

Going Under the Microscope

The Importance of Conducting Effective Workplace Investigations

BY: JORDAN RODNEY, PRESIDENT, MAXPEOPLEPERFORM

Your business is in trouble. You have uncovered a problem (e.g. ethics violations, harassment, discrimination, breach of conduct, etc) which may have started small, but you realize that it goes well beyond your scope of expertise. You need a resolution, but are unsure of where to start, and need an expert consultation to properly determine the root of the problem and where the solution begins. In other words, you need a workplace investigation.

Examining the Roots

If you view your business like a garden, failure to conduct a proper workplace investigation is like a poison moving through your ecosystem. A problem that starts at the root and goes unabated will spread through the plants and eventually impact every single leaf. Similarly, a poisoned work environment can leave individuals feeling unwelcome or uncomfortable in the workplace, and the issues can start the same way. Minor situations can easily escalate beyond one individual or one department. A workplace investigation puts your business under the microscope. The investigation can either be conducted internally with appropriate resources

or externally by a team of skilled third-party experts such as experienced HR professionals and/or employment lawyers. Investigators will discuss the situation with you and explain how they plan on conducting their analysis. The investigation will include confidential interviews with any witnesses or parties involved, a thorough review of all pertinent documents and workplace policies, and a thorough report on the results of the investigation complete with recommendations of how to move forward.

Doing It Right

It is crucial that workplace investigations are carried out properly to produce maximum benefit and minimize any future risk. A sloppy investigation is like a half-finished painting, and the picture painted of your business is wholly incomplete. Businesses have been severely penalized by courts and tribunals for failure to properly address claims of harassment, discrimination, and other forms of wrongdoing. An expert investigator will ensure that no stone goes unturned and a well-written report will help implement effective solutions.

There are common mistakes that are made during shoddy workplace investigations, including:

- Waiting too long to begin an investigation.
- Failure to interview all key witnesses and take proper accounts.
- Ignoring one or more allegations in the complaint.
- Failure to acknowledge key documents on which the case may turn.
- Punishing or singling out a complainant for coming forward and following policies.

For employers, there are a few key tips to remember for conducting thorough and comprehensive investigations:

- Plan the investigation extensively before it begins to determine who should be leading the investigation, what will need to be reviewed, and what policy violations (if any) have occurred.
- Ask questions at every step.
- Communicate thoroughly with all involved parties in order to ensure there has been due process.
- Once the investigation is complete, ensure findings are objective and clearly communicated to the appropriate parties in your organization.
- Lastly, follow up on any proposed resolution! A report that goes unheeded means the investigation would not achieve its purpose.

The End Result

The standards for workplace investigations are sky-high and they should be. The method in which an employer chooses to respond to a complaint or allegation is critical. To issue the right response, an employer must act on a clear and complete picture, the kind that can only be provided via a thorough workplace investigation. Good investigations are like healthy gardens – employers who properly look after their teams will see their teams blossom. ♦

Jordan Rodney is the president of MaxPeoplePerform, a Human Resources Consulting organization and the founder of Rodney Employment Law, a boutique employment law firm. Jordan is a Human Resources professional and employment lawyer with close to 20 years of experience in his field.

