



**SAFE  
WORK**

**S** SPOT THE HAZARD  
**A** ASSESS THE RISK  
**F** FIND A SAFER WAY  
**E** EVERYDAY

**EVERYONE'S  
RESPONSIBILITY**



# Guideline for Preventing Harassment and Violence in the Workplace

December 2006

Manitoba 

# **Guideline**

## **for Preventing Harassment and Violence in the Workplace**

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## INTRODUCTION

### Workplace Safety and Health Regulation Requirements

#### Harassment Prevention

Part 10 of Manitoba Workplace Safety and Health Regulation, M.R. 217/2006, requires employers to develop and implement a written harassment prevention policy in consultation with the workplace safety and health committee or representative. If there is no committee or representative, the employees at the workplace should be consulted.

#### Violence Prevention

Part 11 of Manitoba Workplace Safety and Health Regulation, M.R. 217/2006, requires employers to identify and assess the risk of violence in the workplace in consultation with the workplace safety and health committee or representative. If there is no committee or representative, the employees at the workplace should be consulted.

When a risk of violence in the workplace is identified, an employer must:

- (a) develop and implement a violence prevention policy in consultation with the workplace safety and health committee, representative, or employees
- (b) train employees in the violence prevention policy
- (c) ensure that employees comply with the policy

This guideline provides practical help in developing and implementing both policies in your workplace.

## DEVELOPING A HARASSMENT PREVENTION POLICY

### Introduction

For the purpose of this guideline, and in relation to a worker's safety and health in the workplace:

*"Harassment"* means any objectionable conduct, comment or display by a person that:

- a) is directed at a worker in the workplace
- b) is made on the basis of race, creed, religion, colour, sex, sexual orientation, gender- determined characteristics, political activity, marital status, family status, source of income, disability, physical size or weight, age, nationality, ancestry or place of origin
- c) creates a risk to the health of an employee

Harassment can take place in the workplace or outside of it in a situation connected to work.

A harassment prevention policy outlines procedures for alleged victims of harassment in the workplace, and for employers to deal with a harassment complaint.

Employers must develop and implement a written harassment prevention policy in consultation with the workplace safety and health committee or representative. If there is no committee or representative, the employees should be consulted. Employers must also ensure employees comply with the harassment prevention policy.

### Your harassment prevention policy must include the following statements:

- Every employee is entitled to work free of harassment.
- The employer must ensure, as much as is practical, that no employees are subjected to harassment in the workplace.
- The employer will take corrective action regarding any employee who harasses another employee.
- The employer will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone, except where disclosure is:
  - necessary to investigate the complaint or take corrective action or
  - required by law

- Employees have the right to file a complaint with the Manitoba Human Rights Commission. A complaint must be made within six months of the date of the last incident of harassment. To file a complaint or obtain information from the Manitoba Human Rights Commission, call 204-945-3007 or 1-888-884-8681.
- The employer's harassment prevention policy is not intended to discourage or prevent complainants from exercising any other legal rights under any other law.

**The harassment prevention policy must provide information on the following:**

- how to make a harassment complaint
- how a harassment complaint will be investigated
- how the complainant and alleged harasser will be informed of the results of the investigation

*Employers must post a copy of the policy in a prominent location at the workplace.*

(Note: not all workplaces are enclosed buildings.)

## **DEVELOPING A HARASSMENT PREVENTION POLICY**

### **Policy Statement**

Make a clear statement that harassment is not tolerated in the workplace and that management is committed to and supports a harassment-free workplace.

### **The Law**

This section should include a brief overview of the law on harassment.

### **Description of Harassment**

Explain what is meant by harassment, including examples of behaviors or actions that may be considered harassment at the workplace.

### **Workers' Rights and Responsibilities**

- the right to a harassment-free workplace
- the responsibility to treat other employees with respect
- the responsibility to speak up when harassment occurs
- the responsibility to report harassment to the appropriate person as soon as possible
- the right to file a complaint with the Manitoba Human Rights Commission

### **Supervisors', Managers', Employers' Responsibilities**

- treat all employees, clients, suppliers and contractors with respect
- report or investigate all complaints
- set a good example
- refuse to tolerate harassment – put a stop to it immediately
- deal with harassment allegations seriously, speedily and confidentially

### **Procedures to Deal with a Complaint**

Describe the steps for responding to a harassment complaint; the roles and responsibilities of the people involved; and the possible results for the victim and harasser, including:

