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# Workplace Violence

## Investigation Process



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## Module: Investigation Process



Employers have an obligation to investigate any claims of harassment. Maintaining a safe work environment means taking every claim of harassment seriously. Create guidelines that explain what type of behavior is not tolerated and how employees should lodge complaints. Do not ignore complaints. Whether the complaint is formal or informal, investigate the incident carefully.

### Advising Your Supervisor



Supervisors are responsible for handling initial harassment complaints. At the early stages, supervisors should attempt to resolve the problems quickly while maintaining confidentiality. In order for supervisors to solve the issues, employees must make them aware of the situation. Employees need to communicate problems as specifically as possible. Incidents of harassment often escalate because no one reports the issues at the beginning.

While supervisors should not discuss specific harassment complaints with the entire staff, they need to inform employees that investigating incidents will make it difficult to keep the matter completely confidential. Investigators and witnesses will have to be informed of the matter. If an employee is not willing to name his or her abuser, the investigation will be nearly impossible to conduct. Supervisors should alleviate any tension by informing employees that there will not be any retaliation because of issuing a complaint.

### Lodging the Complaint

The company anti-harassment policy should clearly state how employees can lodge complaints. Typically, they go to their immediate supervisors. If their immediate supervisors are the problem, however, another employee should be designated, such as an HR representative. Employee complaints need to have detailed information that investigators explore.



What to Include in a Complaint:

- Names of individuals
- Explanation of what happened and why it violated policy
- Dates and times of incidents
- Names of witnesses
- Proof or documentation of events

## Initial Response

Employers need to respond to harassment complaints immediately. Employees who make claims should be thanked for helping the company identify harassment. When an employee lodges a complaint the supervisor should explain the following:

- An investigation will begin as soon as possible.
- The company needs to collect information before it takes action.
- The company will investigate the claim as quietly as possible, but full confidentiality may not be possible.

## The Investigation

There should be clear procedures in place for investigating a harassment complaint. Each company's procedures will be unique, but there are certain elements that are basic to every investigation.

- Conduct the interviews in private.
- Document everything.
- Find a neutral witness to sit in on interviews, if you feel it is necessary.
- Keep an open mind, and do not jump to conclusions.
- Gather as much information as possible.
- Interview the claimant, witnesses, and the accused separately.

## The Findings



After the investigation is complete, companies must take action. The findings of the investigation will determine what type of action to take.

- Finding in favor of the claimant means that the harasser will have to face disciplinary measures. For example, he or she could be suspended, transferred, demoted, terminated, sent to counseling, or reprimanded. The action depends on the severity of the harassment.

- Inconclusive findings are difficult. Companies should address these situations by reminding the accused that harassment is not tolerated. Document this discussion in the employee's records.

The claimant should be informed when the investigation is over and disciplinary action is taken, but the exact action should remain confidential.

## Review & Closure

After a harassment investigation, the policies and procedures should be reviewed carefully. There are several questions that investigators need to answer.

- Did the anti-harassment policy address the issue?
- Were employees aware of the policy?
- Was the complaint addressed quickly?
- Were any other problems discovered in the investigation?



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