

- [Narrator] You're listening to "HR Mixtape," your podcast with the perfect mix of practical advice, thought provoking interviews, and stories that just hit different so that work doesn't have to feel, well, like work. Now, your host, Shari Simpson.

- Joining me today is Lisa McConnell, certified EEO investigator of McConnell Consulting Services. Lisa is a human resource professional with over 20 years of experience in HR management, primarily focused on employee relations, legal compliance, training, and workplace investigations. She is a senior certified professional with CERM and is also an MD-110 certified EEO investigator. Lisa, thank you so much for jumping on the podcast with me today.

- I was happy for the invitation.

- So you have over 20 years experience in HR, so I thought maybe we could kick it off with a little bit of nostalgia. When you think about workplace investigations, how have you seen those evolve compared to when you first drove into HR?

- Well, I will tell you, when I first started in HR, I had no idea what I was doing, to be real honest with you. But when it comes to investigations, I've always been very inquisitive. I'm just a person who drove my mother crazy asking why all my life, so it really worked well with investigations. You just ask why, who, what, when, where, get all the details you can, and that usually leads to a pretty good result when you ask a lot of questions. Where I am today, I probably have more experience and know better questions to ask.

- 100%, curiosity is such a great tool for HR professionals. You know, when I think about investigations, I'm sure that there are plenty of triggers and signals that, you know, we've collected over the years as HR pros to say, hey, maybe we should investigate that. I'm curious if there's any that are maybe not so obvious that you've come across that we should keep an eye out for.

- I'll tell you one that a lot of HR professionals miss is union activity, unionizing and organizing activity, because if you're not in a union environment, sometimes you don't think about that. But when you hear someone who is speaking on behalf of a large group of people, that should raise some red flags because that is oftentimes how union organizing starts. A bunch of people are unhappy, they feel they're not being heard, and then one person is brave enough to speak up for the whole group and then that's how union drives start. And you know, not that unions are the end of the world, but I feel, personally, that you can have a better working relationship when you can work directly with that employee instead of having a middle person. And so if you can head those problems off early, solve the problems, make the employees happy, that's usually the better way to go instead of getting to a point where people feel like they need someone else to do

the fighting for them.

- I think that's a really good example. You know, for those of you that know me from listening, I'm married to a fireman who's at the chief level now, but was for many years a union president, so I have maybe a little different perspective than most HR people, but I totally agree with the idea around having the opportunity to see what's happening in your organization and get ahead of those issues and handle them right away, because the reality is if somebody feels like they have to have a person speak for them, then they're not being heard, and so what a great thing for you to kind of just pay attention to is like, oh, that's a trigger that something's going on in my organization that I definitely need to investigate.

- Yes, absolutely.

- Hypothetically speaking, if the roles were reversed and you found yourself being investigated, what would you wanna see from an HR professional conducting it?

- I would want to see someone who is open minded with no prejudgments going in, and lots of good questions being asked. I think the key to finding out the truth in any situation is not assuming an end result, but instead being completely open to all the possibilities that exist.

- Do you have any tried and true tools or techniques, or even maybe a mindset that's really been a game changer as you've coached and/or conducted investigations?

- Well, for one, it's being open-minded, not to just be real repetitive, but that's very important. You have to go in with no preconceived notions, no biases, no assumptions. You just have to ask a lot of questions. I think one of my biggest tricks that helps me is being comfortable in silence. People normally want to fill silence, and so sometimes it doesn't matter if I've asked the right questions, if I just truly stop and listen and give them a chance to speak, I get all the information that I need from that.

- It's such a good tactic because you're right, when you don't speak and you create the silence, automatically the other person's gonna fill it. So I've used that tactic myself during investigations. You know, they often can be very sensitive when you're conducting investigations, is there a story or a particular investigation that you can share with us without giving away, obviously, any confidential details and how you navigated it?

- I'll tell you the most sensitive issues that I have dealt with are ones that involve assault, and sometimes those are sexual assault, sometimes they're assault based on beliefs where people have disagreed, and that is always especially sensitive because for one,

they've lived through something very traumatic and it requires kid gloves in dealing with them to be very sensitive and empathetic to their situation, but it also is very necessary that we ask those questions and understand what happened so that we can restore a healthy working environment for those individuals.

- Is there any specific tactic you used as you're going through that process to show empathy but also get to the root cause or the root details that you're looking for?

- For one, it's the posture. I mean, when we communicate, only about 7% of what we communicate is the words. A lot of it is the body language, the tone, and I make sure that my tone is calm and assuring. I make sure that they know that I am a very competent and confident individual who can help them with this problem, and I don't have to do that by, you know, describing my experience or anything. It's just being assuring through my words and through my actions and being consistent that not only am I telling them that I want to help, but everything that I am doing is consistent with what I am saying and that I am doing everything I can to solve the problem with them. And then just even in my body language, being very careful that I'm mindful of space, you know, that spatial empathy, giving them a very wide bubble, because if someone's been assaulted, they really need that extra space to feel safe. I make sure that they have the seat closest to the door so they never feel trapped and make sure they feel like they can get out at any time if they need to. And I just try to be very assuring and comforting even as I question them about the hard things.

- All really good tactics. You know, investigations are an inevitable part of an HR professional's job, and I'm curious as you think about how that impacts culture, you know, are there ways to handle investigations that can be proactive culture shapers compared to maybe reactive as you go through these investigations?

