

Workplace Harassment Investigations: What you need to know before, during and after

Labour and Employment Law

Date: Wednesday, February 24, 2021 | 9:00 am – 12:00 pm

Location: Zoom Webinar

Program Chair: Kristen Pennington, McMillan LLP



Webcast



Professionalism Hours: This program contains 1h 00m

Substantive Hours: This program contains 2h 00m

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Facilitating workplace harassment investigations in a fair and compliant manner can be a difficult undertaking, with many decisions to be made on a relatively short timeline. At this program, we will outline employers' responsibilities as well as provide practical advice about when a workplace harassment investigation is required and other important considerations at the outset of an investigation. This will be followed by an in-depth look at some of the issues that arise in the course of a workplace investigation and an employer's responsibilities following the investigator's work. Our faculty will dive into tricky issues that often emerge, including privilege considerations, the role of external counsel and maintaining confidentiality.

9:00 am Welcome and Opening Remarks

9:05 am **Receiving a Complaint and Initiating the Investigation**

Nadia Zaman, Rudner Law

Marie-Eve Jean, McMillan LLP

Justin Tetreault, Grosman Gale Fletcher Hopkins LLP

- When is an investigation required
- Determining the scope of the investigation (informal vs. formal)
- When to consider retaining an external investigator
- Considering interim measures (different reporting structure, leave of absence)
- Managing confidentiality considerations

10:00 am **Retaining an Investigator and Conducting the Investigation**

Dana Campbell, Rubin Thomlinson LLP

Rachel Turnpenney, Turnpenney Milne LLP

- Initial instructions to investigator
- Privilege and confidentiality considerations
- Role of investigator (fact finding vs. advisory)
- Anatomy of a typical harassment investigation

10:30 am Mental Health Break

10:45 am **After the Investigation**

Jennifer Chan, JTC Litigation

Nicole Simes, MacLeod Law Firm

Shreya Patel, Torkin Manes LLP

- Potential outcomes (substantiated, unsubstantiated, unable to conclude)
- Reporting the findings of the investigation to involved parties
- Remedial action
- What documents should be retained

11:55 am Questions and Concluding Remarks

12:00 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org