

HR QUESTION ? of the month



Does an accused employee have the right to review a written complaint against them?

Question: One co-worker verbally abused another co-worker. Subsequently the abuser received a written reprimand for their behavior. The abuser now wishes to physically review the complaint filed by their co-worker. Are they entitled to view the complaint?

Answer: No, in at-will employment there is no requirement that the accused employee be allowed to see a written complaint from a colleague. Having said that, the accused employee should have been provided the details of the concern when being questioned, so that he/she would be able to respond fully, accordingly. We would recommend that if there are specific emails, for example, that an employee was accused of writing, that these be shown to an accused employee as part of the investigation. If this was not done, the employer still need not allow the employee to review the written documentation but the employer should be sure it has fully addressed all of the issues and that the written warning is appropriate. Of note, the complaining employee should not be privy to the discipline visited upon the accused employee; this is between the employer and the accused employee. The employer's duty when investigating and addressing a concern is to stop the alleged behavior and prevent it from happening again. Again, this response assumes that there is no collective bargaining agreement or local ordinance that applies here.

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