



| LAWYERS | CONSULTANTS | TRAINING |

thinking differently

Workplace Investigations Capability

WORKPLACE INVESTIGATIONS | WORKPLACE ADVISORY AND LEGAL | WORKPLACE INVESTIGATIONS TRAINING

Why conducting Workplace Investigations well, helps your business and your people

There is an increasing call in the modern workplace for investigations to be carried out in order to establish whether or not complaints or grievances are well founded or to reliably establish the facts about certain matters before important decisions are made. If workplace investigations are to serve their purpose, it is imperative that they are conducted efficiently and the reports emanating from them are coherent and sound; essentially that they and the investigatory procedure behind them can stand up to critical scrutiny including sometimes in a court or tribunal setting.

Our approach to workplace investigations is directed at achieving those objectives. We do this by integrating practical, mature experience in the actual conduct and techniques of workplace investigations together with high level legal expertise concerning investigations.

At Bartlett Workplace, we offer a full range of workplace investigation services.

We are the experts when it comes to

- + Conducting workplace investigations;
- + Advising on workplace investigations and processes; and
- + Workplace investigation training.

Workplace Investigations

We have extensive experience providing workplace investigation services across a wide range of industry groups, including

Public sector entities	Rail	Sports and Entertainment
Local, State and Commonwealth Government	Transport and Logistics	Postal
Education	Banking and Finance	Aviation
Health and Emergency Services	Utilities and retail	Marine
Construction	Energy and Resources	Security
Oil and Gas	Consumer Retail	Agribusiness

Our Workplace Investigators

All our workplace investigators have been personally trained by Principal Workplace Lawyer and Director of Training, Glen Bartlett, to deal with the wide range of issues that can arise in a workplace investigation.

We understand that every organisation has its own particular features and that a sound investigation must be informed by an appreciation of contextual factors. Accordingly, when we select an investigator to work with you, we look at both the matters to be investigated and the context in which the matters arise to make sure that the investigator nominated is well fitted to conducting the investigation required.

We have strong experience dealing with the difficult issues that can arise in relation to

Gender	Children, minor and students	Health Professionals	Indigenous sensitivities
Cultural sensitivity	Older people	Patients	Educators

We work with you to find the right fit for the case at hand

Example 1: Bartlett Workplace was engaged to conduct an investigation involving a regional education facility and minors. The female investigator we assigned had strong experience working with minors, understood regional communities and appreciated the cultural sensitivity issues that were at the core of the issues investigated.

Bartlett Workplace provided strategic advice and training to help deal with all the issues arising out of the investigation and its findings.

Example 2: Bartlett Workplace was engaged to conduct an investigation involving workplace violence within the public sector.

The workplace investigator that was appointed was appropriate having regard to the concerns for safety and welfare, and the particular industry sector involved.

Our Integrated Approach

As part of our integrated approach, our workplace investigators are supported at every stage by the Bartlett Workplace legal team which includes Glen Bartlett and Director of Workplace Litigation, Bryan Mueller, to make sure our investigations and their results are robust, accurate and legally defensible when you need them to be.

We make a point of keeping you informed of the course of investigation.

Advisory Services for Workplace Investigations and related policies and procedures

Apart from conducting or overseeing the conduct of workplace investigations, Bartlett Workplace also provides high level legal and human resources advice on:

- + Complaint, grievance, behaviour and disciplinary policies, processes and procedures including related investigation elements of them;
- + On how to deal with the results of an investigation conducted by other investigators; and
- + Issues relating to organizational cultural and change.

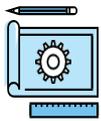
Our experience has taught us that many organisations make critical errors before they even begin a workplace investigation by not having appropriate, practical investigation guidelines to be consistently followed in workplace investigations. Bartlett Workplace has extensive experience in formulating the processes and procedures that are adapted to the particular organisation concerned.

Because of the combination of practical workplace investigation expertise and legal expertise, Bartlett Workplace is especially well placed to evaluate investigation reports, to advise on the taking of next steps by reference to them and on the legal issues associated with them such as their disclosure to others, legal privilege and the like.

