Harassment in the Workplace
Guide for Employers

Department of Labour, Skills & Immigration,
Occupational Health & Safety Division

NOVA SCOTIA

This guide is not intended as legal advice and should not be taken as a statement of law. You should always refer to the *Nova Scotia Occupational Health and Safety Act* and its related regulations such as the *Harassment in the Workplace* regulations for specific requirements mentioned in this guide.

This guide does not cover or replace legal obligations which may exist and is not intended to discourage, prevent or preclude a complainant from exercising other legal rights pursuant to any other law.

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Introduction

Every worker in Nova Scotia has the right to a healthy and safe workplace, free from harassment. Employees are more engaged and productive, while employers experience reduced absenteeism, improved morale, and a stronger safety culture.

Under the *Nova Scotia Occupational Health and Safety (OHS) Act* and regulations, employers are required to take steps to prevent workplace harassment. This includes creating and implementing a harassment prevention policy that will help employers address harassment in their workplace.

Purpose of Harassment in the Workplace Regulations

Psychological health and safety (PHS) plays a key role in the overall health and safety of workplaces. In 2023, LSI engaged with Nova Scotians to seek input on how to address psychological health and safety in the workplace.

In September 2024, government passed in the Nova Scotia Legislature - Bill 464 - *Stronger Workplaces for Nova Scotia Act* to strengthen workplace protections to build psychologically healthier and safer workplaces. Part 27, *Workplace Health and Safety Regulations* require all provincially regulated employers to create and implement a written harassment prevention policy that applies to their workplace(s).

What is Harassment

Understanding what is considered "workplace harassment" is important in creating a psychologically healthy and safe workplace for everyone.

Definition:

27.1 In this Part,

"workplace harassment" means a single significant occurrence or a course of repeated occurrences of objectionable or unwelcome conduct, comment or action in the workplace, including bullying, that, whether intended or not, degrades, intimidates or threatens, and includes all of the following, but does not include any action taken by an employer or supervisor relating to the management and direction of an employee or the workplace:

(i) workplace harassment or bullying that is based on any personal characteristic, including, but not limited to a characteristic referred to in clauses 5(1)(h) to (v) of the *Human Rights Act*,

(ii) inappropriate sexual conduct, including, but not limited to, sexual solicitation or advances, sexually suggestive remarks or gestures, circulating or sharing inappropriate images or unwanted physical contact.

How to recognize Workplace Harassment

Workplace harassment can be a single or repeated unwelcome behaviour or action that degrades, intimidates, or threatens, including conduct based on personal characteristics or inappropriate sexual behaviour. Harassment from outside sources may include clients, customers, and other interactions from the public. Harassment may also occur through social media, email and other online sources. Harassment can exist even without intention to harass or offend. Unpleasant interactions may not be harassment but could develop into harassment if steps aren't taken to resolve conflicts.

Harassment may include

- Verbal or written abuse or threats
- Insulting, derogatory or degrading comments, jokes or gestures
- Ridicule or malicious gossip
- Racial or religious jokes
- Persistent misgendering
- Abelist remarks
- Malicious or unjustifiable interference with another's work
- Work sabotage
- Refusing to work or co-operate with others; or
- Interference with, or vandalism of personal property
- Cyber bullying (email, social media)

All incidents of inappropriate conduct should be appropriately addressed to ensure the workplace remains respectful and harassment free.

Sexual Harassment

Sexual harassment may be verbal, physical or visual. It may be single or repeated incidents. It is always unsolicited and unwelcome behaviour and can take many forms. Sexual harassment also includes unwelcome solicitation or advances from someone in a position of authority (such as a manager or supervisor) who has the power to reward or penalize the worker.

If someone in the workplace has experienced or has been affected by workplace sexual harassment, support is available. The Legal Information Society of Nova Scotia can provide legal advice with a lawyer for survivors of sexual harassment in the workplace. Visit www.legalinfo.org for more information.

Intent vs Impact

The intent of the behaviour or action does not determine whether it is harassment. A person cannot excuse their actions by saying they did not mean to offend, if the conduct had a humiliating, intimidating, or degrading effect on another person. Incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace remains free of harassment.

