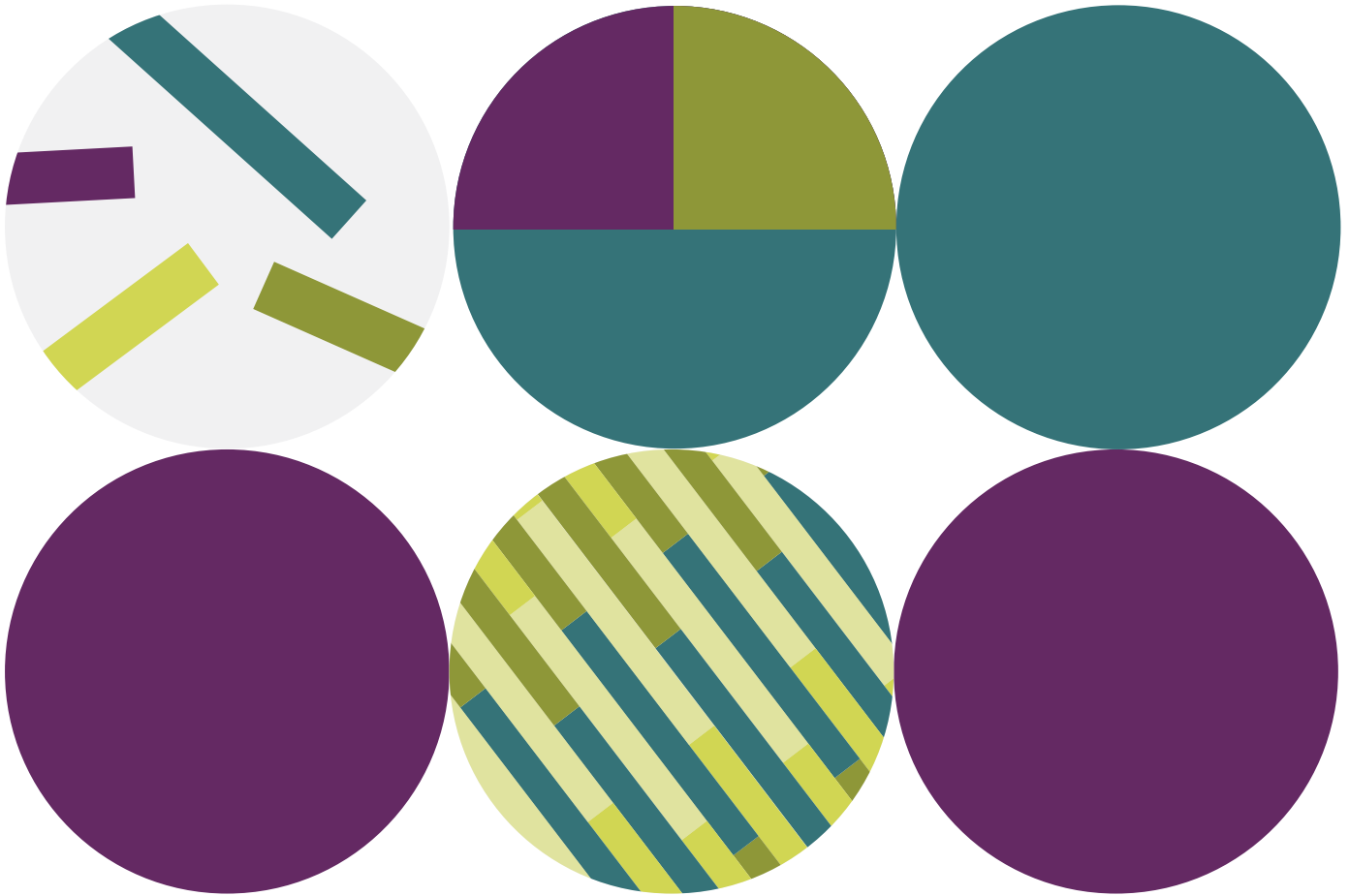


SAFER PLACES



Employer Checklist and Response Guidelines for Workplace Harassment Complaints

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Checklist

As soon as you receive a complaint or information comes to your attention, you must do something “meaningful” about it. Use this Checklist to ensure you meet all of your legal and ethical requirements:

