

# Publications

## From Concern to Case File: Determining When to Investigate a Workplace Complaint

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A workplace investigation is a structured process used by employers to gather facts, evaluate evidence, and determine whether an employee's conduct or organizational practices violate internal policies and/or applicable laws. Investigations serve as a critical compliance tool, particularly in connection with allegations of discrimination, harassment, retaliation, safety violations, and other forms of employee misconduct. Investigations also provide employers with an opportunity to demonstrate good-faith efforts to prevent and correct improper behavior, a factor that courts and governmental agencies consider when evaluating employment claims and actions. Beyond the courts or agencies, well-handled workplace investigations reinforce workplace standards, promote accountability, and help maintain employee trust in organizational processes.

At the same time, not every workplace complaint requires a formal investigation. Overusing investigations can drain resources and create unnecessary disruption, while failing to investigate serious matters can expose an employer to significant legal and reputational risk. A challenge for many employers and human resource professionals lies in determining exactly when a workplace investigation is truly necessary.

### Understanding When an Investigation Is Needed

Determining whether an investigation is necessary begins with careful intake and initial screening. Investigations are commonly triggered by formal complaints, reports of harassment or discrimination, allegations of retaliation, safety concerns, or suspected violations of company policy that could carry significant consequences. In many cases, employers may also become aware of potential issues through supervisors, exit interviews, anonymous tips through internal reporting hotlines, and/or observations. By contrast, routine performance concerns, personality conflicts, or isolated interpersonal disagreements may often be resolved through coaching, mediation, or ordinary supervisory management rather than a formal investigative process.

Once a concern is raised, the neutral party—whether a supervisor, human resources representative, or other professional—should assess whether any legal or policy obligations are implicated. Allegations involving protected characteristics, harassment, discrimination, or retaliation require prompt and thorough investigation under federal and state employment laws. Similarly, complaints involving workplace safety, wage and hour compliance, or other regulated areas may trigger statutory or regulatory duties to investigate. If the issue presents potential exposure to litigation or agency scrutiny, a formal investigation is typically the safest course.

Employers should also evaluate the seriousness and scope of the alleged conduct. Factors such as the severity of the behavior, whether it is part of a pattern, the positions of the individuals involved, and the potential impact on employees or operations all matter. Conduct involving threats, physical contact, coercion, or significant policy violations always warrants formal fact-finding. Even where information is incomplete or unverified, allegations that implicate safety or unlawful conduct justify further investigation.

Examples of the types of conduct that typically warrant investigation can vary by industry, but the underlying principle is that any behavior posing legal, safety, or operational risk should be examined. In a retail environment, this could include a cashier allegedly verbally threatening a coworker or customer. In a corporate setting, it might involve an employee accused of discriminating against a colleague during a promotion process or sharing confidential company information. In a manufacturing facility, an example could be a worker allegedly bypassing safety protocols, creating a hazard for themselves or others on the production floor. These examples illustrate just some of the many types of conduct that may cause potential harm to employees, violate company policies, or create legal or operational risks, thereby requiring formal fact-finding.

A complaint need not necessarily sound formal to warrant attention. Oftentimes, employees lead with: “can I ask you something off the record?” or “I don’t want to get anyone in trouble, but...” or “I want to keep this between us.” Even when expressed with reservations, employers need to ask themselves, “how would a reasonable person act upon learning this information” and “is this a situation where HR or legal should be included in the discussion”? Having managers and leaders equipped to issue-spot when further attention is needed is critical to addressing and resolving workplace concerns efficiently. It also helps to identify where an informal discussion, mediation, coaching, or targeted training may effectively address concerns that do not raise legal compliance issues.

If an assessment indicates potential unlawful conduct, serious policy violations, or meaningful legal risk, the employer should initiate a formal workplace investigation; conversely, when an issue appears minor, isolated, and unrelated to protected activity or characteristics, it may be addressed through ordinary management channels with appropriate monitoring, so long as the employer applies a consistent, well-documented, and defensible rationale for the chosen approach. Ultimately, knowing when to investigate is just as important as knowing how to investigate, and employers that rely on a thoughtful, structured assessment—rather than reflex or delay—are better positioned to resolve workplace concerns effectively, maintain compliance, and reduce legal and financial risk by ensuring serious matters receive the attention they require while less significant issues are handled efficiently and appropriately.