

Procedure

1. Administration
 - 1.1. The Human Resource Secretariat has primary responsibility for administering the Harassment-Free Workplace Policy in accordance with the procedures detailed herein.
2. Making a Personal Complaint of Harassment
 - 2.1. All complaints of harassment must be submitted or confirmed in writing using the applicable standardized form (the "Complaint Form").
 - 2.2. Where employees are, for any reason, unable to provide a written complaint, assistance can be provided by the Harassment-Free Workplace Manager who may complete the Complaint Form on behalf of the employee. In such circumstances, the employee shall be required to review and sign the completed Complaint Form.
 - 2.3. Notwithstanding 2.1 and 2.2, anonymous and/or verbal complaints shall not be accepted. Such complaints may, however, at the discretion of the Employer, be subject to a workplace investigation outside the scope of the Policy.
3. Making a Bystander Complaint of Harassment
 - 3.1. All bystander complaints of harassment must be submitted or confirmed in writing using the applicable standardized form (the "Bystander Complaint Form").
 - 3.2. Where employees are, for any reason, unable to provide a written complaint, assistance can be provided by the Harassment-Free Workplace Manager who may complete the Bystander Complaint Form on behalf of the employee. In such circumstances, the employee shall be required to review and sign the completed Bystander Complaint Form.
 - 3.3. Notwithstanding 3.1 and 3.2, verbal complaints shall not be accepted. Such complaints may, however, at the discretion of the Employer, be subject to a workplace investigation outside the scope of the Policy.
4. Timelines for Complaint Submission
 - 4.1. Individuals are encouraged to report a concern/complaint at the earliest opportunity. All complaints under the Policy must be submitted within twelve (12) months of the last incident of alleged harassment.
 - 4.2. Notwithstanding 4.1, timelines may be extended at the discretion of the Harassment-Free Workplace Manager if satisfied that there is a reasonable justification for not having brought the matter forward earlier.
5. Use of Support Persons
 - 5.1. Subject to 5.2, the Parties and witnesses may be accompanied by a support person of their choosing at their own expense (e.g. union representative, lawyer, colleague, friend, etc.) when attending meetings regarding a complaint, provided that any such support person is

not a witness to the complaint and provided the person selected is not in a potential conflict of interest position by virtue of their involvement.

- 5.2. The support person cannot interfere with the conduct of the meeting (e.g., not permitting a person to speak.). If found to do so, the individual responsible for the conduct of the meeting in accordance with the Policy (i.e. Harassment-Free Workplace Manager, investigator, or Departmental representative) may end the meeting as a result.
- 5.3. Support persons shall maintain the confidentiality of all information pertaining to the complaint and/or resolution process.

6. Assessment of a Complaint

- 6.1. All complaints shall be subject to an assessment by the Harassment-Free Workplace Manager to determine whether the complaint falls within the scope of the Policy.
- 6.2. Complaints that, upon assessment, meet one or more of the following criteria shall not be addressed under the Policy:
 - 6.2.1. Would not, if true, meet the definition of harassment under the Policy;
 - 6.2.2. Does not provide sufficient detail of the alleged harassment, after being given reasonable opportunity and time to provide sufficient detail;
 - 6.2.3. Is known to involve a falsehood, malicious intent, or is made in bad faith;
 - 6.2.4. Has been previously investigated by the Employer or the substance of the complaint has been resolved in some other fashion;
 - 6.2.5. Does not have a real and substantial connection to the workplace; or
 - 6.2.6. Is made outside the timelines established in the Policy, as reflected in 4.1.
- 6.3. Where it has been determined that a complaint shall not be addressed under the Policy, the Complainant shall within 30 days be advised in writing of the reasons and that no further action shall be taken to resolve the complaint. The Harassment-Free Workplace Manager shall maintain records pertaining to such complaints in accordance with 16.
- 6.4. Complaints not addressed under the Policy pursuant to 6.2 may, at the Employer's discretion, be the subject of a workplace investigation. The Harassment-Free Workplace Manager shall notify the Deputy Minister(s) of the subject department of the complaint and provide a copy.
- 6.5. Where it has been determined that on a balance of probabilities that a complaint involves a falsehood, malicious intent, or is made in bad faith, the matter shall be referred to the Deputy Minister of the Complainant's Department and the Complainant may be subject to disciplinary and/or corrective action.