Reasonable action

Understanding what is considered reasonable actions and not harassment is important. In the workplace, not all uncomfortable situations qualify as harassment. It is still important to address concerns early – especially if they may escalate or reflect deeper workplace issues.

Employer Actions:

Harassment usually does not include actions an employer takes to manage employees or the workplace. Managers and supervisors have a broad range of responsibilities and are permitted to take reasonable action relating to the management of workers, these could include:

Workplace Procedures

- Changing work assignments or job duties based on skill ability, and/or availability
- Performance assessments and evaluations
- Scheduling
- Inspecting the workplace
- Implementing health and safety measures
- Delivering work instructions
- Implementation of appropriate dress codes; or
- Disciplinary actions for violating workplace rules (for example, dismissal, suspension or demotion)
- Any other reasonable and lawful exercise of a management function

Job Duties

- Providing work instructions and direction
- Organizational changes and restructuring that affects employees; or
- Enforcing company policies such as reminding workers of or enforcing dress codes and other policies

Interpersonal conflict is not considered workplace harassment when it does not meet the legal or policy definitions of harassment, examples of interpersonal conflict include:

- Minor disagreements or interpersonal conflict or differences of opinion between employees or between an employee and their supervisor (though these can develop into harassment if left unresolved)
- Friendly compliments or welcomed comments that are not driven by negative intentions or ought to be known as unwelcomed; or
- Consensual workplace banter

However, conflict can become harassment if:

- It escalates into targeted, repeated behavior
- It causes humiliation, psychological harm, or a toxic work environment
- It involves abuse of power or discriminatory conduct

Roles & Responsibilities

Internal Responsibility System

Workplace health and safety concerns should follow the Internal Responsibility System (IRS) first, this includes raising your concerns with your direct supervisor or management team, the workplace Health and Safety Representative or Joint Occupational Health and Safety Committee (JOHSC), or through your workers union (where applicable). If you have already exhausted your options by trying to have your concerns addressed through these internal channels, please summarize the steps you have taken, include the business name and address, and the Safety Branch can then investigate the matter further and better assist with your inquiry. Everyone in the workplace has a role to play in ensuring a workplace is healthy and safe. For more information visit NovaSAFE.ca

Cultural Responsiveness in the Workplace

It is important for employers to take a culturally responsive approach in their workplace practices—particularly when engaging underrepresented and underserved workers, newcomers, and individuals from diverse backgrounds.

Cultural responsiveness means recognizing and respecting cultural differences and ensuring that workplace policies, communication styles, training, and responses to concerns are inclusive, equitable, and non-discriminatory. This is not only a best practice but a key element of a strong safety culture.

Employers are encouraged to consult with legal or human resources professionals and to connect with the Office of Equity and Anti-Racism or Nova Scotia Human Rights Commission for guidance tailored to specific workplace needs.

Employer, Manager and Supervisor Duties

Every employer has an obligation to ensure, as much as reasonably practicable, that workers are not exposed to harassment with respect to any matter or circumstance arising out of employment.

This duty extends to:

- Incidents that occur at the workplace or during work hours
- Conduct perpetrated by another employee (i.e., co-worker or supervisor) or the employer
- Incidents that occur outside of the usual workplace or after work hours that arise out of or are connected to a worker's employment, such as a work-sponsored social event or conference and
- Conduct perpetrated by someone other than an employee, but with whom the worker is required to meet with, including clients, contractors or the public

Employers must ensure harassment policies are implemented, and they work as intended to identify, prevent and eliminate harassment. Employers should consider taking additional action to create a respectful working environment. This can include proactive training on topics such as respectful workplaces, diversity and conflict resolution. Employers should use effective management practices to clearly define tasks, roles and workload and promote fairness and openness in the workplace.

Manager and Supervisor Duties

Managers and supervisors need to protect the health and safety of workers under their supervision. They need to prevent workers from participating in, or being subjected to, workplace harassment and violence and they need to tell workers under their supervision about all known or possible hazards in the work area.

