

WORKPLACE INVESTIGATIONS



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One of the most challenging aspects of workplace management is dealing with complaints and workplace conflict resolution. Complaints trigger a requirement on the part of employers to conduct thorough and defensible investigations and require management to assess the risks associated with the complaint.

Workplaces are at a higher risk than ever for workplace complaints and conflict due to Covid-19 physical requirements and safety measures and the recent increased focus on anti-racism and harassment. Employers should be prepared to respond to and protect themselves from the wave of complaints that are likely to emerge in these areas.

When looking for assistance in this area, employers and businesses will want advisors who can proactively identify potential legal and practical concerns before a formal complaint is launched and/or have a trained investigator investigate a complaint or concern that has already been lodged. You will want advisors who understand the importance of focusing on issues that will help minimize complaints and aid in the proper handling of investigations regarding allegations in the workplace. Advisors with the background experience and collective understanding of workplace disputes will help you identify and manage these complex issues. Advisors who are well-versed in the full spectrum of legal issues shaping today's workplace investigations and who can step in at any point in the process will help mitigate the risk and expense caused by workplace complaints and conflict.

Workplace investigations come in all shapes and sizes and while it is mandatory that they meet standards, there are no hard and fast rules as to how those standards should be applied or investigations conducted. This can result in investigations and reports that may not withstand legal scrutiny. It is critical that you partner with an advisor that has a reputation for conducting unbiased, ethical, meaningful and timely investigations which stand up against scrutiny.

Our understanding of the risks associated with workplace complaints and our ability to conduct defensible investigations is underpinned by our significant regulatory experience. We've been on the defense side. Having been actively involved in the processes enables us to examine all angles and bring a more well-rounded perspective. Our team applies not just sound process but also wisdom of experience and breadth of knowledge to that process. Our ability to overlay our collective wisdom on the process is what sets us apart.

We are well known for our depth of expertise in the arena of litigation. Our experience with respect to workplace investigations is steeped in the unique insights, perspectives and skills we have cultivated practicing in the areas of administrative law, professional negligence, professional regulatory law, and workplace law. We understand the risk and benefits of proceeding to trial and the way to mitigate those risks through a thorough investigation. It is precisely our involvement in litigation that motivates us to focus on anticipating and avoiding disputes and, in the event the need arises, using other methods of dispute resolution.

We assist public and private organizations of all sizes and would be pleased to provide you with more information about how we can support you with both traditional workplace investigations as well as other aspects of workplace dispute resolution. Let us put our expertise to work for you.

TYPICAL SITUATIONS

WORKPLACE ASSESSMENT AND REVIEWS

These types of proactive and strategic processes can have a very positive effect by assisting you in gauging the temperature of your workplace and culture and enabling you to uncover and get ahead of conflicts or issues before they escalate.

INVESTIGATION SUPPORT

Sometimes we do not drive the investigation but rather lend our expertise to in-house workplace investigators, credentialed investigators or legal counsel requiring assistance in investigation facilitation.

From providing general supervision and oversight to assisting with specific tasks, such as developing an investigation plan or assessing evidence, our overarching goal in this supporting role is to help ensure that investigations are properly conducted and legally defensible.

WORKPLACE INVESTIGATIONS

At some point, most employers will face a workplace incident.

A fair and reasonable investigation must be conducted before you decide on a course of action.

We are regularly retained to conduct workplace investigations. We are committed to providing unbiased, timely, legally sound investigations and, if requested, well-articulated and practical recommendations.

QUALITY AUDITS

Our experience reviewing the investigative reports of regulatory bodies has provided us with the experience and knowledge to identify flawed investigations.

This unique skillset has earned us a reputation as “unflinching scrutinizers” and can be employed to ensure that an investigation can hold up to scrutiny if brought to a tribunal or court.

MEDIATIONS & ARBITRATIONS

Mediations and arbitrations can be used to resolve disputes prior to, during or following a workplace investigation.

While each have distinct roles and are separate processes, they do complement one another.

Our skilled mediators and arbitrators are available to step into either role when an informal or negotiated compromise to a challenging workplace issue cannot be achieved.

POLICIES & PROCEDURES

While it is always good practice to keep your workplace policies and procedures up to date – with the advent of the pandemic and the increased focus on anti-racism and harassment, it is more important than ever. Now is the time to conduct a thoughtful and complete review.

Based on our regulatory work, we are well versed in creating and revising workplace policies and procedures

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