

# INVESTIGATIONS



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## An Affirmative Defense May Exist if:

Once the Employer knew or should have known of a violation;

- it investigated

&

- took prompt action reasonably calculated to correct the problem.



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# Who Should Investigate?

- Supervisor
- HR
- In House Counsel
- Outside Investigator
  - Non-Attorney
  - Attorney

# Identify the Investigator's Role

- To Be Neutral
- To Gather Information
- To Present Information to Whom?
  - **Orally?**
  - **In Writing? (Signed Witness Statements?)**
- To Draw Conclusions?
- To Make Recommendations?

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## Title search: Investigating Sensitive Employment Complaints

Also available as part of the eCourse

[Answer Bar: Going to Trial on an Employment Law Case](#)

First appeared as part of the conference materials for the  
2019 Essential Employment Law: A Practical Course in the Basics session  
"Investigating Sensitive Employment Complaints"