HR by BZ

HR by BZ Program Guide: Employee Relations Investigation Protocol
Fair. Thorough. Defensible.

Purpose
This protocol provides a structured, legally defensible framework for handling employee relations (ER) investigations from intake to resolution. It ensures consistency, fairness, and compliance across all levels of the organization while protecting both employee rights and company interests. This guide ensures every investigation, large or small, is handled with fairness, speed, and confidence.

Scope
Applies to all employees, contractors, and third parties. Designed for HR teams, managers, and leadership responsible for handling workplace concerns including misconduct, harassment, discrimination, retaliation, policy violations, and conflicts. All related internal policies must be reviewed prior to start of investigation.

Section 1: The Foundation - What Makes a Good Investigation

- Neutrality: Investigator must be impartial and have no stake in the outcome, which is why a third-party investigator is a good way to protect both the company and employees.
- Timeliness: Begin investigations ASAP, ideally within 24 hours of receiving a complaint.
- Confidentiality: Investigations must remain confidential to the extent possible while following investigation protocol. Bringing in an outside expert will build confidence in the process.
- Documentation: If it's not written down, it didn't happen. Document all conversations. If you're planning to record conversations, make sure all applicable laws are followed (two-party requirements as an example).
- Consistency: Follow the same process for *every* investigation.

The goal of any employee relations investigation is to figure out what happened, document investigation findings, and take an appropriate course of action after the investigation has concluded.

Should the situation result in some kind of legal proceedings (lawsuit, EEOC complaint, etc.), the investigation process and resulting findings and documentation should serve as a guide through those legal proceedings to help your legal team make an informed recommendation for response.

Of note, the culture of an organization is partially determined by the worst behavior that is allowed to exist in the organization. Culture is a direct reflection of the leadership at any company - it is imperative to respond in an appropriate manner when an employee complaint is received.

Section 2: The Process - Step-by-Step Framework
When your organization receives an employee complaint or becomes aware of a workplace situation that warrants investigation, follow the below steps

1. **Intake & Triage**

   - Receive complaint (verbal, written, anonymous).
   - Assess severity, potential risk, and immediate action needed (e.g., separate parties).
   - Assign investigator and confirm scope of review.
2. **Planning the Investigation**
   - Identify key issues, potential policy violations, and any witnesses.
   - Gather relevant documents, if any (emails, texts, personnel files, policies).
   - Prepare a question guide customized for the complainant, respondent, and witnesses.
3. **Conducting Investigation Interviews**
   - Begin with the complainant: establish facts, timelines, and desired outcome.
   - Interview witnesses: factual questions only, avoid speculation.
   - Interview respondent last: present facts neutrally, allow full opportunity to respond.
   - Always keep the tone professional.
4. **Analyzing Findings**
   - Review all evidence objectively.
   - Assess credibility of statements received.
   - Corroborate with documentation whenever possible.
5. **Conclusion & Reporting**
   - Write a concise investigation summary in plain language: issue, findings, conclusion, and recommended action.
   - Share with decision-maker (HR leader, legal counsel, or senior leadership depending on circumstances).
   - Ensure corrective action aligns with company policy, prior precedent and employees' record of behavior as noted in employee file.
6. **Communication & Closure**
   - Inform complainant and respondent that investigation is complete.
   - Share appropriate high-level outcome with involved parties.
   - Reinforce confidentiality and non-retaliation policies.
7. **Post-Investigation Follow-Up**
   - Monitor the workplace for retaliation or recurring issues.
   - Conduct a climate check within 30-60 days.
   - Log lessons learned to improve future investigations.

Section 3: Templates & Tools to Use/Create

- Complaint intake form
- Investigator planning sheet
- Interview question checklist
- Investigation summary template
- Witness confidentiality notice
- Post-investigation follow-up checklist

Section 4: Common Pitfalls & How to Avoid Them

- **Bias:** Over-relying on seniority, emotion, or gut feel.
- **Delays:** Waiting too long undermines credibility.

- **Inconsistent discipline:** Treating similar cases differently.
- **Poor documentation:** No clear record = no defense.
- **Over-sharing:** Violating confidentiality by discussing findings too widely.

Section 5: Implementation & Ownership

- HR owns the investigation process, but managers are the first line of detection.
- Training should be delivered annually to all supervisors on what to do when an employee complaint is received.
- Legal review recommended for policy alignment and compliance with all applicable local/state/federal law.
- Track metrics: number of cases, resolution time, recurrence rates, and employee engagement or satisfaction.