TO INVESTIGATE... OR MEDIATE?

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THE EMPLOYMENT RELATIONSHIP

Equal obligations owed

Employer

eee

eee
BUT, WHERE A COMPLAINT IS MADE BY ONE EMPLOYEE AGAINST ANOTHER
A DIFFERENT DYNAMIC

What the Employer has become

How it may feel for the employee....
SO, ISN’T MEDIATION THE ANSWER?

• What does mediation look like (at this stage)?
  
  • A process involving both employees?...and employer?
  
  Or
  
  • Between Employer and one employee?
WHAT DOES INVESTIGATION LOOK LIKE?

• Natural justice
  • Investigator free from bias (actual and apparent)
  • Process where investigator hears from both sides

• Purpose of process is to determine answer to the complaint:
  Is it made out, or not?

• Sometimes, an answer is required:
  • Health and safety
  • Wider public interest
  • People just won’t play ball
BUT WHAT ABOUT WHERE...

- Complainant says Respondent is the worst person alive, and provides numerous examples of bad behaviour.

- Respondent answers by saying that, in fact, Complainant is worst person alive, and provides her own examples....

- Investigate? Mediate?
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