Workplace Investigations: Internal Intelligence vs. External Expertise and Knowing When to Make the Call

When a workplace complaint arises concerning harassment, bullying, misconduct, violence, and other serious issues, employers must respond promptly and appropriately. Depending on the circumstances, this may include having to decide who is best positioned to investigate.

Many concerns can be handled internally by a trained, qualified manager or HR professional. Others may require greater independence, specialized experience, or additional capacity. The right choice depends on the nature, complexity, and potential consequences of the complaint.

Start With Your Policy

Review your workplace harassment prevention policy, complaint procedures, applicable workplace policies, and collective agreement (if applicable).

Not every disagreement requires a formal investigation. Some concerns may be addressed through early intervention, coaching, clarification, or facilitated discussion. More serious allegations may require formal fact-finding.

The key is to assess the concern before deciding how to proceed.

When an Internal Investigation May Work

An internal investigation may be appropriate when:

- The allegations are straightforward
- Few people are involved
- A trained and impartial investigator is available
- There is no actual or perceived conflict of interest
- The organization has the time and resources to respond promptly
- Employees are likely to trust the process

Internal investigators understand the workplace, policies, and operations. However, that familiarity can create concerns if they have prior knowledge of the matter or relationships with those involved.

Employers should consider both **actual impartiality** and how the process may be **perceived by the parties**.

When to Consider a Third Party

An external investigator may be appropriate when:

❖ The complaint involves leadership or HR

Greater independence may be needed if an allegation involves:

- An owner, executive, or senior manager
- A board member
- An HR representative

- The manager or person who would normally oversee the complaint

❖ There may be a conflict of interest

A third-party can provide distance when the proposed internal investigator:

- Has a relationship with someone involved
- Previously advised on the matter
- Reports to a person named in the complaint
- May be affected by the outcome

❖ The matter is serious or complex

External expertise may help when there are:

- Multiple complainants, respondents, or witnesses
- Conflicting accounts or credibility concerns
- Allegations of harassment, discrimination, threats, or reprisal
- Numerous incidents or extensive records
- Potential disciplinary or employment consequences

❖ Employees may not trust an internal process

A neutral third party may strengthen confidence where there is:

- Low trust between employees and management
- A history of unresolved complaints
- Concern about confidentiality or reprisal
- Significant workplace division
- A perception that the outcome has already been decided

❖ Unionized Workplaces

A neutral third party brings a balanced approach and helps avoid bias inherent to the various workplace parties.

❖ Internal resources are limited

Investigations require focused time to plan interviews, review evidence, assess credibility, and prepare findings. A third party can help when the organization lacks the necessary experience or available capacity.

Choosing the Right Investigator

Whether internal or external, the investigator should:

- Be impartial and free from conflicts
- Understand workplace investigations and procedural fairness
- Conduct respectful and effective interviews
- Assess evidence and credibility objectively
- Protect sensitive information
- Produce clear, well-supported findings

The employer should also define the investigator’s mandate, including the allegations, applicable policies, expected findings, and reporting requirements.

Keep Fact-Finding Separate from Decisions

The investigator gathers evidence and makes findings within the assigned mandate. The employer remains responsible for deciding what happens next.

This may include:

- Corrective or disciplinary action
- Policy or process improvements
- Training, coaching, or workplace supports
- Communication with the parties
- Monitoring for reprisal or further concerns

Separating these roles can support a fairer and more defensible process.

One Question to Ask:

Before selecting an investigator, consider:

> **Could we clearly explain why this person was qualified, impartial, available and appropriate to investigate this complaint?**

If the answer is uncertain, it may be time to seek outside guidance.

OEA NS Can Help

At OEA NS, our Employer Advisors support employers in assessing workplace concerns and finding an appropriate path forward. Our Investigators have participated in and received specialized training in conducting investigations involving harassment, bullying, misconduct, violence, and report writing, uniquely prepared to support these important matters.

Depending on the situation, OEA NS can:

- Help determine whether a formal investigation is needed
- Provide guidance on internal investigation processes
- Help define the investigation's scope
- Review policy and process responsibilities
- Act as a neutral third-party investigator
- Support the employer in navigating next steps

Many workplace concerns can be managed internally. When independence, experience, or added capacity is needed, OEA NS is available to help employers move forward with clarity and confidence.

What's next for you? Contact OEA NS early to discuss the situation and identify an appropriate next step.

This article provides general information and is not legal advice. The appropriate response will depend on the circumstances, applicable legislation, workplace policies, and any collective agreement.