



New Trend of AI-Boosted Complaints Adds Complexity to Workplace Investigations

by Tracey Levy

The complaint was long, over 50 pages, inclusive of an opening statement, a table of contents, and anecdotes of events linked by headers and subheaders referencing "double standard," "inconsistent application," "false claims," "workplace hostility," "harassment," and "retaliation." It was supported by embedded screenshots in places, sometimes complete and sometimes mere snippets of instant messages, emails, photos, and other documents. Policies and laws were cited, and there was a concluding section on emotional harm. Then, I received supplements—an additional 10 pages addressing one specific point, and another 15 recounting events that chronologically preceded the most recent information I had been provided.

The complaint reflected the perspective of someone who felt very much aggrieved. It also reflected one of the latest trends in workplace investigations—complaints that have been generated with the assistance of artificial intelligence (AI), which I call an "AI boost." A recent informal survey of members of the Association of Workplace Investigators, Inc., confirmed this trend, and the frustrations that go with it, with long complaints that are largely redundant repackaging of the same allegations under different headers, and a distinctive writing style that insurers across written complaints submitted by complainants in different organizations and do not reflect how those complainants actually speak.

Investigating these complaints presents three key challenges: (i) how to identify what the complaint is about; (ii) how to work with the complaint and ensure relevant information is not overlooked; and (iii) how to weigh the relevance of the AI tool's influence when reaching conclusions.

Identifying the Issues

"Intake" is the process of receiving an employee's complaint.¹ This may begin with a complainant's written submission, and most often involves a direct meeting with the complainant, during which the investigator's focus should be on gathering the full scope and context of the employee's complaint. Following the intake interview, the investigator then needs to assess the following.

- What are the concerns the employee has raised?
- Which of the organization's policies are potentially implicated by those concerns?
- What facts has the employee provided in support of each concern?

Consider the Written Complaint

Sometimes an organization receives a written complaint from an employee prior to the initial intake meeting, and sometimes a complainant follows up with a written submission to clarify or reframe points or provide additional information. Where the written complaint is received first, the investigator should review it, identify the issues it raises, and prepare questions for the intake interview to make sure the employee speaks to all the concerns raised. Often, there is more information to be shared and more details the employee can provide through that in-person meeting. Those further details guide the investigator's understanding of the concerns raised and are helpful in planning the next steps in the investigation.

¹ A portion of this article was originally published in [Chambers' Global Practice Guide](#).

Where the written complaint is received second or supplements are provided after the intake interview, the investigator's review of the document should relate back to what was said in the interview. At times, the follow-up writing provides greater clarity, and at times, it invites more questions, either due to inconsistency in accounts or because it references events not previously discussed. The investigator then needs to determine whether to schedule a follow-up meeting with the complainant before proceeding further, or whether the issues have been sufficiently defined for the investigation to proceed. There is always the possibility of scheduling a follow-up meeting with the complainant after more information has been gathered, to clarify points or concerns that the complainant raised in writing.

Recognizing When AI Has Boosted a Written Complaint

Typically, the written complaint submitted by a complainant is between two and five pages, and largely in narrative form. It may begin or end with broad allegations, and be interspersed with terms like "harassment," "bullying," or "toxic work environment," but mostly it tells a story. Sometimes it is a shorter statement of largely generalized allegations, with perhaps one or two brief anecdotes as examples.

The hallmarks of an AI-enhanced complaint may include the following.

- Substantially greater length, ranging from 10 to 75 pages
- Advocacy focus with a lot of headings, each framed as a legal argument or defense
- The same examples repeated under multiple headings, often with slight differences in either phrasing or detail
- Absence of narrative—"the story" gets buried in the argument
- Circularity of reasoning; the same points get reframed multiple times, with slightly different verbiage, to elaborate on prior points or as support for more grounds of complaint
- References to laws that may be irrelevant or misapplied

The Benefits of an "AI Boost"

In some respects, AI does not differ from when a complainant hires a lawyer or seeks guidance from a knowledgeable friend or family member to help ghostwrite or edit a complainant's written submissions. Those behind-the-scenes human editors can help a complainant frame key points and support assertions.

An AI tool can similarly inform individuals who are less familiar with US laws and applicable employer policies to contextualize their workplace experiences in a more compelling fashion. For those with more limited English proficiency, AI support can do the writing for them and capture some nuances of English that may be unfamiliar to them. Individuals with certain types of disabilities or who have difficulty organizing their thoughts may also benefit from a tool that does the organization for them.

The Challenges for Investigators

Despite the benefits for an individual complainant, the challenges of an AI-boosted complaint for an investigator can be substantial. Length alone requires spending more time outlining the concerns raised and tracking the factual information provided in support of those concerns.

The advocacy focus and absence of narrative mean the investigator cannot start from a simple account of what happened and consider that narrative in the context of relevant employer policies.

Rather, the investigator needs first to work in reverse—unbury the narrative and break down what occurred.

