

INVESTIGATIONS



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1

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.



2

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

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"