

# Workplace Investigations.....and Psych 101

---

I am sometimes asked to help clients who want an independent, and skilled, person to conduct an investigation into complaints that have been raised about workplace behaviours. Most recently I have been doing that Q Workplace Solutions who specialise in doing workplace investigations around Australia.

Q Workplace has some great processes and systems in place to ensure the work is done to the highest standard, which I have found to be really helpful, however most of their staff and associates started off as workplace relations lawyers, whereas my background is in HR and Organisation Development.

Q Workplace Solutions is a national firm that conducts external workplace investigations in both the public and private sectors. Established in 2011, it continues to grow to meet the demand for procedurally fair investigations by experienced investigators.

[Q Workplace](#)

That different background means that when I undertake an investigation I start from a slightly different place to my legal friends - though I like to think we all end up at the same destination.

A little while ago a group of us were discussing something called “The Bystander Effect” and how it might effect an investigation, and one of my legal colleagues remarked “Aah yes, Psych 101!” - hence the title of this note. The discussion reminded me that even “hard edged” subjects like industrial relations and workplace investigations involve the behaviour of people, and we need to be aware of some of the simple psychological “traps” that might affect the people involved, including ourselves as the advisor or investigator.

The three that come immediately to mind for me are:

## The Bystander Effect

This is the “trap” that started the conversation. It suggests that, paradoxically, the larger the group of people that are aware of someone needing help, or perhaps needing to be confronted, then the less likely it is that any individual will be the first to act. Instead each individual waits to see what the rest of the group does, and if they ignore the situation, then so do they.



So, if you fall ill in a crowd setting and someone sees you then they are unlikely to do anything to help because everybody else is doing nothing, and of course everyone else is doing exactly the same thing. Once one person in a crowd goes to help then others will join in as they see that this is the new “norm” for the group to follow.

If someone knows that they are the only person aware of your predicament then they are more likely to assist you. There is no “ignoring crowd” example for them to follow, and the responsibility to do something rests with them rather than being diffused across the group.



This effect was famously demonstrated in the [Kitty Genovese murder](#) case, where a young woman was murdered in view of many people in a crowded apartment building - but nobody did anything to help.

It may also help explain a phenomenon we often see during workplace investigations, where there is someone described as a serial offender who has been misbehaving for ages, but where nobody complains until one particular person does so, then many come forward to add to the complaint. It is tempting to think “This couldn’t have been going on for so long without someone saying something, and these other people are just jumping on the bandwagon” which could lead us to doubt the complaint and the evidence that it is a long standing issue. Perhaps that is the case, but it is more probable that we are seeing the bystander effect playing out.

## Confirmation bias

This trap refers to our unfailing ability to see and pay attention to anything, in fact nothing else but, that which reinforces our already existing beliefs.

One example of this is when supporters of opposing teams in a football match discuss refereeing/umpiring decisions after the game. Both sets of supporters will be absolutely certain that there were more free kicks/penalties paid against their side than against the opposition. After a long argument people they may look at the facts and find that over the season that it pretty well evens out (I know, but where do they pay them – always against us in vital parts of the field!)



The supporters are not lying when they say what they think. They simply recall and remember only the instances which support their pre-existing view that the umpires are against them. That’s why we call them “one-eyed” supporters.

This has obvious implications for an investigation

1. Witnesses, even honest ones, who have a established opinion about someone and their likely behaviour will notice and recall those parts of an incident that correspond to that prior view of the individual.
2. Even more worryingly, investigators who take a “preliminary view” early on in an investigation may start to hear, or look for, testimony which is aligned to that view.



## Pattern recognition



The first time we are faced with a situation that is new to us we have to spend a lot of time paying attention to what is going on, developing a likely response, seeing if it works, amending it and trying it again and finally coming up with the most likely “good response” to that particular situation. From then on when we see a similar situation reappear we don’t have to do it all that work over again, we can just apply our “best practice”.

To be able to do that we need to be able to recognise patterns quickly so that when one starts to appear we can quickly apply our best practice response. To help with that process humans have developed highly efficient pattern recognition skills, everything from being able to respond to a parking space looking likely to open up on a crowded peak hour street, to seeing facial patterns in random surfaces – the Toast Jesus effect!

We also use this skill in our interpersonal interactions - when we get that feeling of “I think I know where this is going, I have seen it before, and I know what to do”.

Don’t get me wrong, this is a useful trait/skill because the world is full of repeating patterns that we should develop useful routines to deal with.

A problem can arise however when we are over eager to fit a set of circumstances into one of the patterns that we already know and understand, when in reality we might be facing something else. For workplace investigations this might be when a witness “knows” what is going on and recollects and arranges the facts as they report them to fit the pattern that they have in their mind, or where the investigator thinks “I know this sort of problem, it is one I have seen before and it always goes like this...” and similarly arranges the facts to fit.

Both can distort an investigation.

## What can we do

We can’t avoid these sort of biases – they are inherent in the nature of being human. What we can do is be aware of them and bring them from the unconscious mind up to the conscious mind where we can test our reasoning and thinking against the possibility that we have fallen into one of these traps.

Good peer review and a robust decision making process which forces us to look for these sorts of errors are important, but we also need to be “conscious” of what is often an “unconscious process”. And finally of course, using a truly independent investigator takes at least some of these traps out of the picture automatically.

