**WITNESS STATEMENT FORM**

As anyone in business you want to offer a stimulating, creative, respectful, friendly, and fun work environment that encourages ideas, diversity of thought, hard work, uncompromising product quality, and dedication to providing good value and good service to every customer. It is important to thoroughly investigate any claim of harassment, discrimination, or violations of law or company policy. It is also important to obtain witness statements during the course of your investigation that can be used later on in a court of law if necessary. To this end, any witness statement, in order to be used in lieu of testimony, must contain a declaration under oath, pursuant to the penalty of perjury. You may also consider having the statement certified by a Commissioner of Oaths. You should also consider consulting an attorney prior to conducting any investigation or interview.

Be sure to obtain witness statements of employees while they are still under your employ. Very often, an employee will view the facts related to a claim differently once they leave your company. Make sure to place the statement in a work product protected file created in anticipation of possible litigation. The file should be marked Confidential and not be placed with the employee's personnel file. If you are ever notified of an actual claim being filed you should immediately forward the work product file to your attorneys.

Make sure that the employee's understanding on the following subject areas is set forth: background with the alleged violator and/or claimant; background with any other essential witnesses; physical proximity to the alleged incidences; understanding as to claimant's concerns; awareness of facts, documents or persons related to the claimant's concerns; and additional facts not originally addressed by the claimant, including the facts, documents and persons related to the additional facts. You will find on the next page all the steps to write a good witness statement form.

**HOW TO WRITE A WITNESS STATEMENT FORM**

**I, [EMPLOYEE NAME], hereby declare as follows:**

The following is a list of subject areas that should be addressed in any Witness Statement. Use a separate paragraph for each essential fact, document or statement:

 [EMPLOYEE NAME]

 [DATE OF STATEMENT]

 [EMPLOYEE'S TITLE/POSITION]

 [DATE OF INCIDENT]

 [PRINCIPALS INVOLVED IN INCIDENT]

 [EMPLOYEE'S STATEMENT RE: RELATIONSHIP TO PRINCIPALS]

 [NAMES OF OTHER ESSENTIAL WITNESSES]

 [EMPLOYEE'S STATEMENT RE: RELATIONSHIP WITH ESSENTIAL WITNESSES]

 [UNDERSTANDING AS TO CLAIMANT'S CONCERNS]

[AWARENESS OF FACTS, DOCUMENTS OR PERSONS RELATED TO CLAIMANT'S CONCERNS]

[ADDITIONAL FACTS NOT ORIGINALLY ADDRESSED BY THE CLAIMANT, INCLUDING THE FACTS, DOCUMENTS AND PERSONS RELATED TO THE ADDITIONAL FACTS]

The following is a sample statement regarding documents or other materials used to support the witness' statement:

Attached to my Declaration as Exhibit A is a document identified as [DESCRIBE THE NATURE OR TITLE OF THE DOCUMENT] with which I am familiar in the usual course of business because [SET FORTH THE FOUNDATION OF THE WITNESS REGARDING THE DOCUMENT].

The following is a sample statement regarding confidentiality that should be included at the end of any witness statement:

The above statement is a complete compilation of my understanding as to those facts, documents and witnesses related to the claimants concerns as I have set them forth in the above statement. I understand that this is a confidential statement which I agree not to share with any other person including, but not limited to, fellow employees, management personnel, investigators or agencies, without the permission of this company, it’s attorney, or by court order.

Finish the declaration with the following (notarization is optional):

I declare under penalty of perjury under the laws of [STATE/PROVINCE] of [COUNTRY] that the foregoing is true and correct.

Executed at [PLACE] on this [DATE] of [MONTH], [YEAR]

Dated:

[SIGNATURE OF DECLARANT] [NAME AND TITLE]