- **Thank** the person for reporting their concerns.
- **Listen** to the person as they explain their concerns.
- **Summarize** what you have heard and your understanding of key concerns.
- **Ask** what outcomes the person is looking for.
- **Assess** physical and psychological safety and consider necessary or prudent interim measures.
- **Discuss** confidentiality.
- **Discuss** informal and formal resolution options.
- **Identify** the next steps.
- **Act** promptly:
 - In the case of informal resolution, plan, and execute process.
 - In the case of a formal complaint, thoroughly investigate promptly, confidentially, in an unbiased manner and in accordance with your workplace policy.
- **Communicate**, communicate, communicate with the parties throughout the process.
- **Wrap up**, identify any additional steps, and conclude.
- **Debrief** with the parties.
- **Follow up** to assess any new or recurrent issues. Consider broader needs for workplace restoration and harassment prevention measures.

Response Guidelines

1. Meaningful Inquiry

If the person who feels harassed will talk to you about the situation, make sure your intent is to hear the person out and that your own attitude and behaviours reflect your commitment to helping.

Some tips:

- Meet in a quiet location, without interruptions.
- Treat the issue seriously.
- Keep in mind how vulnerable the person alleging harassment feels.
- Listen carefully and patiently; be non-judgmental.
- Be mindful of the effects of violence and trauma, and the dynamics of triggers.
- Don't let your own emotions, past experience, or the reputation of any party influence your objectivity.
- Resist the temptation to solve the problem impulsively or to make rash decisions.

If you do not have a complaint but become aware of potentially inappropriate conduct, or you have a reluctant employee or anonymous complaint, or believe the issue is widespread, consider a workplace assessment or review process. This is often a preliminary step. If the results confirm the existence of inappropriate behavior, you may have to conduct a formal investigation.

2. Triage

If you have a written or verbal complaint, decide whether an informal or formal resolution is appropriate in the circumstances. The goal of both processes is to resolve harassment as soon as possible, in a fair, constructive, and respectful manner.

While the employer has legal obligations to prevent and address harassment in the workplace, it is important to be mindful of the preference of the person alleging harassment and to give them as much choice as possible with respect to electing the options available to them.

"The Law of Win/Win says, 'Let's not do it your way or my way; let's do it the best way.'"

- Greg Anderson

When deciding whether an informal or formal resolution is appropriate, consider the factors in the table below:

<p style="text-align: center;">Factors Supporting Informal Resolution</p>	<p style="text-align: center;">Factors Supporting Formal Resolution</p>
<ul style="list-style-type: none"> • Infrequent incidents on the lower end of the spectrum of inappropriate behaviors¹ • The personality of the person alleging harassment (assertive/self-confident) • Personality of the person accused (open-minded; respectful; willing to address behavior) • Basic agreement of facts • Two people involved • Positive previous relationship between the parties • Parties are willing to resolve informally 	<ul style="list-style-type: none"> • Multiple allegations of serious nature • Allegations of abuse of power • The personality of the person alleging harassment (reluctant/fearful) • Personality of the person accused (nonchalant or aggressive) • Disagreement of fundamental facts • Multiple parties • Problematic dynamic between parties • Parties are unwilling/uncomfortable with informal resolution

¹ Resource: **Appendix “A”**: Spectrum of Sexual Misconduct @ Work. While this Spectrum is specifically in respect of sexual harassment, the same concepts can generally be used for all forms of alleged harassment.



Informal Resolution

Whether or not a written complaint has been filed, an employee who believes they are experiencing workplace harassment should be encouraged, if appropriate, to make the situation known to the other person as constructively as possible in an attempt to resolve the situation.

