

Key Features of the Expedited Investigation Process

The Human Rights and Workplace Harassment Procedure, PR515, has been amended to introduce an Expedited Investigation Process that, in appropriate circumstances, can achieve a faster resolution for the parties. The existing investigation process, now called the Formal Investigation Process, remains intact to be used in appropriate cases.

Factors to consider in determining the appropriateness of employing the Expedited process include the size, complexity, and the nature and extent of the potential impact of the investigation. In cases where the HRO has carriage of the matter, the HRO would determine which process to use, and in other instances, the supervisor/manager investigating the matter would decide.

The new Expedited process balances being thorough and fair with being timely, giving life to the requirement to conduct an investigation that is appropriate and fair in the circumstances. The Expedited process retains procedural fairness but is faster. Noteworthy aspects of the Expedited Investigation Process are as follows:

- The complaint does not need to be acknowledged in writing. Instead, the complainant needs to be advised (orally or in writing) of the next steps within ten business days.
- The parties need notification, but not written notification, of the complaint and allegations. As a counterbalance, the Expedited process clarifies the respondent's right to know and have the opportunity to respond to all allegations under investigation.
- The caution to parties regarding confidentiality and reprisal may be given orally, and the parties can be orally referred to the policy and procedure.
- Interviewees do not review and sign off on interview notes.
- The investigator must create and retain a document with their findings and reasons, and the parties must be provided with a summary of reasons (including why the conduct in issue breaches/does not breach the policy) either orally or in writing. However, they do not receive a draft summary of the findings. The parties receive a letter with the results of the investigation and information as to who will follow up with them regarding actions to be taken as a result of the investigation.
- The investigation must be completed within 90 days except in extenuating circumstances, whereas the Formal process allows up to 150 days.
- Elements of the Formal process can be incorporated as appropriate in the circumstances.