

# How to conduct an HR investigation while working remotely



Think employee misconduct is something that only occurs in a physical office? Unfortunately, companies are discovering that inappropriate behavior such as bullying and violating anti-harassment policies can still go on when workers perform remotely. In fact, between the less formal nature of the work-from-home environment, mounting frustration and anxiety during the COVID-19 pandemic, and sensitive current events that have stirred a range of viewpoints and emotions, the atmosphere is ripe for jokes, hurtful comments, and unsuitable actions.

Though telecommuting can pose challenges to conducting employee investigations, resist the temptation to hold off on looking into matters until office life is back to “normal.” Instances of potential employee misconduct demand serious, timely attention. Letting such situations fester makes getting to the bottom of what happened more difficult and increases the odds of ending up in a legal battle.

Here's a look at what's involved in conducting an HR investigation while working remotely:

## Remove uncertainty about how to report

Staff members working remotely cannot just walk into the HR department to discuss a concern. Reporting a problem promptly, however, assists HR in forming an accurate picture of events before clouded by time. Swiftiness also may stop minor grievances from escalating into something more serious. Thus, companies need

to provide employees with direction.

The complaint process at the present time may be different from the one in place prior to work-from-home mandates. Leaders need to keep everyone up-to-date and communicate clearly how to alert HR to instances of employee misconduct, such as by instructing staff to phone/email a designated HR rep or leave a message on a regularly monitored hotline/chat channel.

## **Demonstrate concern and seriousness**

When someone does come forward, be receptive and professional. If possible, talk via video conferencing rather than just by phone. This method allows for more natural back and forth and enables examination of body language. Hold the discussion in a quiet room where children, pets, and the like will not interfere. Dress appropriately to promote a focused, formal atmosphere.

## **Grasp the situation**

Meetings often begin with letting the employee talk. Not only does this action provide a good overview of the problem at hand, it builds trust because the employee feels “heard.” As talks progress, you can inquire about potential documentation, witnesses, or other evidence. It also helps to ask what resolution is desired.

Companies often use an intake form that provides a standard way of documenting the conversation. HR reps should continue to use such paperwork in remote settings, including obtaining a signature.

## **Conduct a proper investigation**

Just as in an office setting, solid investigation skills matter. They reduce legal risk by showing good faith effort to prevent and respond to discrimination, harassment, safety concerns, and other troublesome matters. Information found forms the groundwork to justify disciplinary actions or employment decisions. HR builds credibility among employees through responsiveness, and addressing what is found can lead to changes that promote a well-functioning work environment.

Whether handling matters in a physical location or virtually, keep in mind “The 4 Cs” that make a good investigation:

- **Consistent:** Companies typically possess formal, predetermined procedures on how to handle complaints. Follow these guidelines in every case to ensure proper investigation and documentation.
- **Conscientious:** Employees are entitled to a fair, open-minded investigator who will take concerns seriously and has the power to initiate change. If an HR rep or other in-house person is not the best choice, perhaps as in cases involving upper management, bring in an outside investigator.
- **Complete:** The investigator must acquire enough information to make a good decision. This process involves identifying and talking to appropriate witnesses and examining pertinent documents or other pieces of evidence. When satisfied with what has been collected, the investigator needs to end the case with a report or other action rather than letting the situation dangle.
- **Come Back:** Follow up with the person who lodged the complaint. Ask how things are going now, and document the response.

## **Recognize challenging factors**

While conducting an employee investigation remotely looks a great deal like performing one on-site, some additional factors come into play.

Truthfulness and privacy need to remain paramount concerns. Ask the interviewee to take your video call alone

in a secure place to discourage others from overhearing or “coaching” from the corner. Since the remote environment makes secretly taping the meeting easier, request confirmation that the person is not doing so. (HR reps may want to discuss the issue of recording beforehand with the company’s legal team to become well-versed on particulars surrounding the subject.)

Both sides also need to protect the confidentiality of documents. Request that nothing be shared without authorization, and follow any instructions from legal counsel about obtaining a nondisclosure agreement. Sharing documents onscreen during the virtual meeting proves a somewhat safer alternative to providing copies via email or other easily passed medium. Employers should take care that all electronic communication and information is as secure as possible through measures such as password protection, limited access, and meticulous attention to sending messages to the proper recipient.

Investigators may want to budget more time when examining employee misconduct remotely. Access to pertinent in-house documents, such as prior complaints, may not be readily available due to restrictions regarding on-site activity. And without the ability to call witnesses into an office one after the other, conversations may take longer to schedule properly. If the person on the other end is not familiar with Zoom or other conferencing platforms, additional time may be required to get him up-to-speed and comfortable both technically and emotionally. Gaining cooperation and fruitful information may prove more difficult than usual as chaos from the pandemic and other recent events has many people on-edge.

## **Keep the person informed**

Radio silence frustrates employees who take the time to inform HR about misconduct concerns. Make sure to update on a regular basis, even if one or both of you are working remotely. Such communication demonstrates that the company takes the charges seriously and investigates thoroughly. Remember, an employee who feels “forgotten” in the present has a greater chance of being heard from negatively in the future – by resigning, destroying team morale, or even pursuing a lawsuit.