7. Intake Process for Personal Complaints

- 7.1. Upon receipt of a complaint, the Harassment-Free Workplace Manager shall notify the Deputy Minister(s) of the Complainant's and Respondent's Department and provide a copy of the submitted complaint. The Deputy Minister (or designate) shall consult with the Human Resource Secretariat to determine whether any interim measures and/or waiver of time limits is necessary in reference to applicable collective agreements, if any.

- 7.2. Not later than five (5) days following receipt of a complaint, the Harassment-Free Workplace Manager shall, in acknowledgement of the complaint, write to the Complainant to request a meeting to discuss resolution options.
- 7.3. During the meeting noted in 7.2, the Harassment-Free Workplace Manager shall review the resolution options available to the Complainant under the Policy and complete a meeting summary.
- 7.4. Not later than five (5) days following the meeting noted in 7.2, the Harassment-Free Workplace Manager shall contact the Deputy Minister of the Respondent's Department to request a meeting with the Respondent and a Departmental representative of the Deputy Minister's choosing. At this meeting, the Harassment-Free Workplace Manager shall advise the Respondent of the complaint and provide a copy, provide information about the resolution process, answer any questions the Respondent may have, and advise on available supports. Prior to this meeting, the Harassment-Free Workplace Manager may meet with the Departmental representative.
- 7.5. No action shall be taken to advance complaint resolution until the Complainant has selected a resolution option and communicated it to the Harassment-Free Workplace Manager, who shall subsequently confirm it in writing to the Complainant.
- 7.6. If no resolution option is selected by the Complainant within 14 days of the meeting noted in 7.1, the complaint shall be held in abeyance until a resolution option has been selected and communicated to the Harassment-Free Workplace Manager.
- 7.7. Where, pursuant to 7.6, a complaint remains in abeyance for 30 days, the complaint shall be deemed to have been withdrawn by the Complainant, which will subsequently be confirmed by the Harassment-Free Workplace Manager in writing.

8. Intake Process for Bystander Complaints

- 8.1. The Harassment-Free Workplace Manager shall acknowledge the complaint in writing within five (5) days and provide information on the bystander complaint process.
- 8.2. The Harassment-Free Workplace Manager shall contact the subject of the alleged harassment to discuss the bystander complaint, outline the general concerns discussed in the complaint, and offer to meet to discuss options for resolution under the Policy.
- 8.3. If the subject of the alleged harassment does not wish to explore resolution options under the Policy, the file shall be closed. However, the Employer retains the right to conduct a workplace investigation into the bystander complaint. The Harassment-Free Workplace Manager shall notify the Deputy Minister(s) of the subject department of the complaint and provide a copy.
- 8.4. If the subject of the alleged harassment wishes to explore resolution options under the Policy, a personal complaint must be filed under the Policy in accordance with section 2. Intake following this action shall be in accordance with section 7.

9. Temporary/Interim Measures

- 9.1. At any stage of the complaint and/or resolution process, it may be necessary to take, modify, or end temporary/interim measures in order to safeguard the environment of a

Complainant, Respondent, and/or witness (e.g. separation of Parties, change in reporting relationship, change in duties, workspace relocation, removal from the workplace, etc.).

- 9.2. All temporary/interim measures are at the discretion of the Deputy Minister in consultation with the Human Resource Secretariat.
- 9.3. Temporary/interim measures do not require consent of the Parties.
- 9.4. Temporary/interim measures shall not be construed as evidence pertaining to an allegation of harassment, as a disciplinary measure, or as a violation of the Policy.
- 9.5. All temporary/interim measures must be assessed by the Deputy Minister at resolution of the complaint.

10. Withdrawal of a Complaint

- 10.1. The Complainant may withdraw the complaint at any time by notifying the Harassment-Free Workplace Manager in writing.
- 10.2. Where a complaint is withdrawn or is deemed to have been withdrawn, the file will be closed and the Parties will be notified in writing by the Harassment-Free Workplace Manager. The Parties' Deputy Minister(s) shall be copied on any related correspondence.
- 10.3. The Employer retains the right to proceed with appropriate actions and/or interventions, including the initiation/continuation of a workplace investigation.
- 10.4. Subject to section 4, the withdrawal of a complaint shall not preclude the ability to file a future complaint in accordance with the Policy.