1. Providing a Safe Workplace:
    - Hazard Identification and Control
    - Safe Work Practices
    - Equipment Maintenance
    - Workplace Inspections

2. Training and Communication:
    - Safety Orientation and Training
    - Hazard Communication
    - Enforcement of Safety Rules

3. Incident Management:
    - Incident Investigation
    - Reporting and Documentation

4. Promoting a Safety Culture
    - Safety Awareness
    - Positive Reinforcement

5. Compliance:
    - OHS Legislation
    - Cooperation with Authorities

Employee Duties

Every employee has an obligation as reasonably practicable to contribute to a respectful and safe workplace, by not engaging in workplace harassment with respect to any matter or circumstance arising out of employment. You can find more information by visiting preventworkplaceharassment.ca

Employees have duties under the policy as well. They need to ensure that they do not engage in harassment and that they report incidents that they may witness.

This duty includes:

- Treating others with respect and civility
- Speaking up if you witness or experience harassment
- Reporting concerns to an appropriate person as soon as possible; and
- Maintaining confidentiality throughout the process and cooperate with any investigation, if reasonably required

The role of Joint Occupational Health and Safety Committees (JOHSC)/Health and Safety Representative

Employers must consult with their JOHSC (employers with 20 employees or more) or health and safety representative (employers with 5-19 employees), if applicable, when developing and implementing a written workplace harassment policy. This helps to ensure harassment in the workplace incidents are properly handled and outlined in the JOHSC Rules of Procedures document.

Some benefits of consulting the JOHSC or health and safety representative

The JOHSC or Health and Safety Representative can:

- Participate in investigations to address workplace health and safety issues and complaints received
- Participate in inspections, inquiries and investigations about the occupational health and safety of employees
- Participate in workplace inspections involving OHS Officers
- Advise and make recommendations to the employer on the workplace's health and safety program or policy

Members of the JOHSC that may be selected to participate in harassment investigations should be chosen with careful consideration to ensure fairness and confidentiality.

Role of the OHS Division:

The OHS Division plays a key role in ensuring that employers meet their responsibilities under the *OHS Act* and regulations in relation to workplace harassment. Their duties include:

- Conducting a workplace inspection in response to complaints when employee requests assistance and the employer has already attempted or refuses to resolve the issue
- Reviewing workplace harassment policies during inspections to confirm they exist, meet regulatory requirements, and ensure they are being followed
- Examples of non-compliance:
    - A policy does not exist
    - The employer is not following the policy
    - Corrective actions have not been identified or implemented

    Non-compliance could result in:
    - Enforcement action compelling the employer to take corrective actions if they fail to do so voluntarily

The OHS Division does not conduct harassment investigations, nor will they determine if harassment has occurred. They do not require detailed personal accounts of the harassment but focus on whether the workplace parties have met their responsibilities under the *Act*.

Staying Compliant

Employers are required to have a policy on workplace harassment, they may choose to prepare a separate policy, or they may combine it with related health and safety policies such as a respectful workplace policy or workplace violence policy.

The Preventing Harassment Policy must include

Statement:

- ☐ Every employee is entitled to a harassment free workplace
- ☐ Every employee has an obligation not to engage in harassment
- ☐ Employees are encouraged to report workplace harassment
- ☐ Employers will not disclose information related to the incident except when required by law, necessary for the purpose of the investigation and necessary for purposes of taking corrective action
- ☐ The employer will not reprimand or seek reprisal against employee who has made a workplace harassment complaint in good faith
- ☐ The employer's workplace harassment prevention policy is not intended to discourage, prevent or preclude a complainant from exercising other legal rights pursuant to any other law

Employer Commitment:

- ☐ The employer will ensure within reason that no employee will be subjected to workplace harassment
- ☐ The employer will investigate all workplace harassment complaints
- ☐ The employer will take fair and appropriate corrective action

Procedures:

- ☐ For reporting workplace harassment to the employer or supervisor
- ☐ How to recognize, prevent and respond to workplace harassment
- ☐ For making a workplace harassment complaint to a person other than the employer or supervisor, if the employer or supervisor is a subject of the complaint
- ☐ For investigating a complaint of workplace harassment
- ☐ For informing the complainant and subject of the complaint of the result of the investigation or any corrective action that has been or will be taken as a result

Policy Review:

An employer must review the workplace harassment policy at least once every 3 years and update it, if necessary.

