



Why you should conduct thorough sexual harassment investigations

23 January, 2014 in [Advice & Guides](#) by Sandra

Beale. [Permalink](#).

Lord Rennard, a key figure in the Lib Dems party, accused of alleged sexual harassment shows the case for conducting a thorough sexual harassment investigation and carefully managing the fall out from what is often a very fraught situation. This is particularly difficult for the Lib Dems as Lord Rennard is a high profile figure in the party having been inaugural in its creation.

The outcome from the investigation concluded there was insufficient evidence to show that Lord Rennard did actually sexually harass three women as they claimed. It could be said that given there are three complainants there is no smoke without fire.

Initially it seemed that Nick Clegg wasn't going to take much action, but now seems to have bowed to external pressure. Lord Rennard has been asked to apologise and has refused to do so; he has therefore been suspended from the political party and is seeking legal action. Now the Lib Dems are conducting a further investigation into Lord Rennard, allegedly bringing the party into disrepute for failing to apologise. This allegation is usually considered to be gross misconduct and carries the penalty of summary dismissal if proven on the balance of probabilities.

With any sexual harassment investigation it is important to conduct this as quickly and as sensitively as possible. Inadequate handling of a situation in employment can lead to a resignation, claiming constructive dismissal and a possible employment tribunal claim for discrimination. Many people are reluctant to make a formal complaint so when they do so, it needs to be handled well. The complaint should be in writing as a grievance for the employer to take action. Thought needs to be given as to handling the personalities involved. If the individuals work closely together it might be necessary to put both parties on garden leave whilst an investigation is completed. Support and counselling should be available for both parties. The treatment of both should be exactly the same until the outcome has concluded.

If there are no witnesses to the allegations it is really important to evaluate the evidence gained. Consideration should be given to how detailed the evidence is for each individual:

- What is the conduct of the individuals and their willingness to contribute responses when asked;
- Are there any discrepancies and can these be investigated further;
- Are there any explanations for particular inconsistencies in evidence;
- Are the explanations credible in the context in which they are given;
- Does any explanation given by an individual detract from their evidence; and
- Have there been other complaints.

<http://realbusiness.co.uk/article/25293-why-you-should-conduct-thorough-sexual-harassment-investigations>

The full facts in the form of witness statements should be gathered from the complainant, the alleged perpetrator and any witnesses. The interviews should be conducted sensitively and confidentially and the witness statements should be signed and dated.

If the complaint is not upheld the complainant needs to be advised of the right to appeal.

The main issues following an investigation are then possible reintegration and a backlash. HR may lead on reintegration or alternatively it can be a manager. Generally, it should be the alleged harasser who should be relocated rather than the complainant, however, this could be difficult in a small company. Mediation might be a useful alternative.

It is important to watch out for any backlash if relocation is not possible. If the alleged harasser is in a position of power there might be unfavourable treatment of the complainant, which is victimisation, a form of discrimination for having raised a complaint and pursueable in an employment tribunal.

Having clear policies in place that cover equal opportunities and harassment are essential to provide clear guidelines to all employees as to how they should conduct themselves in the workplace.

Sandra Beale is an FCIPD qualified HR consultant providing HR and employment law support to SME businesses with issues such as grievance, disciplinary, dismissal, TUPE, redundancy, poor performance, etc.