11. Holding a Complaint in Abeyance

- 11.1. Upon written request and/or at discretion of the Harassment-Free Workplace Manager, the complaint and/or resolution process can be held in abeyance pending the resolution of any related judicial and/or quasi-judicial proceedings (e.g. human rights complaint, civil action, arbitration, etc.) or in exceptional circumstances.
- 11.2. Where, pursuant to 11.1, a complaint remains in abeyance for 6 months and the Harassment-Free Workplace Manager is satisfied that the matter cannot reasonably proceed in the foreseeable future, the complaint shall be deemed to have been withdrawn by the Complainant, provided however that the Complainant may refile the complaint at a later date. Any such decision, and its supporting rationale, will be confirmed by the Harassment-Free Workplace Manager to the Parties in writing.
- 11.3. Where a complaint has been held in abeyance, the Complainant and/or Respondent shall be advised in writing of the reasons for the delay and the impact on the required timelines. The Parties' Deputy Minister(s) shall be copied on any related correspondence, as well as any other relevant Parties involved in the complaint and/or resolution process (e.g. Respectful Workplace Program, investigator, etc.).
- 11.4. Even where a complaint has been held in abeyance, the Employer retains the right to proceed with appropriate actions and/or interventions, including the initiation/continuation of a workplace investigation.

11.5. Timelines as outlined in the Policy shall be suspended where a complaint has been held in abeyance.

12. Absences

12.1. Where it becomes apparent that the Harassment-Free Workplace Manager is on leave for a period of time that will impact the progress of an investigation, it is the responsibility of the Deputy Minister of the Human Resource Secretariat to appoint an individual to act in this capacity pending the return of the incumbent.

12.2. Where it becomes apparent that an investigator's leave will impact the progress of an investigation, it is required that the investigator(s) contact the Harassment-Free Workplace Manager at the earliest opportunity to advise of the absence.

12.3. Where the absence of an investigator will impact the progress of an investigation, the Harassment-Free Workplace Manager has the discretion to appoint a replacement investigator. The replacement investigator shall continue the work of the original investigator; however, the replacement investigator may verify earlier actions taken during the investigation.

12.4. Where a party to a complaint or a witness is absent or unavailable, an investigation shall continue unless the Harassment-Free Workplace Manager provides contrary direction under the Policy (e.g. extend timelines, abeyance complaint, etc.).

13. Conflict of Interest/Reasonable Apprehension of Bias ("Conflict")

13.1. The Harassment-Free Workplace Manager shall immediately advise the Deputy Minister of the Human Resource Secretariat upon becoming aware of facts that create a Conflict.

13.2. It is the responsibility of the Deputy Minister of the Human Resource Secretariat to determine if the Harassment-Free Workplace Manager is in Conflict and, if required, appoint an individual to act in this capacity in relation to the complaint where:

13.2.1. the Harassment-Free Workplace Manager declares a Conflict;

13.2.2. the Harassment-Free Workplace Manager is a party to a complaint; or

13.2.3. any such Conflict is alleged during the course of the complaint and/or resolution process.

13.3. Prior to commencing an investigation, an investigator must sign a declaration confirming that no Conflict exists in relation to their involvement with the complaint.

13.4. If an investigator becomes aware of a potential Conflict, or if any such Conflict is alleged during the course of the investigation, it shall be disclosed to the Harassment-Free Workplace Manager immediately, who shall determine if a Conflict exists.

13.5. A party can request that an investigator withdraw due to a Conflict at the outset of the investigation or as soon as the party has knowledge of circumstances that could justify such a finding. Such requests shall be considered by the Harassment-Free Workplace Manager. In the absence of such a request, the investigator shall be deemed acceptable to the Parties.

13.6. Where it has been determined that an investigator is in a Conflict, a new investigator shall be assigned by the Harassment-Free Workplace Manager, who may also provide necessary

direction under the Policy (e.g. extend timelines, verify earlier actions taken during the investigation, etc.).

