

INCIDENT REPORTING GUIDE



The following Incident Reporting Guide provides steps employers should take to ensure workers can easily report inappropriate workplace behavior and/or behavior that violates stated respectful workplace policies. The Guide includes:

- Best Practices for Incident Reporting
- Internal Plan for Hate Crimes or Serious Threat
- Incident Report Sample Form

Workers can utilize the information contained in this guide and incorporate it into their company Respectful Workplace Policy, Workplace Fairness and/or Anti-Harassment and Anti-Discrimination Policies.

When incidents are reported early, they are easier to manage and less likely to grow into larger and more harmful situations. Few workers experiencing harmful behaviors in the workplace will make an official complaint, even when the behaviors clearly violate company policies. It is often difficult for workers to address even low-level harm, such as a simple misunderstanding, directly with their coworkers. For these reasons, it is critically important that leaders and supervisors encourage workers to report incidents and watch for and be capable of identifying and responding to signs of incivility, employee conflict, disrespect, lack of teamwork, changes in employee behavior, rumors, and complaints.

BEST PRACTICES FOR INCIDENT REPORTING

Employers need an established, transparent process for incident reporting that is well understood by all workers. The following steps are critical to creating confidence in the process. At minimum, incident reporting procedures should address the following:

- A description of the complaint and reporting process
- A statement encouraging workers to report harassment, bullying, disrespectful behavior, and other inappropriate conduct
- A commitment that the employer will conduct a prompt, impartial, and thorough investigation while keeping the information of those involved confidential
- A statement that workers are encouraged to participate in investigations of alleged harassment and disrespectful behavior
- An assurance that the employer will take immediate, reasonable, and proportionate action if it determines harassment or other unacceptable behaviors has occurred
- An explicit statement that retaliation is prohibited
- Employer commits to protect confidentiality and anonymity as much as possible

STEPS TO STAND UP AN INCIDENT REPORTING PROCESS

1. Establish an Incident Reporting Process

Adopt a process for handling complaints that considers the following:

- Process respects all parties involved, including keeping them informed.
- Process provides confidentiality to the fullest extent possible.
- Process allows for prompt and timely investigation and follow-up.
- Process maintains neutrality.
- Process identifies and selects investigators who are experienced, knowledgeable and have the confidence of the parties involved.
- Small companies may elect to identify a third-party Human Resources firm that can be hired to conduct formal investigations or provide assistance to internal, responsible leadership conducting investigations.
 - » Process considers worker rights to representation during any investigations, especially those that could result in disciplinary action. Note: Members of a union or apprenticeship program may have rights to representation and/or additional workplace conduct expectations to which they may be held accountable.
- Process addresses how to identify and prevent retaliation.

2. Make the Incident Reporting Process Clear to All

Incident reporting procedures should be clearly understood by all workers and provide options for reporting. Options may vary, but should include:

- Identification of supervisors (by job role or name) to whom workers should report behavioral concerns and complaints.
- A minimum of two individuals authorized to receive complaints beyond direct supervisors.
 - » Is there diversity amongst identified individuals to whom workers should report? Are all individuals men or women?
- Anonymous reporting options.
 - » Develop an anonymous reporting method or partner with an organization that provides this service. There are several third-party organizations specializing in anonymous reporting.

3. Support Workers Throughout the Reporting Process

- **Interviews:** some workers may feel confident and safe during interviews, and some may want the support of a co-worker. Support should be of the worker's choosing, within reason. Supportive individuals typically include:
 - » Safety and Health Supervisors
 - » Union Representatives
 - » Apprentice Coordinators
 - » Job Stewards
 - » Direct Supervisor
 - » A co-worker not involved in the investigation.

It is important to recognize that if sex or gender is at the core of the complaint, some workers may want support merely because the supervisor or investigator is the opposite sex or gender and some topics can be sensitive.

