If you are aware there is a potential bullying or harassment issue, then it is imperative you act on it appropriately.
- **Potential breaches of employment policies;** you may be concerned that an employee has breached an employment policy in an area such as privacy, financial management, or your Code of Conduct.

- **Review of an appointment or promotion;** a candidate may have concerns around how a recruitment or promotion process was conducted.
- **Workplace reviews/assessments;** you may have a 'niggle' that something is not quite right within your team. Perhaps staff raised issues with you without making a formal complaint or you notice certain behaviours that concern you. Your organisation may have grown, and you would like to check to ensure your policies, culture or operational structure remain fit for purpose. We conduct these assessments differently from our formal investigations so please contact us to discuss further.



Our approach

Once the Terms of Reference (**ToR**) have been signed we will contact the parties to explain:

- who we are
- our role
- how we will be approaching the investigation
- the process we follow and what they can expect
- the importance of confidentiality
- a support person may accompany them to meet with us.

We are happy to meet people face to face, telephone or via Teams/Zoom/Google Meet.

Usually, we meet with the complainant first then with any other appropriate witnesses or individuals before meeting with the respondent. As independent investigators, we have discretion to interview other parties of our choosing and to request documents such as emails or surveys.



All our interviews are recorded, and professionally transcribed.

Once our investigation is completed, our draft report is written. We provide a draft report to the respondent and, with the employer's agreement, to the complainant and to any other individual who in our opinion should have the opportunity to respond to any adverse findings or issues in the draft report before it is finalised. Once the parties have had an opportunity to respond to our preliminary findings, the report is finalised and sent to the decision-maker.

Our reports are detailed, using plain language, and designed so that employers can feel confident they have the appropriate information to make the right decision. We are always happy to meet the decision-maker to discuss the report if necessary.

Workplace investigations are stressful for everyone. Our process ensures that when we meet the parties, they feel relaxed, supported, and able to speak freely with us.

How long does an investigation take?

This depends on the number of people interviewed, and how quickly they are able to talk with us. We try and keep the process moving quickly, as we know it is difficult for all involved. Generally, a straightforward investigation can be done within six weeks, but some could take up to a few months. Delays may be due to absences, union or lawyers' interventions, or slowness by witnesses. We keep clients updated throughout.

What information needs to be given to start an investigation?

Terms of Reference (ToR) – these will set out the scope of the investigation, whom to interview and what policies, documents etc you would like us to work with when reaching our findings.

Names and contact details – for the complainant, respondent, and any witnesses you know we will need to interview.

Original complaint – written and preferably attached to the ToR.

Other documents

- Employment Contracts for both parties
- Role descriptions for both parties
- Key policies that relate to the complaint
- Anything else you think might be useful

Cost of investigation

We charge by the hour and can provide an estimate once we have discussed the issues and the likely number of witnesses. We always keep the cost to a minimum and offer a 10% discount to NGOs.

References

Our work is confidential. However, if you would like to hear from previous clients, please let us know and we can arrange this.

