



This handout provides general information about the government human resources (HR) investigation process and the roles and responsibilities of involved individuals.

Overview

Investigations are fact-finding exercises to determine what occurred, by whom and why. All BC Public Service Human Resources Investigations follow a prescribed process. All major investigations must be led by the Public Service Agency (PSA) or PSA-approved investigators. A ministry representative may be assigned to co-investigate. Allegations that don't meet the criteria for a major investigation are to be led by the ministry.

An employee who is aware of a situation where, if the allegations were proven true, could result in discipline should report the matter to their supervisor. If there are reasons why the employee cannot, or is uncomfortable reporting to their supervisor, then the employee should do one of the following:

- Report their concerns to another manager in their work unit or ministry who is not involved in the situation (e.g. their supervisor's manager); or
- Report the matter directly to the PSA by submitting an online service request with [AskMyHR](#) or by calling 1-877-277-0772.

A supervisor who receives an allegation from an employee is to seek advice from the PSA by submitting an online service request with [AskMyHR](#) or by calling 1-877-277-0772. Once received, the PSA will assess the allegations and will begin taking steps to respond. With limited exceptions, this will involve an appropriate representative from the ministry responsible for responding to the allegations.

Investigative Process

Investigations must be fair to all individuals involved in the process and must be conducted in an objective and open-minded manner.

An investigation typically involves one-on-one interviews with individuals as well as a review of potentially relevant documents, such as e-mails, records, policies and procedures. During an investigation, the respondent is given sufficient information about the allegations against them in order to respond to the complaint. The specifics of the information provided to participants will be determined on a case-by-case basis. The employer is responsible for completing investigations without undue delay. Timelines may vary based on the nature and complexity of the issue, availability of parties, and other factors.

Individuals must treat the allegations, investigation, and interviews as strictly confidential. Information obtained during, or commentary about, an investigation, including the outcome, must not be shared with the exception of one's union representative, or support person for a non-union employee. In all cases, breaches of confidentiality will be fully investigated and addressed.

The employer has no tolerance for retaliation as a result of a workplace investigation. All complaints of retaliation will be investigated by the PSA.

After the interviews are completed

Once the interviews of individuals and review of documents have been completed, the investigators analyze the information obtained and determine what happened; this is often called the "findings of

fact.” These findings are measured against the *Standards of Conduct*, collective agreements, and applicable legislation, and/or government policies.

At the conclusion of the investigation, an appropriate summary of the outcome will be provided to the complainant and the respondent. In order to respect and preserve individual rights to privacy, any detailed action that is implemented as a result of the investigation is communicated to the impacted individual(s) only (with their union representative or non-union support person present). The investigation findings are only shared with appropriate ministry representatives. More information and supports can be found on the MyHR page *Sharing the Results of Misconduct Allegations*¹.

Roles and Responsibilities

- **Complainant/Witnesses/Respondents** must participate in investigation meetings when directed to do so and have a responsibility to cooperate and be honest and forthright.
- **Assigned Investigators** are responsible for conducting the investigation in a procedurally fair manner and ensuring all parties are treated fairly and with respect. Investigators will gather evidence, interview relevant parties about the allegations, and are responsible for making findings in relation to the allegations.
- **Union Representatives and Non-Union Support Persons** provide a supportive role for the person who requests their assistance in an investigation meeting. Union representatives and non-union support persons observe the interview. During the interview, if the discloser, witness or respondent requires assistance from their union representative or non-union support person, they will be granted a break or caucus.

A current employee who is a union member has the right to representation during an interview that the employee believes might result in disciplinary action. Unionized employees can also request union representation regardless of the role they play. Non-union employees and individuals who are not employees may bring an uninvolved individual as support. Respondents are strongly encouraged to secure such representation, as disciplinary consequences may result from an investigation.

Additional Support for Employees

Employees who are members of the BCGEU may seek support by calling the union at 1-800-663-1674. Employees who are members of another union or association are encouraged to seek support from that organization.

Counselling support is available for employees during an investigation, post-investigation or at any time. Contact LifeWorks (formerly Morneau Shepell) at 1-800-655-5004 or www.workhealthlife.com.

Contact

Should you have any concerns regarding the investigative process that are not appropriate to raise with the investigators, please contact Ken McLean, Executive Director of Employee Relations at the BC Public Service Agency (t: 778-698-5856, e: Ken.McLean@gov.bc.ca).

¹ URL: <https://www2.gov.bc.ca/gov/content?id=340E15E08D38499598175D5E6E92B61C>