



Human Resources Administrators

Survivor-centered and trauma-informed approaches to workplace sexual harassment

What is a trauma-informed approach?

A trauma-informed approach to workplace sexual harassment investigations means that the investigator is trained to identify trauma and acknowledges that one or more participants involved in an investigation may be experiencing trauma unrelated to the present matter.

As such, they may present for their interviews in a highly agitated or emotionally unpredictable state and may need several breaks, more patience than usual, validation that investigations are stressful experiences, or perhaps they require a support person present (less so for witnesses). For this reason, the investigator should be prepared to recognize trauma when it surfaces and adapt their interview approach to avoid re-traumatizing or triggering the participant(s). The responsibility to apply a trauma-informed approach throughout the investigation process lies solely on the investigator.

Accordingly, you should ensure that your investigators are trained in trauma and trauma-informed interview strategies.

To be clear, a trauma-informed approach applies equally to all participants: complainants, respondents and witnesses.

What is a survivor-centered approach?

A survivor-centered approach is best described as an “I believe you and I want to help” approach. This approach applies to the complainant only. At its foundation, a survivor-centred approach validates the complainant’s experience with workplace sexual harassment. This approach is acceptable for victim support workers, friends, supportive peers or counsellors.

This approach should not be applied by investigators, administrators or impartial decision-makers. To do so infers bias, lack of impartiality and a lack of fairness, all of which could result

in liability risk, loss of credibility in your administrative process and reputational harm.

Where does procedural fairness fit in?

Procedural fairness is also commonly referred to as “due process.” It means that at every stage of the investigation process, the respondent has been given a meaningful opportunity to learn what they have been accused of doing, who is accusing them and offered a reasonable time to respond. In some cases, procedural fairness may allow the respondent an opportunity to raise relevant questions which the investigator may have to put to the complainant.

Applying procedural fairness in all investigations will help you avoid judicial review or other legal proceedings.