

COURSE NAME: HRP117 Human Rights and Investigations in the Workplace

Credit Value: 3
Total Course Hours: 42
Prerequisite Course(s): None
Corequisite Course(s): None

COURSE DESCRIPTION

This course will provide students with an in-depth study of the legal principles and practices of human rights in employment. Employers have a duty to accommodate in the workplace and leading principles and practices as well as the meaning of undue hardship and its application will be examined. In addition, workplace investigations are becoming increasingly routine in today's business environment and they can be complicated and time consuming. When a workplace investigation is conducted in an employment or human rights matter that ends up proceeding to litigation, the results of that investigation can be very valuable. Students will gain an understanding of the types of investigations in the workplace, considerations when planning an investigation, procedural fairness, common errors, conducting the interviews and the final investigation report.

PLAR INFORMATION

This course is not eligible for Prior Learning Assessment and Recognition.

COURSE LEARNING OUTCOMES

Upon completion of this course, the student will have reliably demonstrated the ability to:

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| <p>1.0 Explain the Duty to Accommodate and the impact on the workplace and employment relationship.</p> <ul style="list-style-type: none">1.1 Define Disability and Duty to Accommodate as outlined in the Human Rights legislation.1.2 Outline how employment policies and practices are influenced by the Duty to Accommodate.1.3 Consider how the employer, employee, bargaining agent and workplace community are affected by the Duty to Accommodate.1.4 Explain the general principles of accommodation in order to achieve compliance with the Duty to Accommodate.1.5 Understand the essential duty requirement and the scope of jobs to be considered in the process.1.6 Highlight the additional considerations and challenges when accommodating in a unionized setting.1.7 Explain how Meiorin principles have shaped the scope of the employer's duty to accommodate.1.8 Describe the importance of a workplace | <p>that values diversity, equity and inclusivity.</p> <p>2.0 Describe the fundamental concepts of undue hardship and explain specific accommodation challenges.</p> <ul style="list-style-type: none">2.1 Explain the considerations that circumscribe the undue hardship limit for employers and how to strike a balance between competing interests.2.2 Summarize practical strategies to support successful approaches to undue hardship.2.3 Contrast the employer's general due diligence obligation for health and safety and its duty to implement accommodation in the workplace.2.4 Consider the substantive and procedural demands of the duty to accommodate in the context of disability, age, family status, pregnancy and religious observance.2.5 Demonstrate an understanding of the employer's support and management of substance abuse as a disability. <p>3.0 Summarize the rights, roles and responsibilities of the parties and describe the implementation of the Duty to Accommodate.</p> |
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- 3.1 Compare and contrast successful management of multi-party responsibilities.
- 3.2 Explain the informational management process, relevant information and impediments to information access.
- 3.3 Understand the employee's obligation to cooperate, specifically how they must provide or facilitate the provision of relevant and necessary information to the employer as part of the accommodation process.
- 3.4 Define successful accommodation management and explain the process requirements.
- 3.5 Explain how the Supreme Court of Canada decision in Meiorin provides additional guidance on linking process and substance.
- 3.6 Understand how the educational and attitudinal challenges attending equality rights compliance with the duty to accommodate are significant.
- 4.0 Outline and discuss the challenges and solutions to successful Disability Management.
 - 4.1 Analyze the key issues of disability management in the context of absenteeism (intermittent, persisting or long-term) and presenteeism as an accommodation activity in the workplace.
 - 4.2 Explain how understanding and dealing with the impact of the duty to accommodate on disability management is critical to a successful approach of disability management.
 - 4.3 Summarize the key elements and steps in building an effective disability management program and culture.
 - 4.4 Describe the best practices and legal obligations related to successfully managing the medical component of disability management.
- 5.0 Demonstrate an understanding of the key principles of workplace investigations.
 - 5.1 Describe what a workplace investigation is and how it is useful and important.
 - 5.2 Identify when an investigation should occur and understand the "threshold question"
 - 5.3 Define the key concepts of misconduct and just cause surrounding human rights, non-human rights, workplace violence and poisoned work environment violations.
- 5.4 Explain the "Four Pillars" foundation of a solid investigation and the role of the investigator.
- 6.0 Determine the correct process (formal or informal investigation) to be used.
 - 6.1 Describe the steps in the traditional workplace investigation and explain when you might deviate from this process.
 - 6.2 Compare and contrast informal processes and explain when an informal approach is not appropriate.
 - 6.3 Outline the benefits of selecting an investigator internally or externally.
 - 6.4 Explain what steps if any, need to be taken during the course of the investigation.
 - 6.5 Outline and discuss how communication will be different depending on the parties and the circumstances.
- 7.0 Summarize the activities involved in developing and planning the investigation process.
 - 7.1 Understand the meaning of the 5 W's and How in the context of setting up an investigation.
 - 7.2 Explain the determination of mandate and illustrate its relevance and importance to the organization and the investigator.
 - 7.3 Describe and assess the process taken when considering who will be interviewed and consider what other party might be present (including those requested) during the interview.
 - 7.4 Consider when, how and where the interviews will take place.
- 8.0 Demonstrate an understanding of the interview process and how the evidence in the investigation will be collected.
 - 8.1 Explain the importance of conducting investigative interviews using a methodology appropriate to modern workplace values and natural justice.
 - 8.2 Discuss the significance of tone in the interview and the importance of structuring the interviews to best achieve the objective.
 - 8.3 Outline the ways in which the respondent's

interview may differ from the complainants.

