

Twelve Tips For Conducting Workplace Investigation Interviews Virtually



I sometimes find it hard to believe that we are already coming up to the fifth anniversary of the COVID-19 pandemic forcing us to quickly learn to work online. Here at RT, we remember having to rapidly adjust to conducting investigation interviews virtually (meaning by videoconference or telephone). Up to that point, most workplace investigation interviews were conducted in-person.

A few months into the pandemic, my colleague noted in her November 2020 blog post, [“Virtual Investigations: The good, the bad, and the future?”](#), “virtual investigations are a sound alternative to in-person ones, and the benefits and efficiencies they afford likely means that they will be sticking around in a post-pandemic world.” She was very right in this prediction; I think it’s safe to say that now, most workplace investigation interviews conducted by external investigators are virtual, and that many investigations conducted in-house include at least some interviews conducted by videoconference.

While virtual investigation interviews offer advantages like cost efficiency and convenience, they also present unique challenges. These include maintaining a trauma-informed approach, building rapport, and ensuring confidentiality. In this post, I share with you 12 tips for addressing such challenges, so you can conduct effective workplace investigation interviews virtually.

The following tips fall loosely into two themes: general best practices, and minimizing the risk of a breach of confidentiality.

Best Practices for Virtual Workplace Investigation Interviews

- 1. Where possible, offer the interviewee the option of an in-person interview or a virtual interview. Not everyone is comfortable with online interviews.** The interviewee may even have experienced harassment or discrimination during a videoconference meeting in the past. Other interviewees may prefer a videoconference interview to being in a room alone with an investigator. As my colleague said in her blog post linked above, we at RT feel that offering parties the option of in-person or virtual interviews aligns with a trauma-informed approach to workplace investigations.

Where a virtual interview is to be held, it must meet the same standards of professionalism and thoroughness as an in-person interview. You also want to be able to establish a rapport with the interviewee, and have access to all the

indicators of credibility that you would have access to in an in-person interview.

2. **Video before telephone:** Typically, interviewees can better convey their evidence in circumstances in which you can see their gestures, facial expressions, and perhaps diagrams they draw during the interview. Accordingly, whenever possible, conduct interviews via video, rather than by telephone.
3. **Have a backup plan in case of technical difficulty:** On occasion, an interviewee's or investigator's internet connection may be unstable, to the point that the interview is disrupted by freezing or garbled audio. In such circumstances, I first ask whether the interviewee has access to a better connection, either in the moment or if we reschedule the interview to another time and device. If not, only then do I suggest switching to audio-only, either by turning off cameras or conducting the interview by telephone.
4. **Take some time to establish rapport:** Building rapport with an interviewee can help them feel more at ease, help minimize re-traumatization, encourage them to be forthcoming, and encourage truthful answers. Unfortunately, the natural opportunity to build early rapport in an in-person interview – for example, by chatting as you set up the room and pour water for everyone – is lessened when an interview is virtual. When interviewing by videoconference or telephone we have to be more intentional about establishing rapport. Plan a few minutes at the beginning of the interview for appropriate chit chat, such as thanking the interviewee for joining, letting them know they are welcome to enjoy a coffee during the interview, commenting on the weather, etc.
5. **Manage support persons:** If a support person attends the interview, clarify their role and ask them to remain muted unless actively participating. This reduces distractions while allowing the interviewee to feel supported.
6. **Handle documents effectively:** Use tools like screen sharing to refer to documents during the interview. Organize the documents you will share in advance of the interview, so the interviewee is not left waiting for you to locate a file. If documents must be shared in advance, watermark files and restrict their sharing permissions.

Minimizing the risk of a breach of confidentiality

Confidentiality is foundational to any workplace investigation, and virtual investigations are no different. Investigators conducting investigations virtually have several potential risks to consider, stemming from both the platform on which the investigation is conducted, and from the interviewee, who may not be alone or who may be recording the interview.

To keep the risk of disclosure to a minimum when interviewing virtually, consider adding the following to your investigation process:

7. **Send the invitation to the virtual interview only to attendees:** To avoid anyone joining a videoconference interview accidentally, only send the meeting invitation to the interviewee (and their representative/support person, if any). Don't keep the person to whom you are reporting the progress of the investigation informed by copying them on meeting invitations with investigation participants.
8. **Use a secure videoconference platform, and use security features:** Share evidence and conduct interviews only through secure and encrypted platforms. Set up virtual meetings with passwords and waiting rooms to prevent unauthorized access.
9. **Consider the risk of using online audio recording or live-transcribing functions:** Because we investigators can only type or handwrite so fast, many of us audio record investigation interviews to ensure we have an accurate record of

the evidence. If this is your practice, consider using a handheld audio recorder rather than the recording or transcription functions offered by the videoconference platform or on your mobile phone. Keeping your recordings out of the cloud can help minimize the risk of a data breach resulting in their disclosure.

10. **Avoid accidental disclosures:** Before the interview begins, make sure there are no confidential documents on your desk or wall that could be visible to the interviewee. If you will be sharing your screen during the interview, close all other documents and programs on your computer before the interview begins, so that you do not accidentally share a document you did not intend to share.
11. **Confirm the interviewee has privacy:** During the introductory portion of the interview, confirm that the interviewee is in a private, quiet location where they can speak freely. Ask if they are in a private room and are alone (unless a permitted support person is with them – more on that below).
12. **Advise that you will be recording the interview, and are the only person doing so:** If recording interviews is part of your investigation process, interviewees should always be told of your intent to record, and be given opportunity to object.

Advance notice that an interview will be recorded can help minimize discomfort and objections. For my part, when I first write a party or witness to ask for an interview, I note that I audio record my interviews to ensure I have a complete record of the evidence. When we meet for the interview, I remind them that my practice is to audio record. If they do not object, I start recording and during the introductory portion of the interview itself, I obtain their consent to record on the record. To help the interviewee feel more at ease, I assure them that I will not share the recording with anyone, except under limited circumstances.

The more people who have a recording of an interview, the greater chance that recording will be disclosed and the confidentiality of the investigation will be compromised. For this reason, as part of my explanation to interviewees about the importance of keeping the investigation confidential, I ask that I be the only person recording the interview.

Some interviewees ask to record the interview regardless, or ask for a copy of my recording. For tips about how to respond to such requests, read our post, [“Tips for how investigators should approach \(and respond to\) requests to record interviews.”](#) I myself generally do not allow interviewees to record, except as a case-by-case accommodation.

In practice, it is impossible to prevent interviewees from recording their interview, especially when the interview is conducted virtually. Always assume you are being recorded and that what you say during the interview could be admissible in a future legal proceeding related to the investigation.

I think it’s safe to say that the practice of conducting workplace investigation interviews virtually is definitely here to stay. By remaining mindful of best practices, investigators can leverage the advantages that virtual interviews offer – flexibility, efficiency, and ability to provide interviewees with choice – without compromising efficacy or confidentiality.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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