



Mineral



## Question of the Week

FEBRUARY 08, 2023

### QUESTION

An employee came to us with a harassment complaint but said they didn't want us to do anything about it. Do we have to do an investigation?

### ANSWER

Yes, you should still investigate the complaint. Not investigating could expose you to legal risk if more employees come forward with complaints, if the employee later decides to take their complaint to a state or federal agency, or if the harasser continues to harass. Aside from liability, creating a culture that feels safe and inclusive, and discourages harassment, requires acting when these issues arise.

Let the employee who made the complaint know that you, as the employer, need to ensure a safe work environment for all employees that is free from harassment and that you must investigate situations that are brought to your attention. You can assure the employee that you will keep their name out of the investigation as much as possible and that any retaliation for bringing the situation to light won't be tolerated. If you think your employees will be deterred from submitting valid complaints due to potential repercussions, you might want to consider providing a way for them to report issues anonymously.

*This Q&A does not constitute legal advice and does not address state or local law.*