

# EMPLOYEE HANDOUT

# WORKPLACE INVESTIGATIONS

This document is a handout to employees that provides general information about the investigative process, and explains the roles and responsibilities of individuals who are involved in the process.

## Overview

Supervisors and managers are representatives of the employer and are responsible for investigating issues regarding employee conduct and/or performance. Investigations are fact-finding exercises to determine what occurred, by whom and why.

All investigations of alleged serious misconduct must be led by the BC Public Service Agency (the “Agency”) or Agency-approved investigators. In some instances, a ministry representative may be assigned to co-investigate.

## 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. Usually, the person who filed the complaint (the “Complainant”) is interviewed first, followed by interviews of witnesses, followed by an interview with the person responding to the complaint (the “Respondent”), followed by interviews of additional witnesses identified by the Respondent.

During investigations, respondents are given sufficient information about the allegations against them in order to respond to the complaint. The specifics of the disclosure will be determined on a case-by-case basis.

For bargaining unit employees, an investigation will follow applicable collective agreement procedures. A union member has the right to representation during an interview that the employee believes might result in disciplinary action, but can request union representation regardless of the role they play. Respondents are strongly encouraged to secure such representation as disciplinary consequences may flow from an investigation.

Non-union employees may bring an uninvolved individual as support.

Employees are expected to treat the complaint, investigation and interviews as strictly confidential. Information obtained during, or commentary about, an investigation, including the outcome, should not be shared with others at the workplace, with the exception of one’s union representative, or support person for a non-union employee.

No individual should be subject to indirect or direct retaliation as a result of filing a complaint, responding to a complaint or participating in an investigation. Complaints of retaliation will be fully investigated and any retaliation, once confirmed, will be addressed.

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## Roles and Responsibilities

- **Witnesses/Complainants/Respondents** must participate in investigation meetings when directed to do so, and have a responsibility to cooperate and be honest and forthright.
- **Assigned Investigators** work collaboratively to gather evidence and interview relevant parties about the complaint or concerns before them. The scope of the investigation is based on the nature of the complaint and the applicable standards of conduct, human resources policies, procedures, collective agreements, contracts of employment and legislation.
- **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. If the witness, complainant or respondent require assistance from the union representative or non-union support person, a break or caucus is granted.

## Post Investigation

Once the interviews of individuals and review of documents has been completed, the investigators analyze the information obtained and determine what happened; often called the “findings of fact”. These findings are measured against the applicable Standards of Conduct, Human Resources policies, collective agreements, or legislation identified as within the scope of the investigation to determine whether and to what extent a breach has occurred.

The investigator will report out on the findings and conclusions of the investigation to the designated ministry representative. The ministry representative, usually in consultation with an Agency Employee Relations Specialist (who is not the investigator), determines if further action is required and if so, what action is appropriate.

The ministry representative will communicate the general outcome of the investigation to the complainant and respondent separately. 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 only (with their union representative or non-union support person). The investigation findings are only shared with the appropriate management representatives.

## Support

Counselling support is available for employees during the investigation, post-investigation or at any time. Call **Morneau Shepell** at **1-800-655-5004** or access services through [www.workhealthlife.com](http://www.workhealthlife.com).

Should you have any concerns regarding the investigative process that are not appropriate to raise with the investigators, please contact **Michael Lancaster** at the BC Public Service Agency, at (250) 387-0481 or [Michael.Lancaster@gov.bc.ca](mailto:Michael.Lancaster@gov.bc.ca).