Workplace harassment investigation checklist

When a workplace harassment concern is raised, a structured investigation gives you a clear way to establish what happened, assess the available evidence and resolve the case.

Use this checklist to work through the investigation in order, from defining what needs to be examined and planning interviews to reaching findings and confirming follow-up actions.

Prepare the investigation

Set the scope, address immediate risks and plan the evidence and interviews you need to investigate harassment allegations.

1 Define what the investigation will examine

- Record each allegation the investigation needs to address
- Identify the policies and procedures relevant to those allegations
- Set the questions the investigation needs to answer
- Select who will conduct the investigation
- Check that the investigator has no conflict of interest
- Confirm who will make the final decision based on the findings

2 Address immediate risks

- Assess whether interim measures are required to protect the people involved or the integrity of the investigation
- Record the decision on interim measures and the reason for it
- If interim measures are required:
  - Check the proposed measures will not penalize the person who raised the concern or treat the allegation as proven
  - Put the agreed measures in place before interviews begin
  - Tell the people affected what the measures mean for them and who to contact with concerns

3 Plan the evidence and interviews

- Preserve relevant documents, messages, records and other evidence that could be changed, deleted or lost
- Review the complaint and evidence already available
- List the people who may have first-hand or directly relevant information
- Set the interview order based on what you need to establish and what information each person can provide
- Prepare the topics and factual questions to cover with each interviewee
- Confirm who will conduct each interview and who will record the discussion
- Arrange separate, private interviews with the people named in the case

Conduct the investigation

Interview the people involved in the case, gather relevant evidence and follow up on gaps or conflicting information.

4 Conduct each interview

- Explain why the person is being interviewed and their role in the investigation
- Explain how their information will be recorded and used
- Explain the definition and limits of confidentiality during the investigation
- Explain the prohibition on retaliation and how to report concerns
- Ask the person to describe relevant events in their own words
- Establish relevant dates, locations, conversations and people present
- Separate what the person saw, heard or experienced themselves from information they received from others
- Ask about documents, messages or other evidence that could support or clarify their account
- Check gaps or inconsistencies with neutral follow-up questions
- Record the person's responses within the case file
- Ask whether there is anything else they want the investigator to know before ending the interview

5 Complete the evidence gathering

- Review the notes and evidence collected after each interview
- Identify questions that remain unanswered
- Collect additional documents or records identified during interviews
- Interview additional people identified during the investigation
- Conduct follow-up interviews to resolve material gaps or conflicting information
- Give the person accused an opportunity to respond to each allegation and any material new information relevant to the findings
- Record any evidence that could not be obtained and why
- Confirm that the questions set at the start of the investigation have been addressed before moving to findings

Reach the findings

Assess the evidence against each allegation and document how the findings were reached.

6 Assess the evidence

- Organize the evidence against each allegation
- Compare interview accounts with the documents and other evidence collected
- Assess the consistency and plausibility of the information provided
- Assess whether bias or prior relationships affect the weight given to any evidence
- Record points that remain disputed or cannot be established from the available evidence

7 Reach and document the findings

- Apply your organization's standard for reaching a finding to each allegation
- Record a finding for each allegation
- Record the evidence used to reach each finding
- Record how conflicting evidence was assessed
- Complete the investigation report or case record

Act on the findings

Decide and communicate the response to the allegations, complete follow-up actions and review any wider changes needed to your program.

8 Decide and communicate the response

- Determine the corrective or disciplinary action supported by the findings
- Take account of the seriousness and frequency of the conduct, relevant prior conduct, company policy and comparable previous cases
- Record the action decided and the reasons for it
- Confirm what information in findings and responses can be shared with each person under company policy and applicable law
- Communicate the investigation outcome to the person who raised the concern
- Communicate the investigation outcome to the person accused
- Explain how either person can report retaliation or further concerns

9 Close and review the investigation

- Confirm that every agreed action has been completed
- Check for retaliation or further reported conduct after the investigation closes
- Review whether the investigation identified gaps in harassment policies, reporting procedures, training or management practices
- Record the changes required to address those gaps
- Assign an owner and deadline to each change
- Store the investigation record according to your organization's recordkeeping requirements

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