

Member's Quarterly

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Feature

Workplace Investigations: The Final Report

Writing a report that will hold up in court

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You've completed your investigation and now it's time to put together a report. Reports have multiple purposes including advising decision makers, providing a record to prepare for a legal or regulatory follow-up, creating communication to affected parties and demonstrating a thorough review of the complaint with recommendations to resolve any issues. The report will describe events, interpret their significance, provide conclusions based on facts and suggest recommendations that are practical and add value.

While preparing to write the report, consider the method of presentation of the substance matter. The report writer should consider the best method to present the findings to the reader and consider whether it is best to report them in a chronological order or by dividing the report into the specific issues that were investigated. A table of contents, executive summary, protocol for the inquiry and relevant sections of the policy and/or legislation will help to put the findings in context. Where appropriate, tables and photographs may also help to demonstrate the investigator's findings. The report should also identify people interviewed, findings, conclusions and recommendations. The findings format may outline each of the allegations, results of interviews with the complainant and any witness and then the reply to the allegation by the respondent.

Conclusions must be based on relevant and supportable information provided in the findings and it may be beneficial to repeat the support for each of the conclusions that were outlined in the main body of the report. Conclusions and recommendations should also consider the root cause of any failures. A report concluding that an employee is guilty of harassment does not identify the root cause and the investigator should consider other intervening factors that may address the root cause. On investigation of the cause of harassment, the investigator may identify management, training or policy issues that may be relevant to the cause. Recommendations should suggest the investigator's judgement about improvement and should be specific, achievable and measurable. Some organizations also prefer an executive summary although I find many decision makers wish to read the whole report. A report that is well structured and easy to read can help in understanding the five W's rather than just raising more questions.

The writer should consider that the reader may have little knowledge of the area or work process that may be relevant to the investigation. We suggest that acronyms and jargon should be avoided or explained and other pertinent information should be provided. The report should also use shorter words, sentences and paragraphs and it is sometimes necessary to repeat names for clarification. For example, the statement "Mr. James said that Mr. Black stated that the harassment was caused by his lack of experience and he didn't attend the awareness sessions. He said he would arrange to get more training." This raises questions about who lacked the experience, who did not attend the sessions and who will arrange the training.

Other things to consider in the report are the effects of any founded harassment on the complainant, what the complainant would like to see achieved and supported comments on credibility of those interviewed. The writer should also be cognizant of the fact that reports must be specific and detailed about what happened. A comment that the respondent assaulted the complainant does not help the reader in arriving at a decision about the significance of the act and an appropriate outcome. A comment that the

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respondent assaulted the complainant by punching him in the jaw and causing the loss of three teeth is helpful. Another thing that is often missed in reports is a clear timeline of events.

Lastly, your report should be ruthlessly edited for sense and style. The writer should consider using a trusted colleague who will help to find typos and will push back on parts of the report that may be better worded or conclusions that are not supported within the report itself. I once had a report that I reread several times myself, had two different partners read and offer edit comments and the client still found a typo. If a report has a number of typos, spelling errors or remarks that cause confusion, it will also detract from the professionalism and reliability of the entire investigation.

If you would like to receive a sample investigation report, please contact me at the email below.

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