Informal resolution processes can be effective in resolving issues related to harassment but require the willingness of the parties to participate. They are voluntary processes and cannot be forced on anyone.

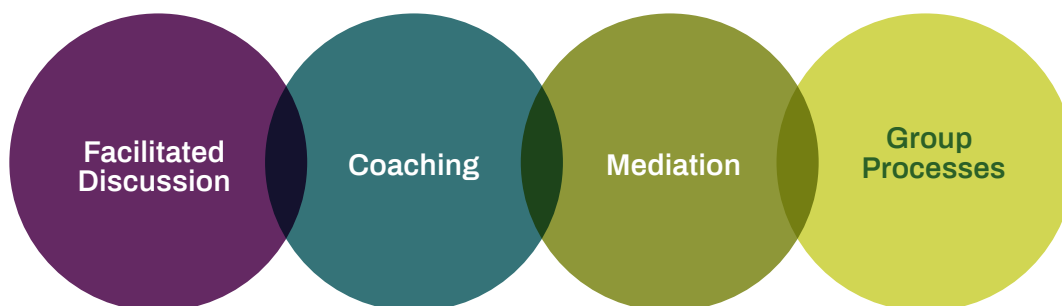
Informal resolution processes are generally more beneficial than formal resolutions. They are:

- often less disruptive to the workplace;
- timely;
- typically involving fewer people; and
- helpful in preserving relationships.

Frequently, however, a party's hesitation in agreeing to use them stems from the unknown. It is useful to the parties if they are given an explanation as to why a certain approach may be seen as the most appropriate for the situation and how both can benefit by using a collaborative problem-solving approach. Empathic listening is also helpful to get the parties' cooperation for considering collaborative problem-solving approaches.

In the event informal resolution is considered inappropriate, a party does not agree to participate, or the process is unsuccessful, the formal resolution can be initiated.

Below are four methods of informal resolution and information to help you facilitate and incorporate these approaches after receiving a workplace complaint, if appropriate. For more information with respect to the different types of informal resolution, please see **Appendix "B"**.





Formal Resolution

If the incident(s) does not meet the criteria for an informal resolution and the person alleging harassment has filed a formal complaint, then you must conduct a formal workplace investigation.

Additionally, workplace investigations must occur when the employer “knows or should have known” about the alleged misconduct, so you have a duty to inquire and a potential duty to conduct a formal investigation even in the absence of a formal complaint.

This is a serious matter and should be conducted in accordance with the 4 pillars of investigations: timeliness, thoroughness, fairness, and confidentiality.

The purpose of any internal investigation is to gather the facts, dissect the facts, and ultimately to reach a conclusion. A workplace investigation also lets your other employees know that their employer is fair and is committed to objective treatment of all employees.



Timeliness



Thoroughness



Fairness



Confidentiality

Set up the Process

The first step in a formal investigation is to set up the process and to choose an internal or external investigator. The diagram below outlines some factors to consider when deciding to use an internal or external investigator.

Internal Investigator	External Investigator
<ul style="list-style-type: none">• Manageable/simple allegations• Well-trained, experienced, objective investigator on staff	<ul style="list-style-type: none">• Serious and/or complex allegations• High profile person involved• Too close for comfort persons involved or a conflict of interest

If hiring an external investigator, it is important to do your due diligence and:

- Find out how many and what types of investigations have they done;
- Ask for a quote and how they charge;
- Request a description of the process;
- Find out if they have the necessary specialized training (for example, in cases of alleged sexual harassment, trauma informed training); and
- Establish their mandate, such as the findings of fact (the “what”), analysis (the “so what”), and recommendations (always request they be separate from the investigation report).

