

MANAGERS' GUIDE TO WORKPLACE INVESTIGATIONS

MANAGEMENT HAS A LEGAL DUTY TO INVESTIGATE MANY WORKPLACE INCIDENTS.

Most managers will eventually encounter workplace issues that must be investigated – incidents may involve a workplace injury; dispute between workers; breach of company rules / code of conduct; violence; allegations of harassment or human rights violations.

The most important advice is to make sure management responds to incidents and complaints. Too many managers ignore workplace issues that are brought to their attention in the hopes that they will resolve themselves. Typically problems do not resolve that easily and in many cases problems escalate and impact workplace productivity and morale. In many situations, management has a legal duty to investigate. Follow these steps to conduct a full and fair investigation of the facts:



Conduct a Fair Investigation

When an incident is brought to your attention first determine if a formal investigation is necessary. Sometimes a simple dispute between coworkers can be resolved informally with assistance of the manager.

For more serious incidents:

- Choose a neutral person to conduct the investigation.
- Investigate as soon as possible.
- Treat all employees fairly and with respect.
- Don't make a conclusion before you start the investigation – keep an open mind.
- Focus on what is relevant and don't make an investigation a "fishing expedition".
- Be aware of all employees' privacy rights.
- Keep as much information confidential as possible and only share information that is necessary to conduct the investigation.

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Interview Parties Involved

The Investigation Interview - Tips

- Hold interviews in a private location in an office or meeting room.
- Treat your employees fairly and respectfully at all times.
- Conduct face-to-face interviews as soon as possible, while memories are fresh.
- When interviewing make sure to ask precisely what happened: who, what, where, when, and how.
- Always ask if there anything else you would like to share?
- You may need to interview people more than once to follow up on new information and give them a chance to respond.
- If the situation involves a complaint, ask for the details of the complaint in writing.
- The written complaint must be shared with the respondent and they must have an opportunity to respond – tell their side of the story.
- If the situation involves a complaint, also ask the complainant how they wish to see the situation resolved – you are not making promises, you are just trying to find out their idea of a positive resolution. Sometimes a simple apology is all people are looking for.
- Gather relevant documents: witness statements, videos, text message, emails, photos, and other items.

Document

Maintain a written record of your investigation, and make notes about your discussions and interviews with employees.

Documentation should be factual and should clearly state the particulars of each interview including the date, time, location, subject, and relevant details. Have employees sign off on a summary of their interview notes.

For workplace injuries, employees must record details of the incident in their own words.

Decision

- Assess all the information collected.
- Identify any holes in the stories of those involved and follow up on missing or conflicting points with additional interviews.
- You need to make a final conclusion. Apply the standard of “a balance of probabilities” to make your decision.
- Make final recommendations to remedy the situation.
- Even if no formal action is required, often workplaces follow up by training all staff on standards, or other issues that came up during the investigation.

Follow Up

- Meet with your employees face to face to share the results of your investigation.
- Communicate any remedies: no action required, apology, discipline, training, review of company policies, review of safety standards, or other outcome.
- Tell employees what they can discuss and what is confidential.
- Put a letter on your employee’s file outlining decision.
- Take steps to prevent future incidents.
- Depending on the type of incident, follow up on all requirements under workplace legislation – Workers Safety and Insurance Act, Occupational Health and Safety Act, Employment Standards Act, Privacy ...

The information provided is an overview. Your situation is unique. Contact Fusion Career Services for advice.