- ☐ Welcoming input from employees
- ☐ Seeking feedback from JOHSC/health and safety representatives, managers, staff, etc.
- ☐ Adjusting policies and procedures as and when needed

Training:

An employer must ensure their employees are:

- ☐ Trained on their preventing harassment policy

Implementing the Preventing Harassment in the Workplace Policy

Once the employer has developed a harassment policy, they need to share it with their workplace and implement it.

This may include:

- Providing training on or hosting an all-staff information meeting to explain and answer questions about: The new policy and its implementation
- Provide training that includes components on unconscious bias, anti-racism, cultural safety, and recognizing harassment as it manifests differently across communities
- Posting a company harassment policy statement that is visible to all staff and is posted on the OHS board as well
- Having supervisors review the policy with new workers as part of orientation
- Those involved with investigation process should receive training on how to investigate
- Reviewing the complaints process – when and how to bring forward complaints; and
- Ensuring all leadership such as owners, managers, supervisors and directors set a good example
- Ensuring that allegations of harassment are investigated and corrective actions are implemented if required

Employers need to be aware and accountable of their behaviour and how it influences the workplace. They need to show respect for all workers. Employers should never act in a way that could be seen as disrespectful or harassing. They should never condone or allow others to act in that way.

Employers need to pay attention for signs and symptoms that harassment may be occurring. Signs and symptoms of harassment may include rumours, increased absenteeism, decreased motivation, reduced job performance and increased staff turnover.

If an employer believes harassment may be taking place, the employer must act promptly and appropriately.

Although situations will vary, appropriate action can include:

- Speaking privately to the employee who is potentially being harassed to find out if they have experienced unwelcome behavior
- Speaking privately to the person whose conduct may be harassing to indicate that the conduct is potentially offensive
- Directing workers to remove offensive material or displays that are offensive or violate the policies of the workplace
- Being serious about reporting concerns to the attention of management; and
- Holding an awareness session on harassment
- Taking actions to prevent a re-occurrence of the harassment

Protecting workers from Reprisal and Retaliation

In simple terms, in the *OHS Act*, reprisal happens when an employer takes negative action against an employee as a form of punishment or retaliation. This could mean firing, suspending, or demoting them, changing their job or work hours, cutting their pay or benefits, or even pressuring or intimidating them. It also includes eliminating their job entirely or blocking opportunities for promotions or new positions.

This can include taking actions before the investigation is complete, such as:

- Cautioning the alleged harasser about the types of behaviour that will not be tolerated
- Moving the alleged harasser to another work unit; or
- Moving the complainant to another work unit at the complainant's request

Managing Harassment Complaints

As with other safety complaints, having clear guidance (procedures) is important to ensure harassment complaints are dealt with in a consistent, fair and effective manner. This increases worker confidence that harassment complaints will be handled in an appropriate way. By clearly defining harassment in their policy is a key to ensuring workers recognize acceptable behaviours.

If the employer fails to comply with its duties under the *OHS Act* and its regulations, an OHS Officer may investigate to determine compliance.

Receiving Harassment Complaints

Employers must take all complaints seriously. Employees should never be discouraged from pursuing or resolving a complaint in accordance with the harassment policy.

Those responsible for receiving harassment complaints should:

- Explain the harassment policy to the complainant
- Explain the options for dealing with harassment as stated in the policy
- Advise the complainant the complaint will be kept confidential; and
- Protect the complainant from reprisal or retaliation

The complaint should be processed in accordance with the harassment policy

Investigating Harassment Complaints

When creating a procedure for handling concerns, employers should consult with the JOHSC or health and safety representative about:

Reporting Complaints to a Person Other Than the Employer

In some workplaces, employers may state an employee should bring a harassment complaint to the immediate supervisor or manager. In the event of a conflict, employees are able to take the complaint to another person. It is recommended this person is adequately trained on:

- The importance of taking all complaints seriously and confidentially
- The harassment policy; and
- Their role in the overall process

Workplace Investigations

Conducting a workplace harassment investigation involves a structured and fair process to ensure all parties are heard and that the organization complies with their Harassment in the workplace policy. This guidance offers some examples of key steps typically followed during an investigation:

1. **Acknowledge and Assess the Complaint**
    - Receive the complaint formally or informally
    - Assess the urgency and whether immediate action is needed (e.g., separating parties)
    - Determine jurisdiction (e.g., does the complaint fall under workplace harassment policies?)