8.4 Demonstrate the ability to phrase questions in a neutral manner and understand the importance of avoiding the use of leading questions.

8.5 Describe the key aspects of witness interviews and explain the importance of confidentiality as it relates to the parties and the subject matter of the investigation.

9.0 Consider the information gathered methodically, analyze it and decide what the facts are.

9.1 Explain how you determine the findings of fact and highlight the concept of hierarchy of evidence.

9.2 Define the concept of standard of proof in workplace investigations.

9.3 Describe biases in investigative interviews and how to minimize their impact.

9.4 Explain what an investigator should consider if he or she is unable to make a

decision despite having considered all factors.

9.5 Summarize the possible conclusions that an investigator may draw.

10.0 Assemble, organize and document the final investigation report and highlight the importance of self-care for the investigator.

10.1 Compare and contrast the pros and cons of preparing a verbal or written report.

10.2 Consider the timing of when the report should be written and the audience to whom it is written for.

10.3 Define and discuss the important elements found in the anatomy of the report and explain best practices for report-writing.

10.4 Analyze the choice of options for moving forward after the investigation and the steps taken as a result of an unsubstantiated complaint.

10.5 Discuss self-care strategies that are effective for workplace investigators.

GENERAL EDUCATION

This is not a General Education course.

ESSENTIAL EMPLOYABILITY SKILLS OUTCOMES

This course contributes to the following Ministry of Colleges and Universities approved essential employability skills (EES) outcomes:

1. Communicate clearly, concisely, and correctly in the written, spoken, and visual form that fulfils the purpose and meets the needs of the audience.
2. Respond to written, spoken, or visual messages in a manner that ensures effective communication
4. Apply a systematic approach to solve problems
5. Use a variety of thinking skills to anticipate and solve problems
8. Show respect for the diverse opinions, values, belief systems, and contributions of others
9. Interact with others in groups or teams in ways that contribute to effective working relationships and the achievement of goals.

EXTERNAL COURSE ACCREDITATIONS AND CONDITIONS

COURSE EVALUATION

Tests
 Role Play
 Discussion/Blog
 Participation

PROGRAM SPECIFIC GRADING

Test - 45%
 Role Play - 30%
 Discussion/Blog - 15%
 Participation - 10%

GRADING SYSTEM

A+:	90-100%	B+:	77-79%	C+:	65-69%	D:	50-54%	S - Satisfactory
A:	85-89%	B:	73-76%	C:	60-64%	F:	0-49%	I - Incomplete
A-:	80-84%	B-:	70-72%	D+:	55-59%			F- Repeat Course, included in GPA
								FS- Failure Supplemental
								FR- Repeat course, excluded from GPA

*For a complete chart of grades and descriptions, please see the Grading Policy.

LEARNING RESOURCES

Other Resources:

REQUIRED: The Duty to Accommodate and Disability Management - Thomson Reuters

978-0-88804-613-0

Human Resources Guide to Workplace Investigations, Second Edition - Thomson Reuters

978-0-7798-8414-8

Resources listed on the course outline support the achievement of learning outcomes, and may be used throughout the course to varying degrees depending on the instructor's teaching methodology and the nature of the resource.

LEARNING ACTIVITIES

Discussions, Case Studies, Team Work, Role Play

DELIVERY MODE

This course may be delivered, in whole or in part, in a number of modalities, including in class, online, hybrid,

in a synchronous or asynchronous manner or a combination thereof, as per accreditation and/or regulatory standards where appropriate.

ACADEMIC POLICIES

Canadore College is committed to the highest standards of academic integrity, and expects students to adhere to these standards as part of the learning process in all environments. The College's Academic Integrity policy seeks to ensure that all students understand their rights and responsibilities in upholding academic integrity and that students receive an accurate and fair assessment of their work. Please review the Academic Integrity policy (A-18) and other academic policies found on our website:

<https://www.canadorecollege.ca/about/policies>.

COLLEGE POLICIES

- Protecting human rights in support of a respectful college community

For college policies please see: <http://www.canadorecollege.ca/about-us/college-policies>.

STUDENT SUCCESS SERVICES - Your Success Matters!

Student Success Services provides student-focused services to facilitate students' success in their studies. Staff provide support by reducing and/or removing educational-related barriers through individualized accommodations and supports to students with disabilities.

Please visit our webpage to learn more: <https://www.canadorecollege.ca/support/student-success-services> or look for our events on social media.

To connect with Student Success Services email studentsuccessnow@canadorecollege.ca or call 705.474.7600 ext 5205.

FIRST PEOPLES' CENTRE:

A culturally safe environment offering CONFIDENTIAL student focused services, drop in or make an appointment to access:

- One on one counselling
- Elder in residence program
- Peer tutoring
- Peer mentorship
- Lunch & learn workshops on study skills, self-care, life skills
- Learning Resource Centre

Drop by our offices at C254 College Drive, E101 Commerce Court or call 705 474 7600 Ext. 5961 College Drive / 5647 Commerce Court.

<https://www.canadorecollege.ca/experience/indigenous-student-experience>

WAIVER OF RESPONSIBILITY

Every attempt is made to ensure the accuracy of this information as of the date of publication. The college reserves the right to modify, change, add, or delete content.

HISTORICAL COURSE OUTLINES

Students use course outlines to support their learning. Students are responsible for retaining course outlines for future use in applications for transfer of credit to other educational institutions.