While an investigation is pending, it is also important to consider if interim measures are necessary. Some examples of interim measures are:

1. Transfer
2. Change in reporting relationship
3. Modification of duties, such as:
 - Leave of absence
 - Sick leave (where appropriate)
 - Suspension*

* The power to suspend for “administrative reasons” because of acts an employee has been “accused” of is limited by the following:

1. the action taken must be necessary to protect legitimate business interests;
2. the employer must be guided by good faith and the duty to act fairly in deciding to impose an administrative suspension;
3. the temporary interruption of the employee's performance of work must be imposed for a relatively short period that is or can be fixed;
4. the suspension must, other than in exceptional circumstances, be with pay.

Create an investigation file to maintain all relevant investigation documents.

Lastly, when setting up the process for a formal investigation, it is critical to ensure there is a continual loop of communication. Investigations can be traumatizing, isolating, and stressful for all involved. Some key information to communicate to parties are as follows:

1. introduce investigator;
2. outline the process (generally);
3. provide a copy of the workplace policy;
4. outline expectations regarding confidentiality; and
5. advise of their right to a support person.

2. Investigate

For more information on how to conduct an internal workplace investigation, please see **Appendix “C”**.

3. Determine the Appropriate Remedial Action

If the complaint is founded, determine appropriate disciplinary action (coaching, verbal warning, written warning, suspension, demotion, termination).

Also, consider whether training is required, change to reporting structures, and/or whether there is a need for post-conflict workplace restoration.

4. Provide Feedback

Provide timely feedback to the parties regarding the results of the investigation. The parties are entitled to know how the report came to its conclusions. That is, the parties have a right to know whether the allegations set forth in the complaint were corroborated by the evidence or not.

²Cabiakman v. Industrielle Alliance , cie d'assurance sur la viem (2004), 242 D.L.R. (4th) 1, [2003] 3 S.C.R. 195 (SCC)

For confidentiality reasons, most employers choose not to provide the parties with a copy of the actual report and instead provide a written summary of the findings and conclusions.

When providing feedback, remind the parties of their confidentiality obligations, remind the person who engaged in harassment of the policy/laws against retaliation, and remind the person who experienced the harassment to report any issues in that regard.

Document your individual conversations with both parties.

5. Conduct Post-Investigation Follow-up

Make periodic follow-up inquiries to the complainant (if they are a current employee) to ensure the issues have been resolved.

During follow-up communications, remind the person who experienced the harassment that they should report any other concerns or issues and that the company does not tolerate retaliation.

Restoration: Consider whether the incidents giving rise to the investigation and/or the investigation process itself has damaged the workplace and whether post-conflict restoration measures are necessary and/or advisable to establish or restore harmonious working relationships amongst individuals and within the team or group.

Prevention: Several activities can reduce the potential for further harassment, or perceptions of harassment, in the workplace. These may include:

- communicating to all employees the informal and formal processes available to them to resolve issues related to harassment;
- communicating to all employees the departmental resources available such as harassment prevention advisors, union representatives, Employee Assistance Program counsellors, and informal conflict resolution practitioners;
- informing employees about the employer's commitment to a respectful workplace;
- delivering workshops on harassment prevention, meaningful conversations, bystander intervention, diversity and sensitivity, collaborative problem solving, etc.;
- developing communication tools;

-
- identifying risk factors;
 - managing conflicts promptly;
 - promoting a culture of self-awareness, collaboration, and respect;
 - providing appropriate training and tools to those who are involved in managing and resolving harassment complaints;
 - periodically review the effectiveness of the complaint procedure, management's commitment to it, and the comfort level of employees to utilize it; and/or
 - staying vigilant to the workplace climate.

For an additional resource with respect to the prevention of workplace harassment, please visit WorkSafeNB's website for a Code of Practice to manage workplace harassment:

<https://www.worksafenb.ca/media/59791/code-of-practice-harassment.pdf>

Appendix A: Spectrum of Sexual Misconduct at Work

Professor Kathleen Kelly Reardon, University of Southern California.

1 Non-Offensive

Common off-the-cuff compliments on such things as hairstyle and dress. "You look nice today", "I like your haircut", "That's a nice outfit", "That's a good color on you."

