

INVESTIGATION JOB AID

- 1) Adequate notice of details of the charges against them:

Investigation held long after incident:

“The Union objects to this investigation in its entirety, as the Notice to appear was served in an unrealistic amount of time after the alleged violation. It is unfair to expect the employee to recall the facts after this time has passed. The Arbitrator has ruled on this in CROA 1588”.

Subject matter of the investigation is vague and excessively broad:

“The Union objects to the subject matter of this investigation, as it is vague and excessively broad. There is an obligation on the employer to provide each employee being investigated a clear understanding of the precise nature of the conduct which is alleged in order to have a meaningful opportunity to prepare and respond to the investigating officer’s question and offer any rebuttal if appropriate”.

- 2) Enough time to be prepared for the investigation – As outlined in the collective agreement:

“The Union objects to this investigation in its entirety as the employee has not been given sufficient time to be prepared for it.” (see collective agreement article)

- 3) Rebut Witness Statements Made against them:

“The Union objects to this investigation in its entirety as the Investigating Officer has denied the employee’s right to rebut any statement made against them. This investigation is unfair and not impartial”

- 4) Access material, statements and documents pertinent to the outcome of the investigation at the beginning of the statement:

Question to be asked when given the evidence:

“The Union requests full disclosure of all evidence, photographs, voice recordings, audio/video records, including any documentation whether paper or electronic, that has been utilized by, or is in the possession of the company, and which may have a bearing in determining responsibility”

Evidence submitted later in the investigation not warranted by facts disclosed during the investigation:

“The Union objects to this new evidence being submitted by the investigating officer at this time, as we had formally requested on the record for full disclosure of all evidence. There has not been any facts disclosed during this investigation to justify further evidence. This is a violation of the employee’s rights to a fair and impartial hearing”

- 5) Ask for a witness:

Witness requested before the investigation:

“The Union objects to this investigation in its entirety as we have submitted a list of witnesses to the investigating officer prior to the investigation, and by not providing this witness is unfair to the employee”

Witness requested during the investigation:

“The union request the right to ask questions to this witness”

If the Investigating Officer states they are unavailable at this time – Ask for a recess until the Witness becomes available.

Investigating Officer denies the recess:

“The Union objects to this investigation in its entirety as it is unfair and not impartial. The investigating Officer has denied the employees their right to question this witness”

- 6) State their case during the investigation:

“The Union objects to this investigation in its entirety as it is unfair and not impartial. The employee has tried to give his side of the story to the investigating officer who has denied him/her of their rights”

- 7) An impartial/unbiased investigating officer:

“The Union objects to this investigation in its entirety. The Investigating Officer is not impartial and as such the investigation is unfair”

- 8) Illegal Questions asked:

Leading Questions:

“The Union objects to this question as the investigating officer is answering the question for the employee”

Self incriminating questions:

“The Union objects to this self incriminating question as the purpose of the investigation is to determine the facts ”

Unfair questions:

“The Union objects to this question as it is an unfair question”

Investigator is pressuring:

“The Union objects to the Investigating Officer’s pressure on the employee. This is intimidation towards the employee and as such is unfair”

Investigator going off from subject matter:

“The Union objects to this question as it is not on point. The employee is here to answer questions related to the alleged “.....” which is not related to the question asked”

Previously asked questions:

“The Union objects to this question. It has already been asked and answered”

Investigator is overlooking or avoiding a line of questioning:

If this line of questioning being overlooked or avoided is helpful to the employee, make notes and ask those questions at the end of the investigation when you have the opportunity provided by the investigating officer

ARE YOU SATISFIED WITH THE MANNER IN WHICH THIS INVESTIGATION HAS BEEN CONDUCTED?

“LET THE RECORD SPEAK FOR ITSELF”