



**HARASSMENT
INVESTIGATIONS**

**INVESTIGATOR'S
TOOL KIT**



Harassment Complaint Findings Summary: Informal Investigation Template

This report details the findings of a workplace harassment concern that was brought forward to management. All findings are confidential, unless requested by any authorities as the subject of an investigation.

This report will not be publicized and is intended as an internal document. COMPANY NAME will retain this information per statutory guidelines.

Summary:

Name and Position of Complainant:	
Name of Respondent:	
Date of Complaint:	
Summary of Complaint:	
Summary of Response (if applicable):	
Conclusion:	
Additional Observations/ Findings	

Details

Date	Event

Report Prepared by:	
Date:	
Signed:	

Note this report is typically filed with HR not in personnel filing as there may be information that employee should not have access to.



Harassment Investigations – Points to Consider (Formal vs. Informal)

Guideline to support level of investigation recommended – yes to one or more questions may want to consider formal investigation. All cases are unique, get second opinion if not sure.

1. Potential Severity:
 - Alleged sexual harassment or physical contact – recommend formal
 - Has complainant asked for it to stop and claims respondent has continued? Does the complaint involve only one specific display of behaviour or is it a repeated pattern of behaviour?
 - If complaints are true would it most likely lead to termination for cause?

2. Complexity:
 - Is there more than one complainant or respondent? Multiple parties is a strong indicator to go with a formal investigation?
 - Are there several witnesses to be interviewed?
 - Involvement of other resources, i.e.: Security, IT
 - Are the details straight forward or ambiguous
 - Time span of incidents
 - Is it clear who the respondent is?

3. Sensitivity:
 - Levels and positions of individuals involved
 - Company's experience with complainant or respondent
 - Perception of company bias against complainant or respondent
 - Perception or threat of legal action
 - If true, would be illegal (Human Rights Legislation, OH&S)?

4. Power imbalance:
 - Does the complainant report to the respondent?
 - Is there more than 1 positional level separating the complainant and respondent?



Workplace Complaints – Investigator’s Checklist (Formal Investigation)

Standard for all interviews with all parties involved:

- Provide a copy of the Workplace Complaints Policy, as well as any other relevant material and explain the interview process, the investigator’s role and the purpose of the interview.
- For unionized staff offer option of union representation. Non-union staff discuss need and options for employee representation (such as HR representation)
- Seek commitment to disclose information fully to best of his/her recollection. Goal is to find out what happened, not why. Stick to the facts and details, important to capture emotions just be aware not to get to distracted by theories and opinions.
- Review time lines, confidentiality, retaliation prohibited
- Review notes with interviewee to confirm accuracy and solicit explanations for any discrepancies between the written and verbal submissions.
- Stress the need to maintain confidentiality to protect the integrity of the investigation and direct not to discuss matters covered during the interview outside of the meeting room. Some companies have employees sign a confidentiality agreement to clarify these expectations and consequences.
- Is there a safety concern for the employee? If so, involve OH&S department rep and/or JHSC rep. Deal with Safety Concern first, in some cases may need to do an administrative suspension pending investigation (typically with pay) if there is a safety concern.
- Prior to going into meetings have questions and meeting check sheet prepped. Decide how you will record meeting (record, have a transcriber to develop statement, signed investigators notes, etc.)

Complainant:

- Intent of meeting is to fully understand complaint, get a description of the incident(s). Listen to the employee, and ensure that they provide a full account of the incident. Ensure proper documentation to capture complaint (statement, notes, recording)
- Ensure that the employee is free from retaliation as a result of their coming forward.
- Confirm name & position of complainant
- Who allegedly breached the policy?
- How often did the alleged behaviour occur?
- Where did incidents take place?
- Were there any witnesses? If so, get names & details.
- How did complainant respond to the behaviour?
- Did complainant make attempt to stop it?



- Did complainant tell anyone what happened? Who?
- Does complainant know of or suspect that there are other victims of inappropriate behaviour by same person?
- How is current relationship?
- Is the employee regularly or infrequently in the same work area?
- What resolutions would be most beneficial to complainant and other parties?
- Collect statement – recommend to break it down by incident to make it more clear for response and findings.

Respondent:

- Provide copy of original complaint, with instruction to submit written and signed response within specific timeframe (typically 48 hours up to 1 week) note confidentiality expectations, may not want to provide a copy for them to keep. They can review the statement in the meeting with investigator and can take notes/prepare statement together.
- Confirm dates, times, places, witnesses
- What are current interactions with complainant?
- How is current relationship with complainant?
- Is the employee regularly or infrequently in same work area?
- Document all pertinent details of the interview, including observations of behaviour displayed and the respondent's account of the incident.

Witnesses:

- Confirm details, dates, times, places
- Obtain written, dated, and signed statements from any witnesses.
- Ensure that any witnesses are free from retaliation as a result of their coming forward.



Report:

- Finalize report in writing – typically two reports a detailed one (with all the statements and evidence attached) and a summary report to share with complainant, respondent, and management. Summary report does not include witness names nor evidence. States the findings (what was determined to occur) and whether or not there was a breach. Detailed report is typically for HR/Legal only.
- Share report with complainant, respondent and management as appropriate
- Management is to use findings to make decision, typically investigator(s) are neutral and not involved in decision making for formal investigation.

Resolution:

- Management to use information (typically with Legal and HR support) and make decision
- Workplace restoration plan is sometimes required (usually with support of HR)