

WORKPLACE INVESTIGATIONS

Workplace Investigations 101: A Guide for Employers

Workplace investigations play a crucial role in maintaining a fair and respectful work environment. Everyone has the responsibility to work in an environment free from discrimination, harassment and bullying. As an employer, it is your responsibility to address and resolve any allegations of misconduct, discrimination, or harassment that may arise within your organization. A well-conducted workplace investigation not only helps protect your employees but also minimizes legal risks and promotes a positive workplace culture. In this article, we will provide you with an outline of the steps to conducting effective workplace investigations, ensuring compliance with the law, and safeguarding your company's interests.

1. UNDERSTANDING THE NEED FOR WORKPLACE INVESTIGATIONS

- Contributing to a positive workplace environment and culture.
- The importance of workplace investigations in preventing legal liabilities.
- Identifying situations that require an investigation.
- Balancing the rights of the complainant and the accused.

2. PREPARING FOR THE INVESTIGATION

- Establishing a clear investigation process.
- Selecting an impartial and trained investigator.
- Determining the scope and objectives of the investigation.
- Ensuring confidentiality and privacy throughout the process to the extent possible.

3. CONDUCTING THE INVESTIGATION

- Interviewing the complainant, accused, and witnesses.
- Gathering relevant evidence, such as documents, emails, and CCTV footage.
- accurate and detailed records of all interviews and evidence.
- Proceeding in a timely manner.
- Applying principles of fairness and impartiality.

4. LEGAL CONSIDERATIONS

- Complying with applicable employment laws and regulations.
- Understanding the burden of proof and standard of evidence.
- Protecting employee rights during the investigation.
- Handling sensitive information and data protection.

5. ANALYZING THE EVIDENCE

- Evaluating evidence.
- Assessing the severity and impact of the alleged misconduct.
- Applying the principles of fairness, thoroughness and procedural fairness.
- Weighing the evidence to make a fair and balanced determination.

6. REPORTING AND CONCLUDING THE INVESTIGATION

- Preparing an investigation report pursuant to the workplace investigation mandate.

- Communicating the findings to the relevant parties, per the policy.
- Recommend implementing appropriate corrective actions and disciplinary measures, if it falls within the workplace investigation mandate.

7. DEALING WITH RETALIATION AND CONFLICT RESOLUTION

- Recognizing the potential for retaliation and addressing it promptly if it occurs.
- Promoting a supportive and conflict-free work environment.
- Providing resources and support for affected parties.
- Encouraging open communication and resolving conflicts amicably.

8. DOCUMENTATION AND RECORDKEEPING

- Importance of maintaining accurate and comprehensive records.

- Retaining investigation documents in a secure and confidential manner.
- Adhering to data protection and privacy regulations.

Conducting workplace investigations is an essential responsibility for employers to help create and maintain a safe and respectful workplace. By following a structured and fair investigation process, employers can address and investigate employee concerns, mitigate legal risks, and foster a positive work environment. Remember to seek legal advice if needed, as employment laws may vary depending on your jurisdiction. With a proactive approach to workplace investigations, employers can build a culture of trust, fairness, and accountability within their organizations.



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