Additionally, if a workplace investigation report discloses cultural issues in the organisation, through our alliance with Strategic Human Resources, Bartlett Workplace can conduct a thorough cultural review, identify the issues and advise on practical steps to address them. Through our alliance, we can also provide consultants who will be with you at every stage of a change or restructuring process.

Workplace Investigations Training Solutions

for your managers and
decision makers



Having well trained people is the first step towards conducting a successful workplace investigation

Our **Workplace Investigation Training** provides your people with the tools and practical training they need to better manage employee behaviour and, in particular, to investigate and make decisions with respect to matters involving serious misconduct.

Our customised workshops are the best way for you to ensure you have in-place a best practice model for workplace investigations in-place. We can work with you to design training tailored specifically to your needs to fill skills gaps and make sure each workplace investigation you conduct is consistent, addresses the issues that matter to you, follows a legally robust process and achieves your strategic goals.

Bartlett Workplace also provides **public workshops** for workplace investigators and human resources managers, a workshop tailored for decision makers and a best practice workshop focusing on best practice disciplinary processes and procedures including workplace investigations.

Our 3 main workshops and masterclasses in this focus area are

1. Workplace Investigation Training for Investigators;
2. Workplace Investigation Training for Decision Makers; and
3. Workplace Investigation and Disciplinary Processes Best Practice Workshop.

What participants will receive for attending each of our workshops

All participants will receive top quality training with plenty of practical examples and real life case studies to work with.

As part of the training we will supply a workbook to participants to both enhance the learning experience and provide them with some practical resource materials (which will be tailored specifically for your team). The materials we provide include a practical field manual for investigators to use, a sample witness statement and a template report structure.

Our clients have found the practical materials save them time and money when later conducting their own serious misconduct investigations.

Who is the training for?

Our training is perfect for all human resources professionals, including HR managers, supervisors, workplace investigators as well as team leaders and managers.

Included in workshops are practical resource materials such as

Tailored simple and easy to use guidelines for decision makers and investigators;
Checklists for investigating officer interview;
Draft file notes;
Draft referral letter;
Sample letter for immediate action and disciplinary action for serious misconduct;
Suggested interview format;
Draft format for investigators report; and
A valuable field manual for practical use and guidance for investigators.

In addition, we are able to develop simple and easy to follow flowcharts and plain English guidelines for both investigators and decision makers tailored to your organisation.

Format of training

Our training is practical, interactive and includes a number of role plays and activities that will assist attendees to build their workplace investigation skills and respond to the various "curve balls" that inevitably arise when investigating serious misconduct

For example, participants will be trained on how to audio record interviews, prepare statements and write up their investigation reports.

Workplace Investigations Officer Training

focusing on Serious Misconduct
Investigations



Train your workplace Investigators to improve and increase capability and reduce risk

Conducting a successful investigation is a challenging and often difficult task for any investigator. The purpose of this training is to provide managers responsible for conducting workplace investigations and investigator officers with the tools and practical training to better prepare and carry out the process of conducting workplace investigations.

This workshop covers the fundamentals of conducting an investigation including; proper referrals/delegated authority, principals of natural justice, investigating techniques, including obtaining statements and other evidence, required standard of proof, and the meaning of important legal phrases such as 'without prejudice', 'legal professional privilege' and 'discovery' of documents in a legal process.

The anticipated learning outcomes from this training will include

Gain a full understanding of how to plan a serious misconduct investigation and how to obtain as much information as possible from witnesses;

Have a practical understanding of essential workplace investigation skills including audio recording meetings, drafting witness statements and preparing investigation reports;

Understand and be able to identify misconduct and serious misconduct and when suspension is required;

Understand natural justice and what is required for a fair and defensible workplace investigation;

Understand and be able to manage the key legal and human resources risks associated with investigating allegations of serious misconduct;

Appreciate and know how to avoid key things that can go wrong when interviewing employees and collecting evidence;

Be able to respond to 15 crucial "curve balls" that difficult employees and their representatives can use to undermine a workplace investigation;

Understand the different sanctions that can be imposed after a finding of serious misconduct;

Be able to write consistent and useful investigation reports;

Know more about your legal obligations in a hands-on training environment; and

Be able to run a serious misconduct investigation, including:

- ✓ Preparation and use of the tools provided;
- ✓ Interviewing witnesses and taking statements;
- ✓ Audio recording interviews with respondent employees;
- ✓ Dealing with difficult witnesses and their representatives; and
- ✓ Writing investigation reports.

