

Employee Misconduct Investigation

CHECKLIST

Introduction

This resource is intended to aid you in the planning, facilitating, and processing of an employee misconduct investigation.

On the following pages you'll find:

- Helpful reminders and best practices
- Checklists for
 - Process
 - Document
 - Reporting and recording
 - Documented outcomes
 - Communication
 - Legalities
 - Fairness
 - Impartiality



DISCLAIMER

Dealing with matters of misconduct may vary drastically between countries, and may possibly have specific legal implications. **Always** consult your specific local legislation before using this checklist.

Process Overview

REMINDERS

Here are some helpful reminders for when you approach an employee misconduct investigation:

- Follow a structured process.
- Remain impartial and objective.
- Ensure that you collect all the facts.
- Keep a paper trail and audit evidence.
- Keep all the parties informed of your progress.
- Be clear about your role.

BEST PRACTICES

- Consider a course of action that is appropriate and in line with guidelines, both internally and externally, from the organization.
- Decide on a course of action, dependent on a few different factors. This is also where it is advisable to consult stakeholders further up the chain.
- Find out as much information about the incident as possible. It is also recommended to consult your organization's code of conduct.
- Reach out to all the parties involved and gather as much information as possible from every possible source.
- Establish and facilitate formal communication, which can be through a meeting, hearing, formal interview, or written correspondence.
- Gather the outcomes of these talks/investigations/interviews and build a case of evidence.
- Follow up on the next steps and check the outcome of the course of action to ensure the organization is continuously in the loop.

Checklist

Use this checklist as a guide during the employee misconduct investigation process. If you answer “no” to any of the questions, be sure to include actionable steps.

Process	Yes	No
The accusation has been logged appropriately.	<input type="checkbox"/>	
The organization’s code of conduct has been consulted to establish a principle reason for an investigation.	<input type="checkbox"/>	
A folder has been created in a secure place for documentation to be stored.	<input type="checkbox"/>	
Steps have been taken to ensure the anonymity, if so wished, of the complainant.	<input type="checkbox"/>	
The relevant and appropriate people have been informed of the accusation.	<input type="checkbox"/>	

Document	Yes	No
A formal interview has been conducted with the complainant.	<input type="checkbox"/>	
A formal interview has been conducted with the accused.	<input type="checkbox"/>	
Where necessary, formal interviews have been conducted with further employees who are said to have witnessed the misconduct and/or have information crucial to the investigation.	<input type="checkbox"/>	

Reporting and recording

Yes

No

The formal interviews have each been recorded and documented.	<input type="checkbox"/>	
A complete report of the misconduct has been written.	<input type="checkbox"/>	
A meeting has been held with the relevant and appropriate people to present the report.	<input type="checkbox"/>	

Documented outcomes

Yes

No

An appropriate course of action has been decided on based on the report.	<input type="checkbox"/>	
This outcome has been added to the file.	<input type="checkbox"/>	
A timeline has been created, and the first steps have been taken.	<input type="checkbox"/>	

Communication

Yes

No

The course of action has been communicated to the complainant first.	<input type="checkbox"/>	
Where necessary, and if possible, upon any dissatisfaction of the complainant, the course of action has been amended.	<input type="checkbox"/>	
The course of action has been communicated to the accused.	<input type="checkbox"/>	

Legalities

Yes

No

Where necessary, reports, statements, information, and any further necessary documentation has been duly forwarded to authorities.

☐

Where and if requested, a union representative has been notified and provided for both the complainant and the accused.

☐

The employee's rights for both the complainant and the accused have been read, understood, and exercised during the investigation process.

☐**Fairness**

Yes

No

The complainant and the accused have been treated impartially and fairly throughout the investigation.

☐

The accusation has been handled on an exclusively factual pretense without the influence of the personal opinion of the complainant, the accused, or the misconduct itself.

☐

Where actions have been taken, these have been appropriately and duly communicated in the interest of employee safety, transparency, and fairness to all involved.

☐**Impartiality**

Yes

No

The person conducting this investigation is not the employee's direct manager or higher up the reporting chain.

☐

The person conducting this investigation is of no personal relation to any of the stakeholders.

☐

The person conducting this investigation is considered objective and unbiased.

☐