

April 2, 3 & 4, 2012, Toronto

17th Workplace

Investigations

Conducting fair and balanced investigations that will stand up to scrutiny

Optional workshops

DEVELOPING A PROCEDURE FOR INVESTIGATING WORKPLACE HARASSMENT IN LIGHT OF BILL 168

Barbara Benoliel, President, **Preferred Solutions Inc.**

EFFECTIVE ELECTRONIC EVIDENCE GATHERING

Peter Vakof, Partner, **PricewaterhouseCoopers LLP**

Conference highlights

- Learn how to keep the investigation on track and avoid "scope creep" from Staples Business Depot Ltd.
- Hear how Cadillac Fairview manages workplace violence and harassment investigations in light of Bill 168
- Hear how RBC Financial successfully conducts workplace investigations
- Learn how TD Bank conducts forensic technology investigations
- Discover how the investigation group at Air Canada takes a more strategic view of internal investigations and adds value to the corporation

Participating organizations

AIR CANADA
ATS RETAIL SOLUTIONS
BORDEN LADNER GERVAIS LLP
CANADA'S WONDERLAND
CITY OF OTTAWA
COMPUTER FORENSICS INC.
HMV CANADA
LIQUOR CONTROL BOARD OF ONTARIO
MAC'S CONVENIENCE STORES
ONTARIO LOTTERY AND GAMING CORPORATION

PARTY PACKAGERS CANADA INC.
PESCE & ASSOCIATES, HUMAN RESOURCES CONSULTANTS
PREFERRED SOLUTIONS INC.
PRICEWATERHOUSECOOPERS LLP
RBC FINANCIAL GROUP
SAFEGUARD SECURITY & INVESTIGATION SERVICES LTD.
STAPLES BUSINESS DEPOT LTD.
TD BANK GROUP
THE CADILLAC FAIRVIEW CORPORATION LIMITED

"Information obtained will help in establishing our own procedures and documentation."

"I learned valuable information in several areas of interest."

"Very informative, provided guidance on how to proceed with an investigation."

Who should attend

VPs, Directors & Managers of Loss Prevention, Security, HR & Risk Management; Lawyers & Consultants in Labour, Privacy, Harassment & other issues; Internal Auditors, Investigators, In-house Counsel

Dear Colleague,

Dodgy bookkeeping, theft, fraud, employee harassment—there's only one thing worse than finding out that one of your own has acted improperly—and that is botching the investigation and leaving the company vulnerable to monetary loss and legal action.

The 17th Annual Workplace Investigations conference brings together senior corporate investigators from major Canadian companies who have "been there" to discuss practical investigative techniques that will stand up to scrutiny no matter the investigation.

Join senior investigators from these leading Canadian organizations as they discuss how to plan the investigation; how to carry it out in a fair and balanced manner; how to write the report and how to follow-up.

- Air Canada
- Staples Business Depot Ltd.
- TD Bank Group
- City of Ottawa
- RBC Financial
- Canada's Wonderland
- Liquor Control Board of Ontario
- The Cadillac Fairview Corporation Limited
- Ontario Lottery & Gaming Corporation
- And many others

Learn practical approaches for dealing with these difficult issues:

- Managing senior management expectations
- Avoiding the perception that the investigation is a "witch hunt"
- Ensuring privacy and confidentiality during the investigation
- Investigating workplace violence and harassment in light of Bill 168
- Gathering digital evidence that will withstand scrutiny
- Getting HR, legal, security and other business units to work together on the investigation
- Investigating workplace theft and fraud
- Effective interviewing techniques

With the level of practical experience at this conference, this is one event that you cannot afford to miss. Register now by calling (416) 665-6868 or 1-800-363-0722.

P.S. Don't miss our practical workshop sessions on effective electronic evidence gathering and investigations into workplace harassment cases in light of Bill 168.

Planning Systematic Investigations

Janet Naidu, Manager, Diversity Management & Ombuds Office,
Liquor Control Board of Ontario

Monday, April 2nd

9:00-9:45

ADDING VALUE: USING THE RESULTS OF THE INVESTIGATION TO PROTECT CORPORATE ASSETS AT AIR CANADA

Gilles Charette, Senior Director Corporate Security & Risk Management, Air Canada

Catching the culprit, while a key goal of any workplace investigation, is a bit like closing the barn door after the horse has gotten out. A better use of investigative resources is to "keep the horse in the barn" by using the information gleaned from investigations to protect the company's assets going forward. This discussion details Air Canada's strategic approach to investigations.

