

ISSUE

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WORKPLACE MISCONDUCT INVESTIGATION CHECKLIST

Incident Report Form

- Complete the Incident Report Form* ¹
- Record the details of the staff involved
- Record all the facts and gather available evidence

Preliminary Assessment:

- Assess the severity of allegations to determine the need for a formal investigation.
- Verify if there is a reasonable basis for believing the employee has committed misconduct.

Reporting Mechanisms:

- Utilize established reporting mechanisms (e.g., whistle-blower channels, and corruption hotlines) to facilitate incident reporting.

Legal Compliance:

- Refer to Item 4(1) of schedule 8 (Code of Good Practice: Dismissal) of the Labour Relations Act to ensure legal compliance.

Pre-hearing Investigation:

- Conduct a thorough pre-hearing investigation before initiating formal disciplinary action.
 - Interview witnesses, including the suspect(s), and inspect relevant documents.
 - Inform suspects of the reason for the interview and their right to be accompanied by a representative.
 - Record pre-hearing interviews in writing or electronically.
 - Consider using tape recorders or videotapes with the interviewee's knowledge.
- Encourage witnesses to provide statements in affidavit form.

¹ Obtain from Ward Employment Solutions

Right to be Heard:

- Ensure accused employees are given an adequate opportunity to respond to allegations.

Waiver of Rights:

- Recognize unique circumstances where employees may choose not to participate in the investigation.
- If employees waive their right to be heard, investigators can proceed with the investigation.

Impartiality and Professionalism:

- Maintain impartiality and avoid actual or perceived bias or conflicts of interest.
- Investigate with integrity, fairness, and diligence.
- Demonstrate professionalism throughout the investigation, including interviews.

Confidentiality:

- Ensure strict confidentiality throughout the investigation to uphold its integrity.
- Communicate the importance of confidentiality to all involved parties.

Investigation Report:

- Prepare a comprehensive report upon concluding the investigation.
- Include a chronological account of events, details of individuals interviewed, and documents reviewed.
- Clearly state whether findings were substantiated, unsubstantiated, or inconclusive.
- Provide conclusions on each key issue investigated.
- Assess the application of company guidelines or policies and adherence to internal controls.
- Specify the duration of the problem and any financial implications.
- Offer recommendations based on findings.

Conclusion

By following this checklist, employers can conduct efficient and legally compliant misconduct investigations while upholding professionalism, fairness, and confidentiality throughout the process.

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