



INVESTIGATIVE INTERVIEWING

A GUIDE FOR
WORKPLACE INVESTIGATORS

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First published by WISE Workplace in 2012.

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ISBN: 978-0-9873864-0-3

Designed and illustrated by Frankie & Boyd, www.frankieandboyd.com.au
Printed and bound in Australia by BA Printing & Publishing Services

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INTRODUCTION

the purpose of workplace investigation interviews



Workplace investigations are conducted to examine a variety of issues including complaints about misconduct, unsafe work practices, and bullying. Although each workplace investigation raises unique facts and issues, there are ten common steps to most investigations:

- 1.** Receiving initial complaint.
- 2.** Interviewing the complainant.
- 3.** Developing terms of reference.
- 4.** Interviewing witnesses.
- 5.** Collecting other (inculpatory and exculpatory) evidence.
- 6.** Formulating allegations.
- 7.** Interviewing the respondent.
- 8.** Evaluating the evidence.
- 9.** Decision making.
- 10.** Reporting the findings.

Without diminishing the importance of other investigative processes, the list above shows that interviewing is an integral part of workplace investigations.

The purpose of any investigative interview is to establish the facts of the matters under investigation. The absolute truth about the relevant events can only be determined if relevant events are recorded via electronic equipment, and, even then, the recording is open to different interpretations. The ‘why’, ‘how’ and ‘to what effect’ are often very important questions in workplace investigations, yet these issues are rarely documented or recorded and are always open to interpretation. Interviews will often provide information addressing these questions. Reliance on human memory and perceptions of events makes the extraction and subsequent management of this information all the more critical to the investigation process.

Pitfalls and problems

Most current knowledge about investigative interviewing is based on research concerning the pre-trial interviewing of witnesses and offenders in criminal/police settings. Two fundamental assumptions underpin this research. Firstly, victims and witnesses are innocent and motivated to provide accurate information to the police. Secondly, offenders are guilty and motivated by a need to protect their personal interests, resulting in them making a variety of admissions or denials of guilt when questioned by police.

These assumptions, whilst not always applicable in criminal investigations, rarely apply in workplace investigations. In a workplace investigation, the motivations of the various interviewees can merge to provide a veil of grey where the

absolute truth is often impossible to determine. Respondents are often ‘misunderstood’, ‘victims’ are rarely completely without blame, and witnesses often fear that they will be adversely affected by participating in an investigation; so much so that, in many cases, workplace misconduct may not be reported at all.

In an overseas study of ‘close observations’ of thousands of visitors who contacted dozens of Ombuds’ offices over a ten-year period, and that analysed reported reasons for taking action or no action about unacceptable conduct, Rowe, Wilcox, and Gadlin (2009) found the main reasons that people fail to even report unacceptable behaviour were:

- ▶ Fear of loss of relationships and a loss of privacy;
- ▶ Fear of unspecified “bad consequences” or retaliation; and
- ▶ Insufficient supporting evidence.¹

It is reasonable to extrapolate from this research that interviewees often participate in workplace investigations reluctantly and may not necessarily be willing to share all of their information. So it is important that workplace investigators have the requisite investigative interviewing skills to extract information in these circumstances.

Interviewing during workplace investigations can be a complex task and differs from other forms of HR interviewing, such as recruitment interviews. For reasons of fairness to the person under investigation and cost efficiency, each interview is normally conducted only once. Therefore, it is critical that these interviews are conducted thoroughly, fairly, and competently. As this book will show, following these steps should ensure the integrity of the interview: