Fact-Finding and Investigations

Building internal capacity to effectively deal with workplace complaints
Why Choose Queen’s IRC?

Queen’s IRC focuses on developing and delivering human resources (HR), labour relations (LR) and organizational development (OD) programs for busy practitioners.

- 85 years of evidence-based and practitioner-focused training
- In-person, virtual and custom programs available
- Coaching from industry leaders with real-world experience
- Certificate-based programs in HR, LR and OD
- Practical simulations and tools that apply to your work environment
According to research conducted by Queen’s IRC, today’s labour relations practitioners are spending an increasing amount of time — up to 25 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.

Learning Objectives

- 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

Takeaway Tools

- Fact-Finding Workbook
- Interview templates
- Sample fact-finding reports
- Critical review checklist
Program Overview

Our module-by-module overview introduces the topics that will be explored in depth over the course of the program.

**MODULE 1**

**Introduction to Fact-Finding**
- Identify the key elements of a formal fact-finding/investigation
- Understand the importance of the four stages of fact-finding
- Explain the legal framework, key procedural aspects, and principles of investigation
- Apply the principles of fairness to an investigation
- Effectively use the organizational policy

**MODULE 2**

**Pre-Screening Complaints**
- Explore the range of options to handle a complaint
- Utilize pre-screening templates
- Complete preliminary informal fact-finding to ascertain the nature of the dispute
- Develop and confirm a mandate

**MODULE 3**

**Preparing a Plan**
- Identify the components of an effective plan
- Understand the process of notifying parties and witnesses
- Utilize a step-by-step guide to plan an investigation
- Craft essential questions

**MODULE 4**

**Gathering and Documenting Evidence**
- Identify the rules of evidence
- Recognize the different methods of documentation
- Understand issues surrounding documentation
- Consider the criteria for selecting sources of evidence
- Describe the dos and don’ts of reporting the evidence
**MODULE 5**

**The Art and Science of Interviewing**
- Plan for an interview
- Open and close an interview
- Recognize special issues in interviewing
- Identify techniques to handle difficult witness behaviours
- Practice conducting interviews in a simulated setting
- Explore credibility - guest presentation

**MODULE 6**

**Reporting Your Findings**
- Review, compile and organize evidence
- Assess and determine factual allegations based on relevant evidence
- Assess and determine issues based on factual findings
- Describe the essential components of an investigatory report
- Compile and analyze evidence from simulation
- Compare simulation results to a sample fact-finding report

**MODULE 7**

**Post Investigation Considerations**
- Explain the importance of notifying parties and witnesses
- Explore ways to follow through after an investigation
- Recognize and address on-going workplace issues
- Deepen understanding of learning from an investigation

**MODULE 8**

**Pitfalls and Hurdles**
- Critically review a fact-finding report
- Identify the common barriers to an effective fact-finding
- Describe techniques and strategies to ensure consistent results
- Understand the legal ramifications of investigations
- Identify ways to add value to the process

**MODULE 9**

**Restoring the Workplace**
- Understand the importance of the four stages of restoration
- Craft workplace restoration objectives
- Develop strategies to assess, plan, implement, monitor, and follow up
Facilitators and Speakers

Devan Corrigan (Lead Facilitator)

Devan Corrigan is an expert in workplace investigations and labour relations, having spent 20 years in human resources management and labour relations before founding an HR consulting company in 2017. His firm specializes in conducting workplace investigations including investigating complaints of harassment, sexual harassment, violence in the workplace, and other forms of employee misconduct.

He holds a Master of Industrial Relations from Queen’s University as well as an Honours Degree in Psychology and a certificate in Human Resources Management from Saint Mary’s University.

Devan’s expertise in human resources and labour relations, combined with his background in psychology, make him a go-to third-party workplace investigator. He is a member of the Association of Workplace Investigators and is on the roster for investigators for the Workplace Investigator Network (WIN).

Prior to starting his own firm, Devan held management positions for large organizations including Resolute Forest Products, Canadian Pacific Railway, Canada Post Corporation, and Glencore Canada Corporation.

Devan is passionate about leading and coaching individuals and organizations in topics related to human resources management, workplace investigations, and labour relations. He provides training to a variety of organizations on topics such as conducting internal investigations, respect in the workplace, as well as effective communication skills for leaders. Devan is the lead facilitator for the Queen’s IRC Mastering Fact-Finding and Investigation program.

Devan has authored publications touching on various matters related to workplace investigations including published articles for Queen’s IRC: “Reducing Participant Stress Before a Workplace Investigation” and “The Myth of Body Language as a Credibility Assessor.”

Deborah Hudson (Speaker)

Deborah Hudson is one of the founding partners of Hudson Sinclair LLP. Deborah represents both employers and employees in all aspects of labour and employment law. She was called to the Ontario Bar in 2008, and she has practiced exclusively in the areas of labour and employment for her entire career. Deborah regularly advises both employers and employees in relation to matters occurring at all stages of the employment relationship (including areas such as contracts, accommodations, human rights matters and termination).

Deborah provides her clients with practical, timely and highly specialized legal advice. She regularly advises both employers and employees in relation to matters occurring at all stages of the employment relationship. She values the importance of early and productive resolution discussions when beneficial and appropriate. In circumstances where resolution is not achievable or advantageous, Deborah advocates on behalf of her clients in all legal forums. Deborah also conducts workplace investigations as an external, independent investigator relating to various workplace circumstances and allegations including harassment/bullying, human rights matters, privacy breaches and fraud.

Deborah has authored and contributed to a number of publications concerning workplace issues. Most recently, Deborah was a contributing author of: Startup Law 101: A Practical Guide (2017); Ontario Human Rights Code: Quick Reference (2015); and Accommodation Issues in the Workplace (2014). Deborah has also published numerous articles for Queen’s University IRC.

The roster of facilitators and speakers may change. We will do our best to keep you informed of program changes.
Building Better Leaders