

## **Exit Interviews In Support Of The Compliance Program**

*These can be useful, but only if done right.*

**By Richard Kusserow | November 19, 2020**

Many organizations have an [exit interview program](#) of one type or another, and it is usually managed by the Human Resources (HR) department. A properly designed and constructed program can provide early warning of a potential liability and an opportunity to implement corrective action to prevent escalation of the problem. It may also deter departing employees from becoming whistleblowers after they have secured new employment and are free of the fear of retribution or retaliation. Affording these employees an opportunity to provide information prior to departure permits them a legitimate path for redress of grievances and reduces the likelihood they will turn outside the company to “blow their whistle.” However, to be truly effective, the exit interview should not be conducted on the last day of employment as part of the HR exiting process of filling out forms, turning in company property, and providing COBRA and other needed information. Departing employees are often preoccupied with the process of exiting and may be reluctant to reveal the full and true reasons for leaving. Exit interviews should be conducted as far in advance of the employee’s last day as possible as a live exchange and not just filling out a form. If done properly, exit interviews allow departing employees to describe experiences and identify issues for management that could otherwise remain unknown. Most such interviews will likely only take 15-30 minutes.

For those considering such a program to support the Compliance Program, the following actions may provide value:

1. Create a policy document that specifies the level of management that should be debriefed by the Compliance Officer. It is important to carefully define covered persons to avoid individual resistance to being interviewed. It should be considered just another formality in the exiting process.
2. Interviews should be scheduled as soon as possible after the decision to leave the organization has been shared. This permits the organization to take remedial action on any problems raised during the interview before the person leaves.
3. Conduct the interview away from the person’s office, in a place where the conversation cannot be overheard, to avoid distractions or interruptions.
4. Using open-ended questions, wherein the departing employee supplies the answer, is much more effective than having the employee choose answers from a predetermined list. Departing employees are typically reluctant to say or do anything that might prejudice their opportunities for future employment. The reliability and usefulness of the results are strongly affected by the skill of the interviewer and whether the employee trusts the interviewer.
5. Include questions about the departing employee’s experience, especially where it involves compliance matters, discrimination, harassment, etc. The debriefing should include very pointed questions about their workplace experience with regard to compliance.

6. Ask questions about whether the departing employee observed any violations of laws, regulations, the Code of Conduct, policies, etc. If so, the Compliance Office should be alerted.
7. Any management, regulatory, or legal issue raised should be addressed, if possible, before the employee leaves the organization. Taking corrective action while the person is still an employee may forestall that person from taking the same issues to an attorney, government agency, or the media.

*For more information on this topic, contact Richard Kusserow at [rkusserow@strategicm.com](mailto:rkusserow@strategicm.com).*