

Conducting Workplace Investigations

Overview

Human Resources professionals need to lead workplace investigations from time-to-time, yet many HR experts have never been shown how to properly conduct one based on the principles of natural justice. Whether it is following up on a harassment complaint, allegations of sexual misconduct or bullying in the workplace, HR professionals need to follow a fair process and make decisions that are objective and organizationally sound. This workshop will provide you with the **process, tools** and **techniques** to help you conduct future workplace investigations using best practices and proven principles.

Logistics

A 3-day workshop for HR professionals and Managers:

- ❖ **Day 1 = Theory + Sample Case Review (knowledge & process)**
- ❖ **Day 2 = Applied Knowledge – Complete a Scenario (tools & skill-building)**
- ❖ **Day 3 = Practice – Work Through a Case from Start to Finish (interviewing techniques)**

Location: Clean Harbors, 9808 – 12 Avenue SW, Edmonton

Dates: Day 1 – Friday, September 27, 2019
Day 2 – Thursday, October 3, 2019
Day 3 – Friday, October 4, 2019

Times: 8:00 am – 4:30 pm each day

Facilitation Fee

Cost per person: \$600.00 + GST

TECHNIQUES You Will PRACTICE:

- How to Complete Notices to Parties & Schedule Interview Meetings
- Interviewing Techniques (Basic & Advanced)
- Note-taking Principles
- Making Decisions Based on Evidence/Testimonies
- Drafting a Written Report
- Sharing the Findings with Parties

TAKE-AWAY TOOLS & TEMPLATES:

- Complaint Form
- Notice to Complainant (Letter)
- Response to Allegation(s) Form
- Notice to Respondent (Letter)
- Notice to Witness (Letter)
- Investigation Plan (Template)
- Investigation Questions (Sample)
- Evidence Evaluation Grid (Matrix)
- Findings Report (Template & Sample)
- Findings Cover Memos to Complainant (Letters)
- Findings Cover Memos to Respondent (Letters)
- Discipline Notice Form (Template)

Learning Objectives (3 Full Days)

Upon completion of this course, participants will be able to:

FOUNDATIONAL CONCEPTS

Define Investigation Fundamentals:

- Principles of natural justice
- Common allegations (discrimination, harassment, bullying, etc.)
- “Due process”
- Rules of evidence
- Impact vs. intention
- Organizational obligations/liability
- The legal and ethical role of investigator

BEFORE

- Respond to complaints/allegations in a timely way
 - Review policy documents and relevant legislation
 - Use templates to gather critical information
 - Collect relevant documentation regarding allegation
 - Determine in-house vs. outsourced investigation support
 - Assess interim measures during the investigation, if any (LOA, suspension, temporary re-assignment, etc.)
 - Determine meeting logistics (when, where, how)

DURING

- Follow a fair and transparent process
 - Contact parties and schedule meetings
 - Inform parties of their rights & responsibilities
 - Preserve confidentiality/privacy (“preamble” principles)
 - Prevent internal bias and pre-judging allegations/denials
- Maximize information gathering
 - Sequence interviews intentionally: complainant(s), respondent(s) and witness(es)
 - Track evidence
- Examine parties effectively – interviewing techniques
 - Ask effective questions and listen for lies
 - Take effective notes, including extra measures to ensure clarity and fair process
 - Address context around allegations without expanding scope too far
 - Track evidence
- Avoid common mistakes
 - Dos & Don’ts
- Deal with special circumstances
 - Anonymous complaints
 - Uncooperative parties/witnesses
 - Credibility assessments
 - Working with interpreters
 - Unionized environments
 - Pending matters (legal representation, human rights complaints, etc.)
 - Criminal matters – working with law enforcement
 - Obtaining legal advice

AFTER

- Write a clear, comprehensive and defensible report
 - Include key information (evidence/facts)
 - Assess credibility of evidence
 - Make sound decisions/judgments (weigh evidence and balance of probabilities)
- Share the findings report with the parties
 - Administer recommendations appropriately
- Review Respect in the Workplace Policies & Procedures

Q & A