13.7. Where a Deputy Minister declares a Conflict in relation to a complaint, the Clerk of the Executive Council shall assume the role of the Deputy Minister in this process.

14. Confidentiality and Protection of Privacy

14.1. Complaints of harassment shall be received and managed in a confidential manner. Information shall be used for its intended purpose only.

14.2. Notwithstanding 14.1, information created or gathered in connection with a complaint and/or resolution process shall be managed in accordance with the *Access to Information and Protection of Privacy Act, 2015* or as otherwise required by law.

14.3. All Complainants, Respondents, witnesses, and other persons involved with a complaint under the Policy shall ensure that all matters remain confidential, both in relation to their involvement with the complaint and the content therein.

14.4. Breaches of confidentiality may be reported at any time during or after a complaint and/or resolution process to the Harassment-Free Workplace Manager and/or a representative of the Employer. Those who are found to have breached confidentiality may be subject to disciplinary action.

15. Disclosure

15.1. Disclosure of information shall be in accordance with the Policy and the *Access to Information and Protection of Privacy Act, 2015*. At all times, the privacy of Parties shall be respected; employees shall not be privy to disciplinary and/or corrective information regarding others.

15.2. Complainants and Respondents shall be entitled to receive copies of all statements and relevant information created or gathered in connection with a complaint and/or resolution process. Witnesses shall only be entitled to receive a copy of their statement.

15.3. Information that is not relevant to the investigation and/or constitutes an unreasonable invasion of personal privacy shall be redacted (e.g. medical and/or therapeutic records, etc.). If necessary, consultation with the Harassment-Free Workplace Manager and/or the Department of Justice and Public Safety shall occur. The release of information in one instance shall not be considered or deemed “precedent setting” or binding in another instance.

15.4. Any redaction of a statement/document must be clearly identifiable. The relevant text shall be blackened out; under no circumstances should the text simply be deleted from the material disclosed.

15.5. Wherever possible, all disclosed documents must be watermarked with “Confidential” and the name of the person to whom the material was provided. Audio recordings and/or video evidence shall be played for the Parties when such disclosure is required by the Policy.

16. Records

- 16.1. Records of temporary usefulness, having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record (i.e. materials containing information that is otherwise preserved), are to be considered transitory records. Transitory records may be disposed of when they are no longer of value, through secure shredding or secure electronic erasure.
- 16.2. All materials created or gathered in connection with a complaint and/or resolution process shall be housed electronically as scanned documents within an approved digital document management system to be maintained by the Harassment-Free Workplace Manager. Scanned materials must be inspected visually to ensure they are complete, accurate, and legible prior to disposal of the original material/transitory record.
- 16.3. Original evidence may be retained at the discretion of the Harassment-Free Workplace Manager when satisfied that the substance of the evidence cannot be digitally preserved. Where retained, original evidence shall be stored securely in a location maintained by the Harassment-Free Workplace Manager.
- 16.4. All records shall be managed in accordance with approved records retention and disposition schedules.

17. General Principles of Resolution

- 17.1. The four resolution options pursuant to the Policy are mutually exclusive in application. Upon the selection of an option, any ongoing resolution process under the Policy shall be discontinued in favour of the most recent selection.
- 17.2. Notwithstanding 17.1, the Employer retains the right to proceed with appropriate actions and/or interventions, including the initiation/continuation of a workplace investigation.
- 17.3. There shall be no “informal investigation” of complaints of harassment. All complaints must be addressed in accordance with the Policy and procedures.
- 17.4. Should delays in the resolution process be unavoidable, due to exceptional circumstances as defined within the Policy, the Complainant and/or Respondent shall be advised in writing of the reasons for the delay and the impact on the required timelines.
- 17.5. Following resolution of a complaint, copies of all correspondence and other materials created or gathered (with the exception of that held confidentially by the Employee Assistance Program/Respectful Workplace Program) shall be submitted to the Harassment-Free Workplace Manager for file review, audit, and closure purposes. All records shall be maintained by the Harassment-Free Workplace Manager.