- practical guidelines for employees and management
- informal and formal ways of proceeding (encourage employees to choose the informal approach first)
- mediation as an option
- detailed steps to be taken in complaints
- time frames
- who is responsible for decisions
- appeals
- information about other agencies that deal with harassment

## **Corrective Action, Safeguards and Remedies**

- outline the range of penalties for the harasser
- state whether information about the complaint will be included in a harasser's personnel file
- list possible remedies
- information about the complaint will not be put in the complainant's personnel file, when complaint is in good faith
- protect against victimization or retaliation for workers who complain of harassment, or who give evidence in an investigation
- state how employer will inform the complainant and alleged harasser of the results of the investigation

## **Education**

Employers must circulate the policy to **all** employees and managers through:

- orientation or information sessions
- staff meetings
- memos, e-mails, or pay slip notices
- films/videos, posters/brochures

## **Education of Staff on Policy Requirements**

Employers must:

- train managers to react appropriately, handle cases appropriately, and maintain an anti-harassment atmosphere
- train employees to respect each other
- train harassment counselors and investigators to do their roles
- make ongoing harassment training part of other training sessions, such as: management training, induction programs for new employees, courses for union-management committees, social skills training for employees, assertiveness training for employees

## **Monitoring**

Employers must make a commitment to periodic review of the policy through:

- being open to employees' comments
- requesting feedback from counsellors, managers and employees
- exit interviews with personnel leaving the organization
- adjusting policy and procedures as needed/required

The sections on developing a harassment prevention policy, and the sample harassment prevention policy were adapted from: *Anti-Harassment Policies for the Workplace: An Employer's Guide – Canadian Human Rights Commission in co-operation with Human Resources Development Canada and Status of Women Canada*, October 2002.

**Note:**

In developing a harassment prevention program, employers must also be aware of the requirements of *The Human Rights Code*. An effective policy will include remedies for the harassed worker and corrective action for the harasser.

## **SAMPLE HARASSMENT PREVENTION POLICY**

The following example of a harassment prevention policy provides practical guidance on developing a policy in your workplace. This example is written for distribution within a fictitious organization, XYZ Company.

### **Company Commitment**

At XYZ Company, we are committed to providing a safe and respectful work environment for all staff and customers. No one, whether a manager, an employee, a contractor, or a member of the public, has to put up with harassment at XYZ Company, for any reason, at any time. Also, no one has the right to harass anyone at work or in any employment situation. This policy is one way to ensure our workplace is a comfortable place for all employees, suppliers and customers.

### **Harassment is Against the Law**

The Workplace Safety and Health Regulation, M.R. 217/2006, and *The Human Rights Code* require XYZ Company to ensure our workplace is free from harassment. All employees have a right to live and work without being harassed. If you are harassed, you can do something about it. This policy outlines what to do if you are harassed at work, or if you, as a manager or an employee, become aware of any harassment.

### **What Constitutes Harassment**

"Harassment" means any objectionable conduct, comment or display, directed at an employee, made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin, and creates a risk to the health of the employee. Harassment is any behavior that degrades, demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (ex: touching, pushing), comments (ex: jokes, name calling) or displays (ex: posters, cartoons).

Harassment can take place in the workplace or outside of it in a situation connected to work, such as during delivery trips, off-site meetings, or business trips. Harassment will not be tolerated in any work place or at any work event.

"Sexual harassment" includes offensive or humiliating behaviour based on a person's sex; behaviour of a sexual nature that creates an intimidating, hostile or poisoned work environment; or behaviour that could reasonably be thought to put sexual conditions on a person's job or job opportunities. A few examples are: questions and discussions about a person's sexual life; persisting in asking for a date after having been refused; or writing sexually suggestive letters or notes. Sexual harassment often occurs where there is unequal power between the people involved.

## **What Does Not Constitute Harassment**

Consensual banter or romantic relationships where the people involved consent to what is happening, is not harassment. Appropriate performance reviews, counseling or discipline by a supervisor or manager, is not harassment.

## **Employees' Rights and Responsibilities**

Employees are entitled to work free of harassment at XYZ Company.

Employees have the responsibility to treat each other with respect, and to speak up if they, or others are being harassed. All employees have a responsibility to report harassment to the appropriate person at XYZ Company.

Employees also have a responsibility to co-operate in the investigation of a harassment complaint. Anyone who gives evidence in an investigation or who is otherwise involved in the process, must keep this information confidential, except when it is necessary to deal effectively with the complaint.

