

Investigations guide

Workplace bullying and harassment

The *Workers Compensation Act* explains the rights and responsibilities of employers and workers as they relate to workplace health and safety. These obligations include preventing and addressing workplace bullying and harassment, as outlined in WorkSafeBC's Occupational Health and Safety (OHS) policies [D3-115-2](#), [D3-116-1](#), [D3-117-2](#). Employers must develop and implement procedures for dealing with incidents or complaints of workplace bullying and harassment, including how and when investigations will be conducted.

An investigation into a bullying and harassment matter usually follows a consistent or standard process, as suggested by the example set out in this guide. This being said, employers are free to develop and follow their own investigation process – as long as it is a reasonable process that meets all legal obligations for dealing with incidents or complaints of workplace bullying and harassment.

Note: In this guide, the alleged target is referred to as the “complainant,” and the alleged bully as the “respondent.”

Investigations should:

- be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- be fair and impartial, providing both the complainant and respondent fairness in evaluating the allegations
- be sensitive to the interests of all parties involved, and maintain confidentiality to the extent possible under the circumstances
- 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

Investigation process

Ultimately, the purpose of the investigation is to determine what happened. The investigation should allow all affected parties to express their views and provide evidence to the investigator.

Details of incidents or complaints should be gathered and recorded using a standard process, such as the step-by-step approach outlined on the following pages.

Step 1 – Review the workplace policy statement and procedures on bullying and harassment

Determine whether the alleged behaviour meets the definition of workplace bullying and harassment as outlined in the organization's policy statement and the OHS policies.

Step 2 – Meet with each party separately to explain the investigation process

Inform both the complainant and respondent about the following:

- expected timetable
- overall process (interviews, review of documented evidence)
- roles and responsibilities of anyone involved in the investigation (employers, supervisors, workers, investigators, others)
- confidentiality of the investigation (who will receive the investigation report)
- interim measures to limit the potential for bullying and harassment, if required (such as implementing a process to screen calls from aggressive clients, if the bullying and harassment is coming from an outside source)

Step 3 – Select an investigator

An investigation must be fair and impartial. The investigator could be someone from within the organization. In more complex or sensitive cases, an external investigator might be appropriate.

Step 4 – Gather evidence

Begin by speaking separately with both the complainant and respondent. If the parties agree

on the details of what happened, proceed to Step 5. If they do not agree, interview witnesses or other involved parties. Possible questions to ask include:

- What happened? Describe the incident(s).
 - What specific words or behaviour is the source of the complaint? Describe that behaviour.
 - What words were used by the respondent?
 - What impact did the words or behaviour in question have on the complainant?
- When did this happen?
 - Was it during working hours? Specific dates and times should be identified when and where possible.
- Where did the alleged incidents occur?
 - Did the alleged behaviour occur in the workplace? Specific locations should be identified when and where possible.
- Is there any written or other physical evidence? (For example, include email, vandalized objects, handwritten notes, or photographs.)
- Did anyone witness the incident(s)?

Collect evidence from any parties involved, including email, handwritten notes, or other records that can help inform the investigation.

Step 5 – Review the evidence and make a decision

Based on the available evidence, determine whether bullying and harassment occurred. Carefully consider whether the behaviour

meets the definition of bullying and harassment in the OHS policies.

Step 6 – Discuss the findings

The investigator, employer, manager, or supervisor could meet separately with both the complainant and respondent, confidentially, to explain the investigation's findings.

Step 7 – Take corrective action

The employer must aim to fully address the incident and ensure that future bullying and harassment is prevented or minimized at the workplace.

Other corrective actions the employer might take include:

- updating the workplace policy statement
- putting new preventive steps in place
- updating and providing training, education, and information for all workers
- reminding supervisors and workers of their duties regarding bullying and harassment

Step 8 – Keep a record

As good practice, and for future reference, the investigator might provide the employer with a written record of the investigation. This could include the following information:

- complaint details
 - names of all parties, including who made the complaint and who received the complaint
 - when the report was made
 - details of the specific behaviours (including dates and names)
- a summary of interviews with the affected parties
- any supporting documents reviewed during the investigation
- outcomes and findings

The employer could keep a record of actions taken to respond to the complaint and to deal with any adverse symptoms resulting from a bullying and harassment incident.

A sample template for record-keeping is available below, and can also be downloaded at www.worksafebc.com/bullying.

Record-keeping

An example of a simple tool investigators could use for record-keeping is provided on page 5, although employers can choose to use another system. Include with the investigation file any other evidence gathered, such as emails or notes. Also, be sure to keep records confidential.

Refer to the publication, *Toward a respectful workplace: A handbook on preventing and addressing workplace bullying and harassment* for more information about legal obligations and

suggestions for restoring the workplace after a complaint or incident of bullying and harassment. This handbook and other resources are available 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.

Sample investigation form

This is an example of an investigation form that employers can use when investigating workplace bullying and harassment complaints or incidents. It can be adapted to meet the needs of individual workplaces. Employers might use other investigation procedures and are not required to use this form. A Microsoft® Word version of this form is available at www.worksafebc.com/bullying.

Name of complainant: _____

Name of respondent: _____

Date: _____

Location: _____

Name of investigator: _____

Person interviewed	Other people involved (e.g., alleged bully, witnesses)	Description of the situation (dates, words, actions, etc.) and impact (e.g., humiliated, intimidated)

Based on the investigation, did workplace bullying and harassment occur? Yes No

Reason(s) for this conclusion: