HOW TO REPORT SEXUAL HARASSMENT *INTERNALLY* TO YOUR EMPLOYER

This guide explains how to report sexual harassment to your employer, what records to keep, and what to do during a workplace investigation. It's for general information only and is not legal advice.

If you don't have a union, do these steps yourself. If you do have a union, talk to your union representative because they will guide and represent you through every step.

A union is an organized official association of workers, often in a trade or profession, created to protect workers' rights and improve their working conditions.

If your employer has a sexual harassment or respectful workplace policy, follow the steps below.

Note: *You can still make an internal complaint about sexual harassment under any existing workplace discrimination or harassment policy, even if it doesn't specifically say "sexual harassment."*

Though there is usually no deadline to file a complaint in most employer's policies, it is a good idea to file complaints as soon as possible so that it is easier to investigate your complaint (e.g. witnesses would still remember what happened, documents and physical records would still be available).



1

Complaint Form: Fill out your employer's complaint form with all the details (dates, times, names, locations, witnesses). In the form, explain why the behaviour counts as sexual harassment and list any safety measures you need right away. Attach any documents you have that support your statements, like emails, texts, screenshots, or call records**.**

2

Submit: Email your complaint form and any attachments to the person listed in the policy for receiving complaints. You can also give it to them in person or call them and read your complaint aloud. If the policy doesn't name a reporting person, or if that person is the one harassing you, report it to someone else in HR, Operations, or senior management.

Your employer has started an investigation and given you the safety measures you asked for.

Your employer didn't investigate your complaint or didn't give you the safety measures you asked for.

3

Interview: Meet with the investigator (in-person or virtual) and tell your story. Request a support person, interpreter, translator, or other accessibility accommodations for the interview. Your employer must ensure a safe, confidential space or time off work to attend.



STOP. File complaints with your federal/provincial/territorial human rights and occupational health and safety bodies.

4

Next steps: Give the investigator any additional documents they ask for. Then, check in with the investigator or HR from time to time to get updates on how the investigation is going.

Your employer has told you the results of the investigation. You are satisfied with the investigation.

Your employer has told you the results of the investigation. You are not satisfied with the investigation (e.g. it was not done properly or was unfair).

5

Record: Keep a record of these results.



STOP. File complaints with your federal/provincial/territorial human rights and occupational health and safety bodies.

If your employer DOES NOT have a sexual harassment or respectful workplace policy, follow the steps below.

Note: *Even if your employer doesn't have a policy, you can still report sexual harassment, and the law says your employer must investigate.*

Though there is usually no deadline to file a complaint internally with your employer, it is a good idea to file complaints as soon as possible so that it is easier to investigate your complaint (e.g. witnesses would still remember what happened, documents and physical records would still be available).

1

Complaint: Write out what happened with all the details (dates, times, names, locations, witnesses). Explain why the behaviour counts as sexual harassment and list any safety measures you need right away. Attach any documents you have that support your statements, like emails, texts, screenshots, or call records.

2

Submit: Email your written complaint and any attachments to your head of HR, Operations or the CEO/Executive Director. You can also give it to them in person or call them and read your complaint aloud. If your head of HR, Operations or the CEO/Executive Director are the ones harassing, report it to someone else in HR, Operations, or senior management.

Your employer has started an investigation and given you the safety measures you asked for.

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Interview: Meet with the investigator (in-person or virtual) and tell your story. Request a support person, interpreter, translator, or other accessibility accommodations for the interview. Your employer must ensure a safe, confidential space or time off work to attend.



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If you are in a union and the investigation has unsatisfactory results, approach your union representative and they may file a grievance on your behalf before, or while, filing an external complaint.

During the investigation, you should:

- Give the investigator any documents or records about the sexual harassment, like texts, emails, photos, notes, your diary or journal entries, and information about who may have seen what happened
- Meet with the investigator to talk about what happened, or submit your information in writing if that's easier
- Ask to see any evidence provided by the harasser so you can respond. If you do get it, make sure to respond in writing or in another interview
- Ask your employer for accommodations or safety measures for your physical and mental well-being
- Report any retaliation (negative treatment because you made a complaint) to your employer or the investigator

What is a workplace investigator?

A workplace investigator is a person who looks into complaints about employee behavior. They may work inside the organization or be an outside expert that the organization hired as a consultant to look into the complaint. Their job is to interview people, find and review evidence, and figure out what happened, then report their findings to the employer based on the employer's policies and the law.

The law requires that an investigator must be neutral and fair when looking into complaints. The investigator does not represent anyone (they do not represent the employer, the person who made the complaint, nor the person who the complaint is against). Instead, the investigator is a neutral person whose job is to figure out more likely than not what happened and often then decide if what likely happened is against any policies or laws.

There are different types of investigators:

- Persons from within the employer like an HR person or a lawyer
- Outside hired investigators who can be lawyers from law firms or they can be investigators from investigation firms who are not lawyers but are trained to investigate workplace claims
- Some large employers have joint health and safety committees which have investigators who look into complaints
- Human rights bodies when there is an external complaint have human rights officers who investigate human rights claims
- Workplace safety bodies when there is an external complaint have investigation officers who investigate workplace safety claims

Keep these documents in a safe place outside of work:

- A copy of your workplace sexual harassment policy
- Records of any sexual harassment training you or your workplace have received
- Your completed complaint form or letter, including any attachments
- Any emails or written reports you sent to your employer about the harassment
- Backups of any emails, texts, screenshots, photos, or messages related to the sexual harassment that you might need to use as evidence
- Any emails or written correspondence with the investigator
- A list of witnesses, even just for your own record, with their personal contact info in case you need to reach them
- Your own dated notes or journal entries about what happened
- Any emails, texts, or pictures related to the investigation
- Notes you took after meeting with the investigator about what you said, what they asked, and any fairness or safety issues you noticed
- The results of the investigation (usually sent by email or letter). Keep it even if it's short, in case you want to make an external complaint
- The name of the investigator and the company they work for
- If you are worried that documents will be destroyed in the workplace, keep copies on a personal computer, phone, or printed out at home
- If your employer has control over, or has gotten rid of, documents or evidence related to your internal or external complaint, you should still tell the investigator or outside authorities about them. They can take this into account and it may support your version of events.

For more information:
Visit our website: ccmw.com/wish

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Canadian Council of Muslim Women (CCMW)
Le conseil canadien des femmes musulmanes (CCFM)

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