- Turning a loss into an asset: tightening up controls to prevent a recurrence
- Putting in place a system to continuously examine ways to protect company assets and people
- Mitigating risks of fraud and theft
- Continuously evaluating risk to employee safety and security
- Making suggestions to senior management and business group leaders
- Practical example of using cameras and word of mouth to prevent theft of duty free goods

9:45-10:30

MANAGING COMPLEX INVESTIGATIONS AT RBC FINANCIAL

Michael A. Hubley, Director RBC Corporate Investigation Services, RBC Financial Group

Complex investigations, particularly fraud investigations, often involve gathering large amounts of information, interviewing many suspects and witnesses in multiple jurisdictions, coordinating with multiple internal and external partners and requiring multiple investigative skill sets. This discussion details how to conduct complex fraud and AML investigations.

- Keeping control of a complex investigation
- Focusing on the objectives and purpose of the investigation
- Developing a model to ensure all bases are covered
- Coordinating with internal and external partners
- Key investigative skills required

10:30-11:00 NETWORKING BREAK

11:00-11:45

PLANNING THE INVESTIGATION: HOW TO KEEP THE INVESTIGATION FOCUSED AND AVOID SCOPE CREEP

Rui Rodrigues, National Director, Loss Prevention, Staples Business Depot Ltd.

Beginning an investigation is like turning over a rock - there may be all manner of things lying underneath. And while one wants to leave no stone unturned, during an investigation one must also be wary of "scope creep" that can sidetrack the investigation and bring it to a sudden halt. Many investigations remain open too long and become increasingly complex and difficult to bring to closure. This discussion details a disciplined approach to conducting an investigation and how to keep the investigation focused on the original issue, while providing some best practices on how to document other issues that arise while not allowing them to derail the investigation.

- Determining the aim and goals of the investigation at the outset
- Creating a roadmap for the investigation to include course of action, who will be involved, what tools are required, etc.
- Periodic evaluation of the direction of the investigation
- Updating the necessary parties
- Dealing with scope creep if it occurs and documenting other issues that require follow up
- When to open up a second investigation when new issues arise

11:45-12:30

CONDUCTING WORKPLACE INVESTIGATIONS AT THE LCBO

Janet Naidu, Manager, Diversity Management & Ombuds Office, Liquor Control Board of Ontario

At the LCBO, whenever a complaint is filed no matter how large or small, an investigation is deemed necessary. An effective and reliable reporting system further emphasizes the organization's commitment to finding out the facts for each case. This discussion details how to best set up a framework for strong investigations, resolving complaints and disclosing findings, based on the policies and procedures implemented by the LCBO.

- Ensuring that complaints are investigated: implementing strong policies
- Determining whether to mediate or investigate
- Separately staged interviews: complainants and respondents
- Proper disclosure of findings and resolving complaints
- Online incident reporting system: designed for employees

12:30-1:30 LUNCH

Investigation Methods and Techniques

CHAIR: Graeme Eastmure, President,
Safeguard Security & Investigation Services Ltd.

Monday, April 2nd

1:30-2:15

EFFECTIVELY PLANNING AND MANAGING THE INVESTIGATION

Tim Armstrong, National Loss Prevention Manager, HVM Canada

Effective planning and an awareness of the many obstacles that can hinder the course of an investigation will ensure that the investigation stays on track. This discussion by an experienced senior investigator, will detail real-life stumbling blocks that can derail the investigation and how to overcome them successfully.

- Managing the expectations of management, as well as your own
- Minimizing workplace disruption throughout the investigation
- How much investigation is enough? Knowing when to say when
- When distractions can be a positive to the investigation
- Ensuring quality control

2:15-3:00

PROTECTING WHISTLE-BLOWERS DURING WORKPLACE INVESTIGATIONS

Sean Sportun, Manager, Loss Prevention & Security - Central Canada, Mac's Convenience Stores

For employees to come forward and disclose sensitive information on incidents of workplace dishonesty and harassment; the organization must have a credible whistle-blowing policy. This discussion details how Mac's policy works in the context of investigating workplace dishonesty and harassment.

- Best practices in encouraging whistle-blowers to come forward
- Assessing whistle-blower credibility
- Establishing clear complaint channels
- Developing well-defined and well-publicized procedures for receiving and investigating reports
- Establishing a protocol for protecting employee complainants and witnesses from possible retaliation

3:00-3:30 NETWORKING BREAK

3:30-4:00

ENSURING PRIVACY/CONFIDENTIALITY DURING THE INVESTIGATION

Gregory Dack, Corporate Security Analyst, Corporate Security Division, City of Ottawa

Privacy issues are at the forefront of today's workplace investigations. But the sheer amount of regulation and the different regimes has left many organizations wondering how to conduct an effective workplace investigation without running afoul of privacy issues. How do the regulations affect the conduct of workplace investigations? What can the employer do, and what can you no longer do when investigating an employee? This discussion detail how to implement an investigation in light of privacy regulations.

