

WORKPLACE INVESTIGATIONS & FALSE ACCUSATIONS

How to respond when the company is investigating you, someone else, or a complaint you made.

WHAT THE EMPLOYER WILL TEST	WHAT THE EMPLOYEE SHOULD SHOW
scope, witnesses, documents, chronology, contrary evidence, and whether the conclusion matches the record.	Duties and risks differ by role. • Ask for enough specificity to respond meaningfully. • Missing direct witnesses can matter.
WHEN PROMPT LEGAL REVIEW MAY MATTER HR schedules an interview or asks for a written statement about disputed events. • Discipline follows a complaint, investigation, opposition, or protected report. • Messages, witnesses, video, or other evidence may disappear or be overwritten.	

THE 60-SECOND ISSUE MAP

Issue	What to ask	Risk / signal	Employee focus
Your role	Complainant, accused employee, witness, manager?	FOUNDATIONAL	Duties and risks differ by role.
Allegation	Do you understand the specific conduct, dates, policy, and accusation?	HIGH	Ask for enough specificity to respond meaningfully.
Witnesses	Who directly saw or heard the events and were they interviewed?	HIGH	Missing direct witnesses can matter.
Documents	What records should exist and were they reviewed?	HIGH	Audit the data sources, not just the conclusion.
Retaliation / privacy	Is participation protected or are demands overbroad?	VARIES	Protected complaint and privacy issues can coexist with cooperation duties.

FIVE RULES THAT MATTER

1. A private employer usually may investigate workplace complaints and require reasonable cooperation, but the process is not a criminal trial and courtroom discovery rights generally do not apply internally. 2. An employee should answer truthfully, distinguish firsthand knowledge from assumption, and correct material inaccuracies promptly.	3. If accused, identify direct witnesses, records, normal business practices, and objective data that investigators should review. 4. If the company claims a thorough investigation, ask what it did not do: omitted witnesses, unreviewed sites, missing data, contradictory documents, or unexplained departures from policy. 5. Retaliation for protected complaints or truthful participation can create a separate legal issue even when the employer was entitled to investigate.
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THE PRACTICAL ACTION PLAN

1 VERIFY	2 PRESERVE	3 RESPOND
Complainant, accused employee, witness, manager?	Investigation notice; Policies cited	Duties and risks differ by role.

AUDIT THE INVESTIGATION, NOT JUST THE RESULT

Scope	Evidence	Process
What allegations / time period / locations?	Witnesses / documents / systems / contrary facts	Who interviewed whom / what was ignored / what standard applied

DOCUMENTS / ACTIONS TO SAVE NOW

- ☐ Investigation notice
- ☐ Policies cited
- ☐ Your written response
- ☐ Witness list
- ☐ Documents / screenshots lawfully retained
- ☐ Meeting notes
- ☐ Investigator communications

FROM THE EMPLOYER'S SIDE: "we investigated" is not self-proving. A good defense investigation should make sense when a neutral asks who was interviewed, what records were reviewed, and why contrary information was rejected. Oddly, sometimes the direct witnesses never get called.

EMPLOYEE RESPONSE: Use dates, exact words, witnesses, source messages, and a clear requested remedy. Separate firsthand facts from assumptions.

PRACTICAL POINT: Contemporaneous evidence usually matters more than adjectives. Preserve the record before messages, video, or memories disappear.

RELATED RUGGLES LAW FIRM READING

- Workplace Investigations in California
- My Coworker Lied About Me
- Executives Falsely Accused of Sexual Harassment
- Defamation and Wrongful Termination

CALIFORNIA STATUTES / REGULATIONS

See the governing statute and applicable regulations for the specific claim.

PUBLISHED CALIFORNIA CASES

- Cotran v. Rollins Hudig Hall International, Inc., 17 Cal.4th 93 (1998)
- Nazir v. United Airlines, Inc., 178 Cal.App.4th 243 (2009)



SCAN TO READ
Workplace Investigations in
California
RugglesLawFirm.com

OFFICIAL RESOURCES CRD Employment | Labor Commissioner Retaliation Laws

An employer's good-faith investigation can matter, but the factfinder may still examine whether the process and conclusion were reasonable.

— See Cotran v. Rollins Hudig Hall Int'l, Inc., 17 Cal.4th 93 (1998)

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