

# What to Expect in a Workplace Harassment Investigation



HR Proactive provides investigation services when there are allegations of harassment in your organization. The following outline is designed to assist you in understanding this process:

## Role of the Investigators:

HR Proactive Investigators are trained specialists with extensive experience in the human rights field. Our Investigators act as neutral fact finders who interview the Complainant, the Respondent and any witnesses to the alleged incidents of harassment. Evidence is gathered and a confidential report is prepared by the assigned Investigator which sets out the evidence and examines it in the context of the organization's internal policy as well as any applicable legislation such as the *Ontario Human Rights Code* and the *Occupational Health & Safety Act*.

The report is then submitted to the employer who determines what action will be taken.

## Steps in the Investigation Procedure:

1. The Complainant files a formal written complaint in accordance with the Employer's policy and procedure.
2. The Respondent is provided an opportunity to review the complaint and prepare a written response.
3. The Employer provides the Investigator with a copy of the Complainant's statement, the Respondent's response, and any supporting documentation.
4. The Investigator interviews the Complainant in the confidence to gather additional information.
5. The Complainant is provided with their interview notes, asked to make any corrections or additions, and requested to provide written confirmation that the information is accurate to the best of their knowledge.
6. The Investigator interviews the Respondent in confidence to gather additional information.
7. The Respondent is provided with their interview notes, asked to make any corrections or additions, and requested to provide written confirmation that the information is accurate to the best of their knowledge.



## Steps in the Investigation Procedure: (cont.)

8. Any Witnesses to the alleged incidents of harassment are interviewed in confidence.
9. The Witnesses are provided with their interview notes, are asked to make any corrections or additions, and are requested to provide written confirmation indicating that the information is accurate to the best of their knowledge.
10. The Complainant and Respondent are allowed to respond to any new allegations or relevant information which arise during the investigation.
11. If there are any outstanding questions following the interviews, the Investigator may contact the parties for further clarification. Likewise, if the parties have any additional information to add, they may contact the Investigator within a set time period to have the information added to the report.



## The Report:

The report prepared by the Investigator will include:

1. Background
2. Documented testimony of the Complainant and Respondent
3. Evidence gathered
4. Summary of findings

The report will be submitted to the Employer who may wish to meet with the Investigator to explore the findings and options for resolution.

Please note that Witness names and identifying information are normally not included in the report. This is to protect confidentiality and encourage Witness participation and candidness. If the Witness's name is required to provide context, they will be asked to sign a written consent to allow their name to be used in the report.

## Other Considerations:

Very often, harassment allegations, whether substantiated or not, are indicator of other difficulties in the workplace. These may include:

1. Personality conflicts
2. Mismatched leadership style
3. Unclear or conflicting goals or roles
4. Unclear standards of interpersonal behaviour
5. Lack of team cohesiveness
6. Inconsistent performance management practices

Any such observation as well as any related recommendations will be noted by the Investigators and relayed in accordance with the Employer's wishes. Options include:

- a) Including the observations and recommendations in the body of the report.
- b) Creating a separate report for the Employer.
- c) Providing them verbally in consultation with the Employer.

## The Employer's Role:

Upon receipt of the report, the Employer:

1. Reviews the report and determines what actions and follow-up need to occur.
2. Meets individually with the Complainant and Respondent to explain the findings of the report. Whether or not the report is shared in its entirety, depends upon the Employer's internal policy and procedure.



## Available Follow-up Services:

Based on the results of the investigation, the Employer may identify measures which need to be implemented with the parties involved and/or with other employees in the workplace. These measures are sometimes necessary to restore normal workplace communication and teamwork and prevent future difficulties. HR Proactive offers additional services by qualified specialists to assist the employer in this regard:

1. Conflict Resolution
2. One-to-one Coaching and Sensitivity Training
3. Harassment Prevention Training
4. Respectful Workplace Training
5. Workplace Assessments
6. Team Facilitation and Teambuilding
7. Leadership Training and Coaching
8. Performance management systems and training
9. Policy Research and Development