

INDUSTRIAL RELATIONS CENTRE  
Professional Development Training



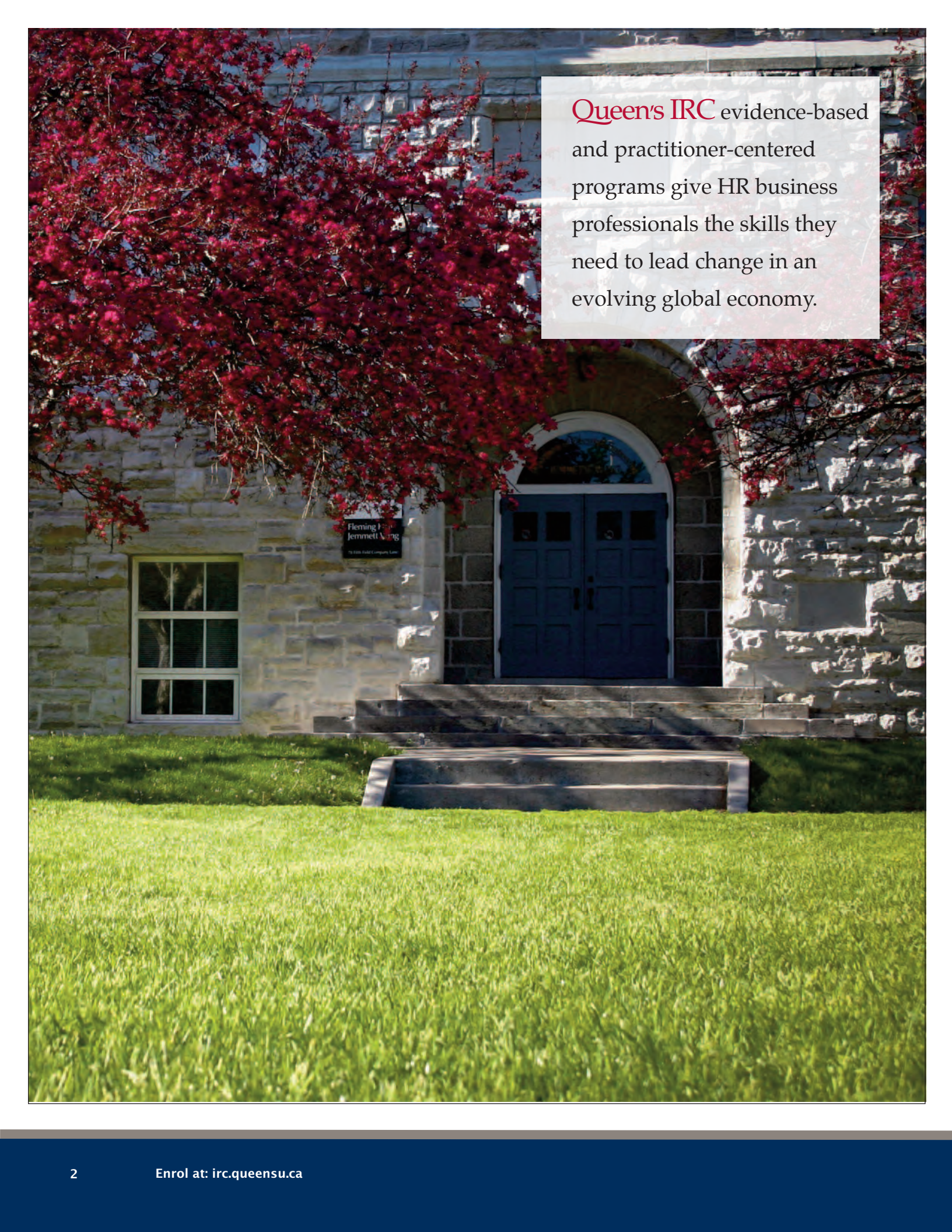
# Mastering Fact-Finding and Investigation

Building Internal Capacity to Effectively Deal with Workplace Complaints



[irc.queensu.ca](http://irc.queensu.ca)



A photograph of a stone building with a blue double door under an archway, partially obscured by a tree with vibrant red leaves. A white text box is overlaid on the right side of the image.

