SUPERVISORS

HUMAN

RESOURCES

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HOTLINES

Data Privacy

Hotline Limitations

Disciplinary Rules

Improvement

and Follow Up

Inform

Parties

Appropriate

Follow up with

Complainant

and Accused.

Policies versus Work Rules

Proportionality Standards

Recommendations 🖹

Discipline and

Suspension

Termination

Demotion

Corrective Action

Reassignment Training

No action finding

Verbal or written warning

Program or Process

INTERNAL TRIGGERS

WHISTLE

BLOWER

INTERVIEWS

CULTURE OF RESPECT AND COMPLIANCE

DEVELOPED BY

How to Conduct Global HR Investigations

Every organization should have a strong incident management system that includes reporting systems and processes and a response plan to assess, investigate and resolve issues. This illustration can help you implement or refine an investigation process and focus on important areas.

pictures and actions.

THIRD PARTY

COMPLAINTS

Different countries have different requirements. Be sure to check!

EXTERNAL TRIGGERS

INTERNATIONAL ISSUES

A culture that encourages reporting is essential.

Workplace issues can occur in and outside the

workplace through social media, by words,

OMBUDSMEN

Outside Ombudsman

Culture, Language

Employee Representatives

Attorney Client Privilege

INVESTIGATION

TRIGGERS

REGULATORS/ POLICE



Analyze number and type of issues. Are there complex areas of law and iurisdictions involved?

COMPLEXITY

URGENCY

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3 PLAN AND ASSIGN

For each issue, establish the investigation team, determine any need for privilege and take necessary steps to discover and preserve evidence. Understand employee rights and obligations.



can send you down the wrong track. MISSING THE FOREST

Evidence can be lost; poor documentation

Mistakes in the first 72 hours

can cause an investigation to fail.

COMMON PITFALLS

THE FIRST

72 HOURS

FOR THE TREES Carefully parse through different strands so you neither get

sidetracked nor overlook issues which may be important and may need to be revisited or separately investigated.



COMMUNICATE **BACK**

Don't leave the complainant hanging or they will assume you are doing nothing. Provide updates that you are actively investigating without sharing details.



TRAMPLING **ON EVIDENCE**

Inexperienced investigators or others in the organization can inadvertently destroy, corrupt or fail to adequately secure critical evidence and can even create new bad evidence.



ACCEPTING FACE VALUE

Investigators may have to assess credibility where evidence or accounts conflict. Be careful

to suspend your preconceptions



CULTURE CLASH

If you don't understand the culture vou may miss what they're trying to tell you or not get the info you need from witnesses.



RETALIATION

Retaliation against whistleblowers or witnesses opens you up to additional legal risk and erodes the needed culture of compliance that

encourages internal reporting.



EMPLOYEE RIGHTS

Be alert to the need to protect the rights, privacy and reputations of investigation subjects and others, balanced with the need to conduct an effective investigation.



DRAWING LEGAL CONCLUSIONS

The investigation report should never contain legal conclusions. Remediation decisions will be based on the factual findings.

Use a standard

Are high-level

employees involved?

What is the potential

impact on victim(s)?

How widespread is

CREDIBILITY

Is the source known and

considered reliable? Can

any facts easily be verified?

4 INVESTIGATION

Each investigation is unique. The facts

specific procedures should be performed.

and circumstances will dictate how

the alleged conduct?

process to review and filter allegations to develop initial



s safety of employees or

witnesses a concern? Should

we call the police, medical?

vendors, agents?

Safeguards for possible victim(s)

Who's involved outside

our company? Customers,

Consider rights of accused.

Identify Key

Stakeholders

for Oversight

Could include

General Counsel

Audit Committee

Special Committee

Chief Compliance Officer











WITNESSES





privacy issues. Find locations of key electronic data and preserve it, identify key witnesses, involve counsel to trigger privilege, decide if a litigation hold is necessary and determine if you can get third party

Conduct Data and Document Review

Start to Develop Fact Pattern

Determine who is involved. Tell the

story of who, what, when, where

and how. Consider necessary data

privacy and union notifications as

Be prepared: Develop and use

evidence to ask about. Have a

plan to encourage cooperation

Let witnesses know retaliation

will not be tolerated. Address

importance and restrictions

of confidentiality.

and to address non-cooperation.

an interview strategy. Know which

Depending on the facts, look at personnel

records, supervisor files, emails, texts, project files,

expense reports, voicemails, CAUTION: THIS SHOULD

facts develop.

Conduct Interviews

BE SUBJECT TO LOCAL LEGAL REVIEW.



Determine Investigation Team

Compliance Officer, Lawvers, Security

Address Technical

and Logistical Issues

Engage experts to navigate foreign

language documents, distant

witnesses and evidence, legal

different data formats

Identify

Evidence

and Préserve

Consider data

and cultural issues and

Potential members include: HR Staff.





Employee Representatives Senior Management





















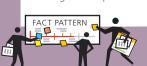






Have you confirmed the allegations? Have you discovered other possible problems? Who else do you need to speak with? What additional evidence needs to be reviewed? Execute additional









Develop fact pattern and

6 REMEDIATION

Management or decision makers need to assess the findings and determine appropriate action.

Prepare Written Report of Factual Findings

only report factual findings. Do not draw legal conclusions or recommendations in written report. Report to management who will assess appropriate action.

Understand Fact Pattern

investigative steps as needed.

lawyer, not yours.





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