Employees have the right to file a complaint with the Manitoba Human Rights Commission.

## **Employers' Responsibilities**

Management at XYZ Company must ensure, as much as is reasonably practical, that no employee is subjected to harassment in the workplace.

Management will take corrective action with anyone under their direction who subjects, an employee to harassment.

Management will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:

- a) necessary to investigate the complaint or take corrective action
- b) required by law

The harassment prevention policy at XYZ Company is not intended to discourage or prevent complainants from exercising other legal rights under any other law.

XYZ Company, its managers and supervisors are responsible for creating a safe work environment, free of harassment. All management at XYZ Company is responsible for stopping harassment. If you become aware of harassment in your work area, or elsewhere in the company, you must do everything you can to stop it, whether or not a complaint has been made. Courts may impose penalties on employers and managers, even if they aren't actually involved in or aware of the harassment but should have known about it. Managers who ignore harassment may face legal consequences, and will be disciplined by XYZ Company.

## **Procedures Applying to Complaints of Harassment**

- If you are being harassed, the first thing to do is tell the person harassing you to stop, if you feel comfortable doing that. You can do this in person or in writing.
- If you feel unable to deal with him/her directly, you can speak to your supervisor or \_\_\_\_\_ (identify a specific manager, or designated members of a harassment committee).
- There may be informal ways to address your complaint. You may have the supervisor help you speak to the harasser. You may also ask the supervisor to arrange for mediation- -- where a neutral third party helps the people involved reach a solution acceptable to each of them.
- If the informal route does not succeed or is not appropriate, XYZ supports its employees in filing a formal complaint. It will be investigated by an independent party (either within the organization or outside of it) trained to investigate such matters. The complaint will be investigated thoroughly and promptly.
- Once the investigation is complete, the investigator will prepare a written report for the \_\_\_\_\_ (identify appropriate company management personnel). That person will then inform the person who filed the complaint and the harasser of any disciplinary action or remedies, which will be implemented as soon as possible.

## **Corrective Action for Harassers**

Employees who harass another person will be subject to one or more of the following forms of discipline, depending on the severity of the harassment:

- a written reprimand
- a fine
- a suspension, with or without pay
- a transfer, if it is not reasonable for the people involved to continue working together
- a demotion
- dismissal

In most cases, the harasser will also be required to attend a harassment training session.

If the investigation does not find evidence to support the complaint, there will be no documentation about it in the file of the alleged harasser. When the investigation reveals harassment occurred, the incident and the corrective action will be recorded in the harasser's personnel file.

## **Confidentiality**

XYZ Company will not disclose a complainant's or alleged harasser's name or any circumstances about a complaint, to anyone, except where necessary to investigate the complaint; take disciplinary action; or where required by law. Managers involved in a complaint are reminded to keep all information confidential, except in the above circumstances.

## **Retaliation**

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or been found guilty of harassment, will be considered to have committed harassment and be penalized accordingly. The possible penalties are the same as those previously noted.

## **Education**

XYZ Company commits to continuing the education of all its employees and management about this policy and harassment in general.

## **Monitoring**

XYZ Company will monitor this policy and make adjustments where necessary. If you have any concerns with this policy, please bring them to the attention of \_\_\_\_\_(identify appropriate management personnel).

## **Note:**

In keeping with the requirements of *The Human Rights Code*, it is practical for employers to include remedies for the harassed workers in the workplace policy. The policy could include the following remedies:

### **Remedies for the Harassed Worker**

Employees who have been harassed may expect one or more of the following remedies, depending on the severity of the harassment and its effects:

- an oral or written apology from the harasser and the XYZ Company
- compensation for any lost wages
- a job or promotion that was denied because of the harassment
- compensation for any lost employment benefits, such as sick leave
- compensation for hurt feelings
- a commitment they will not be transferred, or have a transfer reversed, unless they choose to move

No record of the complaint, investigation or decision will go in the employee's personnel file if the complaint was made in good faith. Any unfavorable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

## DEVELOPING A VIOLENCE PREVENTION POLICY

### Introduction

“Violence” is the attempted or actual exercise of physical force against anyone, or any threatening statement or behaviour that gives a person reason to believe that physical force will be used against them.

Identifying and assessing the risk of violence in the workplace is the first step in developing a violence prevention policy. Development and implementation of this policy must be done in conjunction with the workplace safety and health committee, representative, or employees.