Who is the training for?

We have found that HR professionals, including; HR manager/supervisors and workplace investigators gain the most benefit from this course. We recommend that anywhere between 8-12 participants is the ideal number to work with to maximize the benefits of the training.

Format of training

The training is conducted in an interactive and practical manner. Participants engage in practical activities and role play real life workplace investigation situations. This allows them to test their knowledge and gain confidence in their ability to manage difficult workplace investigations and also be able to respond to the various **curve balls** that inevitably arise when investigating allegations. For example, participants will be trained on how to audio record interviews, prepare statements and prepare their investigation reports.

Included in our workshops are practical resource materials for participants such as

Our clients and past participants have found the practical materials to save both time and cost when later conducting their own serious misconduct investigations.

Practical field manual for investigating officers for practical use and guidance;

Checklists for investigating officer interview;

Sample witness statement;

Suggested interview checklist and script;

Suggested interview format; and

Draft format for investigators report.

Workplace Investigations Training for Decision Makers

focusing on Serious Misconduct Investigations



Providing the right training for the decision maker can be critical to a successful outcome

While the processes can be confronting and uncomfortable, it is important to address workplace investigations early and in an organised and efficient manner, so as to prevent them from escalating into a messy time consuming and costly disputes.

The decision maker makes the decision about the outcome of a workplace investigation. They are the person responsible for the investigation process and they determine:

- whether or not an investigation should take place;
- whether the investigation should be done by an internal or external investigator;
- what is the scope of the investigation;
- how long the investigation should take;
- what is communicated to the respondent employee about the investigation;
- whether the respondent is to be suspended pending the investigation; and
- whether any other lawful or reasonable directions will be given.

A decision maker cannot make a good decision without a proper investigation. But a great deal of legal risk depends on the decision maker performing their role well.

Having properly trained decision makers is therefore key to reducing the legal risk associated with workplace investigations.

The anticipated learning outcomes from this training will include

Understand their role in the serious misconduct process;
Understand and be able to identify misconduct and serious misconduct and when suspension is required;
Know how to assess if an investigation is necessary;
Know how and when to appoint an internal or external investigator;
Understand natural justice and what is required for a fair and defensible workplace investigation;
Know how to set and manage the time frame for an investigation process;
Know how to draft the scope for the investigation and appropriate terms of reference;
Know how and what needs to be communicated to the respondent employee and when;
Understand and be able to manage the legal and human resources risks associated with investigating allegations of serious misconduct;
Be able to respond to 15 crucial "curve balls" that difficult employees and their representatives can use to undermine a workplace investigation;
Know how to consider all the relevant circumstances and make a robust and defensible decision on the outcome of an investigation;
Understand the different sanctions that can be imposed after a finding of serious misconduct;
Know what to do when extraneous issues arise during the investigation process; and
Know how to keep and manage confidential documents and reports.

Who is the training for?

We have found HR manager/supervisors and in house legal counsels who are responsible for the management of workplace investigations gain the most benefit from this course. We recommend that anywhere between 8-12 participants is the ideal number to work with to maximize the benefits of the training.

Format of training

The training is conducted in an interactive and practical manner. Participants engage in practical activities and role play real life workplace investigation situations. This allows them to test their knowledge and gain confidence in their ability to manage difficult workplace investigations and also be able respond to the various **curve balls** that inevitably arise when investigating allegations.

Included in our workshops are practical resource materials for participants such as

In addition, we are able to develop simple and easy to follow flowcharts and plain English guidelines for both investigators and decision makers tailored to your organisation.

Tailored simple and easy to use guidelines for decision makers
Draft file notes;
Draft referral letter; and
Sample letter for immediate action and disciplinary action for serious misconduct.