18. Individual Intervention Resolution Option

- 18.1. Following the selection of the Individual Intervention resolution option by the Complainant, the Harassment-Free Workplace Manager shall acknowledge the selection of the resolution option in writing to both the Complainant and Respondent.
- 18.2. Following the meeting identified in 7.4, the Harassment-Free Workplace Manager shall notify the Complainant that the meeting occurred. After receiving this notification, the

Complainant shall communicate with the Respondent, either in person or in writing, to advise that their behaviour is unwelcome and request that the behaviour cease.

- 18.3. The Harassment-Free Workplace Manager shall follow-up with the Complainant to determine whether the complaint has been resolved within 14 days of the Complainant receiving notification as per 18.2. If the Complainant indicates that the complaint has been resolved, the Harassment-Free Workplace Manager shall confirm the file closure in writing to the Complainant with a copy to his/her Deputy Minister. If the Complainant wishes to pursue an alternate avenue of resolution, the Harassment-Free Workplace Manager shall confirm the selection in writing and subsequently follow the procedures outlined for that resolution option.

19. Management Intervention Resolution Option

- 19.1. Following the selection of the Management Intervention resolution option by the Complainant, the Harassment-Free Workplace Manager shall acknowledge the selection of the resolution option in writing.
- 19.2. The Harassment-Free Workplace Manager shall meet with the Complainant's manager (the "Manager") to provide the Manager with a copy of the complaint, if necessary, and discuss resolution. In appropriate circumstances, with the concurrence of the Harassment-Free Workplace Manager, another manager or supervisor may be engaged in this process.
- 19.3. The Manager, following consultation with the Human Resource Secretariat, shall meet with the Respondent to advise that the behaviour is unwelcome to the Complainant. A record of this meeting shall be kept by the Manager. The Manager shall be responsible for completing and/or facilitating any action items resulting from the meeting, in consultation with the Human Resource Secretariat as required.
- 19.4. Following the meeting outlined in 19.3, the Manager shall immediately provide the meeting record to the Harassment-Free Workplace Manager.
- 19.5. Following receipt of the meeting record as per 19.4, the Harassment-Free Workplace Manager shall follow-up with the Complainant within 14 days to determine whether the complaint has been resolved. If the Complainant indicates that the complaint has been resolved, the Harassment-Free Workplace Manager shall confirm the file closure in writing to the Complainant with a copy to their Deputy Minister and manager. If the Complainant wishes to pursue an alternate avenue of resolution, the Harassment-Free Workplace Manager shall confirm the selection in writing and subsequently follow the procedures outlined for that resolution option.

20. Respectful Workplace Division Intervention Resolution Option

- 20.1. Following the selection of the Respectful Workplace Program Intervention resolution option by the Complainant, the Harassment-Free Workplace Manager shall acknowledge the selection of the resolution option in writing, to both the Complainant and Respondent.

- 20.2. The Harassment-Free Workplace Manager shall make a formal referral in writing to the Respectful Workplace Program for both the Complainant and Respondent in relation to the complaint.
- 20.3. During the Complainant's and Respondent's involvement with the Respectful Workplace Program, the Harassment-Free Workplace Manager shall request monthly status updates from the Respectful Workplace Program Coordinator regarding participation in the program. These updates shall provide information that the Respectful Workplace Program deems necessary to inform on the progress of resolution.
- 20.4. Where a complaint has been resolved through Respectful Workplace Program Intervention, the terms of resolution shall be documented in a written agreement or confirmation of resolution which shall be provided to the Harassment-Free Workplace Manager, the Parties, and their respective department's Deputy Ministers at the conclusion of the process.
- 20.5. Following receipt of the written agreement or confirmation of resolution, the Harassment-Free Workplace Manager shall follow-up with the Complainant within 14 days to determine whether the complaint has been resolved. If the Complainant indicates that the complaint has been resolved, the Harassment-Free Workplace Manager shall confirm the file closure in writing to the Complainant with a copy to his/her Deputy Minister. If the Complainant wishes to pursue an alternate avenue of resolution, the Harassment-Free Workplace Manager shall confirm the selection in writing and subsequently follow the procedures outlined for that resolution option.
- 20.6. Should it be determined by the Respectful Workplace Program Coordinator that resolution is not possible through Respectful Workplace Program Intervention; the Respectful Workplace Program shall notify the Harassment-Free Workplace Manager in writing, who shall advise the Complainant of alternate resolution options under the Policy.

