

## **Second Generation Harassment Solutions**

### **A Two-tiered Approach to Awareness and Prevention**

As we move into the second generation of Harassment and Discrimination Education in the workplace, we have an opportunity to look back at our successes, learning's and identify areas that can be improved. The legislation has been in place for over 20 years and many organizations have had a policy in place for nearly the same time. Hill Advisory Services has been in the vanguard of the Harassment and Discrimination prevention and investigation area for many of our clients across the country.

Human Rights legislation is still a serious responsibility for every employer in Canada. It is important to remember that you are responsible to maintain an environment that is free from harassment and discrimination for all your employees. Recent cases have concluded with fines into the hundreds of thousands of dollars and indeed up to a million dollars.

The impact of harassment and discrimination in the workplace is well documented. Anyone with experience in a workplace in turmoil can well attest to it's damaging impact on the entire unit.

### **First Tier Solution**

One area that we have identified as needing to adapt is the communication of the *Awareness and Prevention* message to all employees. This message is essentially the *do's and don'ts* of how the organization (and indeed the law) want their employees to behave at work. In the first generation of Harassment and Discrimination prevention development, all employees were asked to meet in small groups and the message was communicated to them over a few hours or even a day-long training event. The experienced trainers at Hill Advisory Services can well attest to the large amount of training provided to clients in the last 20 years. Have we seen an eradication of Harassment and Discrimination in the workplace? Unfortunately, the answer is no though we would hope that the issues in the workplace have been lessened with the communication of a clear message and a zero tolerance message.

As we move into the second generation, we believe that there is and needs to be a new answer to the question: *How do we train our employees about Harassment Prevention in the workplace?*

We believe Electronic Learning (E-Learning) can help provide second generation training solutions. What exactly is **E-Learning**? It is an electronic form of learning that will enable every employer to train their employees in the area of Harassment and Discrimination Prevention in a cost effective and efficient way. A way that will *far surpass* the first generation answers without compromising the concern of total employee training, completion tracking, and legal compliance to notification of policies in the area.

As the adage states, an ounce of prevention is worth a pound of cure.

## **Second Tier Solution**

What to do when a harassment case has been filed in the workplace? In the highly variable area of conflict in the workplace, answers can be hard to find. Hill Advisory Services recognizes several important characteristics for a harassment investigation well done.

One of the most important factors to a complete and thorough harassment investigation is the statement. We refer to the statements as the foundation of the report because that is the first place (besides your notes) that you have recorded and presented the evidence of the case.

A properly written statement can do many things for an investigation. They provide a framework for the case in that statements are the raw material of the case. Statements give you a structure on which to base your questions for witnesses and they can also point out questions or gaps of information that the investigator needs to fill before the end of the interview or investigation. Statements are what are left at the end of the interview process that you have the witness sign and take a copy of. They are what you base your conclusions on.

You would have a difficult time indeed bringing in a conclusion to a case of harassment without the evidence presented in the statements and the final report. There have been countless times that we have seen reports that attempt to make a conclusion based on a lack of evidence in the statements and the report. These conclusions are unfortunately the ones that are vulnerable to challenge.

In conducting training across the Country we have learned that statement writing is an area where most harassment investigations need work. People seem to have trouble with taking information they have gathered and presenting it (in the statement and the report) in a clear and complete manner. Let me state it again, poor statements lead to poor reports. If the evidence is presented in a poor way in the final report that can lead to being unable to reach a conclusion based on evidence even though the investigator asked all the 'right' questions, and maybe even took 'perfect notes'. The evidence is just simply not there unless it is presented in a clear manner.

Are you able to read the final report and have all your questions answered and your conclusions make sense to your boss? Have you been asked to redo witness interviews and/or entire investigations? Does the witness ask for excessive changes? These are all signs that can help you assess your statement taking process.

At Hill Advisory we follow the same pattern to format statements. We do this because we believe that it keeps our process safe.

### **Conclusion**

Doing nothing is never the right answer. Implement and maintain a training program, train your front line managers on the handling of conflict in the workplace and investigate all cases of harassment and discrimination in a fair, unbiased way and you will be well on your way to a harmonious workplace.

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