This may require looking past circularity of reasoning, tracking repeated use of the same examples, and parsing the nuances of slight differences in phrasing or detail, which might be material at a later stage of reaching conclusions. It also requires sorting through legal arguments that may be misplaced or irrelevant, particularly because internal investigations usually evaluate behaviors based on an employer's policies. Once the complainant's account has been extracted from the advocacy framework, the investigator can independently determine whether and how the reported behaviors and events may relate to the concerns raised and applied in the context of the organization's policies.

Organizing and analyzing that information can be a time-consuming, tedious, and frustrating process for a workplace investigator. Investigators rarely have the luxury of focusing on a single matter, and often have time, cost, or other pressures to complete their work efficiently and expeditiously. In some organizations, time limitations are dictated by the policy itself or a union contract.

Work with What You Have

Faced with these competing pressures, it may be tempting to reject the AI-boosted complaint and ask for something more digestible, disregard the submission and just work from information provided in interviews, or revise an organization's policies to preclude written submissions created with generative AI tools. None of these approaches is recommended.

First, declining to accept and consider an AI-boosted complaint deprives complainants of the benefits discussed above. Second, it uniquely singles out generative AI tools and may thereby have a disproportionately negative impact on complainants who lack the resources to hire an attorney and lack a network of informal advisers. Third, it may result in relevant information or legitimate concerns being omitted (because a complainant did not realize the relevance and therefore did not know to volunteer the information). Fourth, it may deter complainants from raising concerns or lead them to bypass internal complaint processes and move forward with administrative charges or litigation. Those are not desirable outcomes.

Using technology to counter technology by running the AI-boosted complaint through an AI tool with a command to synthesize the information may also be tempting. Doing so presents its own challenges, however. The synthesis may be inaccurate because the AI tool may misunderstand relationships between the parties or other contexts that make a seemingly trivial event relevant. Synthesis also removes details, yet the details often can be determinative when making credibility assessments or when evaluating the finer points in an employer's written policies.

Technology may be more helpful when queried to sift through the complaint and later addenda to identify where the claims were different or new facts or allegations were added. It can also be used to highlight all the places where a particular incident was referenced or a particular person was discussed. Ultimately, though, the investigator will need to read through the entire complaint to make sure all the information given has been reviewed and organized logically, which allows for further investigation. In short, the process is the same; the work is just much harder and more time-consuming with an AI-amplified complaint.

Ask for Clarification

After reviewing the written complaint, the investigator should also seek clarification in a meeting with the complainant. The investigator should seek additional facts, documents, and witnesses where the written complaint provides only generalized assertions.

The investigator may be tempted to ask whether the complainant received any help in preparing the written statement or to ask whether an AI tool was used. While such inquiries may satisfy an investigator's curiosity, that information may lack relevance, and the inquiry may feel biased or accusatory. The mere fact that a complainant received support in preparing a complaint does not make the assertions less valid.

In contrast, where the complainant's account differs from the information stated in the written complaint, or where the written complaint itself seems to recount the same incident with different levels of severity or other variations in the details, it is reasonable for the investigator to ask about those differences. The questions should be posed in an open-ended, nonaccusatory manner, focused on confirming which version the complainant stands by as an accurate account and why those differences exist.

Consider the AI Boost When Assessing Credibility

At the conclusion of an investigation, the information gathered from all sources will often reflect differing perspectives on the same set of events. There may be consistency on what happened—words that were said, or actions that were taken—but the import of those events may be disputed. In those situations, the investigator's conclusions will be shaped more heavily by the language of the policy itself, and by other events and behaviors that contextualize the parties' varied perspectives.

Other workplace concerns, however, may require an assessment of credibility. This occurs when the investigator receives two or more accounts of an event that cannot both be true—either something was said, or it was not; someone engaged in this behavior or did not. The heart of the dispute is over "what happened," and the parties' propensity to provide truthful information is significant.

The investigator can and should look beyond the gloss of AI-boosted submissions to assess the complainant's account. For example, where the complainant's initial account of an event seems to have been embellished in subsequent written submissions (e.g., a "touch" becomes a "grab," which then gets coupled with a look or some other salacious detail), the investigator can and should consider whether those are credible retellings or an overstatement tailored to make a more compelling argument.

Assertions that do not seem logistically plausible and that have not been well-explained by the complainant may be an AI hallucination or overstatement that the investigator should not credit. During the investigation interview, if the investigator probed for more information regarding specific words or phrases used in the written complaint and got answers like, "Oh, I didn't write that," or "Just ignore that," then the word or phrase asked about is not reliable. The investigator can also reasonably infer from such a response that other elements of the complainant's account may not be reliable. Similarly, where the complainant's response to questions on a particular point in the interview was, "I documented that" or "It's in my written complaint," and the point has not otherwise been supported by information gathered during the investigation, the investigator may reasonably decline to credit the written assertion.

Ultimately, the investigator can hold the complainant responsible for the content of the written complaint, and conflicting or fabricated details may negatively affect the assessment of the complainant's credibility.

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