As part of the implementation, all employees must be trained in the violence prevention policy. Employers must also ensure all employees comply with the violence prevention policy.

### Your violence prevention policy must include the following statements:

- employers must ensure, as much as reasonably practical, that no employee is subjected to violence in the workplace
- employers must take corrective action on anyone under the employer’s direction who subjects an employee to violence
- employers must not disclose the name of a complainant or the circumstances of the complaint to anyone except where disclosure is:
  - necessary to investigate the complaint
  - required to take corrective action
  - required by law
  - The violence prevention policy is not intended to discourage or prevent the complainant from exercising any other legal rights under any other law.

### The violence prevention policy must provide information on the following procedures:

- how to eliminate the risk of violence to an employee
- where elimination of the risk of violence is not possible, how to minimize the risk
- how to report an incident of violence
- how an incident of violence will be investigated

A copy of this policy must be posted in a prominent location at the workplace.

When a risk of violence in the workplace is identified, employers must inform employees about the nature and extent of the risk, as well as the risk of violence from employees may encounter during their work. This duty to inform employees must be reflected in the violence prevention policy.

## IDENTIFYING AND ASSESSING THE RISK OF VIOLENCE IN THE WORKPLACE

### Risk Assessment

A risk assessment on violence will be unique to each workplace. This is due to the nature and circumstances of the work performed and interactions between employees and others in the workplace such as the public or healthcare patients. The risk assessment should include a review of the frequency and nature of previous incidents of violence in the workplace.

### Issues to consider when evaluating the risk of violence in the workplace:

#### The people in the workplace

- age and gender
- personalities and attitudes
- nature of the interactions between the people
- the physical and mental status of the patient

#### The workplace

- work locations
- type of work performed
- number of staff
- whether employees work alone
- workplace design and layout
- lighting and security
- hours of operation

#### History of violence at this workplace

- number and frequency of violent incidents
- type and severity of incidents
- nature of the incidents (between employees or employees and others in the workplace)
- type of jobs performed by those involved
- cause or trigger for previous violent incidents

**The following will help you gather information when assessing the risk of violence in the workplace**

- a) conduct a survey of all employees. Ask them to identify the following:
  - the type, severity, frequency of exposure they have to violence in the workplace
  - a description of past incidents of violence in the workplace
  - their concerns about violence in the workplace
- b) Review old files to identify any incidents of violence in the workplace. At a minimum, this should include a review of all medical and first aid records, all incidents of disciplinary actions as a result of violence, and safety and health committee meeting minutes.
- c) Other sources of information may be available from industry associations, businesses who perform similar work, and local police or law enforcement agencies.

Once a risk assessment has been done and the risk has been identified, a violence prevention policy must be developed and implemented in conjunction with the workplace safety and health committee, representatives, or employees.

## **SAMPLE VIOLENCE PREVENTION POLICY**

The following example of a violence prevention policy will provide practical guidance on developing a policy in your workplace. This example is written for distribution within a fictitious organization, XYZ Company.

### **Company Commitment**

At XYZ Company, we are committed to providing a safe work environment for all staff. Management recognizes the potential for violence or threats against staff. Actions have been taken to identify possible sources of violence and to implement a violence prevention program to eliminate or minimize risk.

### **Violence is Against the Law**

Canada's *Criminal Code* prohibits violence. You have a right to live and work without being subjected to violence. This policy outlines what to do if you are subjected to threats or violence at work, or if you, as a manager or an employee, become aware of a violent situation.

### **What Constitutes Violence**

As defined in Part 11 of The Workplace Safety and Health Regulation, M.R. 217/2006:

“Violence” is the attempted or actual exercise of physical force against a person and any threatening statement or behavior that gives anyone reason to believe that physical force will be used against them.

### **Employees Rights and Responsibilities**

Employees are entitled to work free from violence.

Employees are responsible for working together in a professional manner and resolving issues in a non-violent manner. Employees are to bring issues to their supervisor, if they can not be mutually resolved.

Employees must report incidents of violence to their supervisor. They must also cooperate in the investigation of a violent incident. Anyone who gives evidence or information in an investigation or is involved in the process, must keep this information confidential, except when it is necessary to deal effectively with the issue.

### **Employers' Responsibilities**

The management at XYZ Company must ensure, as much as reasonably practical, that no employees are subjected to violence in the workplace.

Management will take corrective action with anyone under their direction who subjects an employee to violence.

