

Sample Verbal and Written Communications

Please note: Communications to the parties should cover the following topics, however, the level of formality required will vary from organisation to organisation. The suggested communications can be tailored to suit your organisation.

SAMPLE WRITTEN COMMUNICATION FOR COMPLAINANT (to be tailored for each matter as appropriate)

Dear [complaint name]

I refer to your complaint **dated**. [Employer] takes all workplace complaints seriously and in this instance, it has been decided that an investigation will be conducted into the complaint(s) you have made. Until the investigation is completed [employer] will form no opinion as to whether inappropriate conduct has occurred.

Investigation Process

This investigation will be conducted by **[name]**.

In order to conduct the investigation in a procedurally fair way, it is necessary that your complaint is particularised, coherent and complete so that [respondent] is clear what actions they are alleged to have taken, when and where this occurred. These allegations will then be provided to [respondent] for a response.

The investigator will contact you shortly to arrange an interview to commence this process *OR* **[name HR]** will assist you in particularising your allegations and thereafter [investigator] will contact you to arrange an interview about them.

You are entitled to **union representation or** a support person during this process. However, your support person cannot be a person who was present on any of the occasions when the behaviour is alleged to have occurred. Please let the investigator know who you will be bringing to the interview if anyone.

You will be given an opportunity to explain your complaint in a **recorded/noted** interview and you will be provided with a copy of those interview notes. You will be asked to respond to specific questions designed to assist in the determining the facts regarding the allegations.

As part of the process, the investigator may also interview relevant witnesses if s/he considers this necessary and collect any other relevant evidence. You will have the opportunity to suggest relevant witnesses. The investigator will then make findings of fact on the balance of probabilities as to whether the allegations made by you are proven or not.

You will be given the opportunity to comment on any information collected which conflicts with what you have said, where this is material to establishing what has occurred.

From the facts established, on the balance of probabilities, the investigator will also determine whether there has been any breach of workplace policy/policies by [respondent].

You will be provided with verbal feedback by [role] in regard the findings of the investigation.

Confidentiality

This is confidential matter. All parties to this complaint and all witnesses interviewed are bound by confidentiality, and you, and all participants are required not to discuss this matter, or your involvement in an investigation process.

This means that you should not discuss your allegations or subsequent interviews, in or outside of work, either directly or indirectly, unless you speak to [contact person in organisation] about the process, a medical professional or to your support person if you wish to have one. This will ensure the privacy and dignity of those concerned. It will also enable you and others to give evidence free from the influence of others.

OPTIONAL: During the investigation process [respondent] has been asked not to contact you.

Any breach of confidentiality will be considered a wilful breach and you will place you at risk of disciplinary action.

Stand down [if appropriate and in accordance with policy]

Given the nature of this matter, you are not required to/you are requested not to attend the workplace until the investigation and the outcome are resolved. You will continue to be paid during this period. If you have any personal property or resources that you wish to have available to you in order to respond to the

allegations, please contact [insert contact details] who will ensure that your property is provided to you.

Medical clearance

As you are currently on sick leave/have indicated that you are unwell, we will require a medical certificate from your GP, confirming that you are fit to participate in the investigation process and outlining and special arrangements that we need to make to enable your participation.

Support

We appreciate that investigation processes can be stressful for all concerned. Please note that you are encouraged to make full use of the support services available to you, including the Employee Assistance Program (EAP). Contact details are below. If you have any questions now or at any stage in the process, please contact [contact details in organisation] or raise them with the investigator.

Yours sincerely

Attachments: EAP details

SAMPLE WRITTEN COMMUNICATION FOR RESPONDENT (to be tailored for each matter as appropriate)

Dear [respondent name]

I am writing to formally notify you that I have received a complaint from [name of complainant(s)] alleging inappropriate conduct by you in breach of workplace policies.

[Employer] takes all workplace complaints seriously and in this instance, it has been decided that an investigation will be conducted into the complaint made. Until the investigation is completed [employer] has no opinion as to whether any inappropriate conduct has occurred.

Either: Detail of the allegations made against you are attached to this letter.

Or: We are in the process of determining from the complaint, the detail of the specific actions you are alleged to have taken and will provide you with that detail as soon as we are able, so that you have a fair opportunity to respond.

You will be provided with sufficient time to consider these allegations prior to being interviewed about them.

Investigation Process

This investigation will be conducted by [name].

The investigator will contact you to arrange an interview at an appropriate time in the investigation process and will at that stage provide further detail about the process.

You are entitled to union representation or a support person during this process. However, your support person cannot be a person who was present on any of the occasions when the behaviour is alleged to have occurred. Please let the investigator know who you will be bringing to the interview if anyone.

You will be given an opportunity to respond to the allegations in a recorded/noted interview and you will be provided with a transcript of the interview/copy of those interview notes. You will be asked to respond to specific questions designed to assist in the determining the facts regarding the allegations.

As part of the process, the investigator may also interview relevant witnesses if they consider this necessary and collect any other relevant evidence in order to make findings of fact on the balance of probabilities as to whether the allegations made against you are proven or not.

You will be given the opportunity to comment on any information collected which conflicts with what you have said, where this is material to establishing what has occurred.

From the facts established, on the balance of probabilities, the investigator will also determine whether there has been any breach of workplace policy/policies.

If it is found proven that you have breached any workplace policies, [employer] may take action consistent with the disciplinary policy and process, up to and including termination, depending on the seriousness of the matters proven.

Confidentiality

[Employer] treats this matter as confidential. All parties to this complaint and all witnesses interviewed are bound by confidentiality, and you, and all participants are required not to discuss this matter or your involvement in the investigation process.

This means that you should not discuss this document or subsequent interviews, in or outside of work, either directly or indirectly, unless you speak to [contact person in organisation] about the process or to your support person if you wish to have

one. This will ensure the privacy and dignity of those concerned. It will also enable you and others to give evidence free from the influence of others.

Any breach of confidentiality will be considered a wilful breach and may place your continued employment at risk.

Suspension of employment [if appropriate and in accordance with policy]

In order for an investigation to occur/Given the nature of this matter, your employment is suspended with pay until the investigation and the outcome are resolved. This suspension takes effect immediately. During your suspension with pay, you may not attend the workplace. You must not contact any member of staff except through [insert appropriate contact details]. If you have any personal property or resources that you wish to have available to you in order to respond to the allegations, please contact [insert contact details] who will ensure that your property is returned to you. This is a formal direction and any breach by you will place you at risk of disciplinary action.

Your access to work email, intranet [or other online resources] is also suspended until this matter is resolved. If you require information from those sources to prepare your response, please contact [contact details in organisation].

Support

We appreciate that investigation processes can be stressful for all concerned. Please note that you are encouraged to make full use of the support services available to you, including the Employee Assistance Program (EAP). Contact details are below.

If you have any questions now or at any stage in the process, please contact [contact details in organisation] or raise them with the investigator.

Yours sincerely

Attachments: Statement of Allegations/EAP details