2. **Appoint an Investigator**
    - Choose a neutral investigator (internal or external consultant)
    - Investigators should bring awareness and understanding of anti-racism, cultural competency, and trauma-informed practices
    - Ensure no conflict of interest exists
3. **Plan the Investigation**
    - Define the scope and objectives
    - Identify witnesses, documents, and other evidence
    - Develop an investigation timeline
4. **Conduct Interviews**
    - Interview the complainant first to understand the allegations
    - Interview the respondent (accused) and allow them to respond
    - Interview witnesses and gather relevant information
    - Maintain confidentiality and professionalism throughout
5. **Collect and Review Evidence**
    - Review emails, messages, CCTV footage, personnel files, etc.
    - Document all findings carefully and objectively
6. **Analyze Findings**
    - Compare evidence against company policies
    - Determine whether the complaint is substantiated, unsubstantiated, or inconclusive
    - Determine both the root cause as well as any contributing factors to best inform corrective actions
7. **Prepare the Investigation Report, it should include:**
    - Summary of allegations
    - Methodology
    - Evidence and witness statements
    - Findings, conclusions and any corrective actions
    - Keep the report factual and unbiased
8. **Take Appropriate Action**
    - If harassment is substantiated, apply appropriate disciplinary actions. (e.g., warning, suspension, termination)

- If harassment is substantiated, consider other necessary restorative actions or training to prevent future recurrences
- In all cases, re-evaluate current policy to ensure effectiveness

9. Communicate the Outcome

- Inform both parties of the outcome (within legal and policy limits)
- Maintain confidentiality and sensitivity
- Communicate any new policy changes to staff

10. Follow-Up

- Monitor the workplace for retaliation or ongoing issues
- Offer support services (e.g., counseling)
- Regularly review and improve policies or training if needed

Some important things to consider

Workplace harassment does not apply to events or activities not connected with the employer. If you ever feel unsure about a situation, seeking guidance from human resources or legal counsel can help you understand what workplace harassment can be. If you do not have access to these supports, you can call the Safety Branch at 1-800-9LABOUR or visit preventworkplaceharassment.ca for more information.

Appendix A: Sample Harassment Prevention Policy for Nova Scotia Workplaces

To help keep all Nova Scotians safe and healthy at work, the *Occupational Health and Safety Act (OHS Act)* and its regulations set the requirements for health and safety in the workplace and define the health and safety principles for provincially regulated workplaces in Nova Scotia.

This example policy was developed to assist workplaces in creating a harassment policy that meets the requirements of the *Harassment in the Workplace regulations*.

Sample: Preventing Workplace Harassment Policy

Purpose:

The purpose of this policy is to prevent harassment in the workplace. The policy applies to the employer and all employees of *[Employer's Name]*.

Definition:

"Workplace harassment" is defined in subsection 27.1 of the *Workplace Health and Safety Regulation*:

27.1 In this Part,

"workplace harassment" means a single significant occurrence or a course of repeated occurrences of objectionable or unwelcome conduct, comment or action in the workplace, including bullying, that, whether intended or not, degrades, intimidates or threatens, and includes all of the following, but does not include any action taken by an employer or supervisor relating to the management and direction of an employee or the workplace:

(i) workplace harassment or bullying that is based on any personal characteristic, including, but not limited to a characteristic referred to in clauses 5(1)(h) to (v) of the *Human Rights Act*,

(ii) inappropriate sexual conduct, including, but not limited to, sexual solicitation or advances, sexually suggestive remarks or gestures, circulating or sharing inappropriate images or unwanted physical contact.

