Pre-Investigation Checklist

Key steps before commencing a workplace investigation



IRiQ Law Guide

Understanding Your Obligations

Before commencing a workplace investigation, employers should carefully assess the complaint, identify immediate risks and determine the most appropriate way to manage the matter.

Early decisions around statutory notifications, evidence preservation, investigator appointment and interim risk controls can help establish a fair and structured process. IRiQ Law has developed this practical checklist to guide employers through key considerations before a workplace investigation begins.

How to use this checklist

This checklist provides a practical framework for reviewing key pre-investigation considerations before proceeding with a formal workplace investigation.

- Work through each section and consider the actions relevant to the circumstances.
- Identify any immediate safety risks, reporting obligations or evidence that requires preservation.
- Determine whether a formal investigation is necessary and ensure an appropriate investigator is appointed where required.
- Consider whether interim measures are necessary to manage risk and protect the integrity of the process.

This checklist is intended as a general compliance guide only and does not replace tailored legal advice.

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1. Preliminary Triage & Statutory Notifications

☐	Assess immediate physical and psychological safety risks; confirm access to employee support services and neutral operational adjustments.
☐	Verify whether external reporting obligations are triggered, including whistleblower protections, regulator notifications, police reporting, or industry-specific disclosures.
☐	Reinforce confidentiality boundaries without promising absolute secrecy, and ensure managers do not conduct informal, unrecorded witness enquiries.

2. Management Pathway Determination

☐	Assess whether contested facts, potential disciplinary consequences, serious misconduct, bullying, harassment, or reputational risks necessitate formal factual findings on the balance of probabilities.
☐	Where determinative findings are unnecessary or premature, divert the matter to informal management enquiry, performance coaching, or facilitated dispute resolution.

3. Evidence Preservation Protocol

☐	Immediately secure time-sensitive digital records, including emails, messaging logs, device data, and audit trails, preserving metadata and recording custodian chains of custody.
☐	Secure physical and operational records, such as CCTV footage, electronic door logs, and rosters, before scheduled overwriting cycles occur.
☐	Confirm lawful authority before accessing corporate devices, personal accounts, or electronic communications.

4. Investigator Appointment Verification

☐	Verify that the investigator is Impartial (free from actual or perceived bias), Competent (skilled in interviewing and weighing conflicting accounts), Authorised (empowered to access records and conduct interviews), and Available to proceed without delay.
☐	Evaluate triggers for external appointment, including severe conflicts of interest, executive involvement, complex evidence, or workforce confidence imperatives.

5. Interim Risk Control Measures

☐	Put in place neutral, proportionate interim measures to manage risk and preserve process integrity, such as temporary reporting line changes, mutual no-contact directions, or paid administrative suspension where lawfully authorised.
☐	Ensure interim actions remain demonstrably non-punitive, do not disadvantage any party for raising or participating in a complaint, and avoid predetermining the outcome.

Need assistance managing a workplace investigation? IRiQ Law can help.

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