2 Awkward / Mildly Offensive

Comments on gender differences such as: "You would say that as a woman." "I suppose it's a woman's prerogative to change her mind." "We can't speak frankly around you women anymore."

3 Offensive (Not Necessarily or Overtly Intentional)

Holding a woman's arm while talking. Uninvited hugs. Patronizing/dismissive/exclusionary behavior toward women. Sharing jokes about female blondes, brunettes, red-heads, etc. Implying or stating women are distracted by family.

4 Seriously Offensive

Denigrating comments about women in general. Jokes about woman's limited intellect or skills due to her gender. Words like "ice queen" or "female mafia" when referring to women. Comments about physical attributes used to insult or demean a woman.

5 Evident Sexual Misconduct

Looking a woman up and down in a sexually suggestive manner. Grabbing, rude patting, and unwelcome holding. Unwelcome, unexpected kissing. Ignoring a woman's expressed disinterest in a personal/intimate relationship and continuing to hassle her. Making or telling crude jokes that demean women. Describing women with such terms as "slut" or "frigid". Trying to demean a woman by implying/claiming she uses her gender to advance career goals.

6 Egregious Sexual Misconduct

Exposing genitals. Physical sexual behavior while a woman is present. Pressing against a woman suggestively. Threatening/implying career damage to a woman who refuses to engage in sex or sexual behavior. Forcing or coercing a woman to have sex.

Appendix B: Informal Resolution Options

Facilitated Discussion

If the parties refuse to meet or cannot resolve their differences, offer to facilitate a discussion between them. A facilitated discussion is an informal process that allows for expedited and efficient resolution of "low level" disputes that are relatively new and that have not escalated to significant polarization between the parties.

Some tips:

- Do not judge what the person says.
- Obtain all the pertinent facts and keep a record. Also, keep a record of the actions you took to resolve the issue.
- Empower employees in finding remedial actions or other potential solutions.
- Take all reasonable steps to ensure that the matter does not become an item of office gossip and confidentiality is maintained.

Here are some indicators where it is appropriate to use a facilitated discussion:

- **Level of Communication:** Parties are still willing and able to talk together about the situation. They may be more comfortable with another trusted party present for that discussion.
- **Trust Level:** Each party is focused on solving the problem and acknowledges that the other party has the same focus. In this regard, there is a relatively high level of trust between the parties. Neither party is, for example, assuming that the other has ulterior motives or will intentionally sabotage the process.
- **Commitment to Resolve the Situation:** All involved parties are committed to resolving the situation and have expressed some openness to consider options that differ from their current position. In other words, they are open to potential compromise.

Coaching

Once you sit down with the individuals involved in the conflict, you may realize one or more of the parties needs more guidance or specific direction with respect to what is appropriate behaviour.

Coaching is a one-on-one process that is designed to help parties deal with conflicts, disputes, and harassment situations. Coaching encourages self-awareness and empowers parties to recognize the impact of their behaviour and actions on others and how others might perceive such behaviour and actions.

Some tips:

- Identify the area that requires particular attention and the consequences this has on the organization.
- Help the employee identify behaviours or tasks that would be helpful in improving the situation.
- Follow up closely for improvement.

Here are some indicators where it is appropriate to use coaching:

- **Level of Communication:** Parties may be willing to communicate with each other but one or both parties experience extreme frustration with the communication process. They may say things such as, "They don't hear/listen/understand anything I say".
- **Trust Level:** The trust level between the parties may not be particularly high. Nevertheless, the party receiving coaching is committed to rebuilding trust with the other person.
- **Commitment to Resolve the Situation:** There is a high level of commitment to resolving the situation. Individuals being coached are willing to explore their individual role. They are open to taking personal responsibility for their behaviours and actions and are committed to improving or building skills and making changes that will allow them to resolve the situation.

