CRITICAL INCIDENT MANAGEMENT PLAN
Workplace Assault

Incident:

- Workplace Assault

Guiding principles:

- Employers must show good faith, do things for good reason and use fair process
- Put people first
- Be professional and ethical at all times
- Work to your Critical Incident Plan
- Be proactive, not reactive
- Deal only in the facts
- Critical Incidents take precedence
- Document everything, including time, date, place
- Keep an open mind, never assume anything
- Consider preservation of your brand

Your Immediate Action: (1 hour)

- Make the workplace safe
- Separate those involved
- Notify your workplace first aid responder(s)
- Have responders ascertain if anyone has injuries
- Have responders provide any medical assistance
- Have responders call an ambulance if required
- Call the Police if required
- Document your actions including time, date and place

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Following Your Immediate Action: (2 hours)

- Document your actions including time, date and place
- Identify all people involved (suspects, victims, witnesses)
- Ask all parties to remain on the work premises
- Separate parties from each other, in separate rooms
- Consider having a senior staff member sit with the suspect
- Secure the scene by placing physical barriers around it
- Keep everyone out of the scene
- Secure any physical exhibits such as weapons
- Photograph the scene
- Photograph the victim's injuries
- Consider transporting the victim home and interviewing at a later date
- Ask the suspect if they wish to have a support person sit in with them
- Having obtained the suspect(s) consent, obtain a brief written statement, recording their version of events
- Ask the suspect(s) to sign the statement
- Explain your Employment process and intended actions to the suspect

Continue Investigation (48 hours):

- Consider engaging specialist Human Resource advice (EMA, Employment Lawyer)
- Consider engaging Private Investigator to interview and record statements from suspects, victims and witnesses
- Consider suspending, on full pay, suspect(s) until full investigation is complete
- Having obtained their consent, complete all witness interviews and obtain written statements, documenting what they saw, heard and did
- Retrieve and secure any CCTV footage
- Brief and update remaining staff on incident

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Your Human Resource Considerations:

- Conclude your investigation
- Complete a documented summary of your investigation, addressing the evidence obtained from the suspect(s), witness(es) and scene
- Document your decision for each staff member involved
- Courses of action for the offender may include…
  - verbal warning
  - written warning
  - suspension on full pay whilst referring the matter to Police for further investigation
  - termination of employment
- Meet with affected Employee(s)
- Advise the Employee they may have a support person with them when spoken to
- Provide sufficient time for an Employee to arrange this person
- Schedule a meeting with the Employee and Support person (where requested)
- Advise the Employee of your findings and your decision based on your investigation
- Document the Employee's response
- Request the Employee sign notes of the meeting
- Consider what implications this could have on your customers
- Consider what implications this have may on staff morale, lost productivity, culture and staff loyalty
- The victim or witnesses may benefit from EAP (Employee Assistance Programme)
- If either the Victim or Offender leave their employment, consider whether a replacement staff member will need to be recruited

Your Legal Obligations and Considerations:

- Employers must show good faith, doing things for good reason and using a fair process
- Be prepared that a Personal Grievance may be lodged by any of the parties involved in the incident
- Being a PCBU (person conducting a business or undertaking) under the provisions of The Health and Safety at Work Act 2015, you have a primary duty of care for people's health and safety at work. This includes risks to both physical and mental health.

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Your Financial Considerations:

- Costs of engaging professional services
  - Lawyer
  - Private Investigator
  - Human Resource consultant
- Cost of your time
- Loss of productivity and earnings during this time
- Recruitment cost of replacement Employee
- Potential for Health and safety penalties

Your Media Liaison Considerations:

- Protecting and preserving your brand(s) is important
- Only authorised people to speak to the media
- Contact Mastercraft National Support Office for assistance
- Consider engaging professional public relations company
- Prepare a media release early
- Closely monitor and filter all relevant social media activity
- Consider engaging social media specialist

Your Business Continuity:

- Ensure ongoing work is completed in a timely manner
- Ensure professional positive media releases are issued, where required
- Be proactive in dispelling any false information
- Where necessary, recruit for replacement Employee
- Monitor your productivity and business culture closely
- Keep staff updated regularly with accurate information

Your Moral Obligations:

- Demonstrate good faith and a fair process at all times
- Act professionally and in the best interests of your business and staff
- Aim for a fair and reasonable outcome for the Employees and your Business
- The victim or witnesses may benefit from EAP (Employee Assistance Programme)
- Keep discussions and negotiations professional, fact oriented and free from emotion
- Maintain ongoing contact with and support of the victim

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Your Key Contacts and Specialist Services:

- Mastercraft National Support Office
- Websites

  Ministry of Business, Innovation and Employment
  www.employment.govt.nz/resolving-problems/steps-to-resolve/personal-grievance

  Employment Relations Authority
  www.era.govt.nz
  Auckland: 09 970 1550
  Wellington: 04 915 9550
  Christchurch: 03 964 7850

  Employee Assistance Programme (EAPWorks)
  www.eapworks.co.nz

  Mediation Services
  www.employment.govt.nz/resolving-problems/steps-to-resolve/mediation

  Employer and Manufacturers Association
  www.ema.co.nz/services/advice

  Employment Act 2000
  www.employment.govt.nz/about/employment-law/legislation/

- Legal

  Company Employment Lawyer:
  Private Investigator:

- Public Relations

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