- What impact does PIPEDA have on investigations?
- Can you delve beyond an employee's reasonable expectation of privacy?
- Establishing permissible bounds of workplace surveillance
- Searches of offices, desks, lockers: personal vs. company property
- Impact of provincial and municipal legislation
- Who has access to company computers?
- Handling the evidence collected during the investigation

4:00-4:30

EFFECTIVE INTERVIEWING TECHNIQUES

Graeme Eastmure, President, Safeguard Security & Investigation Services Ltd.

Whether it is talking to suspects, witnesses, victims or even job candidates, the art of interviewing is still one of the most effective methods for gathering information. Indeed, mastering key interviewing techniques will greatly improve the chances of a successful outcome of the investigation. This discussion details key techniques for mastering this challenging aspect of workplace investigations.

- Planning and conducting interviews and interrogations
- Getting beyond the words and obtaining the facts
- Techniques for creating the right atmosphere for an effective interview
- Common mistakes made during an interview
- Interpreting the subject's responses and demeanor
- Dealing with defensive, evasive and other uncooperative behaviour
- Dealing with an overzealous subject

4:30-5:00

CRITICAL LEGAL ISSUES IN CONDUCTING WORKPLACE INVESTIGATIONS

Matthew L.O. Certosimo, Partner, Borden Ladner Gervais LLP

This discussion details critical strategies for avoiding the most dangerous legal snares when conducting workplace investigations, including:

- What constitutes an inappropriate investigation?
- The scope of privacy rights: is there a "reasonable expectation of privacy" in the workplace?
- Legal issues surrounding surveillance: at work and elsewhere
- Uses of evidence in legal proceedings: civil vs. criminal
- Can you make an investigation report privileged?
- Legal issues when conducting an investigation in a unionized environment

Specific Investigation Strategies

CHAIR: Angelo Pesce, Principal Consultant,
Pesce & Associates, Human Resources Consultants

Tuesday, April 3rd

9:00-9:45

INVESTIGATING WORKPLACE VIOLENCE AND HARASSMENT

*Luciano Cedrone, Director of Security and Life Safety,
The Cadillac Fairview Corporation Limited*

Under Bill 168, employers are required to develop and implement a procedure for investigating and addressing incidents of workplace harassment, as well as developing policies to address workplace violence. This discussion details Cadillac Fairview's approach to workplace violence and harassment investigations.

- Conducting an assessment of the vulnerability to various categories of violence
- Procedures for reporting, investigating and documenting incidence of violence and threat
- When to conduct an investigations, who should conduct them and what should be investigated?
- Ensuring the investigation does not compromise any criminal prosecution
- Complying with fairness standards for investigations
- Ensuring proper documentation and note taking
- Weighing the evidence and making a decision
- Incorporating Bill 168 into the workplace violence and harassment program
- Domestic violence as a workplace issue

9:45-10:30

INVESTIGATING WORKPLACE THEFT

John Burdett, Director Loss Prevention, ATS Retail Solutions

When it comes to investigating employee theft, the best sources of information are often other employees who are familiar with the habits and routines of individuals they work with. This discussion details ATS's approach to investigating workplace theft.

- Having a written policy in place regarding disciplinary action for employee theft
- The importance of ensuring confidentiality among management and investigators
- How to handle employee searches
- Obtaining the right evidence: documentation, witness statements, video or physical evidence
- Conducting the interview

10:30-11:00 NETWORKING BREAK

11:00-11:45

CONDUCTING A FRAUD INVESTIGATION

Jim Maddin, Security Manager, Canada's Wonderland

As with any investigation, preparation, documentation and conducting the investigation in a fair and impartial manner are the essential requirements of a successful fraud investigation. This discussion details how a seasoned investigator handles fraud investigations and provides a few examples of cases from his experience.

- Understanding how and by whom the fraud was committed
- Determining the extent and the pervasiveness of the fraud
- Obtaining documents and electronic evidence
- Interviewing and confronting the suspect
- Documenting the investigation and writing the report
- The case of a recent credit card scam at Canada's Wonderland

11:45-12:30

CONDUCTING INVESTIGATIONS IN A UNIONIZED ENVIRONMENT

*Angelo Pesce, Principal Consultant, Pesce & Associates,
Human Resources Consultants*

Conducting an internal investigation in a unionized workplace is one of the greatest challenges facing management, employees and unions. The resulting clash of interests makes this type of investigation one of the most difficult to undertake. This discussion details how to avoid potential pitfalls when conducting an internal investigation in a unionized environment.

