ABSTRACT

INTRODUCTION

My study looks at ‘investigative’ reports produced by a multinational corporation. The investigations are motivated by suspicions regarding employees’ behavior involving issues such as misconduct, accidents, theft, and complaints and issues of compliance.

These reports are based on interviews between the company ‘investigators’ and employees, and are intended help make internal decisions. The reports may be used in legal cases, but they also pose unexpected problems for the company when required at some future date for legal purposes, such as litigation. These reports can be used to determine whether the company is being sued or whether it is being sued by the company, or whether it is being sued by the United States or by another company. The reports are then open to critical re-interpretation by legal professionals.

Complicating this problem is the fact that the reports are written by international agents whose compliance with local laws is strictly monitored. However, the data is not necessarily specific to the company, as it is often used for wider purposes, such as legal representation.

The company has requested help in standardizing the language of these reports and in re-contextualizing them for external legal readership. For suggestions, they have turned to suggestions from applied linguists.

Drawing on Bhatia’s genre analysis of investigative reports (Bhatia, 1993, 2008), this study analyses generic and lexico-grammatical features found in a corpus of these reports, examining the internal communicative nature of these reports, and suggests strategies for standardization.

It is hoped that linguistic insights may furnish the company with future recommendations when fine-tuning these reports, so that they are not recontextualized for external legal readership, such as judge, lawyer, and legal aid.

At the metalevel, I hope to illustrate how recent research findings in applied linguistics, based on the study of existing communicative practices, might better inform, improve, and shape future professional practice.

METHODOLOGY

Mixed methods of corpus-assisted and genre-based analysis, using Sketch Engine applications (e.g. Sketch-Diff) and close readings, were used to describe existing macro- and micro-structural elements. The data was collected from the company’s investigative reports.

On a meta-analytic level, I hope to illustrate how data-driven research in applied linguistics, based on the study of existing communicative practices, might better inform, improve, and shape future professional practice.

FINDINGS

Interdiscursivity:

- Reports of case-categories relied on extensive reliance on legal terminology and phraseology, e.g. legal acts such as ‘investigation’ by an expert witness, or former employees who feel they have been treated unfairly, or corporate correspondents who feel the investigations are being more excessive.
- The reports are characterized by civil and criminal investigative reports.
- Questions arise as to the efficacy of using legal terminology in general (as opposed to more flexible general or ordinary language phrasings) given that external legal practitioners will apply their own interpretations to legal reports when relying on institutional precedents and professional expertise. The use of Sketch-Diff reveals differences between shared and unshared collocates of ACCUSED and ALLEGED, that would certainly help report writers more accurately choosing between the two.
- These borrowings reveal a ‘genre colonization’ (Bhatia, 2008) from criminal investigation reports, which seek to prosecute, but hold claims made beyond a reasonable doubt. This contrasted with company, investigation innocence, where ‘desired outcomes dictate the required burden of proof.’ (Knobe 2010).
- Legal meaning is serving two distinct communicative and professional purposes: The report is appropriate for legal terminology for administrative purposes.

II. Case-category vulnerability:

- Case-categories are considered to be more susceptible to external legal contestation and companies who adopt them should target reports filed under these categories for closer editing.
- The category ‘workplace misconduct’ leaves the employer particularly vulnerable. To legal action by former employees who feel they have been treated unfairly (e.g. wrongful termination, sexual harassment, defamation, and false arrest et al.) (Knobe, 2010).

REFERENCES