

## Member's Quarterly

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### President's Message

### Take My Advice

*Employment law experts can help you*



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**W**e often chat here about how to properly handle formal complaints from employees. But what if the complaint is against you, the manager or director? How can you best protect yourself in such circumstances? Yes, you do need to protect yourself.

My advice to managers who find themselves in such a predicament is to retain your own legal counsel. With all respect to HR, they will provide you with some advice and suggestions. However, they serve the organization's interest first, as they should. Their primary focus is to try and avoid lawsuits and costly payouts. Their legal obligation is to the employer.

My second suggestion is to make that phone call to get legal representation as soon as you hear about any complaint against you. A good employee relations lawyer will be able to get your defense started off in the right way. This will usually mean documenting everything that you have heard, said and done that might impact this situation – everything. Hold nothing back so that your counsel can prepare your best case.

Once you have started this process, it is also very important to listen and follow your lawyer's advice. That might include not meeting to discuss this issue unless you have representation with you and certainly not signing anything without their review. Your friends may have many suggestions to offer and you should accept them gracefully. Always remember that when it comes to following through, it is always wise to trust your legal expert.

In today's workplace, there are many more employee complaints than ever. That's not a bad thing. Employees have a right to a safe and healthy workspace and to be free of harassment and bullying at work. But managers and directors also have rights. That includes having access to due process to clear their name and reputation. Sometimes the internal processes do not easily facilitate that and that's why we sometimes have to act to protect ourselves and our interests.

Getting a lawyer or seeking legal advice does not mean you are guilty of anything. It is simply a measure of protection that is your right as an individual and as a manager. Don't wait until after the internal process or investigation to get advice. It may be too late to save your job or your reputation. Be proactive in your own defence and you won't have any regrets later.

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