

How to Conduct Defensible Investigations Objectively Reviewing your Workplace Reviews

Complaints of significant workplace misconduct, professional incompetence, negligence, harassment and bullying are on the rise in nearly every organization – small and large, unionized and non-unionized, private and public sector.

Litigation is also more prevalent due to adverse findings from investigations in these matters. As part of this litigation, individuals commonly assert deficiencies and improprieties in the review process.

Recent court decisions have awarded significant monetary damages to individuals based on faulty conclusions arising from unfair or biased workplace investigations.

In this workshop, Marli Rusen will provide leaders with a practical and legally defensible framework to follow – ensuring they conduct, and are seen to conduct, fair and objective workplace reviews.

Topics Addressed:

- How to set up the review for success: notifying parties, ensuring confidentiality and implementing necessary interim measures
- Ensuring your investigation is balanced and objective: the importance of the MIRROR investigation
- How to create appropriate lines of inquiry for interviews: the importance of being open-minded and keeping questions open-ended
- How to approach 'he said-she said' situations: the vexing issue of assessing credibility
- What to include in an investigative report
- Learning the importance and application of the investigative terms 'objective,' 'neutral,' 'confidential,' 'fair' and 'timely' in the context of workplace reviews
- Guidance for addressing challenging issues such as aggressive/emotional witnesses, refusals to participate, the suspicion of mental health issues, unreasonable or disrespectful intervention/interference by employee representatives/legal counsel and otherwise