Management will not disclose the name of a complainant or the circumstances of the complaint to anyone except where disclosure is:

- necessary to investigate the complaint
- required to take corrective action
- required by law

Management will ensure all employees are aware of the risks of violence in the workplace and are properly trained and equipped to protect themselves.

The XYZ Company's violence prevention policy is not intended to discourage or prevent anyone from exercising any other legal rights under any other law.

XYZ Company, its managers and supervisors are responsible for creating a safe working environment, free from violence. Anyone aware of violence in our workplace must bring it to the attention of management so that the issue can be addressed immediately.

### **Steps to eliminate or minimize the risk of violence**

Safe work procedures have been developed to inform and train employees about the risks of violence. These risks were identified in a risk assessment conducted in conjunction with the workplace safety and health committee. The safe work procedures have been reviewed with all employees. Documented safe-work procedures on violence prevention include:

- working alone
- how to deal with irate customers
- robbery prevention
- handling money
- parking lot safety

As a result of the risks identified in the assessment, the following physical changes have been made in the workplace:

- increased lighting
- decreased sources of occupational stress, such as noise and overcrowding
- the addition of protective barriers in areas where staff interact with customers
- increased site security inside and outside the building (including parking lot)

### **Office Employees**

- a) Employees should take all reasonable steps to protect their personal safety and remove themselves from a violent situation.
- b) Help should be summoned by using pre-arranged distress signal or any other appropriate means.

- c) The supervisor or next available management employee must be notified immediately.
- d) If a physical assault occurs, the supervisor/manager **must** contact the police.

### **Field Employees**

- a) A plan for working alone must be reviewed with all employees who work alone. Employees must adhere to this plan. Supervisors must ensure the plan is adhered to.
- b) Radio or cell phone communication must be set up with all employees who work alone. In addition, panic alarms must be provided to all staff.

### **How to Report Incidents of Violence**

1. Report all incidents or threats, and attempted or actual violence, to your immediate supervisor.
2. The employee and the supervisor will assess the risk associated with the situation and complete the violence incident report form. The form must be completed for all incidents, whether they are actual violence or a threatening situation where there is a reasonable expectation that it may become violent.
3. The supervisor will report all incidents of violence (including situations where there is a reasonable expectation that the threat may become violent), to the director as soon as possible. The director will immediately notify human resources.
4. The violent incident report must be submitted by human resources to the chief operating officer within 24 hours of receiving the report.
5. If any injury or mental trauma occurs, the worker and supervisor must complete an injury report form and submit it to human resources.

### **Notification of Workers at Risk**

When an actual incident of violence has occurred or when it is reasonably expected to become violent, XYZ Company will take the following steps to ensure the safety of all employees:

1. Human resources will advise the employees who are at risk. They will also coordinate a review of current procedures to minimize risk.
2. All available information about the source of violence will be provided to the employees who are at risk and their supervisors.
3. Depending on the circumstances, appropriate steps will be taken to protect employees.

### **Recommendation to Get Medical Help**

- Employees who have been the victim of violence will be:
  - encouraged to get medical help
  - given the opportunity to be examined by a physician
  - provided with transportation if required
- Employees and their families can get crisis counselling through the employee and family assistance plan.
- The employee will keep all existing benefits programs while under treatment or counselling.
- If a employee gets medical help or misses work, both the employer and worker must file a report of injury with the Workers Compensation Board.
- The supervisor, director, and human resources will review the incident and its effects and take reasonable steps to accommodate employees involved in the incident.

### **Investigating Violent Incidents**

1. The violent incident report must be completed for all violent incidents, including situations where there is a reasonable expectation that the incident or threat may become violent in the future.
2. The director, supervisor and human resources will review all incidents that are reasonably expected to become violent. The current procedures will be reviewed and additional steps may be taken to prevent future violence.
3. The director, supervisor and human resources will investigate all reported incidents of actual violence. The existing procedures will be reviewed and revised as necessary to prevent a repeat.
4. All violent incident reports will be sent to the safety and health committee for review. All revisions and recommendations to the violence prevention policy from the director and human resources will be forwarded to the safety and health committee for consultation and review.

