



16th March 2011 | A: 16 Wexford Lane, BUNBURY WA 6230 | T: (08) 9792 4451 | F: (08) 9721 6208

Hi Friend!

Workplace Investigations

With a marked increase in members utilising a workplace investigation within their operations it would appear that many employers are becoming increasingly conversant with the advantages of this alternative approach to head off potential issues of Unfair Dismissal or Unlawful Termination in both the State and Federal system.

Workwise has undertaken several major investigations on behalf of clients since January with another underway at the time of writing this article. Without exception each of these investigations has lead to a satisfactory conclusion without risk of further litigation or complaint occurring.

These investigations have covered a number of issues including but not limited to:

- [Bullying and harassment in the workplace](#)
- [Allegations of discrimination](#)
- [Serious misconduct](#)

In all cases the matter was resolved either through a successful termination or providing practical options to manage the situation effectively.

Many small to medium enterprises (SME's) are limited in their options to access qualified staff with the experience and skills to manage employee or workplace issues. Fair Work Australia has made a number of determinations in recent months whereby employers have been held accountable for lack of due process particularly in relation to 'fairness and equity' when it comes to dealing with sensitive issues.

By outsourcing to an independent professional an employer is afforded the opportunity to have the process managed effectively and can rely on confidential recommendations designed to address issues.

The Full Bench of FWA recently made this finding on an appeal for a ruling of unfair dismissal...
The existence of a valid reason was a "very important consideration" in establishing the fairness of a dismissal, it (the Bench) said.

"Having found a valid reason for termination amounting to serious misconduct and compliance with the statutory requirements for procedural fairness it would only be (...unfair...) if significant mitigating factors are present that a conclusion of harshness is open."

Utilising a formal investigation provides procedural fairness and protection from claims of this kind.

Call us for more information on how we can utilise this process within your workplace to bring you effective management and peace of mind in relation to workplace issues.



If you have any questions in relation to this article please call our office on 9792 4451 to discuss.

Best Regards,
The Workwise Team

THIRD QUARTER SPECIAL OFFER



Occupational Health and Safety Risk Snapshot. See our website for all the details, but you'll need to be quick. Book your Snapshot before the end of the quarter and save almost \$100.00 off the usual price. See the [Special Offers](#) page at www.workwiseby.com.au for all the details.

Add Us To Your Address Book

To help ensure that you receive all email messages consistently in your inbox with images displayed, please add this address to your address book or contacts list: admin@workwiseby.com.au



Have Any Questions?

Don't hesitate to hit the reply button to any of the messages you receive.



Have A Topic Idea?

I'd love to hear it! Just reply any time and let me know what topics you'd like to know more about.



If you can't view this emailer, please click [here](#).
Alternatively, please copy the URL into your browser to view this email:
http://www.workwiseby.com.au/index.php?option=com_nspro&layout=newsletterview&nid=6

clientliaison@workwiseby.com.au
[Click Here to Unsubscribe](#)

or copy this to your address bar:

http://www.workwiseby.com.au/index.php?option=com_nspro&layout=confirmunsub&u=932f1c214a54c1aa209979e64e4ff96

eNewsletter designed by web&printHUB www.webandprinthub.com.au
Copyright © Workwise Advisory Services
