

THE OSGOODE ADVANCED CERTIFICATE IN WORKPLACE INVESTIGATIONS

*“This is a truly wonderful learning experience.
Not only do we get the theory, we get the practice, too.”*

Rosalie Armstrong
Counsel, Justice Canada

This unique, **advanced level** program will take your workplace investigation skills to a new level by **simulating investigations** so you **learn-by-doing**.

Over 4 intensive online modules, you will:

- Create plans for managing complex workplace investigations, including allegations of racism, systemic racism, prejudice and bias
- Conduct a mock investigation using a trauma informed approach
- Learn – and practice – strategies to mitigate bias
- Analyze the difference between credibility, findings of fact and findings of law
- Refine report writing skills

Register today at:

osgoodepd.ca/adv-work

PROGRAM DIRECTOR

Lauren Bernardi
Bernardi Human Resource Law

REGISTRATION DETAILS

January 11, 12, 26 and 27, 2023
Online (Live)

*Can't make the date?
Registration includes 120-day
unlimited, online access to the
recorded program.*



The Osgoode Advanced Certificate in Workplace Investigations

Don't miss the hands-on practical exercises, where participants will be involved in interview simulations in some of the most challenging scenarios in investigations work. This is an unparalleled opportunity to improve your skills.

Workplace investigations are under scrutiny like never before, having been thrust into the spotlight by the **#MeToo, Black Lives Matter** and similar movements. Investigations are now often **conducted remotely**, adding complexity to considerations of fairness. Now, more than ever, it's important to have **more than basic knowledge and skills** to carry out fair and effective investigations.

Over 4 intensive online modules, you will “learn by doing” with lectures, group discussions, breakouts and **simulated workplace investigation interviews**. You will conduct interviews and receive constructive, practical feedback from trained facilitators, enabling you to sharpen your skills.

Taught by leading experts who have years of experience, you will learn how to plan the investigation, carry out effective interviews in the most challenging circumstances, and write clear and convincing reports.

Register today at:

[osgoodepd.ca/
adv-work](https://osgoodepd.ca/adv-work)

Space is strictly limited to ensure a completely interactive and practical experience.



Topics Include

- Investigating Workplace Violations – Advanced Concepts and Terminology
- Understanding and Investigating Complaints of Workplace Harassment, Sexual Harassment and Sexual Assault
- Managing Trauma Informed Workplace Investigations
- Identifying and Mitigating Implicit Bias
- Tactics for Investigating Allegations of Racism, Systemic Racism, Prejudice and Bias in the Workplace
- Strategies when Investigating Complicated Allegations of Workplace Bullying
- Ensuring Procedural Fairness
- Tips and tricks – effective strategies for conducting workplace investigations
- Writing Compelling Reports – What Works? What Doesn't?

“Lauren’s examples and practical tools and tips are incredible.”

Arni Ahronson
CEO and Founder, Ahronson & Associates
People Solutions Inc.

Who Should Attend

- Human Resources Professionals
- Employment and Labour Lawyers
- Workplace Investigators
- Trade Union Representatives
- Workplace Consultants/ Educators

This program is intended for more experienced human resources professionals/practitioners who have conducted 10 or more workplace investigations **OR** have already completed a recognized training course* focused on workplace investigations.

For example, the **Workplace Investigations Certificate Program offered by the **HRPA***

Register today at:

osgoodepd.ca/adv-work

Taught by leading experts with years of experience who will guide you through some of the most challenging scenarios in workplace investigations

Program Director



Lauren Bernardi

Bernardi Human Resource Law

Lauren Bernardi is a highly respected leader in the field of workplace respect, harassment and violence.

As an investigator, Lauren has been retained to conduct investigations into a wide variety of issues including sexual harassment, sexual assault, psychological harassment/bullying, poisoned work environments and allegations of discrimination on the basis of race, religion, sexual orientation, gender identity and family status.

Lauren has been a champion of respectful workplaces from the outset of her career. Highlights include:

- Developing and teaching the three-day HRPA (Human Resources Professionals Association) *Workplace Investigations Training and Certificate Program*, offered monthly
- Co-chairing the annual four-day Osgoode Professional Development *Certificate Program in Workplace Mental Health Law*
- Developing and co-chairing the Law Society of Ontario's program: *Workplace Investigations: A Comprehensive Look at Emerging Issues and Practical Solutions*

Lauren's expertise has been quoted in the Toronto Star, the Globe and Mail and the National Post. She is a frequent guest expert on CBC Radio's Ontario Today program.