Workplace Investigations, Disciplinary Processes and Procedures

‘Best Practice’ Workshop



Having the right approach to workplace investigations along with policies, procedures and management guidelines in place is fundamental in preventing employee issues escalating to messy disputes

Our Workplace Investigations and Disciplinary Processes Best Practice Workshop is an interactive workshop that allows your HR teams and managers to review what is and is not working effectively when it comes to workplace investigations and disciplinary processes.

During this workshop we explore best practice workplace investigation processes, including a review of your organisation’s current investigation policies and procedures.

The purpose of the review is to provide your team with

Information about the strength and limitations of your organisation’s disciplinary/investigation policies and procedures;

Recommendations for possible improvements; and

Alternative policies, procedures and management/investigators guidelines to optimise results

This workshop covers the following

All stages of the investigation process from identification of the problem through to the conduct of the investigation and conclusion of the matter;

Alternative approaches that could be used to effectively resolve misconduct issues, implemented through enterprise agreements, policies, procedures and guidelines;

Options for any appeals against the current process as well as the use of any external advice and review throughout the process, including how to optimise business outcomes throughout the process; and

Best practice options and recommendations for change including the provision of simple guidelines and template documents to assist investigators and decision makers.

Who is the training for?

Our training is perfect for all human resources professionals, including HR managers, supervisors, workplace investigators, decision makers as well as team leaders and managers.

We recommend that no more than 16 people attend the training, but anywhere between 8-16 participants is ideal to maximize the benefits of the training.

Format of training

The training is conducted in an interactive and practical manner. Participants engage in practical activities and role play real life workplace investigation situations. This allows them to test their knowledge and gain confidence in their ability to manage difficult workplace investigations and also be able respond to the various **curve balls** that inevitably arise when investigating allegations.

What do participants receive?

Top quality training and advice from leading workplace lawyers and workplace investigators with plenty of real life examples, tips and tricks in how to manage curve balls in real life situations.

Each participant also receives appropriate checklists, templates, guides, flow charts and how to manuals to assist them and their organisations perform and deal with these challenging employment issues.

We work with you to tailor to your needs

We have a number of real-life case studies where decision makers, HR managers and supervisors have handled situations positively and ways in which there is room for improvement.

We would also discuss with you any specific case studies that you would like us to include in the materials to make the training more realistic for those involved.

Committed to Innovating Education

what our Masterclass and Workshop participants say



Committed to Innovative Education

At Bartlett Workplace we develop and design training courses covering a number of workplace law, employment law and human resources topics. We can tailor the length and content to suit your organisation's needs.

Our team are currently involved in the development of a number of on-line products and technologies, including audit tools.

We are committed to using technology to bring a better service to our clients in a practical manner.



Customised Training

All our training can be customised to suit your organisation's needs.

These tailored workshops offer advantages to your teams such as

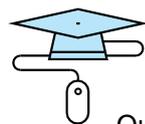
Provide your team privacy. You can workshop and solve real problems in a confidential environment; and

One – on – one attention working closely with our skilled facilitators;

Receive personalised video and recorded copies of role plays and analysis; and

Access to our state of the art learning facilities right in the heart of the CBD (for Melbourne clients).

We have designed and delivered customised training for over 30 of Australia's largest employers across every industry sector.



Bartlett Workplace Training Facilities

Our state of the art workplace management and leadership training facility is located right in the heart of Melbourne's CBD.

We can accommodate up to 20 people at our facility with access to the latest technology and interactive tools.

What participants say about our training

"Very informative. Really enjoyed real life stories about cases - puts everything into context"

"Dealing with "Curve balls" has given me confidence to handle difficult witnesses"

"The resource material and templates of letters, reports and, scripts are fantastic and great for all managers"

"Learning how to plan effectively and maintain in control of a meeting with the respondent employee or witness was so helpful"

"Amazing. I really enjoyed how flexible the discussion was. Glen was able to answer every question without fault"

Talk to us about your training needs

If you would like to discuss our workplace Investigations training or information on any other training that we provide.

We are happy to send you our complete training brochure on **Workplace Management Capability Development workshop** and **Leadership** Masterclasses that we also provide clients.