Mediation

Mediation involves an impartial third party that hears both sides of the situation and helps the parties reach a satisfactory decision about the issue at hand. Mediators are trained professionals who will remain neutral and do not take sides with either party. The mediator:

- provides a forum where the parties can construct their own mutual agreement;
- works directly and in-depth with the parties;
- encourages discussion;
- tries to help the parties reach their own agreement, but does not decide the solution; and
- helps the parties achieve lasting solutions but cannot enforce reached agreements once they have been reached.

Here are some indicators where it is appropriate to use mediation:

- **Level of Communication:** Communication between the two parties has broken down. Parties are not speaking to each other at all or, at the very least, are not speaking to each other about the situation. They are, however, willing to talk to each other with a neutral party present.

-
- **Trust level:** There is moderate to low level of trust between the parties. This lack of trust is often a result of confusion about the other party's actions and/or words. Issues, actions, and events will need to be discussed and explored in the mediation process to increase trust.
 - **Commitment to Resolve the Situation:** The parties express a moderate to high level of commitment to resolve the situation although they may not see a possible solution.

Group Processes

A group or team process is a proactive approach that works at identifying underlying issues and potential conflicts within a group that, left unchecked, have resulted in and may continue to result in harassment situations. With an impartial, trained facilitator, the group or team identifies issues and conflicts that are negatively affecting the group. The group clarifies the roles and expectations within the group. It also sets mutual goals for the group and develops a plan of action for future behaviour and interaction.

Here are some indicators where it is appropriate to use group processes:

- **Level of Communication:** Parties are communicating little if at all or are communicating with some members of the group and not others. The communication process is not effective. Parties are preoccupied with the situation and find that it is affecting their ability to communicate with each other.
- **Trust level:** Parties may express some trust in each other but will frequently question the motivation for other parties' actions and words.
- **Commitment to Resolve the Situation:** The parties may not initially express a commitment to resolve the situation but there is a recognition that the productivity and effectiveness of the group have decreased and that the group cannot continue as it is.³

³Resource:

<https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/harassment-conflict-resolution/preventing-resolving-harassment-workplace-guide-managers.html#Toc515172355>

Appendix C: Investigation Protocol

1. Consider the Complaint & Prepare an Investigation Plan

First, consider whether a *prima facie* (“on the face of it”) assessment of the complaint is appropriate. In this regard, most workplace harassment policies contain a provision that allows the investigator, after interviewing the person alleging harassment (referred to as the “complainant” in an investigation), to determine whether, assuming all of the allegations are true, the conduct would amount to harassment.

Next, draft an investigation plan. Such a plan, based on a review of the particulars of the complaint, should set out:

- the issues to be addressed;
- who, in addition to the complainant and the person accused (referred to as the “respondent” in an investigation), should be interviewed;
- any documents or physical evidence (such as documents, records, emails, HR file, phone calls, pictures or graphic information) that need to be examined;
- a reasonable and realistic timeline for the completion of the investigation; and
- the order of interviews. It’s common to interview the complainant first, followed by the witnesses the complainant identifies, the respondent, followed by the witnesses the respondent suggests, and then any required follow-up interviews (this is necessary in the event conflicting or new information is uncovered during the investigation). However, the investigator should remain flexible when deciding the order.



2. Investigate

At all times, ensure you adhere to the 4 pillars of investigation: fairness, thoroughness, timeliness, and confidentiality. Also be mindful of pitfalls and complexities, such as counter complaints, multi-party complaints, procedural fairness, confidentiality, record keeping, and your potential bias.

Next, it is important to provide disclosure to the respondent. Individuals involved in an investigation are entitled to differing degrees of disclosure before they are interviewed as part of the investigation. The respondent is entitled to know:

- that a complaint has been received in which they have been named;
- the complainant's identity; and
- sufficient detail to allow them to know generally what matters will be discussed in their interview.