Statement

[Employer's Name] is committed to maintaining a work environment that is free from harassment. All employees have the right to work in a harassment-free workplace.

All employees are:

- entitled to employment free of harassment
- have an obligation not to engage in workplace harassment; and
- are encouraged to report incidents of workplace harassment

[Employer's Name] will maintain the confidentiality of all workplace harassment complaints. Information related to a complainant will not be disclosed unless:

- required by law
- required for an investigation and/or
- required for the purpose of taking corrective action with respect to the complaint

[Employer's Name] shall not reprimand or seek reprisal against an employee who has made a workplace harassment complaint (in good faith).

- This policy does not stop employees from using their legal rights if they want to take other action about workplace harassment

Commitment

[Employer's Name] will take all complaints of harassment seriously. We are committed to implementing this policy and to ensuring it is effective in preventing harassment.

This commitment includes:

- Taking reasonable measures to ensure that no employee will be subjected to workplace harassment
- Investigating all complaints of workplace harassment; and
- Taking appropriate corrective action towards employees who subjects another employee to workplace harassment

Information

As part of our commitment to a harassment-free workplace, information on the following is to be provided to ensure workplaces have procedures for reporting, investigating, and providing results of workplace harassment including; how to recognize, prevent and respond to workplace harassment.

1. Reporting Workplace Harassment

- Employees who experience or witness workplace harassment are encouraged to report the incident using one of the following methods:
  - Employer or supervisor: Employees may report the incident directly to their immediate supervisor or employer
  - Alternative reporting: If the employer or supervisor is the subject of the complaint, employees may report the incident to an alternative person

2. Complaint Investigation Procedure

- All reported incidents or complaints of workplace harassment will be promptly investigated. The investigation will be conducted in a fair, impartial and timely manner
- Determine both the root cause as well as any contributing factors to best inform corrective actions

3. Communication of Investigation Results

Following the investigation:

- The complainant and the individual alleged to have engaged in harassment will be informed of the outcome of the investigation
- Both parties will be advised of any corrective action taken or that will be taken because of the investigation, where appropriate
- These procedures are designed to ensure a respectful, safe and legally compliant workplace for all employees
- It is important to include findings, conclusions and any corrective actions

Review:

- To ensure the policy remains current and relevant, *[Employer's Name]* will review our workplace harassment policy at least once every 3 years and update if necessary

Training:

- Workplace Harassment Prevention Training

[Employer's Name] shall ensure that all employees receive workplace harassment prevention training. This training must include:

- (a) A review of the organization's workplace harassment prevention policy; and
  (b) Instruction on how to recognize, prevent, and appropriately respond to workplace harassment
- This training will be provided to all employees in a timely manner and refreshed as needed to support a safe and respectful work environment

*Employers will need to develop procedures to implement the policy concerning how to recognize, prevent and respond.

_____ _____

Date of creation Date of expiry

Appendix B

Workplace Harassment Investigation Checklist

1. Acknowledge and Assess the Complaint

- ☐ Receive the complaint formally or informally
- ☐ Assess the urgency and whether immediate action is needed (e.g., separating parties)
- ☐ Determine jurisdiction (e.g., does the complaint fall under workplace harassment policies?)

2. Appoint an Investigator

- ☐ Choose a neutral investigator (internal or external consultant)
- ☐ Ensure no conflict of interest exists

3. Plan the Investigation

- ☐ Define the scope and objectives
- ☐ Identify witnesses, documents, and other evidence
- ☐ Develop an investigation timeline

4. Conduct Interviews

- ☐ Interview the complainant first to understand the allegations
- ☐ Interview the respondent (accused) and allow them to respond
- ☐ Interview witnesses and gather relevant information
- ☐ Maintain confidentiality and professionalism throughout

5. Collect and Review Evidence

- ☐ Review emails, messages, CCTV footage, personnel files, etc.
- ☐ Document all findings carefully and objectively

6. Analyze Findings

- ☐ Compare evidence against company policies
- ☐ Determine whether the complaint is substantiated, unsubstantiated, or inconclusive
- ☐ Determine both the root cause as well as any contributing factors to best inform corrective actions