Please contact us on 3 9605 5000 or email us enquiries@bartlettworkplace.com

Meet our National Team of Workplace Investigators

Our team are all highly trained workplace investigators consisting of workplace lawyers, litigators, human resources professionals, industrial relations experts and communications advisors. Our investigations team work across metro and regional areas in Victoria and in West Australia, but can be mobilised anywhere in Australia.



Colin Brown
Senior HR/HR Consultant
Senior Workplace Investigator
Victoria

Sector Experience

Colin specialises in workplace investigations and advice across the public sector, including local government and statutory authorities. He has conducted numerous investigations in the health and emergency services, utilities and education sector as well.

Skill and Experience

Colin has more than 20 years of experience working in industrial relations, employee relations and human services in senior roles including the Royal Children's Hospital, Department of Justice (Vic) and Essential Emergency Services.

Colin brings with him a deep understanding of contemporary employee and industrial relations as well as an innovative approach to improving workplace productivity. Colin is legally trained.



Elisé Burch
Senior HR/IR Consultant
Senior Workplace Investigator
Victoria

Sector Experience

Elisé is a highly experienced and respected senior HR and employment law expert, who specialises in conducting workplace investigations across the banking, finance and insurance industries. Elisé is experienced in dealing with workplace issues and investigations at the Executive and Board level.

Skill and Experience

As an experienced HR/IR consultant and employment lawyer, with over 20 years of commercial experience working with some of Australia's most respected organisations across the banking and financial sectors including the Commonwealth Bank, ANZ, AMP and SEEK.



Victoria Laspas
Director of Communications and Government Relations
Senior Workplace Investigator
Victoria (Metro and Regional) and Perth (Metro)

Sector Experience

Victoria specialises in highly sensitive and confidential workplace investigations having worked with a number of international intelligence agencies and government bodies. Victoria's effective communications and interpersonal skills allow her to handle delicate HR and workplace issues with expert precision and balance.

Victoria is experienced in conducting workplace investigations covering issues involving cultural and community sensitivities, students/minors, children and situations involving a high level of media and brand risk for a client.

Skill and Experience

Victoria conducts workplace investigations in sectors including local government, education, health services, sports, emergency services, defence and government funded indigenous programs.

Meet our National Team of Workplace Investigators



Angus MacKenzie
Graduate Workplace and Employment Lawyer
Workplace Investigator
Victoria (Metro and Regional)

Sector Experience

Angus is a great communicator, providing easy to understand and practical analysis and advice. Highly analytical with an eye for detail, Angus specialises in preparing, conducting, reporting and advising on robust and legally compliant investigations that will stand up to scrutiny in courts and tribunals. Angus works very closely with our head of Litigation and Disputes, Bryan Mueller.

Skill and Experience

Angus has conducted workplace investigations for clients across a number of industries including local government, health services, utilities and the higher education sector.



David Scanlan
Special Counsel
Senior Workplace Investigator
Perth (Metro and Regional)

Sector Experience

David heads up Bartlett Workplace's legal practice in Perth and is an experience Employment and IR Lawyer, having worked at a number of top tier law firms and has held senior roles within the emergency services industry.

David has extensive experience in industrial litigation and in providing strategic advice to clients on contractual, general employment, investigations (and grievance management), industrial relations, discrimination and occupational health and safety issues across various industries.

Skill and Experience

David conducts workplace investigations for clients across a number of industries, including, local government, emergency services, health, construction, oil and gas, resources, and mining across Australia.



Kat Simpson
Senior HR/IR consultant
Senior Workplace Investigator
Perth (Metro and Regional)

Sector Experience

As a senior HR/IR consultant, Kat has worked across a number of industrial sectors, such as construction, oil and gas, rail, resources and utilities industries.

Kat specialises in investigations in challenging industrial relations environments involving difficult and obstructive employees and their representatives. Kat's experiences in the construction, oil and gas industries means she is also well suited to conduct and advise on investigations in those industries.

Skill and Experience

Kat has carried out extensive and high-pressure enterprise agreement negotiations, developed, managed and implemented strategic IR and ER policies and procedures, and dealt with the full range of day to day IR and ER issues.

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