

VFNHP



Local 5221

## Your Rights: Participating in an Investigation

When there is an incident, it is important for FAHC to conduct a fair and just investigation which will include interviewing the people involved and any witnesses. It is important that you know your rights to protect yourself and your co-workers.

**Remember:** Human Resources personnel work for FAHC management. What you say to them "in confidence" *can* be used against you.

- If you were directly involved in an incident, you can ask to speak to a Union steward or, in investigations that could result in criminal charges, an attorney of your choosing, *before* you respond to investigator's questions.
- **Have a steward or co-worker who is acting as a steward with you when you are interviewed.** If you are being interviewed in connection with an investigation where you reasonably believe that discipline may result, you have the right to insist upon the presence of a steward. The steward/representative should take notes as you give your statement. She/has the right to advise and assist you, consult with you in private before the questioning begins, help to make sure that the questions being asked are clear.
- If *you* ask for representation, the *employer* must choose from among 3 options:  
(1) grant the request and delay questioning until the representative arrives; (2) give you the choice of either having the interview without representation or ending the interview or (3) deny the request and end the interview immediately. You can refuse to answer questions if the employer denies the request and continues the meeting.
- Try not to participate in an interview when you are feeling rushed, distracted, or emotionally overwhelmed.
- Take a few seconds to think about your answer to each question. Only state the facts. Do not give your opinion or any theories you may have. You can say, "I don't know," or, "I don't recall," if that is the case.
- If a question is confusing, vague or seems unrelated to the stated purpose of the interview you can ask for clarification. You can say "I can't answer that question," but you may not obstruct a legitimate investigation by generally refusing to answer questions.
- Do not share personal conversations you have had with a colleague about her/his life outside of work. An investigation should be about a specific incident and/or about how someone performs his or her job.
- Your statement will be shared with the person who is being investigated. It is her/his right to see the evidence that is being presented in their case.
- We fought for and won paid administrative leave for our members who need to miss work due to an investigation.

**Questions? Contact your steward or the Union office at 657-4040.**