

Mastering Fact-Finding and Investigation

Building Internal Capacity to Effectively Deal
with Workplace Complaints

Toronto: April 10-13, 2012

Toronto: November 6-9, 2012

Banff: November 27-30, 2012



Register at: irc.queensu.ca or call toll-free: 1-888-858-7838



Queen's IRC open programs and practice-based research help next-generation leaders **resolve** disputes, **champion** change, and **align** people and purpose.

According to research conducted by Queen's IRC, today's labour relations practitioners are spending an increasing amount of time — up to 20 percent of their efforts — conducting formal and informal investigations of workplace complaints. The complaints may relate to harassment, conflicts of interest, discrimination, whistle blowing, or many other difficult types of cases, and are partly a response to tougher human rights and occupational health and safety laws. But research also shows that many HR managers and LR practitioners, including union representatives, feel they are inadequately prepared for the rigours of investigating complaints. This new IRC program gives LR Practitioners hands-on training on how to assemble the facts of a case without worsening the situation.

Learn how to plan the investigation, conduct interviews, and properly weigh the evidence. Receive on-the-spot coaching to ensure the skills you develop can be immediately and effectively applied back on the job.

Learning Outcomes

By the end of this four-day program, you will be better positioned to:

- Pre-screen complaints and select the correct process
- Plan the investigation using a step-by-step guide
- Participate in a joint/union management investigation process
- Conduct effective interviews
- Handle difficult witnesses
- Gather and assess evidence
- Write an investigation report

Organizational Benefits

- Significant savings in third-party fact-finding costs
- Faster and more streamlined preparation for investigations
- More reliable investigation results
- Greater internal capacity for gathering evidence
- Investigative reports that comply with statutory obligations
- Ability to assess quality of report and findings

Essentials

Date and Location

Four Days

Toronto: April 10-13, 2012

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Please refer to our website, irc.queensu.ca, for the latest information on venues.

Fee

\$4,495

Who Benefits

Managers, supervisors, union officials, and LR and HR professionals who are involved in statutory and non-statutory harassment fact-finding as well as other types of workplace investigations.

Takeaways

- Fact-Finding Workbook
- Interview templates
- Sample fact-finding report



Tour of the

a) Selecting the Right Path

Which fact-finding process is best? Your session leaders will discuss the differences between a formal investigation and an informal workplace assessment.

- A formal investigation is held to comply with the employer's responsibilities under human rights or other legislation.
- A workplace assessment is a non-blaming process that offers generic results and recommendations that may be shared with staff.

You'll be guided through the four stages of the fact-finding process. Learn how to pre-screen complaints and ensure you select the correct process and terms of reference for the issue. Review the legal framework and key procedural aspects and principles.

Ultimately, the investigation process you'll follow will depend on several factors:

- What are the dynamics of conflict, in terms of interests and relationships?
- What are the applicable policies?
- What is the desired outcome: Deterrence or confidentiality? Compliance with statutory obligations? Workplace restoration?

b) Preparing the Plan

An investigation encompasses four stages: pre-investigation screening, planning the investigation, interviewing, and preparing the interview report.

Learn the key elements to preparing a plan:

- Listing and numbering the important questions to be answered
- Identifying the right people to be interviewed

- Identifying the records to be examined and the person from whom they should be obtained

You'll be guided through this process to learn how to identify witnesses and relevant documentation, and how to craft essential questions.

c) The Art and Science of Interviewing

What are the key issues that need to be considered when staging an interview? Using a case study based on an actual situation as well as tips on empathetic listening, you will apply your learning and use your skills to interview witnesses and handle difficult behaviours, and be coached along the way. You'll also take away a list of sample questions to get you started.

Learn how to:

- Prepare for the interview, including how to build the conditions for the best outcomes and how to ensure fairness
- Open the interview and set the context
- Craft the right questions, based on the five W's: who, what, where, when, why
- Deal with reluctant, uncooperative, or emotional witnesses
- See through smokescreens and issues unrelated to the complaint at hand
- Conclude the interview on the right note

d) Gathering and Documenting Evidence

Drawing on templates and structured formats, you will practice compiling evidence to support your investigative findings. Experienced leaders will walk you through evidentiary do's and don't's.

You will also learn how to identify useful evidence based on its relevance, credibility, and admissibility in court.

Program

e) Reporting Your Findings

What are the essential components of an investigative report? How do you assess and compile evidence? Work with your learning team to create a written summary of your findings and analysis, including the terms of reference, process followed, summary of evidence, findings in dispute and not in dispute, and analysis.

This exercise will conclude with a comparison of your group work with a sample fact-finding report specific to the workshop case study.

f) Navigating Through the Common Pitfalls

Session leaders will help you recognize the most common barriers to an effective fact-finding exercise.

The possible pitfalls are many, including:

- Institutional delay
- Difficult witnesses
- Involvement of lawyers
- Lack of direct access to witnesses
- Investigator bias

By the end of this module, you will have several organizational strategies that can be deployed to ensure consistent results.



g) Post-Investigation Considerations

Learn how to follow through after an investigation, from notifying parties to addressing on-going workplace issues.