Advisory Board



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President + CEO, Benard & Associates



Kenda Murphy

Kenda's Law



Emma Phillips

Goldblatt Partners LLP



Hena Singh

Singh Investigations & Mediations;
Singh Lamarche LLP

Program Faculty

Sarah Atkinson

Lawyer, Workplace Investigator, Mediator

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CEO, Benard & Associates

Lauren Bernardi

Bernardi Human Resource Law

Esi Codjoe

Turnpenney Milne LLP

Mihad Fahmy

Mihad Fahmy Law

Lenore Lukasik-Foss

Director, Sexual Violence Prevention and Response Office and Anti Oppression Programs, Equity and Inclusion Office, McMaster University

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Kenda's Law

Asha Rampersad

Bernardi Human Resource Law

Alison Renton

Bernardi Human Resource Law

Hena Singh

Singh Investigations & Mediations;
Singh Lamarche LLP

Jennifer Wootton

Workplace Investigation Lawyer -
Optimal Resolution™

“Clear, practical guidance. Excellent exercises. Great presenters.”

Dirk de Lint, MBC Legal

Agenda

DAY 1

January 11, 2023

9:00 a.m. - 4:30 p.m. ET

Investigating Workplace Violations: Definitions/Investigating Allegations of Racism, Systemic Racism, Prejudice and Bias/Implicit Bias

- Breaking down the definition of harassment – the tricky situations including what is a “workplace” and what does “vexatious” mean?
- Are there legal differences when assessing whether there has been harassment under the *Occupational Health and Safety Act* and the *Human Rights Code*?
- Discrimination and harassment – applying the correct legal principles
- Poisoned work environments – what are the elements of the test?
- What constitutes a reprisal and when should reprisal allegations be included in an investigation? When should they be investigated separately?
- Investigating complex allegations of workplace bullying

Investigating Allegations of Racism, Systemic Racism, Prejudice and Bias in the Workplace

- Establishing systemic racism – what type of evidence is required?
- Identifying/defining microaggressions
- Examples of systemic discrimination and harassment, stereotyping and racial profiling in the workplace

Implicit Bias

- The impact of biases on an investigation including biases of witnesses and biases of the investigator
- Recognizing the signs of implicit bias
- Strategies and tools to mitigate investigator bias

Faculty

Lauren Bernardi

Bernardi Human Resource Law

Mihad Fahmy

Mihad Fahmy Law

Mireille Mortimer

Mortimer Khoraych Professional Corporation

Hena Singh

Singh Investigations & Mediations; Singh Lamarche LLP

DAY 2

January 12, 2023

9:00 a.m. - 4:30 p.m. ET

Investigating Complaints of Sexual and Gender-Based Harassment and Sexual Violence/ Trauma Informed Workplace Investigations/Tips and Tricks - Effective Strategies for Conducting Workplace Investigations

Understanding and Investigating Complaints of Sexual and Gender-Based Harassment and Sexual Violence

- Why are complaints of sexual harassment and sexual violence especially challenging?
- Understanding the psychology around sexual harassment and sexual violence
- Legal definitions under the *Occupational Health and Safety Act* and the Ontario Human Rights Code
- Understanding cultural differences and their impact in the context of responding to sexually harassing behaviours

Trauma Informed Workplace Investigations

- Defining trauma and recognizing the forms of trauma
- The impact of trauma on the investigation

- Conducting your interviews with a trauma informed approach
- Assessing credibility where there is trauma

Tips and Tricks - Effective Strategies for Conducting Workplace Investigations

- Key challenges for conducting remote investigations including assessing credibility; effective use of technology; data preservation and addressing privacy concerns
- How to take notes effectively/getting sign-offs
- How much time to schedule for interviews
- Should you prepare questions in advance?
- Insurance issues
- Who qualifies as an investigator?

Faculty

Dean Benard

President + CEO, Benard & Associates

Lauren Bernardi

Bernardi Human Resource Law

Lenore Lukasik-Foss

Director, Sexual Violence Prevention and Response Office and Anti Oppression Programs, Equity and Inclusion Office, McMaster University

Asha Rampersad

Bernardi Human Resource Law

After hours Networking Event: Join Us For Our Virtual Cocktail Party!