*Queen's* IRC evidence-based  
and practitioner-centered  
programs give HR business  
professionals the skills they  
need to lead change in an  
evolving global economy.

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 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.

## Transforming Knowledge into Action

By the end of this 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

### NEW VALUE ADDED CONTENT!

Additionally, our new **Rebuilding Working Relationships** module brings participants full circle by providing insight and concrete strategies to restore the workplace after a formal investigation.

### Essentials

**4 Days**

#### Date & Location

Apr. 24-27, 2018: **Calgary**  
Jul. 17-20, 2018: **Kingston**  
Nov. 6-9, 2018: **Victoria**  
Apr. 2-5, 2019: **Toronto**

Please refer to our website, [irc.queensu.ca](http://irc.queensu.ca) for the latest information on venues.

**Fee:** \$4,595

#### Who Should Attend

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

#### Takeaway Tools

- Fact-Finding Workbook
- Interview Templates
- Sample Fact-Finding Reports

ALR 302  
4 Credits

# Learn. Design.

## 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.

# Implement.

## 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.

### NEW MODULE!

## h) Rebuilding Working Relationships

**During this final module, you will examine strategies to restore the workplace after a team or department has experienced the polarizing effects of a formal investigation.**

### 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 Grant (Lead Facilitator)**

Anne has practised as a full time mediator and conflict resolution professional since 1994. Anne's dispute resolution practice includes extensive mediation of labour and civil disputes. She specializes in the assessment and restoration of poisoned work environments as well as conducting a range of workplace investigations. Anne is Past President of the ADR Institute of Ontario.

In the area of labour relations, Anne has facilitated the development of collective bargaining mandates, assisted work-place parties to implement comprehensive bumping processes, facilitated union management forums for the Workers Safety and Insurance Board and has facilitated interprovincial trade agreements to address the labour mobility of various professional groups.

Anne is qualified in nursing, law, mediation and labour relations. She holds the national designation of Chartered Mediator and obtained her Masters-in-Law in ADR from Osgoode Hall Law School in 1997. In 2007, she was awarded the Ontario Bar Association's annual Award of Excellence in ADR. She is published provincially and nationally in the areas of ADR and legal issues in health care.

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

# Registration Kiosk

## Mastering Fact-Finding and Investigation

### Building Internal Capacity to Effectively Deal with Workplace Complaints

We offer four easy ways to register:

**Web:** Complete the online form at: [irc.queensu.ca](http://irc.queensu.ca)

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

**Fax:** (613) 533-6812

**E-mail:** [irc@queensu.ca](mailto: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 60 days prior to 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.

### Cancellation Policy

Substitutions are permitted with no penalty **8 days or more from the program start date**.

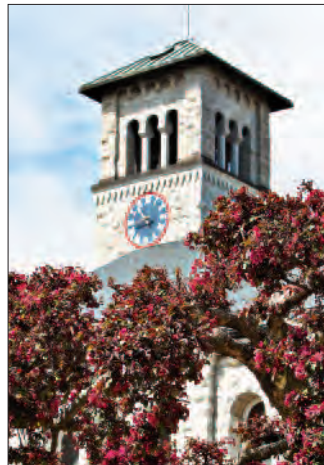
Substitutions **7 days or less before the program start date will be subject to a \$500 charge**.

Transfers and cancellations are permitted with no penalty **up to 15 days prior to the program start date**.

**Transfers and cancellations 14 days or less from the program start date will be subject to a 100% charge of the program fee.**

### Location and Accommodation

Please refer to our website, [irc.queensu.ca](http://irc.queensu.ca), for the latest information on venues.



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