

Ontario Employer's Workplace Investigation Checklist

Your step-by-step guide to a defensible workplace investigation

Section 1: Pre-Investigation

- Receive and document the complaint in writing (date, time, parties, nature of allegation)
- Assess urgency and immediate safety concerns — determine if interim measures are needed
- Determine if an external investigation is required (conflict of interest, severity, senior leader involved)
- Select an investigator with appropriate credentials, independence, and methodology
- Issue a document preservation notice to all relevant parties (emails, Slack, Teams, files)
- Notify relevant parties per your workplace investigation policy
- Assess whether the complaint triggers OHS Act Section 32.0.7 or Human Rights Code obligations
- Establish and communicate confidentiality expectations to all parties

Section 2: During Investigation

- Prepare a written investigation plan (scope, methodology, timeline, witness list)
- Conduct complainant interview using trauma-informed approach
- Conduct respondent interview — ensure right to know allegations and opportunity to respond
- Conduct witness interviews with structured questions and credibility assessment criteria
- Collect and preserve all relevant evidence with documented chain of custody
- Implement interim measures if needed (separation of parties, safety measures, adjusted reporting)
- Provide regular status updates to the client or decision-maker
- Maintain strict confidentiality throughout — limit disclosure to need-to-know basis
- Document all interviews with detailed, contemporaneous notes (date, time, attendees, content)
- Assess credibility using established criteria: consistency, corroboration, detail, motivation

Section 3: Post-Investigation

- Prepare findings report with clear conclusions (substantiated / not substantiated / partially substantiated)
- Communicate findings to the complainant — what they are entitled to know under law
- Communicate findings to the respondent — ensure procedural fairness in disclosure
- Implement corrective or remedial action proportionate to findings
- Document all decisions and rationale in writing (discipline, coaching, policy changes)
- Monitor for retaliation against the complainant (schedule changes, exclusion, negative reviews)
- Update workplace policies if the investigation identified systemic issues
- Schedule follow-up assessment at 30, 60, and 90 days post-investigation

Key Legal References

OHSA Section 32.0.7 — Employer duty to investigate workplace harassment and violence complaints

OHSA Section 32.0.1 — Workplace harassment definition and employer obligations

Ontario Human Rights Code — Protection from discrimination; duty to investigate complaints on protected grounds

HRPA Practice Standards — Professional standards for HR investigations and investigator conduct

Bill 132 (2016) — Expanded harassment definition; strengthened investigation requirements

Need Help With a Workplace Investigation?

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