

Investigations guide

Workplace bullying and harassment

Employers are responsible for workplace health and safety, which includes addressing both physical and psychological hazards. Part of this responsibility is preventing workplace bullying and harassment, and responding to and investigating incidents when they occur, as outlined in OHS Policies, item [P2-21-2](#).

An investigation into a bullying and harassment incident usually follows a consistent or standard process, as suggested by the steps set out in this guide. Employers can develop and follow their own investigation process as long as it meets all 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.”

Investigation process

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.

Investigations should:

- Be undertaken promptly and diligently, and be as thorough as necessary in the circumstances
- Be fair and impartial to both the complainant and respondent 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 any need or request from the complainant or respondent for assistance during the investigation process

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

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 your policy statement and WorkSafeBC’s OHS Policies:

- Includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated
- Does not include any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment

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

Inform both the complainant and respondent about the following:

- Expected time frame for the investigation
- 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 further bullying and harassment, if required

Step 3: Select an investigator

The investigation must be fair and impartial. Although in most cases the investigator will 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 are the specific words or behaviours that are the source of the complaint?
 - How did the complainant respond to the incident?
 - What impact did the respondent's words or behaviour have on the complainant?

- When did this happen? Was it during working hours? Identify specific dates and times where possible.
- Where did the alleged incident occur? Did it occur in the workplace? Identify specific locations where possible.
- Is there any other evidence? (For example, emails, vandalized objects, handwritten notes, photographs.)
- Did anyone witness the incident(s)?

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 and/or the employer or supervisor(s) should meet separately with both the complainant and respondent, confidentially, to explain the investigation's findings.

Step 7: Keep a record

As good practice, and for future reference, the investigator should 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 report
 - 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

A sample template for record-keeping is provided on the next two pages.

The employer should also keep a record of any corrective actions taken to respond to the complaint and to prevent future incidents.

Resources and additional information

For additional information and resources to help prevent and respond to workplace bullying and harassment, visit [worksafebc.com/bullying](https://www.worksafebc.com/bullying).

Employers and workers can also call the Prevention Information Line for support on this or any other workplace health and safety matter: 1.888.621.7233.

Sample investigation form

This is a sample form that employers can use when investigating workplace bullying and harassment complaints or incidents. Employers might use other investigation procedures and are not required to use this fillable template.

Name of complainant
Name of respondent
Names of witnesses (if any)
Date
Location
Name of investigator

Person interviewed
Their description of the situation (where and when, what was said or done, etc.). Also describe any feelings reported (e.g., humiliated, intimidated).

Person interviewed

Their description of the situation (where and when, what was said or done, etc.). Also describe any feelings reported (e.g., humiliated, intimidated).

Person interviewed

Their description of the situation (where and when, what was said or done, etc.). Also describe any feelings reported (e.g., humiliated, intimidated).

(Attach more pages if needed for additional interviewees.)

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

Reason(s) for this conclusion