21. Formal Resolution Option – Initiating an Investigation

- 21.1. Following the selection of the formal resolution option by the Complainant, the Harassment-Free Workplace Manager shall acknowledge the selection of the resolution option in writing.
- 21.2. The Harassment-Free Workplace Manager shall appoint two investigators to the file within ten (10) days following selection of the investigation resolution option. Subject to 13.3, the Harassment-Free Workplace Manager shall outline the investigator's mandate in writing and provide a copy of the complaint. The Harassment-Free Workplace Manager shall advise the Complainant and Respondent of the appointed investigator in writing.
- 21.3. Investigations shall commence within five (5) days of receipt of the complaint by the investigator and shall be completed (i.e. final report submitted to the Deputy Minister of the Complainant's Department) within 90 days.

22. Investigating Complaints with Multiple Parties

- 22.1. At the discretion of the Harassment-Free Workplace Manager, complaints which arise from the same incident(s), event(s), or workplace(s) may be investigated jointly or may be investigated individually. In exercising this discretion, the Harassment-Free Workplace

Manager may consider, amongst other things, the nature of the incident(s) or event(s), the location of the workplace(s), the availability of resources, the views of the Parties on joint investigation, the likelihood of overlapping witnesses and/or evidence, etc.

22.2. Subject to the provisions of the Policy, the discretion outlined in 22.1 can be exercised subsequent to the start of an investigation.

22.3. Complainants and/or Respondents to a joint investigation shall be entitled to all relevant information created or gathered for the purpose of the investigation as per the *Access to Information and Protection of Privacy Act, 2015*.

23. Investigation File

23.1. The investigation file shall be organized as follows:

- a) Original written complaint
- b) Activity log
- c) Correspondence to/from the Harassment-Free Workplace Manager
- d) Complainant statements and documentation, including correspondence
- e) Respondent statements and documentation, including correspondence
- f) Witness statements and documentation, including correspondence
- g) Other documentation/evidence
- h) Materials created and gathered but not determined to be relevant
- i) Letters of transmittal

23.2. The investigator(s) shall highlight any information in the investigation file which is not relevant to the investigation that could potentially be sensitive and/or necessary to redact in the case of file disclosure (i.e. personal medical information, disciplinary history, etc.).

24. Investigation

24.1. The Investigator shall meet with all Parties to a complaint, conduct interviews, and prepare signed statements recording the interviewees' comments. Statements (including any documents referenced/provided) should be reviewed by the interviewee who shall initial each page and sign the statement in the presence of the investigator not later than 3 days following the completion of the interview, in the absence of exceptional circumstances.

24.2. Parties are entitled to provide any documentation which supports their statements to the investigator. A party can request access to his/her own documentation (e.g. emails, files, text messages, etc.) for this purpose if, for any reason, Parties no longer has access. Requests shall be made to the investigator who shall address the request with the Department.

24.3. Interviews shall be conducted in-person, by telephone, or by videoconference, unless there is documented medical justification to the contrary

24.4. The use of video or audio recording devices in interviews by an investigator is not permitted; however, exceptions may be approved in writing at the discretion of the Harassment-Free Workplace Manager.

24.5. An Investigator shall have discretion over the scheduling of interviews and the order in which interviews are conducted.