- 100%, in fact, one of the things that often disappoints me when I look at investigations that were botched, like if I'm brought in after the fact to, you know, clean up a mess, 'cause I do a lot of consulting, one of the disappointing things is to hear that you've heard about a problem, but because it wasn't the thing they were complaining about, you ignored that. You know, when you're in an investigation, you might only be focused on, you know, they have alleged that this manager said X, Y, and Z, but if you also hear about other employees who are treating people poorly or other managers who are not doing the right things and other policy violations that maybe aren't as serious as discrimination or harassment, but they are policy violations, those things need to be addressed. You don't just leave that there, you do something about it, because this person, not only do they need to be heard, but they need to see that you care enough to give them a good working environment, and if you don't handle this

investigation well, you won't hear about the next incident that comes up. And other employees are watching, because a lot of things like harassment and discrimination never get reported. And the reason it doesn't get reported often is because people feel like nothing's gonna change, nothing's gonna happen. But if you show them through your actions that no, if there is wrongdoing and I find it, it will be corrected, then people will trust you with their problems and they'll bring 'em to you in the future.

- It's so true, I think about, you know, that the concept of being a parent or being a coach or being anybody else in that kind of role where you are, you know, in a role where you are confided in and have the opportunity to help people see things differently, so that's such a great example. You do a lot of consulting and training. I'm curious, as you've taught around how to conduct workplace investigations, what's something that you find yourself kind of teaching over and over again? Like the one sticking point that you're like, oh, I really wish everybody would get this part correct.

- Honestly, it's the simplest thing in the world, but I say it a million times over in every type of HR training I do, it's put yourself in their shoes and have empathy because these are difficult things that you're dealing with in HR and the person who brings it to you, they're uncomfortable bringing it to you. They wish they didn't have to. A lot of times they just wish it would go away and they'd never have to say anything. So you've gotta just think about, how would I feel if I were in their shoes? How would I want to be treated? How would I want this to be handled? And you've gotta know that HR is not their world, it's yours, so they don't know what's gonna happen after they make this complaint. They don't know, does this mean I'm gonna get fired 'cause my boss is gonna be mad 'cause I complained? And so you've gotta do a lot of reassuring and just think about how it feels to be in their seat so that you handle them correctly and show them all the empathy that you can throughout the process. I think that's true whether you're doing an investigation or whether you're doing discipline or coaching. In all matters, I think people just need to put themselves mentally in that person's shoes before they act.

- Have you seen any variances when it comes to different industries? You know, I'm thinking healthcare, construction, manufacturing, I work in tech. Is there nuances that you see in approaching investigations and industries differently?

- Not a ton. I will tell you the biggest things that I notice, the biggest differences that I notice are in how you talk to people sometimes. You know, I'm gonna talk to a tech support person a little differently than I might talk to a construction person. And I don't mean dramatically different, just the word choices might be a little different. Also, I know that the evidence that I might find is probably gonna be a little different. So if I'm dealing with an IT

person that there's a complaint against there, there's very likely some electronic trails somewhere. But if it's, you know, a truck driver over the road or construction worker, it's a lot less likely that there are gonna be emails for me to look at, or other, you know, electronic documents. It may just be verbal conversations that have led to the complaint.

- I don't know which one I'd want more as an HR person. Something about that electronic trail I think appeals to us, but we have to deal with every situation that we're in for sure. You know, you're an MD-110 certified EEO investigator and so that designation, how do we as, you know, HR pros stay up to date on all of the legal changes and things that we need to consider when we're conducting investigations and/or, you know, creating policies for organizations around this space?

- So the important thing is, first of all, always know what your own policies are. So whether you're a consultant or in-house, you've gotta know your policies inside and out, because oftentimes, some of the things we deal with, they may intersect with the law, but they may not. We do wanna make sure we're at least being consistent with our own policies. And most organizations, they write their policies in order to be compliant with the law. So you don't always have to be a legal expert. A lot of times you can just be a policy expert and you're already covered, so that's one thing. The other thing is to, you know, read your updates from your friendly neighborhood lawyers that have newsletters. That's one way I keep up with it, and, you know, go to seminars and webinars and keep yourself educated.

- I love the suggestion about your friendly neighborhood lawyer, and I don't know that I've ever heard anybody describe them that way, but I absolutely love that, because you're so right that especially employment lawyers, they're gonna have newsletters and different types of communications that you can sign up for and get that information delivered to your inbox for free from your friendly neighborhood lawyer.

- Yes.

- Love that. You know, Lisa, as we end up our discussion, I'm curious, for those HR professionals who might be feeling overwhelmed by the responsibility of workplace investigations, what's, you know, one piece of wisdom or encouragement that you have for them?

- There's always a great way that you can make sure that you're on the right track, and that's to phone a friend. If you have, whether it be a lawyer on speed dial or another HR professional that you've networked with, you know, there are some situations, you're not gonna share every detail, but you can certainly share concepts and ask questions to make sure that you're on the right track. Maybe it's

other leaders in your organization, you know, maintain confidentiality, of course, of the investigation details, but you can say, hey, have you ever had a situation like this before? Precedent is really helpful. You know, a lot of situations come up again and again when you're dealing with people, because usually, what we're dealing with in complaints is just conflicts between people, and that's nothing new. So look at your own organizational history and see what you've done the last time a conflict like this arose.

- Well, Lisa, thank you so much for such great advice when it comes to thinking about and conducting workplace investigations. It's definitely a complex topic that HR professionals have to do, and so I really loved all your advice and some of the tactics that we can think about going forward. So thanks for your time, Lisa.

- Thank you. It was great talking to you.

- [Narrator] I hope you enjoy today's episode. You can find show notes and links at theHRmixtape.com. Come back often and please subscribe, rate, and review.