



Policy Type: Human Resources

Policy #: HR-600-04

Approved by Council on: June 25, 2018

Human Resources – Investigation Procedure

Policy

The Town of Prescott is committed to implementing fair, sensitive, and respectful investigation procedures whenever investigating complaints of workplace violence, workplace harassment, or workplace discrimination.

This Investigation Policy applies to the following policies:

- Workplace Violence and Workplace Harassment Policy – HR-600-02
- Workplace Discrimination Policy – HR-600-03

Objective

To treat workers with respect, fairness and sensitivity by investigating their complaints in a consistent manner to foster a healthy work environment.

Definitions

Complainant means the person making the complaint.

Respondent means the person about whom the complaint has been made.

Investigation Team means a team of one or two Department Heads or supervisors, as selected by the Chief Administrative Officer, who may be assigned to investigate a complaint of workplace violence, workplace harassment, or workplace discrimination.

Discrimination means unequal treatment with respect to employment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability.



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Workplace Violence means;

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace Harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome and includes workplace sexual harassment.

What is not Workplace Harassment: A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace Sexual Harassment means;

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of gender, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the worker, and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Worker includes all full-time employees, part-time employees, student, union employees, non-union employees, elected officials, committee appointees, contractors, interns, volunteers, supervisors, and managers who perform work for the Town of Prescott.

Workplace means any land, premises, location or thing at, upon, in, or near which a worker works.



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Roles and Responsibilities

Employer

The following roles and responsibilities are to be performed by the Chief Administrative Officer or his/her designate.

- Provide Department Heads and supervisors with the appropriate training to accept reports of workplace violence, workplace harassment, or workplace discrimination.
- Provide Department Heads and supervisors with the appropriate training and resources to investigate such complaints of workplace violence, workplace harassment, or workplace discrimination.
- Create and maintain appropriate policies for consistent investigation of complaints of workplace violence, workplace harassment, or discrimination.
- Review all reports of violence and/or threats of violence in a prompt, objective, and sensitive manner.
- Take appropriate corrective and disciplinary action and any other measures in response to the complaint.
- Initiate investigations for all formal reports of workplace violence, workplace harassment, or workplace discrimination
- Where necessary and reasonable, delegate the investigation to an Investigation Team, made up of two Department Heads or supervisors.
- Contact the police department as appropriate when a criminal act is alleged to have taken place at the workplace.
- Ensure that debriefing is completed for those either directly or indirectly involved in the incident.
- Provide support to Department Heads/supervisors throughout the process of accepting and investigating complaints.



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- Conduct an investigation where appropriate.
- Assists with the arrangements to contract with an external investigator as appropriate.
- Ensures that this and related policies are reviewed regularly to ensure compliance with appropriate legislation.

Investigation Team

- Where delegated to do so, leads the investigation in an unbiased manner.
- Assigns one member to be the interviewer and the other to be the scribe.
- Provides a report of its findings to the CAO or designate, in writing if requested.

Workers

- Comply with all policies and related procedures.
- Participate in the investigation process.
- Seek appropriate support from available resources when confronted with workplace violence, workplace harassment, or workplace discrimination.

Investigation Procedure

REPORTING

- A worker shall report their complaint in writing to their immediate Department Head as soon as is reasonably possible.
- If the worker does not have a Department Head or if the immediate Department Head is the alleged perpetrator of the incident, the worker can report the incident to the Chief Administrative Officer.



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- If the Chief Administrative Officer is the alleged perpetrator, the worker can report the incident to the Mayor or any two members of Council.
- Prior to receiving the complaint (where possible), the Department Head or Chief Administrative Officer must use and explain the C.A.R.E. method for receiving the complaint:
 - **C→ Confidentiality:** outline the commitment to confidentiality – that the Town of Prescott will not disclose a complainant's or respondent's name, or any circumstances related to a complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law. All parties must sign a Confidentiality Statement.
 - **A→ Accountability:** once management has knowledge of the complaint, it will have a responsibility to respond to a complaint.
 - **R→ Retaliation/Reprisals:** remind the Worker that reprisals and retaliation for good faith complaints are prohibited.
 - **E→ Expectations:** explain the process to the worker and also clarify who the worker has talked to and when.
- If the worker is willing to proceed after C.A.R.E. has been explained, the Department Head/Chief Administrative Officer may accept the complaint in writing or verbally.
- The Chief Administrative Officer, in consultation with the Department Head where appropriate shall determine who will conduct the investigation, which may include:
 - The Chief Administrative Officer or his/her designate;
 - An Investigation Team
 - An external investigator

Where the Chief Administrative Officer is the respondent to the complaint, Council will determine the course action in consultation with legal representation.



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NOTIFICATION

- The Chief Administrative Officer or his/her designate will coordinate the preparation and delivery of a letter advising the respondent that a complaint has been lodged against him/her and what is expected of him/her during the investigation.
- The Chief Administrative Officer or his/her designate will coordinate the preparation of a letter to any witness(es) that the investigator wishes to interview, explaining that a complaint has been lodged and he/she has been named as a witness and what is expected of him/her during the investigation.
- The Chief Administrative Officer or his/her designate will coordinate the preparation of a letter to the complainant acknowledging receipt of the complaint and the investigation steps that will be taken.

ASSESSING THE COMPLAINT

- The investigator or Investigation Team will;
 - assess the complaint in an unbiased manner.
 - identify the nature of the complaint and issues as presented.
 - review all applicable policies and the legislation, if necessary, to ensure a full understanding of the framework within which the complaint is considered.

EVIDENCE

- The investigator or Investigation Team will;
 - collect the documents that are reasonably necessary in order to further review and understand the allegations of the complainant (e.g. documentation, photos, sketches, policies and procedures, emails, visitor logs, phone records, equipment, assignment sheets, regulations, legislation, swipe cards, GPS records, etc.).
 - review any and all documentation that may be available.



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- The investigator or Investigation Team will;
 - interview the complainant first - to establish the facts of the complaint and to gather more information.
 - interview any witness(es) after the complainant that are reasonably necessary to interview to establish the facts provided by the complainant.
 - interview the respondent, providing him/her with a full opportunity to respond to the complaint.

- The investigator or Investigation Team will evaluate all the evidence that has been gathered during the course of the investigation and make a determination as to the validity of the complaint with due consideration to the applicable Town policies and relevant legislation.

REPORT

- The investigator or Investigation Team will report to the Department Head and Chief Administrative Officer, detailing the investigation undertaken including any recommendations for action, and provide a written report.

OUTCOME AND RESPONSE

- The complainant and respondent shall be notified of the results of the investigation.

- Where there is a finding that a complaint of workplace harassment is substantiated, the complainant and respondent will be notified of corrective action that has been taken, or will be taken as a result of the investigation, though the full details of the corrective action may not be disclosed to the complainant.

- Where the complaint relates to workplace violence or workplace discrimination, the complainant will only be notified of any corrective action that has been taken or will be taken where it is reasonably necessary to protect the worker from physical injury or where required by law.

- Any disciplinary action taken by the Town of Prescott shall be in accordance with the Town of Prescott Discipline Policy, HR-300-01.