

Employment investigations or disciplinary meetings

Important: If you have been requested to attend an investigation or disciplinary meeting:

Seek advice early and never attend the meeting on your own.

Contact your NZNO delegate *and* the NZNO Member Support Centre on 0800 28 38 48 to arrange representation at the meeting.

Always notify the NZNO Member Support Centre of any investigation or disciplinary meeting so we can ensure Organisers are supporting delegates if they are representing you.

After the meeting forward copies of any documentation to NZNO.

If you are involved in a Police, Coroners, Nursing Council or HDC investigation please refer to NZNO fact sheet 'Investigations - Your Rights and Responsibilities available on the NZNO website'

This information is intended to provide helpful tips and reminders for employment investigations, not hard and fast rules or legal advice.

How should you be informed?

You are likely to receive a formal letter, but you may also be informed verbally. If you are asked about an incident in an informal manner which could lead to you being disciplined we recommend you do not answer any questions at that stage.

The employer should outline what you have been accused of, what policy or rule you may have breached, and what the most serious outcome could be, for example verbal or written warning, final written warning or dismissal, or remedial steps such as training, supervision or mentoring. The allegations or issues should be specific and clear.

Sometimes this process starts with an 'investigation' meeting before it is determined that a 'disciplinary' process is required. If you have any cultural requirements you wish your employer to consider it is best to raise them early.

You should be informed if you are required to continue working pending the meeting or if the employer is considering suspension. Ideally you should be given an opportunity to comment on the proposed suspension before any suspension is put into effect and suspensions should be limited to occasions where staff or patient safety is an issue or there is a real risk to the employer's ability to undertake a proper investigation. If you have been suspended while the investigation is being carried out, you should be paid for this time on suspension.

You should be informed that you are entitled to have a representative or support person at the meeting with you. This can be an NZNO delegate or organiser, a family member or a friend.

NZNO strongly recommends either a delegate or organiser represents you at disciplinary meetings.

What information are you entitled to?

Any information or evidence relied upon by your employer during the investigation should be provided to you prior to the meeting so you have enough time to read and respond to this information. This can include CCTV footage, witness statements and complaints (or notes of complaints if they were made verbally). You may request to know the names of complainants and your employer may decline to give you the information on certain grounds. If this occurs please contact NZNO.

When should the meeting happen?

You should be given enough notice to arrange for a support person or advocate and prepare a response. If your delegate or support person is unavailable you are entitled to reschedule the meeting.

What should you expect at the meeting?

The employer should clearly explain the purpose of the meeting, the process for the investigation - including what else may need to be done or who else may need to be spoken to - and any possible outcomes or consequences of the meeting.

You should be given a fair opportunity to explain your side of the story and to put forward any information you and your representative consider relevant. Your explanations and responses to questions should be listened to and considered fairly by the employer.

You should be given enough time to think about and respond to questions from your manager or employer. This includes taking a break or adjournment to seek advice about how you should answer the question. You can adjourn to another mutually agreeable date if you require organiser advice.

Your employer will ask questions, and should explain or elaborate if you don't understand. You should not be pressured into answering or agreeing to anything you are not comfortable with or have not had a chance to seek advice about.

Notes of the meeting may be taken by your employer, your support person/advocate, and/or yourself.

Your employer must keep the notes and process confidential. No one should discuss what has been alleged with other staff (except those interviewed as part of the investigation).

The outcome should not be predetermined.

Stress

If you are feeling stressed let your employer and advocate know so they can arrange appropriate supports.

You can ask your employer about the Employee Assistance Programme (EAP) or other available counselling.

Outcome of the meeting

An employer may not be able to make a decision on the day and may arrange another meeting where you will be notified of the outcome. You are entitled to support and representation at this meeting also.

Any outcome should be clearly recorded and communicated. Should no action be taken ensure this is noted on your file. Usually you would be given a letter setting out the outcome or findings of any investigation and/or any remedial steps your employer wishes you to take.

After the meeting

If you are unhappy with the result of the meeting you may be able to challenge the outcome through a personal grievance. You can request copies of any related documents from your employer. If you would like to discuss raising a grievance contact NZNO as soon as possible as there is a 90 day time limit for formally raising a personal grievance claim with the employer.

Material referred to in this document has been sourced from the NZNO Delegates handbook.

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Mission statement

NZNO is committed to the representation of members and the promotion of nursing and midwifery. NZNO embraces Te Tiriti o Waitangi and works to improve the health status of all peoples of Aotearoa/ New Zealand through participation in health and social policy development.

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