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

FLECTRONIC

DATA

INTERNAL AUDITS

?

INTERVIEWS

CULTURE OF RESPECT AND COMPLIANCE

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.

X)

THIRD PARTY

COMPLAINTS

Different countries have different requirements. Be sure to check!

EXTERNAL TRIGGERS

INTERNATIONAL ISSUES

OMBUDSMEN

Outside Ombudsman

Culture, Language

6 REMEDIATION

Management or decision makers

need to assess the findings and

determine appropriate action.

Employee Representatives

Attorney Client Privilege

REGULATORS/ POLICE

MEDIA

TRIGGERS



4 INVESTIGATION

Prepare Written Report

Develop fact pattern and

or recommendations in

written report. Report to

only report factual findings.

Do not draw legal conclusions

management who will assess appropriate action.

of Factual Findings

Each investigation is unique. The facts

specific procedures should be performed.

and circumstances will dictate how

URGENCY **Identify Key** Stakeholders Who's involved outside our company? Customers,

COMPLEXITY Analyze number and

type of issues. Are there

complex areas of law and

Consider rights

of accused.

for Oversight Could include General Counsel Audit Committee Special Committee Chief Compliance Officer

Follow

the Facts



Potentia **Initial Disclosures** Employee Representatives Audit Committee & Senior Management

ACT PATTERN

-

WITNESSES

Conduct Data and Document Review Depending on the facts, look at personnel records, supervisor files, emails, texts, project files, expense reports, voicemails, CAUTION: THIS SHOULD BE SUBJECT TO LOCAL LEGAL REVIEW.

interviews and evidence.

Determine Investigation Team

Compliance Officer, Lawyers, Security

Address Technical

and Logistical Issues

Engage experts to navigate foreign

language documents, distant

witnesses and evidence, legal

different data formats

Identify

Evidence

and Preserve

Consider data

locations of key

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

privacy issues. Find

electronic data and

and cultural issues and

Potential members include: HR Staff.

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 facts develop.

Conduct Interviews

Be prepared: Develop and use an interview strategy. Know which evidence to ask about. Have a plan to encourage cooperation and to address non-cooperation. Let witnesses know retaliation will not be tolerated. Address importance and restrictions of confidentiality.

COMMON PITFALLS



Mistakes in the first 72 hours can cause an investigation to fail. Evidence can be lost: poor documentation can send you down the wrong track.

MISSING THE FOREST 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.



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 100 **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 you 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

i. 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

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





investigative steps as needed.





'm the company's

lawyer, not yours.

Understand Fact Pattern

FACT PATTERN

DEVELOPED BY



B PLAN AND ASSIGN

Understand employee rights and obligations.

For each issue, establish the investigation team, determine any need

for privilege and take necessary steps to discover and preserve evidence.

TRANSLATOR

