

Saskatchewan Federation of Labour  
Harassment Investigation in the Workplace Workshop

September 19 - 21, 2013

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I attended the Saskatchewan Federation of Labour's Occupational Health and Safety Conference on September 19-21 in Saskatoon. There were approximately 200 Union Brothers and Sisters registered representing many different Unions.

I was registered in the Harassment Investigation in the Workplace workshop and we had 30 participants. I chose this workshop to help me in my role of Union officer.

The facilitator was excellent and she is a mediator that investigates complaints of harassment for a living and had many stories to tell of hand on experience...she never gave us details of employers or people's names but was a wealth of knowledge with how to handle investigations. She said you have to "go with your gut feeling".

The workshop objectives were:

1. To understand the definitions of inappropriate behavior that constitutes harassment/discrimination under the Saskatchewan Human Rights, Canadian Human Rights, OH&S and the Criminal Code.
2. How to conduct an investigation following not only the "Principles of Natural Justice" but also in accordance with Provincial and Federal law, the Collective Agreement and the Employer's Policies.
3. To be aware of the legal responsibilities of an investigator to ensure a fair and just investigation.
4. How to write investigation reports.

We discussed harassment awareness and the legalities, the impact on the workplace, enhancing our skills and techniques for interviews, understanding the investigation process and report writing. It is a very complicated process.

Harassment could be Personal, Sexual (subtle or overt), based on Prohibited Grounds, Bullying, Physical, etc. It usually is repetitive or frequent and the onus is on the complainant to tell the harasser to stop the harassment. The exception is for Overt Sexual harassment which could include sexual advances, inappropriate touching, assault, etc. and only one incident is enough to constitute sexual harassment and a verbal protest is not necessary.

It's up to the investigator to interview both the complainant and the responder and all of the witnesses. We learned the importance of listening skills, body language and emotions. We also discussed open, closed and leading questions and the importance of documentation. The most important factor is confidentiality and it must be maintained

at all times as well as remaining neutral and not showing favoritism to one side or the other.

All complaints must be in writing. We discussed how the complainant "builds a case" which includes documentation and how important it is that the complainant documents everything that happens including date, time, place, who was there, what was said including the tone or body language. The more information the better and the better the case that person will have.

We talked about malicious complaints where a person files a complaint usually for retaliation on someone else. This is where the listening skills, body language, etc. comes in and doing a thorough investigation is important. She gave some examples of this and it is actually an offense under the criminal code and people can be charged.

We also went over our employer's policy and the language in our collective agreement. This was interesting and I found that there is room for improvement in both.

It was an informative workshop! There was lots of information and interaction with everyone in the workshop. A great learning experience!

Respectfully submitted by,  
Karen Carle