



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

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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

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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**

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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:**

<b>Gender</b>	<b>Children, minors and students</b>	<b>Health Professionals</b>	<b>Volunteers</b>
<b>Cultural and Indigenous sensitivity</b>	<b>Ageing population</b>	<b>Patients</b>	<b>Educators</b>

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

**Example 1:** Bartlett Workplace conducted an investigation involving a regional education facility and minors. The 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 (through our complementary businesses) provided strategic advice and training to help deal with all the issues arising out of the investigation and its findings.

**Example 2:** Bartlett Workplace conducted an investigation involving workplace violence within the public sector.

The workplace investigator that was appointed was appropriate having regard to the concerns for safety, welfare, and the particular industry sector involved (having also previously worked as a senior HR manager in the industry concerned).

## **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 issues arising and progress over the course of the 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 legal and human resources advice on:

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

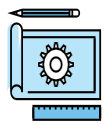
Our experience has taught us that many organisations make critical errors before they even begin a workplace investigation by not having appropriate, practical investigation guidelines to be consistently followed in workplace investigations. Bartlett Workplace has extensive experience in formulating best practice, practical 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.

## 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.

## 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 investigator's report;
A valuable field manual for practical use and guidance for investigators.

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# 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, serious misconduct & 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
  - ✓ 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 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 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;
- Draft format for investigator's 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 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 inhouse 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 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 and Draft referral letters; 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

### 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.

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# We are committed to Innovating education

What our 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

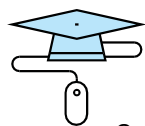
Provide your team privacy. You can workshop and solve real problems in a confidential environment; and

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 03 9605 5000 or email us [enquiries@bartlettworkplace.com](mailto: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 Perth including regional Western Australia but can be mobilised anywhere in Australia.



**Glen Bartlett**  
Director of Investigations | Principal Workplace Lawyer  
**Victoria (Metro and Regional)**

#### Knowledge and Experience

Glen has acted for a wide range of significant private and public-sector clients including some of Australia's largest employers, covering a wide range of industries including the higher education, Government and local Government, health, oil and gas, resources, retail, higher education, sports and entertainment, and emergency services sectors.

Glen is recognised nationally as a leading trainer in Workplace and Employment Law, Human Resources, Enterprise Bargaining, Workplace Investigations and Leadership Development.



**Brett Pomroy**  
Workplace Investigator  
**Victoria (Metro and Regional)**

#### Knowledge and Experience

Brett has over 15 years' experience in the areas of industrial and employee/ workplace relations, human resources, workers compensation and OHS. He has led, conducted and advised on investigations across several industry sectors, with extensive experience conducting investigations across Government agencies and on local Government, including in regional Victoria, manufacturing, oil and gas, construction.



**Victoria Laspas**  
Senior Workplace Investigator  
**Victoria (Metro and Regional) and Perth (Metro)**

#### Knowledge and Experience

Victoria specialises in sensitive investigations and has extensive experience conducting investigation in the education and higher education sectors, professional services, local government, resources industry, mining and sports and entertainment.

Furthermore, Victoria specialises in conducting workplace investigations involving cultural and community sensitivities, involving senior academics, students/minors and indigenous workforces. As Director of Bartlett Workplace Training, Victoria works closely with clients to develop and design bespoke workplace investigation training solutions for investigation teams, HR teams and decision makers.



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

#### Knowledge and Experience

David heads up Bartlett Workplace's legal practice in Perth and is an experienced employment and IR lawyer. "David has experience advising on and conducting workplace investigations across a range of sectors including mining and resources, construction, finance, health care, emergency services, not-for-profit, tertiary education and professional services industries. He also advises clients about managing and conducting safety investigations for on-site incidents and workplace fatalities."



**Michelle Ong**  
Lawyer | Workplace Investigator  
**Melbourne (Metro and Regional)**

#### Knowledge and Experience

Michelle was a practising Advocate & Solicitor of the High Court of Malaya (Malaysia) and brings years of experience to the team and advising clients in risk litigation particularly commercial litigation. Michelle also specialises in complex investigations involving a broad range of employment issues.

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