



Handling Employee Misconduct and Investigations in the Workplace

Types of misconduct to be aware of.....

- Financial (e.g. fraud)
- Regulatory and compliance (e.g. bribery, kickbacks)
- Harassment and discrimination
- Breach of company policies (e.g. drug use)

Allegations can arise from.....

- Compliance functions
- Internal reporting
- Whistleblowers
- External sources – customers, third parties
- Regulatory authorities

Protecting your company....things to have in place.....

- Employment contracts
- Handbooks and policies
- BYOD policy (bring your own devices)
- Whistleblowing channels
- Practices and procedures

Do	Don't
☑ Identify key personnel who will handle the investigation	☒ Rush
☑ Identify relevant jurisdictions involved	☒ Pre-determine the outcome
☑ Identify the persons to be investigated	☒ Withhold relevant information
☑ Collect data effectively – consult forensic technology experts	☒ Forget to make records of all meetings
☑ Consider data privacy and state secrets laws	☒ Use internal IT team to collect data
☑ Understand how to maintain privilege	
☑ Decide on an internal and external communication plan	

Finally.....

Be prepared, be strategic, act fairly and communicate clearly!

For specific legal or forensic advice in relation to potential employee misconduct matters and the measures to be adopted, please contact Matthew Durham (matthewdurham@gallhk.com), Felda Yeung (feldayeung@gallhk.com) and Davin Teo (dteo@alvarezandmarsal.com).

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