For fairness purposes, the majority of workplace harassment policies require the respondent to be "presented with a written statement of allegations and afforded an opportunity to respond". That does not always mean being provided a copy of the original complaint. Consider whether the complaint:

- contains sufficient detail;
- contains inflammatory statements;
- refers to confidential information: or
- is against one, or more persons accused.

Depending on the above factors, your options are to either:

- provide the original complaint to the respondent and give them the opportunity to respond in writing; or
- interview the person experiencing harassment first and then prepare and provide the respondent with a detailed summary of the allegations against them.

After notifying the respondent of the complaint, the interview process can begin. The interview is intended to provide a clear understanding of what happened so the employer can determine what, if any, discipline is warranted, so it is crucial to obtain all relevant information from each party.

For more guidance in conducting a workplace investigation, please visit the WorkSafeNB website for tips and a complaint template:

https://saferplacesnb.ca/wp-content/uploads/2021/02/PLEIS_Reporting-Harassment-Form_ENG_Web.pdf

3. Conducting Interviews: General Guidelines

If possible, two managers or members of human resources should participate in the interview process. One manager should be designated as the interviewer, and the other should act primarily as a witness and take thorough and accurate notes of the discussion. Record the date, time, and the names of the interviewee and anyone else present at the interview. All interview notes might be admissible in any future legal proceeding related to the complaint, so make all notes and records on the assumption they will be disclosed in the future. They must be credible, comprehensive and comprehensible, and avoid any comments or notes that could be construed as prejudging the issue. Get the handwritten notes typed as soon as possible and check the accuracy of the typed version.

Interview all parties and witnesses separately in an office or room where the discussion will not be overheard by others. Interviews should be scheduled in such a way that the complainant or respondent does not run into witnesses or parties they perceive as hostile or adverse to them.

Before the interview:

Explain the purpose of the interview, the importance of providing honest, and accurate statements, outline the investigation process, and discuss the importance of confidentiality, specifically:

- Instruct interviewees of their obligation to keep the complaint, investigation and any matters covered during their interview strictly confidential. However, advise the complainant and respondent they may:
 - Seek legal advice, support from their union representative, consult medical advisor(s) and/or other public support services; and/or
 - Seek support from an immediate family member or close friend, provided they are not a potential witness and further provided those individuals also maintain strict confidentiality;

- Explain that confidentiality is necessary to protect the integrity of the investigation and to ensure that the organization receives trustworthy information in an atmosphere free from coercion; and
- Explain each person's confidentiality will be kept confidential to the maximum extent practicable, but do not promise absolute confidentiality.

Also, explain that retaliation will not be tolerated by anyone. If someone attempts to retaliate against them for participating in the investigation, advise the witness to contact you immediately to report such conduct.

During the interview, determine the who; what; why; where; when; how in a neutral, thorough, and unbiased manner. Some questions to ask include:

- What did the person see or hear?
- Where did the event take place?
- When did the event happen?
- Who told the person about it?
- Whom did the person see? Who else was present?
- Why does the person think the incident happened the way it did?
- How did the person come to know this information?

Use the “funnel” method of questioning (broad to narrow), using open-ended, neutral questions. Limit leading questions to later test the witnesses’ credibility if necessary. Open-ended questions are a type of question expressed in a way that does not suggest its own answer, such as Who? What? When? Where? Why? (“how did that make you feel?”). Leading questions are a type of question that implies or contains its own answer, for example “that made you uncomfortable, didn’t it?”.

Remain neutral, objective, and curious and avoid the appearance of impropriety or favoritism in conducting interviews. Observe and record all physical and verbal reactions of the witnesses during the interviews, but do not record conclusions or opinions regarding credibility about witnesses.

Upon completion of each interview, review the draft interview questions and notes to determine whether they require any further information or clarification from the interviewee. Then ask the interviewee to read your interview notes and attempt to obtain a signature at the bottom, acknowledging it is an accurate record of what they communicated to you.

