

## Mastering the Complexities of Workplace Investigations

**Date:** Wednesday, February 4, 2015 | 1:30 pm – 4:50 pm

**Location:** Westin Harbour Castle Conference Centre,  
2 Harbour Square, Toronto, ON



This program is eligible for up to 3.25 Substantive Hours

**Program Chairs:** **Catherine Milne**, Turnpenney Milne LLP  
**Ella Forbes-Chilibeck**, Raven Cameron Ballantyne & Yazbeck LLP (Ottawa)

Well-conducted workplace investigations are essential in resolving disputes and mitigating legal risks. Ensure that you have the know-how to protect your clients and organizations with this essential program. Gain a comprehensive understanding of employer, union and employee rights and obligations. Get critical guidance on what constitutes a sound investigation in both unionized and non-unionized environments, how investigations can be implemented to achieve tangible results, and how investigation outcomes can be challenged. Whether you represent the employer or the employee, our expert faculty will share years of honed experience and provide practical take-aways for you to use in your practice.

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| 1:30 pm | Welcome and Opening Remarks   | 3:15 pm | Networking Break  |
| 1:35 pm | <b>Exploring Investigation Obligations under the <i>Human Rights Code</i></b><br><b>Kim Bernhardt</b> , Arbitrator and Mediator<br><b>Andrew Diamond</b> , ADR Chambers<br><b>Kevin Robinson</b> , Robinson Heeneey LLP <ul style="list-style-type: none"><li>• Is there a free-standing obligation to investigate an allegation of discrimination in the workplace? An analysis of human rights, labour and civil case law</li><li>• Critical steps for employees and employers when discrimination is alleged</li></ul> | 3:35 pm | <b>Lessons Learned from Investigations Gone Wrong</b><br><b>Sarah Crossley</b> , Norton Rose Fulbright Canada LLP<br><b>Zaheer Lakhani</b> , Bernardi Human Resource Law LLP<br><b>Christine Thomlinson</b> , Rubin Thomlinson LLP <ul style="list-style-type: none"><li>• Unraveling the consequences of an inadequate investigation</li><li>• Expert strategies for avoiding common pitfalls</li><li>• When should a third party investigator be retained?</li><li>• Clarifying the role of the investigator in recommending outcomes and sanctions</li><li>• How to effectively implement investigation results</li><li>• Navigating disciplinary consequences</li><li>• How and when can you maintain privilege over an investigation report?</li></ul> |
| 2:40 pm | <b>Tackling the Challenges of Investigations in a Unionized Workplace</b><br><b>Kathryn Bird</b> , Hicks Morley Hamilton Stewart Storie LLP<br><b>Joshua Phillips</b> , Ursel Phillips Fellows Hopkinson LLP <ul style="list-style-type: none"><li>• What is the role of the union in an investigation?</li><li>• Best practices for a unionized workforce investigation</li><li>• How to handle the complicating factors when an investigation involves both unionized and non-unionized employees</li></ul>             | 4:40 pm | Questions and Closing Remarks   |
|         |   | 4:50 pm | Program Concludes   |

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Questions? Toll Free: 1-800-668-8900 | Tel: 416-869-1047 | [pd@oba.org](mailto:pd@oba.org)