- Impact of collective bargaining agreement on workplace investigations
- Interaction of the grievance process and the investigation
- Making sure a union member's right to representation is respected
- Conducting an investigative interview in a unionized environment
- When to use a third-party investigator
- Making the investigation prompt, thorough and effective as a defence to employee grievances and related claims

12:30-1:30 LUNCH

Evidence and Information Gathering

CHAIR: Martin Musters, Director of Forensics,
Computer Forensics Inc.

Tuesday, April 3rd

1:30-2:15

EFFECTIVE ELECTRONIC EVIDENCE GATHERING

Martin Musters, Director of Forensics, Computer Forensics Inc.

It seems like almost every workplace investigation these days has a digital component to it, with e-mails being perhaps the most common type of evidence. However, one must be wary when gathering electronic files during an investigation, not to do it in such a way that compromises the evidence. This discussion details what is possible and what is not with electronic evidence gathering.

- Gathering e-mails and electronic files from suspects and from their servers/hard drives
- Looking beyond e-mail and hard drives: finding relevant data on flash drives, Smart Phones, back-up files, network drives and servers or other computers previously used by the target
- Analyzing the electronic evidence collected
- Having a broad focus when developing search terms or parameters for digital documents
- Getting professional advice on data preservation and digital forensics
- Documenting your efforts at preserving evidence
- Using social media
- Data mining
- Implications of cloud computing (The I-Cloud)
- The importance of digital footprints or metadata
- Corporate espionage: espionage tactics

2:15-3:00

CONDUCTING INVESTIGATIONS IN THE SHADOW OF "ACTIVE" LAW ENFORCEMENT AND REGULATORY INVESTIGATIONS

Corey Malcovich, Manager, General Investigations, Ontario Lottery and Gaming Corporation

Conducting an investigations in the shadow of an active law enforcement or regulatory investigation is a tricky proposition and one that, if done improperly, can have a negative impact on the reputation and ultimately the success of the organization. This discussion details how the OLG conducts investigations in one of the most heavily regulated industries.

- Meaningful cooperation with law enforcement & the regulator
- Acquisition and preservation of evidence
- Controlling access to and conducting interviews of employees and non employees
- Dealing with conflict between investigative & business interests
- Dealing with the media

3:00-3:30 NETWORKING BREAK

3:30-4:15

CONDUCTING A FORENSIC TECHNOLOGY INVESTIGATION AT TD BANK GROUP

Rene Hamel, Senior Manager Forensic Technology-Global Security and Investigations, TD Bank Group

Nowhere is the ability to conduct an effective digital investigation more critical than in the financial services sector, where digital transactions are the lifeblood of the business and are conducted around the clock and across the world. This discussion details how TD Bank Group manages its digital investigations.

- First steps when suspecting malfeasance
- Finding evidence of data destruction
- Conducting effective e-mail investigations
- Effective web browser analysis: going beyond the history examination
- Preserving the evidence
- Staying on line with privacy regulations during the investigation

4:15-5:00

EFFECTIVE WORKPLACE INVESTIGATIONS AT PARTY PACKAGERS CANADA INC.

Marcelo Lopez, Director of Loss Prevention, Party Packagers Canada Inc.

This discussion details how Party Packagers Canada, one of Canada's largest party goods retailers, manages its workplace investigations.

- Triggering the investigative process: type of investigation
- Taking immediate action, if necessary
- Planning the investigation
- Gathering evidence and supporting documentation
- Documenting the investigation: updates and reports
- Follow-up with business unit and human resources: closing the loop

OPTIONAL WORKSHOP A

Wednesday, April 4th - 9:00-noon

DEVELOPING A PROCEDURE FOR INVESTIGATING WORKPLACE HARASSMENT IN LIGHT OF BILL 168 *Barbara Benoliel, President, Preferred Solutions Inc.*

Bill 198 puts the onus on employers to protect employees from workplace harassment and violence as never before. The Bill has also created much confusion among HR and security leaders as to the Bill's implications for investigating workplace harassment and violence. Build on what you have learned from the conference and get much more detailed advice on conducting investigations in light of Bill 168.

