

What should we do if an employee refuses to cooperate during an investigation?

Q. We are investigating a sexual harassment complaint. One of the employees accused of wrongdoing refuses to be interviewed without his lawyer. I know the attorney has no right to be there, but what are my options?

A. Discipline the employee for breaching his duty to cooperate in a work-related investigation. Tell him you will draw adverse inferences against him, based on his refusal to cooperate and address the charges.

You could also agree to have his attorney present if you choose, but be sure to set ground rules that define the role—or lack thereof—that the attorney will play during the questioning.