

Suspending an employee pending a workplace investigation

EMPLOYER DECISION CHECKLIST / VICTORIA

A practical record of the authority, risks, alternatives and review steps considered before and during a precautionary suspension. Use with the governing contract and industrial instrument; this is not a suspension letter.

MATTER RECORD

Employee / role:	_____	Decision date:	_____
Matter reference:	_____	Prepared by:	_____
Decision-maker:	_____	Investigator (if appointed):	_____

Assess the situation

01 IMMEDIATE TRIAGE

- ☐ Record the allegation as presently understood in neutral, factual terms; an allegation is not a finding.
- ☐ Identify immediate physical and psychological safety risks; arrange support and protective controls for the complainant, witnesses and respondent.
- ☐ Identify evidence, witness, systems, financial, client, patient and confidentiality exposure.
- ☐ Consider whether the employee can safely remain at work while preliminary facts are checked.
- ☐ Record any preliminary facts that support or contradict the allegation; do not infer that an unsubstantiated allegation was knowingly false.

Immediate risk and control proposed

02 AUTHORITY AND GOVERNING INSTRUMENTS

- ☐ Check the contract, applicable modern award and enterprise agreement for any suspension terms, limits and pay conditions.
- ☐ Check whether a policy binds the parties, and record its relevant terms.
- ☐ Confirm this is precautionary suspension, not a statutory stand-down under s 524 of the Fair Work Act 2009 (Cth).
- ☐ Check relevant external notification duties and deadlines (including child safety/reportable conduct, NDIS, Ahpra or police); obtain specialist advice.

Governing terms / basis for direction / limits

03 RISKS AND EVIDENCE

- ☐ Identify duties inconsistent with the allegation and the particular risk posed by continued performance.
- ☐ Preserve emails, messages, access logs, CCTV and other records before changing access, subject to applicable privacy and surveillance law.
- ☐ Distinguish employer-owned from personal devices; do not assume a right to inspect personal devices.
- ☐ Plan access restrictions, evidence custody, property retrieval and relevant workplace-right or protected-disclosure checks.

Material relied upon / evidence to preserve

Document the decision

04 ALTERNATIVES CONSIDERED

- ☐ Altered duties, additional supervision or removal of supervisory responsibility.
- ☐ Changed reporting line, working from home, relocation or separating employees.
- ☐ Restricted systems or account access, or exclusion from particular premises only.
- ☐ Confined no-contact directions with legitimate exceptions; agreed leave where appropriate.

For each realistic alternative, why is it inadequate?

05 DECISION-MAKER AND ACTUAL REASONS

- ☐ Identify the authorised decision-maker and any conflict or prior involvement.
- ☐ Record the actual reasons operating on that person at the time, including recently exercised workplace rights.
- ☐ Record the specific risk rather than using "serious misconduct" as a risk label.
- ☐ Consider whether the employee can comment before suspension; if urgent action is required, record why comment was deferred.
- ☐ Check that any management action is reasonable and carried out in a reasonable manner; record the facts, not a legal conclusion.

Decision-maker / reasons / first review date

Write each entry factually and assume it may later be scrutinised. Legal professional privilege is not automatic merely because a lawyer may review the record.

06 PAY AND ENTITLEMENTS

- ☐ Default to paid suspension unless the governing instrument and circumstances clearly support otherwise; obtain advice before any unpaid suspension.
- ☐ Define "full pay" under the contract and instrument: check regular overtime, penalties, shift loadings, allowances, commissions, benefits, leave accrual and superannuation.
- ☐ Check whether the role or remuneration creates a particular interest in actually performing work; identify availability and payroll arrangements.

Pay treatment / payroll contact

- ☐ State the neutral, precautionary purpose, authority, commencement, pay, entitlements and availability; avoid prejudgment.
- ☐ Specify expected duration, first review date, named contact and participation in the investigation.
- ☐ Address premises, systems, property, evidence preservation and personal-property arrangements.
- ☐ Confine contact and confidentiality directions; allow legitimate disclosures for legal advice, medical care, regulators or a support person where applicable; provide wellbeing support.
- ☐ Agree a neutral, accurate holding statement for colleagues, clients or patients; limit disclosure to those with a need to know.

- ☐ Does the original risk remain? Record progress, reasons for delay and a revised completion estimate.
- ☐ Can restrictions narrow, alternative duties start or a conditional return occur?
- ☐ Check payroll, employee updates, availability, participation and wellbeing. Reassess any illness, leave request or workers compensation claim.
- ☐ Record why the continuing measure remains reasonable in purpose and manner. A one- or two-week review is a practical example, not a legal rule.

- ☐ Separate investigation findings from the disciplinary decision; allow a response where required.
- ☐ End suspension promptly when no longer necessary and restore appropriate access.
- ☐ Plan communications, reporting lines, complainant and witness arrangements, safety and psychological-health controls, lawful confidentiality and protection against retaliation.
- ☐ If the employee resigns, obtain advice before treating the resignation as final; consider whether it responds to the employer's conduct.
- ☐ Consider reputational repair where allegations were not substantiated; document the final decision.

Date	Risk remains?	Restrictions / alternatives	Employee update	Next review

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Reviewed 29 September 2026