4. Conducting Interviews: The Parties and Witnesses

The complainant: Obtain a clear understanding of the complainant’s view of what happened before, during, and after the incident(s) and whether there were any witnesses. Ask for a list of any relevant witnesses and documents.

Note: you may need to interview the complainant again if conflicting or new information is discovered during the investigation.

The respondent: Assure the respondent the employer is dealing with the complaint as confidentially as possible and inform them of the requirement to maintain that confidentiality. If the complaint is regarding a breach of human rights legislation, caution the respondent (and every other witness) that human rights law prohibits any reprisal against the person experiencing harassment. Disclose the complainant’s allegations and any material facts or evidence gathered during the investigation. Ask for a list of any relevant witnesses and documents.

Note: you may need to interview the respondent again if conflicting or new information is discovered during the course of the investigation.

The Witnesses: Advise witnesses about their impartial role in an investigation and provide enough information, so the witness can comment on the incidents they may have observed, while limiting information that would reveal names and identities of those involved, if at all possible. Once again, highlight the confidentiality of the investigation. While it is not necessary to share full particulars of the complaint with witnesses, it may be necessary and justifiable to share some information to determine whether the witness has relevant information.

Only witnesses that may possess relevant, non-cumulative knowledge should be interviewed, not “character witnesses” (persons who are expected to speak only to a party’s ethical qualities, morality, and reputation).

5. Analyze, Weigh and Decide

The investigator’s primary role is to make findings of facts that lead to a conclusion. This requires you to consider and weigh each piece of evidence.

The weight you assign to any one piece of evidence will be determined based on its relevance and its reliability. To be relevant, the evidence must relate to one or more of the allegations. In determining reliability, consider the category of evidence it falls into (see the graphic below) and how credible and/or reliable the witness is.

Direct evidence	Circumstantial evidence
<ul style="list-style-type: none">• Evidence, which if believed, establishes a material fact in issue without any inferences needing to be drawn.• Stronger than circumstantial evidence.• Example: the witness saw; the document speaks directly to the issue; videotape shows the conduct, etc.	<ul style="list-style-type: none">• Evidence, even if believed, that still requires you to make an inference.• Weaker than direct evidence, but it is still very important.• One piece of circumstantial evidence alone may not be reliable, but when coupled with other evidence it might be.• Example: the witness did not see the interaction but saw the complainant was visibly upset shortly after.

Assessing credibility (believability) and reliability is critical to the decision-making process. You must decide whether you believe what each witness had to say, and how reliable that evidence is. In assessing credibility, consider the witnesses' demeanor during the interview, their memory, whether the story is consistent with most of the other evidence, whether the story is logical, and any possible motive to be dishonest.

Remember that the standard of proof in harassment cases is not the criminal standard of proof (beyond a reasonable doubt), but a civil standard, which is based on a balance of probabilities (50% +1). In other words, if the evidence as a whole shows that, on a balance of probabilities, it is more probable than not that the alleged harassment occurred, then a finding of harassment can be made. This standard is important to keep in mind since much of the evidence in harassment cases is circumstantial and contextual. In sexual harassment cases, the investigator is often presented with a "he said, she said" account of incidents, which are rarely corroborated by direct witness evidence. It is important to pay attention to all the evidence taken together, in order to establish what is more likely than not to have taken place.

6. Prepare an Investigation Report

Often, it is appropriate for the investigator to prepare a report and/or doing so is required by policy. Regardless of its form and remembering it could become evidence in further legal proceedings, the report should include:

- a review of the complainant's allegations, the reply of the respondent and all pertinent evidence gathered;
- any credibility analysis;
- the investigator's findings of fact; and
- if part of the mandate, a conclusion as to whether, taken as a whole, the evidence supports the allegations in the complaint, and whether, as a result, it discloses a breach of company policy, or applicable legislation.

Ensure that the investigation and the report remain confidential. Keep the findings private and only distribute the findings to those necessary to the decision-making process.