



ASSOCIATION OF
WORKPLACE INVESTIGATORS

Promoting and enhancing the quality of
impartial workplace investigations.™

Virtual Wrongdoing: Investigating the Fall-Out from Remote Work Arrangements During COVID-19

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INTEGRITY BY MCCARTHY INC

Preventing & Resolving Workplace Harassment, Violence, Wrongdoing & Fraud

May 21, 2020

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Overview

- Current Environment
- Effects on people and organizations
- Future Environment

Objectives

In keeping with the Association of Workplace Investigators' (AWI) mission of “Promoting and enhancing the quality of impartial workplace investigations.”™

- Learn the new risk drivers
- Explore the extension of the “workplace”
- Examine the types of future investigations

What We Were Thinking Ten Weeks Ago...

One week into the current pandemic (March 20, 2020), Sue Ann Van Dermyden delivered an AWI webinar titled:

“A New Normal? Conducting Remote Investigations”

- Shifting Landscape Related to Complaint Types
 - Decrease in (physical) harassment or bullying complaints
 - Increase in discrimination, accommodation complaints
 - Increase in discontent related to fairness, fear, lack of trust
- Possible Complications
 - Delayed or fewer allegations
 - Witness (and representative) unavailability
 - Late payments

Current Environment

Client Responses to COVID-19

- Remote and virtual work
- Operational adjustments and reinvention
- Virtual employee engagement

What Your Clients Didn't Think About

- People are people - there is always a way
- Health and safety obligations
- Consequences of productivity tools
- Unattractiveness of the “new normal”

New Risk Drivers

- Weak or non-existent plans and policies
- Departure from workplace formality
- Lack of presence and controls

New Risk Drivers (continued)

- COVID-19 stress (Maslow's Hierarchy of Needs)
- Mourning the loss of what used to be
- Virtual and remote anxiety and frustration

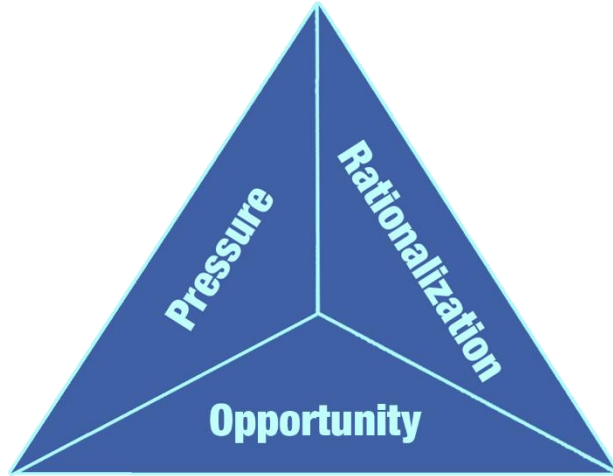
New Risk Drivers (continued)

- New ways of delivering services
- Cyber threats, increased attacks
- Mixing of business and pleasure
- Slow central policy development

Effects on People and Organizations



Why People Cross the Line



Fraud Triangle

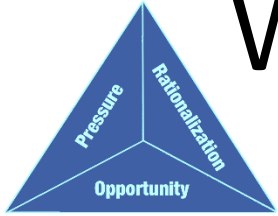
Fraud - “The use of one’s occupation for personal enrichment through the deliberate misuse or misapplication of the organization’s resources or assets.”
Association of Certified Fraud Examiners

Fraud simply put – “An intentional act to secure an unfair or unlawful gain.”

Model can also explain other wrongdoing

Trusted persons become trust violators when they conceive of themselves as having a financial problem which is non-shareable, are aware this problem can be secretly resolved by violation of the position of financial trust, and are able to apply to their own conduct in that situation verbalizations which enable them to adjust their conceptions of themselves as trusted persons with their conceptions of themselves as users of the entrusted funds or property.¹

¹Donald R. Cressey, *Other People’s Money* (Montclair: Patterson Smith, 1973) p. 30.



Fraud Triangle

Why People Cross the Line (continued)

Pressure

- COVID-19 pandemic.
- Medical bills.
- Expensive taste.
- Addiction.
- High personal debt or credit.
- Greed and Entitlement.

Opportunity

- Lack of controls, monitoring and oversight.
- Can move undetected.
- Your position gives you access and authority.

Rationalization

- I don't care.
- I need the money.
- It's not hurting anyone.
- The boss can afford it.
- I have earned it.

Insider Threat and Corruption



“An employee or a contractor will use his or her authorized access, wittingly or unwittingly, to do harm to the security of the United States. Department of Homeland Security

**“Any person with authorized access who causes harm, intentionally or otherwise, to the assets of an organization.”
Public Safety Canada**

- Personal crisis triggers an action
- Unusual conduct that others see, but do not recognize or report
- Predisposing Personality Traits / Behaviours
 - Narcissistic traits (self-centred, entitled, undervalued, arrogant, inflated sense of self worth)
 - Anti-social traits (reject rules of society, lacking remorse, being manipulative)
- Cultivation and elicitation techniques used to corrupt employees

Examples of Crossing the Line

- During video calls...
 - Isolation
 - COVID-19 appearance changes
 - Inappropriate comments
 - Unwelcome side-bar advances

Examples of Crossing the Line (continued)

- During video calls (continued)...
 - Clothing choices
 - Background “paraphernalia”
 - Virtual happy hours
 - “Zoom-bombing”
- Time and attendance fraud
- Theft

Your Clients' Needs

- Aren't they just asking you to do an investigation?
- Does it really matter what their needs are?
- Should you even try to satisfy their needs?

Your Clients' Needs (continued)

Know where they are coming from:

- Internal
- External
- Philosophical
- Motivations

Future Environment

Extension of the Workplace

- New physical and virtual boundaries
- Incident in the “extended” workplace
- Incident in the “remote” workplace

Extension of the Workplace (continued)

- Duty to accommodate
- Corporate security gaps
- Privacy compromise
- Government and/or client policies

Investigating the “Fall-out”

- Continued remote and virtual work
- Continued COVID-19 stress
- Increased cases of racism in the community
- Physical distancing vs. interpersonal relations
- Have we been set up for failure?

Investigating the “Fall-out” (continued)

- Types of investigations you can expect to see:
 - Fairness
 - Safety
 - Cyber
 - Violence

Investigating the “Fall-out” (continued)

- Types of investigations you can expect to see:
 - Policy
 - Data
 - Fraud
 - Insider threat and corruption

Investigating the “Fall-out” (continued)

- Ways that you will be interacting:
 - Remote, virtual and protected
 - New techniques
 - Varying tools

Investigating the “Fall-out” (continued)

- Evidence Sources:
 - Devices
 - Social media
 - Third party and client data
 - Witnesses

Investigating the “Fall-out” (continued)

- Realities you will have to face:
 - Credibility assessments
 - Client missteps
 - Accessing evidence
 - Things may be quiet for a while
 - People are people

Closing thoughts

- Our world has changed
- Our clients need us
- We have not yet seen what has happened
- We will need to remain flexible
- We may be investigating areas that we had not explored before

Feedback

- I hope through this webinar you have learned about:
 - New risk drivers for virtual and remote workplace wrongdoing.
 - Extension of the “workplace” and clients’ obligations to their employees.
 - Investigations under the “new normal.”
- The Association of Workplace Investigators (AWI) will be sending you a survey after this webinar. Please take the time to fill it out.
- Please send an email to: kenneth@integritybymccarthy.ca to access a short survey (one question with the option of providing written comments) on this webinar.

Thank You!

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