January 12, 2023

4:45 p.m. - 5:45 p.m. ET

DAY 3

January 26, 2023

9:00a.m. - 4:30 p.m. ET

Ensuring Procedural Fairness/ Practical Exercises

Ensuring procedural fairness is key to conducting a workplace investigation but determining what is “appropriate in the circumstances” as prescribed in the *Occupational Health and Safety Act* often presents challenges. Best practices for creating a procedurally fair workplace investigation will be covered including:

The Process

- The Ministry of Labour’s Code of Practice to address Workplace Harassment under *Ontario’s Occupational Health and Safety Act* – how to meet or exceed the provisions when conducting an investigation. What is the impact of demonstrating adherence to the Code?
- Who decides on the process – the investigator, the retaining client or both?
- What is the difference between a workplace culture audit and an investigation?
- What are you legally required to do and what amounts to best practice?
- Internal vs external investigations
- Passing the threshold test – is it a prima facie violation of a policy or violation of law?
- Dealing with challenging requests from counsel, support people and the witnesses themselves

Interviews

- Selecting witnesses – do you need to meet with everyone who is named by a party and if not, what is the basis for selecting witnesses?

- How much information do you need to give in advance of the investigation interview?
- How to structure a summary of allegations

Timeliness and Handling Delays

- Dealing with timelines and delays, and clients’ expectations
- At what point do you stop the investigation?

Completing or Expanding the Investigation

- What should you do when a respondent, in response to a complaint, brings forward allegations of his/her own? Should those respondent allegations be attached to the issue in the main investigation or constitute something else entirely which would require its own investigation?
- How to know when your investigation is done

Practical Exercises (Case Study Scenario)

In the afternoon session you will conduct part of an investigative interview with facilitators trained to give individualized feedback.

Note: simulations/exercises will not be recorded/archived.

Faculty

Sarah Atkinson

Lawyer, Workplace Investigator, Mediator

Esi Codjoe

Turnpenney Milne LLP

Alison Renton

Bernardi Human Resource Law

DAY 4

January 27, 2023

9:00 a.m. - 4:30 p.m. ET

Making Findings/ Writing Compelling Reports

Making Findings

- Credibility assessments – how are they utilized? What are the challenges around credibility assessments?
- What are the differences between credibility, findings of fact and findings of law – analyzing the differences
- Assessing behaviour in the context of workplace policies – even if it doesn’t meet the legal threshold, is it still a policy violation?

Writing Compelling Reports

- The good, the bad, and the in-between – examples of best practices ... and those that fail to achieve the necessary standards expected of an effective workplace investigation report
- The different styles and types of reports
- Cost sensitive reports for small organizations
- Distilling large amounts of information into a manageable and readable report
- Practical drafting exercises + individualized feedback

Faculty

Sarah Atkinson

Lawyer, Workplace Investigator, Mediator

Lauren Bernardi

Bernardi Human Resource Law

Kenda Murphy

Kenda’s Law

Jennifer Wootton

Workplace Investigation Lawyer
Optimal Resolution™

Registration Details

Fee per Delegate

\$3,495 plus TAX

Fee includes program registration, electronic program materials and 120-day unlimited online access to program archive. Group discounts and financial assistance available. Visit www.osgoodepd.ca/group-discounts for details

Financial Assistance

This program is eligible for OSAP funding. Federal and provincial job grants may be available. You may also apply for financial assistance with OsgoodePD. To learn more, visit: www.osgoodepd.ca/financial-assistance

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information, Please Contact:

David Thomas at 416 270 7316 or email dthomas@osgoode.yorku.ca

Certificate Requirements

Live online attendance is required for the practical exercises on Day 3, January 26, 2023 from 1:00 p.m. - 4:30 p.m. ET. Please note simulations/practical exercises are not captured or archived.

Participants must view all program modules and participate in the Practical Exercises on Day 3 to receive a certificate.

Register today at:

osgoodepd.ca/adv-work



Email: osgoodepd@osgoode.yorku.ca



Phone: 416 597 9724



Mail: 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours - LSO (ON): 21h 30m CPD (17h Substantive; 30m Professionalism; 4h EDI)



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.



This program has been approved for 24 continuing professional development (CPD) hours under Section A3 of the Continuing Professional Development (CPD) log of the Human Resources Professionals Association (HRPA)



“The calibre and expertise of the speakers is fantastic. This [program] has really opened my eyes.”

Jennifer Perez, CHRP, CHRL
Human Resources Consultant

“Lots of real world examples and practical tips.”

Ella Cordero
HR Manager, Building Up

“Thank you for a very valuable learning experience. The content shared was practical and the examples provided were very relevant.”

Irfan Chaudhry
Director - Office of Human Rights, Diversity and Equity, MacEwan University, Edmonton, Alberta

“Great, knowledgeable presenters. Good engagement and conversations. Content is very relevant.”

Amy Smith
Human Resources Advisor, Ontario Native Women's Association (ONWA)