- 24.6. Subject to 24.5, in most circumstances, an investigator shall interview the Complainant(s), provide a copy of the Complainant's statement to the Respondent(s), interview the Respondent(s), and interview witnesses, in that order.
- 24.7. Subsequent to 24.6, after the completion of all anticipated witness interviews, the investigator shall provide witness statements and relevant materials created or gathered to the Parties for the purpose of informing their response for the investigator's consideration. All witness statements and evidence must be presented to the Parties for response prior to the preparation of the investigation report.
- 24.8. Witnesses can be suggested to the investigator by any party; however, the investigator shall make the final determination about whom shall be interviewed. Witnesses who have not observed incidents relevant to the complaint and are identified for the purpose of providing information concerning a party's reputation or character shall not be interviewed.
- 24.9. If an investigator require access to third-party documents in the course of their investigation (e.g. email audit, hard drive/device search, etc.), the investigator must comply with established process and obtain necessary authorization(s). Documentation of such authorization(s) must be included in the investigation file under 23.1 (g).
- 24.10. The complaint and/or resolution process shall proceed regardless of the refusal of a party or witness to participate. A failure to respond or cooperate at any stage in the complaint and/or resolution process shall, in the absence of justification acceptable to the Harassment-Free Workplace Manager, be deemed a refusal to participate, which shall be confirmed in writing by the investigator to the party or witness.
- 24.11. An Investigator shall provide written (e.g., email) notification to the Complainant and Respondent on the status of the investigation processes every 30 days throughout the course of the investigation.
- 24.12. Status updates and/or inquiries from a Deputy Minister and/or designate regarding the investigation shall be directed to the Harassment-Free Workplace Manager.
- 24.13. Investigation reports shall comply with the template approved by the Harassment-Free Workplace Manager.
- 24.14. Principles considered by investigator in making investigation findings shall include, but are not limited to, the following:
 - 24.14.1. The onus or burden of proof rests with the person making the statement;
 - 24.14.2. The onus of proof is a balance of probabilities (i.e. it is more likely than not that the allegations/statements are founded/unfounded);
 - 24.14.3. Corroborating evidence is relevant, but is not required to make a factual determination;
 - 24.14.4. Issues of credibility may be considered and relied upon by investigator;
 - 24.14.5. Admissions do not require proof and can be assumed as fact;
 - 24.14.6. Denials will be considered in the context of relevant evidence;
 - 24.14.7. When weighing evidence, facts are more likely when actions and statements are consistent and less so when such consistency is absent.

25. Concluding an Investigation

- 25.1. The investigator shall provide a signed draft investigation report to the Harassment-Free Workplace Manager, which appends a copy of the documents identified in 23.1 a) to g) and, under separate cover, documents noted in 23.1 h).
- 25.2. The Harassment Free Workplace Manager shall review the draft investigation report to ensure compliance with the mandate and that any documentation referenced in the draft investigation report has been appended. Issues of concern may be referred back in writing to the investigator for clarification. Any such correspondence shall be included in the documents identified in 23.1c).
- 25.3. The Harassment Free Workplace Manager shall provide to the Deputy Minister of the Complainant's Department an investigation report signed by the investigator, which appends a copy of the documents identified in 23.1 a) to g) and, under separate cover, a copy of the materials identified in 23.1 h).
- 25.4. Immediately following the actions outlined in 25.3, the investigator shall provide to the Harassment-Free Workplace Manager a signed investigation report, which appends all original documentation comprising the complete investigation file organized in accordance with 23.1.

26. Post-Investigation Departmental Action

- 26.1. Following receipt of the investigation report, the Deputy Minister of the Complainant's Department shall provide a copy to the Complainant and Respondent for their review within five (5) days.
- 26.2. The Complainant and Respondent shall have 14 days to submit a response to the investigation report to the Deputy Minister of the Complainant's Department.
- 26.3. Following the expiry of the 14 day response period or the receipt of all responses by the Deputy Minister of the Complainant's Department, whichever occurs first, the Deputy Minister of the Complainant's Department shall within 15 days:
 - 26.3.1. Make a decision as to whether to accept the investigation findings in whole, in part, or at all;
 - 26.3.2. Provide a copy of the investigation report and communicate the decision made in accordance with 26.3.1 to the Deputy Minister of the Respondent's Department, if applicable, at the earliest possible opportunity.
 - 26.3.3. In consultation with the Deputy Minister of the Respondent's Department, if applicable, communicate the decision made in accordance with 26.3.1 to the Complainant and Respondent.
- 26.4. The Deputy Minister(s) shall consult with the Human Resource Secretariat regarding any disciplinary and/or corrective action resulting from the investigation.
- 26.5. The Deputy Minister(s) shall keep a log of all Departmental actions completed in relation to the complaint and/or resolution process and, subsequent to 26.3.3, provide a copy to the Harassment-Free Workplace Manager. Following receipt of the log, the Harassment-Free Workplace Manager shall confirm the file closure in writing to the Parties with a copy to their Deputy Minister(s) within fourteen 14 days.