



Employment Practices



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Why might an employer conduct a workplace investigation? What are the guidelines for conducting an investigation?

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There are various reasons an employer might want to initiate a workplace investigation. Reasons may include:

- Attitude problems
- Suspected substance use
- Complaints of discrimination, harassment or threats
- Violations of work rules
- Theft

An employer must be prepared to respond to an employee’s complaints. Conducting a prompt and thorough investigation not only fosters a positive work environment, but also supports the employer in an Equal Employment Opportunity Commission (EEOC) investigation or court action.

The specific circumstances and parties involved may influence the methods of the investigation. However, there are general guidelines for what the employer must do when conducting a workplace investigation. They include, but are not limited to, the following:

- Recognize when an investigation is needed;
- Determine the nature of the investigation (discrimination, harassment, workplace policy violations, etc.);
- Select the appropriate investigator (in-house staff or outside consultant);
- Identify potential witnesses and documents for review;
- Prepare a written investigation plan;
- Establish security for files and records; and
- Modify and update the plan based on new information discovered during the investigation.



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The outcome of the investigation is multi-fold. It should provide management with sound, factual information on which to base decisions as well as produce reliable documentation that supports management actions. It should also reveal whether any misconduct occurred, identify (or exonerate) specific employees and allow management to take the necessary steps to stop further inappropriate behavior.

Selecting the correct investigator is critical. He or she must be credible, respected and knowledgeable about company policies and employment laws. In addition, the investigator needs to be trained in interviewing and conducting investigations. In most situations, a member of the human resources staff is the most appropriate person to do the investigation. However, there may be situations where a member from upper-level management or an outside consultant should be used.

When conducting a workplace investigation, the employer must comply with all laws relating to employee privacy rights, rights to engage in protected concerted activity, as well as those prohibiting retaliation.