- Procedures for reporting, investigating and documenting incidence of violence and threat
- When to conduct an investigations, who should conduct them and what should be investigated?
- Conducting a complete risk assessment
- Complying with fairness standards for investigations
- Ensuring proper documentation and note taking
- Incorporating Bill 168 into the workplace violence and harassment program
- Developing policies and procedures to mitigate and respond to workplace harassment and violence
- Taking reasonable precautions to protect employees you are aware are at risk
- Developing the mechanisms for monitoring the workplace and taking proactive action

Dr. Barbara Benoliel is a professional mediator and facilitator specializing in conflict resolution and Alternative Dispute Resolution in organizations. She is the President of Preferred Solutions, a dispute resolution company.

OPTIONAL WORKSHOP B

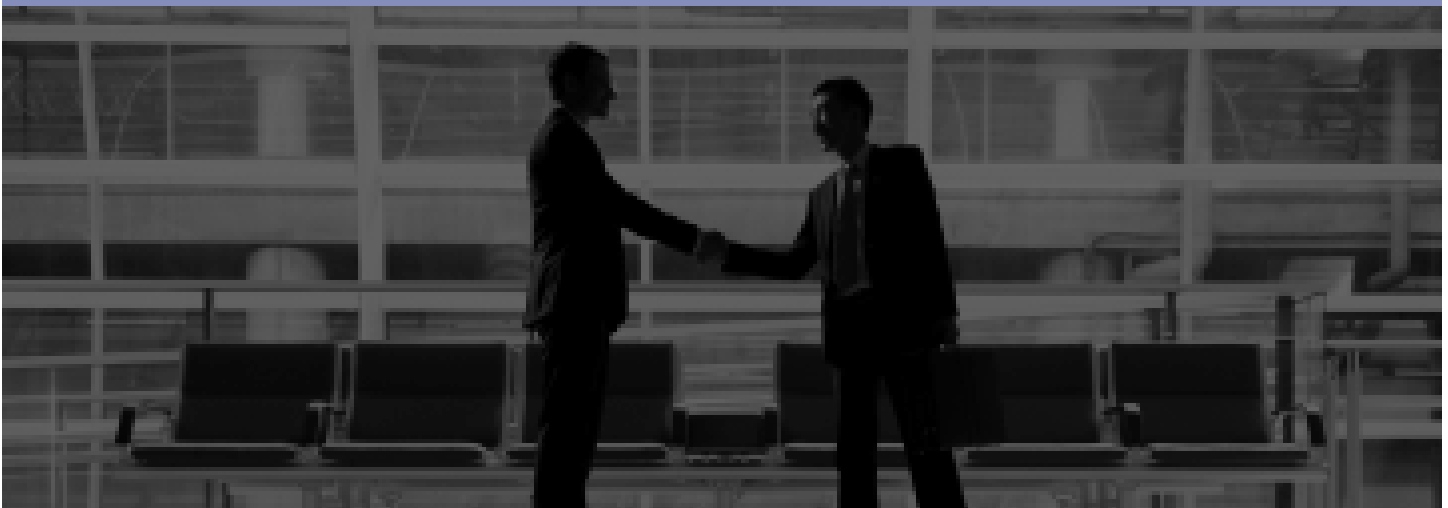
Wednesday, April 4th - 1:30-4:30

EFFECTIVE ELECTRONIC EVIDENCE GATHERING *Peter Vakof, Partner, PricewaterhouseCoopers LLP*

From e-mails to Facebook accounts to PDAs, the ability to gather electronic evidence is becoming a core practice of any investigative process - and it will only continue to increase. What steps must be taken to identify, capture, review and analyze this key electronic evidence? Expand on what you have learned from the conference and get much more detailed advice on how to gather electronic evidence without compromising the investigation.

- What are the key forms of digital evidence?
- Recovering e-mails
- Interpreting the data
- Documenting your efforts at preserving evidence
- Using social media
- Data mining
- Implications of cloud computing
- The importance of digital footprints or metadata

Peter Vakof is a partner with PricewaterhouseCoopers LLP's Forensics Practice. He is a Chartered Accountant (CA), a CA-designated specialist in investigative and forensic accounting (CA•IFA), a Certified Fraud Examiner (CFE) and a Certified Information Systems Security Professional (CISSP) with over 25 years of international professional experience, including forensic investigation and litigation support. Peter has extensive experience in forensic investigation, electronic discovery and data analytics. He has provided forensic accounting, cybercrime investigation, computer forensics, data analytics and e-discovery services to clients in a variety of industries including telecommunication, healthcare, entertainment, manufacturing, mining, retail, insurance, pharmaceutical, technology and financial services.



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17th Workplace

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