



HOW TO INVESTIGATE HARASSMENT COMPLAINT

The first step and one of the most fundamental in the investigation process, is to invite the complainant to meet you, the person designated by the employer to deal with such complaints. You should preferably meet in a setting free of distraction and out of view of other employees. In this initial interview, you should seek very specific information, the basics of which include:

- What actually happened?
- Who is the alleged harasser?
- When and where did the harassment take place and what did it consist of?
- Were there any witnesses to the incident?
- Did the complainant communicate to the harasser that the conduct was unwelcome?

After this initial interview, you should be quick to advise the complainant of all the steps that will be taken to resolve the complaint. It is very important that the complainant understand that the process may take time, but that it will be handled immediately. Early resolution can prevent the complaint from escalating into a Human Rights Commission complaint, or even a civil action.

You should also encourage the complainant to keep the matter confidential, explaining that it may affect the outcome of your investigation, and it could be damaging for other employees. If you have an employee assistance program in place, complainants should be encouraged to use it

The next step in the investigation process is to tell the alleged harasser that a complaint has been filed against him or her. The alleged harasser should also be given the details that you have been told to this point, including a copy of the written complaint, so that he or she has a clear understanding of the facts, as you know them.

It is very important to interview the alleged harasser to learn their side of the story. Again, you should seek as much specific information as possible.

It is crucial to approach the interviews of both parties as objectively as possible. As with the complainant, you must stress that the facts being gathered are confidential. During this interview, take thorough notes of the interview. At the end of the interview, ask the harasser to provide a written and signed response to the complaint and explain that this matter will be investigated further and that the company will not tolerate any retaliation or reprisal against the complainant.

If there are any witnesses to the incident, you should interview them, too, again stressing the importance of confidentiality.

When the full investigation has been completed, you should prepare a written report that outlines the background, gives conclusions on whether harassment has actually occurred and recommends a resolution. In some cases, seek legal advice before taking disciplinary action.

Michael Wolpert and Scott Sweatman in "Sexual Harassment: How employers should deal with a complaint"

(Benefits and Pensions Monitor – November/December 1993, 10)