

Developing investigation procedures

Workplace bullying and harassment

Employers are required to have procedures that explain how they will deal with incidents or complaints of workplace bullying and harassment. This document contains a step-by-step guide for developing investigation procedures, as well as a template that employers can adapt. Additional resources and an explanation of legal duties can be found at www.worksafebc.com/bullying.

Step 1 – How and when investigations will be conducted

Identify a reasonable process for investigations that will work for your organization. Consult the Occupational Health and Safety policies for the steps that WorkSafeBC considers reasonable for an investigation process. Investigations should:

- be undertaken promptly and diligently, and be as thorough as necessary
- be fair and impartial, providing equal treatment for both the complainant and respondent in evaluating the allegations
- be sensitive to the interests of all parties, and maintain confidentiality
- be focused on finding facts and evidence, which should include interviews with the complainant, respondent, and any witnesses
- incorporate, where necessary, any need or request from the complainant or respondent for assistance during the investigation process

Step 2 – What the investigation will include

Inform workers about what the investigation will include. For example, investigations might include interviews with the alleged target, the alleged bully, and any witnesses. If the alleged target and the alleged bully agree about what happened, then the employer might not have to investigate any further.

Step 3 – Roles and responsibilities

Include the roles and responsibilities of employers, supervisors, and others. For example, employers are responsible for ensuring workplace procedures are followed; workers are expected to cooperate with investigators and provide any details of acts they have experienced or witnessed; and supervisors or Human Resources personnel might be involved in conducting investigations. If external investigators are hired, employers should provide information about their roles and responsibilities.

Step 4 – Follow-up to the investigation

Include a description of corrective actions, a time frame, and a means for dealing with adverse symptoms. Indicate the time frame required for corrective actions to take place. This could include revising workplace procedures to prevent any future bullying and harassment incidents in the workplace.

Let workers know how the employer will deal with adverse symptoms that result from workplace bullying and harassment. The employer might have an employee assistance program available, or extended health benefits that enable workers to visit a psychologist.

Step 5 – Record-keeping requirements

Employers should state their record-keeping requirements. For example, this could include an expectation that workers keep written accounts of incidents to submit with any complaints, or that the employer keep a written record of the investigation and any findings.

Step 6 – Annual review

The investigation procedures must be reviewed annually. On the annual review date, consider any incidents that arose in the preceding year and revise the procedures if necessary.

Step 7 – Notify workers and supervisors

Employers must ensure all workers and supervisors are aware of the workplace procedures for investigating workplace bullying and harassment.

Additional duties

Employers must also develop procedures for workers to report incidents or complaints of workplace bullying and harassment, and train workers regarding these procedures. If employers need to conduct an investigation, they can read the *Investigations guide* and other reference materials at www.worksafebc.com/bullying.

Resources and additional information

WorkSafeBC prevention information line
1.888.621.7233

Employers' Advisers Office
www.labour.gov.bc.ca/eao/

Workers' Advisers Office
www.labour.gov.bc.ca/wab/

WorkSafeBC has created a package of tools and resources to help workplace parties prevent and address workplace bullying and harassment. Access the online tool kit and OHS policies at www.worksafebc.com/bullying.

<Organization name> workplace bullying and harassment investigation procedures

These are sample procedures for dealing with incidents and complaints of workplace bullying and harassment. Investigation procedures can vary significantly from one workplace to another and employers can provide additional information regarding their specific investigation process. Employers are not required to use this template as long as they have reasonable procedures in place that meet their legal duties. Additional resources, an explanation of legal duties, and a Microsoft® Word version of this form can be found at www.worksafefbc.com/bullying.

1. How and when investigations will be conducted

Most investigations at <organization name> will be conducted internally. In complex or sensitive situations, an external investigator might be hired.

Investigations will:

- be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- be fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations
- be sensitive to the interests of all parties involved, and maintain confidentiality
- be focused on finding facts and evidence, including interviews of the complainant, respondent, and any witnesses
- incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process

2. What will be included

Investigations will include interviews with the alleged target, the alleged bully, and any witnesses. If the alleged target and the alleged bully agree on what happened, then <organization name> will not investigate any further, and will determine what corrective action to take, if necessary.

The investigator will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence like vandalized objects.

3. Roles and responsibilities

<Name/job title> is responsible for ensuring workplace investigation procedures are followed.

Workers are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.

<Name/job title of the person responsible for investigations> will conduct investigations and provide a written report with conclusions to <name/job title of the person responsible for receiving reports>.

If external investigators are hired, they will conduct investigations and provide a written report with conclusions to <name/job title of the person responsible for receiving reports>.

4. Follow-up

The alleged bully and alleged target will be advised of the investigation findings by <name/job title of the person responsible for sharing findings>.

Following an investigation, <name/job title> will review and revise workplace procedures to prevent any future bullying and harassment incidents in the workplace. Appropriate corrective actions will be taken within a reasonable time frame.

In appropriate circumstances, workers may be referred to the employee assistance program or be encouraged to seek medical advice.

5. Record-keeping requirements

<Organization name> expects that workers will keep written accounts of incidents to submit with any complaints. <Organization name> will keep a written record of investigations, including the findings.

6. Annual review

These procedures will be reviewed annually. All workers will be provided with a copy as soon as they are hired, and copies will be available at <location where workers can find the procedures>.

Signed: _____
<name of the senior management representative>

Date created: _____ Annual review date: _____