## COMPLAINT RESOLUTION GUIDE

### General Guidelines

Employers will:

- treat all claims seriously
- investigate immediately
- keep the investigation as confidential as possible and only advise those who truly need to know of the details and ensure everyone involved does the same
- remain a professional manner at all time
- reserve judgment until all the facts are in
- document everything

### How to Start the Investigation

- It is important to try to obtain, if possible, the complainant's allegations in writing. This ensures that you are clear on what she/he is saying happened. Review the complaint, (if written) carefully; or, listen carefully to what the complainant is saying. The initial reporting is not the time to interview the complainant. Just get the details of the complaint.
- Determine who should do the investigation.
- Prepare a list of people to interview and revise it as needed.
- Take steps to minimize potential contact between the complainant and the person alleged to have committed the harassment or violence until the issue is investigated and resolved.
- Prepare a general outline of what to ask each individual who will be interviewed.

### Conducting the Interview of the Complainant

- Acknowledge that bringing a harassment claim forward is difficult.
- Inform the complainant of the steps the company will be taking in the investigation and confirm that the company takes the complaint seriously.
- Explain that the company will not permit any retaliation against the complainant and that if that occurs, she/he should let the company know right away.
- Explain that those with a legitimate need to know will be given interview information but details will be kept as confidential as possible.
- Get the complainant to tell his/her story and ask for specific details.

Some of the questions you will likely want to ask include:

1. When did the incident or conduct occur? Where did it occur?
2. What was said/done?
3. Were there previous incidents or similar behavior toward this complainant or another employee?

4. What did the complainant say or do to indicate to the person alleged to have committed harassment or violence that the conduct was unwelcome?
  5. Did the complainant tell any other workers about what happened? If not, why not?
  6. Did the complainant make any notes about what happened?
  7. Were there any witnesses and if so, who?
- Ask the complainant what action she/he believes is reasonable to resolve the matter.
  - Explore any time lapse that might exist between the alleged act of harassment and the filing of a complaint (or the bringing of the complaint to the attention of the employer).
  - Do not make any critical or judgmental comments.

### **Interviewing the Person Alleged to Have Committed Harassment or Violence**

- Explain the allegations in detail.
- Inform the person against whom the allegations were made of the steps the company will be taking in the investigation and confirm that the company takes the complaint seriously.
- Explain that the company will not permit any retaliation against the complainant and that if there are attempts to do so, there will be disciplinary actions.
- Explain that those with a legitimate need to know will be given interview information but the details will be kept as confidential as possible.
- Ask the person alleged of harassment or violence to reply to the allegations, preferably in writing.
- Determine the nature of the relationship between the complainant and the person against whom the allegations are made (ex: dating, sexual, social, working).
- Determine whether the complainant started or took part in any sexual or other inappropriate discussions, jokes, gestures, etc.
- Determine whether the complainant ever complained about any of the alleged actions and how the person alleged of harassment responded.
- Ask the person alleged of harassment or violence why he/she thinks the victim has made the complaint. (Any motives to fabricate the story?)
- Ask for names of all witnesses the person alleged to have committed harassment or violence thinks should be interviewed as part of the investigation.

### **Conducting Witness Interviews (applies generally to complainant / alleged harasser interviews as well)**

- Interview all witnesses identified by the complainant and alleged harasser to ensure the appearance of an unbiased investigation.
- Explain:
  - why the interview is taking place
  - how the information may be used (ex: may be given to those involved with the complaint)

- importance of complete and accurate facts
- importance of the names of all possible witnesses
- the company's position on confidentiality and the need for the witnesses to maintain confidentiality
- the company's position on retaliation

Take detailed notes, including:

- name of witness
  - date and time of interview
  - who was present
  - questions asked
  - what witness said
- Ask the witnesses to explain what they might have seen or heard. Get the details:
    - what, when and where did it happen?
    - who was present?
    - who did and said what to whom?
    - was the incident an isolated event or part of a pattern?
  - Keep a separate record of any observations you might have of the interview (ex: was the witness evasive?)
  - At the end of the interview, review with the witness the points contained in your notes to confirm accuracy and determine whether the witness has anything to add. After the interview, reduce your notes into a written statement, ask the witness to read, sign and date.

### **Concluding the Investigation**

- The investigator should prepare a detailed report of the investigation and determine whether the complainant's allegations were proven
- If the report finds that harassment or violence has taken place, the employer should determine reasonable steps to be taken to end the harassment or violence and prevent a repeat.
- The employer must meet separately with the complainant and the person who has been alleged of harassment or violence to explain the investigation process, conclusions and any disciplinary action taken or other steps put in place to stop and avoid a repeat of the offensive conduct. If the results of the investigation are inconclusive, the employer should explain that the investigation was unable to determine the events that occurred and that the company will monitor the situation to ensure no further offensive conduct occurs.