7. Prepare the Investigation Report, it should include:

- ☐ Summary of allegations
- ☐ Methodology
- ☐ Evidence and witness statements
- ☐ Findings, conclusions and any corrective actions
- ☐ Keep the report factual and unbiased

8. Take Appropriate Action

- ☐ If harassment is substantiated, apply appropriate disciplinary actions. (e.g., warning, suspension, termination)
- ☐ If harassment is NOT substantiated, consider other necessary restorative actions or training to prevent future recurrences
- ☐ In all cases, re-evaluate current policy to ensure effectiveness

9. Communicate the Outcome

- ☐ Inform both parties of the outcome (within legal and policy limits)
- ☐ Maintain confidentiality and sensitivity
- ☐ Communicate any new policy changes to staff

10. Follow-Up

- ☐ Monitor the workplace for retaliation or ongoing issues
- ☐ Offer support services (e.g., counseling)
- ☐ Regularly review and improve policies or training, if needed

Appendix C

Workplace Harassment Investigation Table Form

Investigation Step	Tasks	Comments
Acknowledge and Assess the Complaint	Receive the complaint formally or informally Assess the urgency and whether immediate action is needed (e.g., separating parties) Determine jurisdiction (e.g., does the complaint fall under workplace harassment policies?)	
Appoint an Investigator	Choose a neutral investigator (internal or external consultant) Ensure no conflict of interest exists	
Plan the Investigation	Define the scope and objectives Identify witnesses, documents, and other evidence Develop an investigation timeline	
Conduct Interviews	Interview the complainant first to understand the allegations Interview the respondent (accused) and allow them to respond Interview witnesses and gather relevant information Maintain confidentiality and professionalism throughout	
Collect and Review Evidence	Review emails, messages, CCTV footage, personnel files, etc. Document all findings carefully and objectively	

Investigation Step	Tasks	Comments
Analyze Findings	Compare evidence against company policies Determine whether the complaint is substantiated, unsubstantiated, or inconclusive Determine both the root cause as well as any contributing factors to best inform corrective actions	
Prepare the Investigation Report	Summary of allegations Methodology Evidence and witness statements Findings, conclusions and any corrective actions Keep the report factual and unbiased	
Take Appropriate Action	If harassment is substantiated, apply appropriate disciplinary actions. (e.g., warning, suspension, termination) If harassment is NOT substantiated, consider other necessary restorative actions or training to prevent future recurrences In all cases, re-evaluate current policy to ensure effectiveness	
Communicate the Outcome	Inform both parties of the outcome (within legal and policy limits) Maintain confidentiality and sensitivity Communicate any new policy changes to staff	

Investigation Step	Tasks	Comments
Follow-Up	Monitor the workplace for retaliation or ongoing issues Offer support services (e.g., counseling) Regularly review and improve policies or training, if needed	

Completed by: _____

Date: _____

Signature: _____

Appendix D

Sample Questions:

Ask the complainant to describe the incident(s). If needed, consider asking for more details, such as:

- When did the conduct occur?
- How often did it occur?
- Where did it occur?
- Who was involved?
- Who did and said what to whom?
- What is the relationship between the complainant and alleged harasser?
- What are the current interactions with the alleged harasser?
- How did the complainant feel about the behaviour at the time it occurred?
- How did the complainant respond to the behaviour?
- Was there a pattern of similar behaviour toward this complainant or another employee?
- What did the complainant say or do to indicate to the alleged harasser that the conduct was unwelcome?
- Did the complainant tell any other employee(s)/supervisor about what happened? If not, why?
- Did the complainant make any notes about what happened?
- Was there a witness(es) present?
- What action(s) would be considered reasonable to resolve the matter?
- Interviewing the Witness(es): Ask the witness to explain their version of the events. When necessary, seek clarification by asking questions such as:
- What, when, and where did it happen?
- Who was present?
- Was the incident an isolated event or part of a pattern?
- Is there anyone else who might have relevant information?

Harassment in the Workplace Guide for Employers

Department of Labour, Skills & Immigration,
Occupational Health & Safety Division

NOVA SCOTIA