

CHECKLIST:

Things to consider – Spectrum of risk

Seriousness

- If the conduct involves abuse against children, safety (to a child, employee, or asset), crime, corruption, high level security or privacy breach, trade secret leakages, sabotage, or retaliation (please note this list is not exhaustive).
- If the allegations are proven, it is possible your organisation will terminate the employment of the respondent.
- The complainant or respondent is very senior in the organisation.
- If the alleged conduct is proven, it is a serious breach of your policies.
- If the alleged conduct took place, it is a breach of law or another enforceable rule of conduct.

External Stakeholders

- If the alleged conduct took place, it would have broader implications for the organisation (such as, needing to contact customers or other external stakeholders).
- The organisation would be required to report its handling of the matter to outside regulators, such as accreditation bodies, ombudsmen, or auditors.
- The Board of the organisation (or other senior stakeholders such as a government minister) would be interested in the outcome of the investigation.
- The organisation should take a formal approach because of other external reasons (such as political reasons, relationships with stakeholders or contractual requirements).

Industrial Relations

- There are implications for industrial relations.
- This matter could set a precedent for (or open the floodgates to) future actions by the employer.

Policy Requirements

- If either of the parties are already involved in another workplace process (such as a disciplinary process or poor performance management) the organisation needs a particularly detailed and robust determination of the allegations.

Systemic Issues

- Other people affected by the alleged behaviour may also come forward.

Complexity

- There are multiple parties, numerous allegations, complex information, or voluminous documentation, vexatious claims, or historical/legacy complaints.
- Counter-claim investigations that run back-to-back or concurrently.

Legal risk

- It is anticipated that either party will have a highly litigious or aggressive response to the process.
- It is likely that this matter could result in legal action against the organisation.
- A whistleblower has come forward.

Reputation

- If these allegations became public somehow, it would be a high-profile media story which may affect reputation, morale, and customer sentiment (rather than just the subject of low-level industry gossip).
- Leaks to traditional media or social media are likely.

Financial Risk

- Significant sum of money is at risk (for example, penalties, repayment of sums wrongly paid, litigations, workers compensation claim).

Values

- The organisation wants to send a clear message to employees that this sort of alleged misconduct will be taken seriously.