Interactive Learning

Your learning team will conduct a full fact-finding investigation from preparation through to interviews, examination of evidence, and the writing of an investigation report. Throughout the program you will receive coaching from experienced workplace investigators.



Facilitators and Speakers

Anne E. Grant

Anne has extensive experience in mediation, fact-finding, and conflict resolution. In 2007, she received the Ontario Bar Association Award of Excellence in Alternative Dispute Resolution. Since 1994, Anne has intervened as a workplace mediator and investigator on a regular basis in the public and private sectors. She has participated in the Mandatory Mediation Program and Canadian Human Rights Commission Roster as well as other rosters such as the Federal/Public Works and Government Services Canada, Arbitration and Mediation Institute of Canada, Farm Debt Mediation Service of Canada, and Ontario Public Service/Workplace Harassment and Discrimination Prevention Program.

Qualified in nursing, law, and dispute resolution, Anne holds her Masters-in-Law in Alternative Dispute Resolution from Osgoode Hall Law School as well as the national designation of Chartered Mediator with the ADR Institute of Canada.

Roger Alton (Guest Speaker)

Roger is an accomplished conflict resolution consultant who exhibits strong client focus and solid business acumen. He has gained a great deal of employee relations and conflict resolution experience over 24 years in various human resources assignments, including director of human resources with Sears Canada Inc. Roger has been a conflict resolution consultant since 2000 and has worked extensively in both unionized and non-unionized environments. He is a frequent public speaker on workplace topics including harassment investigations, conflict resolution options and mediation.

Lynn Bevan (Guest Speaker)

Lynn is a lawyer who is based in Toronto. She mediates and investigates harassment, other employment disputes and whistleblower complaints in domestic and international workplaces. She holds the accreditations of Chartered Mediator from the ADR Institute of Canada and Certified Mediator from the International Mediation Institute. She has served on the governing bodies of ADRIIC's and the Canadian Bar Association's Ontario branches.

Lynn is the author of many publications including two books on equity issues. She is a frequent public speaker and has hosted public radio programs on legal issues.

Kevin Robinson (Guest Speaker)

Kevin has represented complainants, respondents and employers involved in workplace disputes requiring investigations. As legal counsel with the Canadian Broadcasting Corporation (CBC), Kevin was responsible for managing and overseeing internal investigations. Most recently, Kevin has been engaged as an independent investigator for issues including absenteeism, illness and disability, workplace harassment and bullying, to name a few.

Kevin holds a Bachelor of Laws from Osgoode Hall Law School, and a Masters degree in law. He is a frequent speaker on employment law issues, and serves as a member of the Executive of the Labour and Employment Section of the Ontario Bar Association.

The roster of speakers may change. We will do our best to keep you informed of program changes.

Registration Kiosk

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We offer four easy ways to register:

Web: Complete the online form at: irc.queensu.ca

Telephone: Reserve by calling toll-free: 1-888-858-7838

Fax: (613) 533-6812

E-mail: irc@queensu.ca

Confirmation and information on program location, check-in time, and agenda will follow.

Registration and Fees

Program fees include tuition, workbook materials, lunches, and some dinners. For all programs, payment in full is required one month before the program begins.

Register and pay two months before the start of a program and save \$300 on the tuition of four- and five-day programs, and \$150 on two- and three-day programs.

Register three people **from the same organization in the same program at the same time**, and receive a **10% discount** on program fees. Register five or more people **in the same program at the same time**, and receive a **20% discount**.

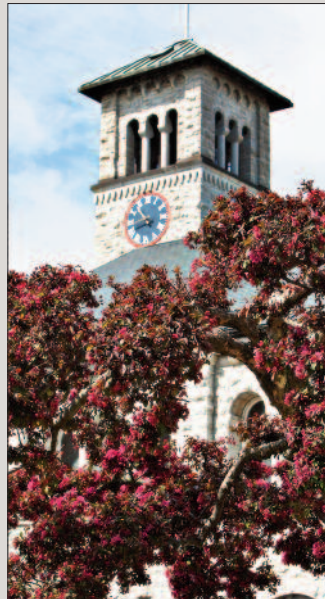
If you know you will be pursuing a Queen's Certificate and would like to remit tuition in one payment before your first program, we offer a special fee with a considerable saving. Contact our Program Administration office for details.

Note: Only *one* discount may be applied.

Cancellations and No-Shows: Substitutions are permitted with no penalty at any time. Transfers and cancellations are permitted with no penalty **up to 3 weeks prior to the program start date**. There will be a \$500 fee charged for cancellations, transfers, and no-shows **within 3 weeks of the program start date**.

Location and Accommodation

Please refer to our website, irc.queensu.ca, for the latest information on venues.



Robert Sutherland Hall
Queen's University
Kingston ON
Canada K7L 3N6

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