- **Location:** consider the location(s) for conducting interviews. Many construction jobsite trailers do not provide the privacy needed. Interviewing workers within their work location eliminates any perception of confidentiality.
- **Follow-up:** As with productivity and safety incidents, employers should consider incorporating a follow-up process. Depending upon the nature and frequency of the incident, follow-up should include:
 - » Checking in with affected employees and teams while maintaining necessary levels of confidentiality.
 - » Evaluating the work environment for potential retaliation, repeated behavioral harms, psychosocial risk factors, policy-review and recommendations for updates.

4. Considerations Related to Supervisors

Many organizations' reporting policies direct workers to "report to their supervisor unless their supervisor is the offender." Even when a supervisor is not involved in harmful behaviors, the target(s) of the incident may feel uncomfortable reporting to their supervisor. It is important to consider why a worker might not want to report an incident to their supervisor and what the implications are.

- If direct supervisors will be responsible for harmful behavior interventions, complaint response, investigation and/or corrective action, ensure proper training and education for the supervisors and develop parameters.
- Weigh carefully the impact of having an untrained supervisor conduct harmful behavior fact-finding, especially if the targeted individual or reporting individual did NOT report the incident to their supervisor.

Consider the following when a worker DOES NOT report harmful behaviors to their direct supervisor, or when sharing harmful behavior incident notifications to the direct supervisors who were NOT a part of the initial reporting.

- Is there a sex, gender, gender-identity, race or ethnic difference between the person reporting and their direct supervisor that could have made it uncomfortable for the individual to speak with their front-line supervisor.
- For example, is the reporting individual a woman who chose to report the incident to another woman, instead of her male supervisor?
- Could the incident have involved the direct supervisor?
- Could the incident have involved a “protected” worker? (Not protected per EEO, protected internally by the organization?)
- Could the incident be embarrassing to the targeted individual?
- Is it possible that the direct supervisor is already aware and did not respond or their response was inadequate?

5. Respectful Workplace Incident Documentation

Employers should have a method of saving and recording worker complaints, especially any incidents that clearly violate company policy, applicable workplace fairness, harassment or discrimination laws or could result in physical harm if left unresolved and could result in formal complaints and investigations. This ensures a minimum level of accountability, documentation, and consistency.

INTERNAL PLAN FOR HATE CRIMES OR SERIOUS THREATS

Unfortunately, hate crimes or actions that pose a serious threat to others do occur in the workplace. It is important to have an internal plan on how to respond to such incidents. At a minimum, the internal plan should include:

- Clear instructions on what to do if incidents of racist or hate symbols are discovered in the workplace
- What to do if incidents of actual or potential physical harms such as assault, fights, or equipment tampering have occurred
- Expected response times
- Work stoppages
- How to document the incident
- Removal of racist or hate symbols once documented
- When to report to the authorities and to whom
- Return to work plan(s)

Incident Reporting Template/Sample Form

The Sample Incident Reporting Form below is an example of a simple reporting form that can be made easily available to craft workers on a jobsite. Workers can use the form to alert supervisors or other designees of disrespectful behavior.

REPORTING EMPLOYEE DETAILS (OPTIONAL FOR CONFIDENTIALITY):		
Name:	Employer:	Job Title:
Address:	Email:	Phone
Where did the incident occur?	When did it occur?	Date(s)/Time(s) of occurrence(s)
DESCRIBE WHAT HAPPENED (IN DETAIL): Include who was involved, where, what happened, etc.		
Were you harmed physically, emotionally and/or did you receive a threat? If yes, was medical attention, including first aid, necessary?		
Actions you took following incident? What actions do you think should be taken?		
Name and employer of individual(s) responsible.		
Witnesses (if any). Please provide the names and employer(s) of any witnesses.		
Next Steps: Please indicate your preferred next steps, including if you would like to be contacted and/or notified of next steps.		
Have you reported this to your supervisor or someone else previously? And if yes, who and when?		

Signature:

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