



LERNERS

# TRAUMA-INFORMED WORKPLACE INVESTIGATIONS

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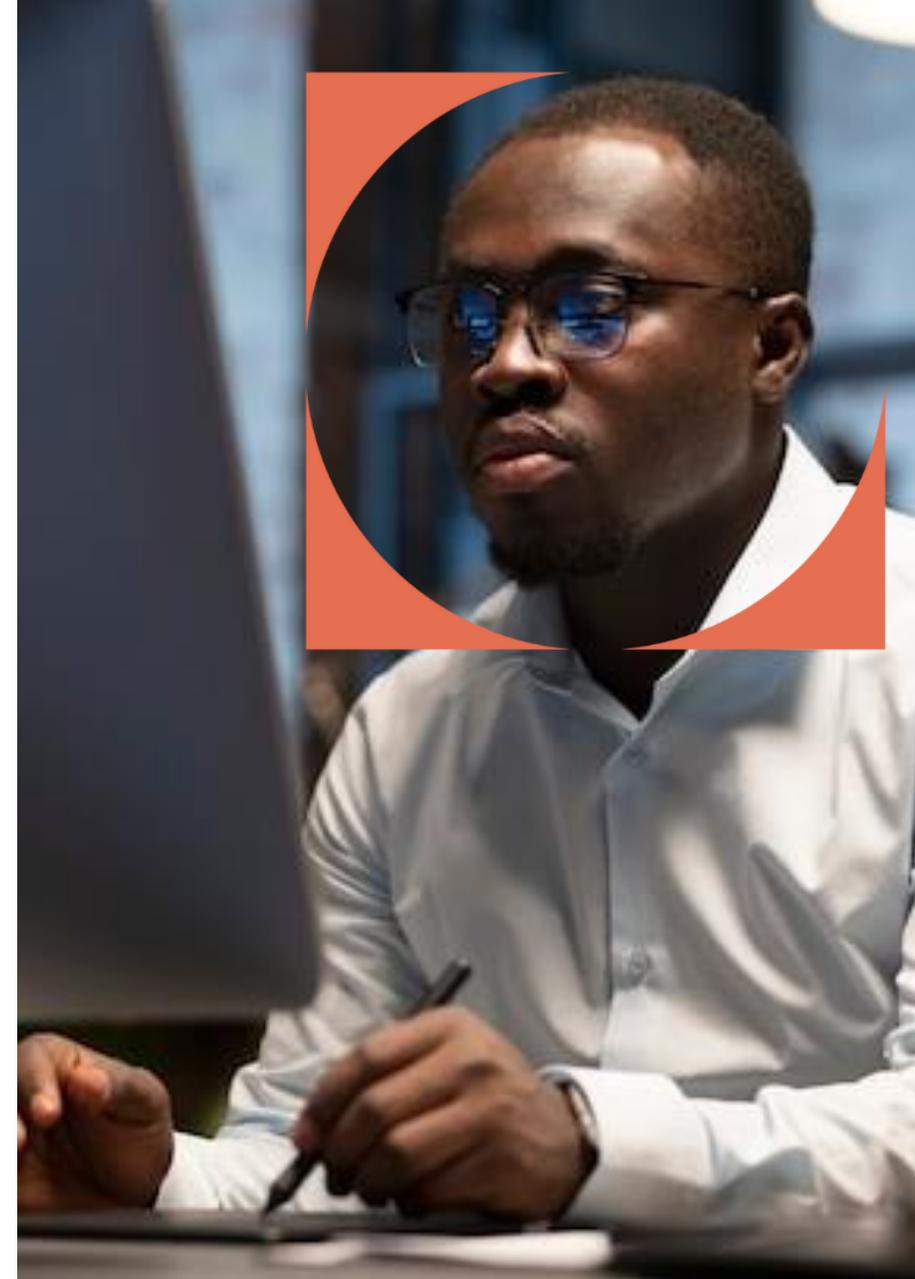
# TOPICS COVERED

1. What is a “Trauma-Informed” Approach?
2. Why Adopt a “Trauma-Informed” Approach?
3. How to Conduct a “Trauma-Informed” Workplace Investigation
4. Additional Techniques (Pre / Post Investigation; Alternative Processes)

# WHAT IS A “TRAUMA-INFORMED” APPROACH?

## We will discuss:

- Key Definitions
- Effects of Trauma
- “Trauma-Informed” Workplace Investigations





TRAUMA IS THE LASTING EMOTIONAL RESPONSE THAT OFTEN RESULTS FROM LIVING THROUGH A DISTRESSING EVENT. EXPERIENCING A TRAUMATIC EVENT CAN HARM A PERSONS SENSE OF SAFETY, SENSE OF SELF, AND ABILITY TO REGULATE EMOTIONS AND NAVIGATE RELATIONSHIPS. LONG AFTER THE TRAUMATIC EVENT OCCURS, PEOPLE WITH TRAUMA CAN OFTEN FEEL SHAME, HELPLESSNESS, POWERLESSNESS AND INTENSE FEAR

-Centre for Addiction and Mental Health (“CAMH”)

# WHAT IS "TRAUMA"?



- Trauma is not a “past event” that we remember
- Trauma is the current imprint of past events
- Current imprint is our *relationship to past events* and its ongoing impacts on our present selves
- Current imprint shapes our *cognition and processing* (memory, speech, learning, stressors)
- Trauma can be experienced by anyone...
- ...But marginalized and disadvantaged groups of people are disproportionately impacted by trauma

# THE THREE "ES" OF TRAUMA

## EVENT

- Potentially traumatic event
- Examples: accident, natural disaster, domestic violence, neglect, sexual assault, intergenerational trauma, etc.

## EXPERIENCE

- Whether an event causes trauma is dependent on how the person experiences the event
- Experience of event is accompanied by feelings of powerlessness, loss of control, and disconnection

## EFFECTS

- Normal and adaptive coping skills are replaced with maladaptive behaviour

# EFFECTS OF TRAUMA | THE FOUR FS

## FIGHT

- Bullying, controlling, hyper-critical of others

## FLIGHT

- Panic, anxiety, workaholic, perfectionism

## FREEZE

- Numbness, disassociation, difficulty making decisions

## FAWN

- People-pleasing, no boundaries, co-dependent, identity anxiety

# ZONES OF TOLERANCE



## HYPER-ACTIVE ZONE ("RED ZONE")

- Reactive, combative, defensive
- Unable to reflect, over-communicates

## OPTIMAL ZONE ("GREEN ZONE")

- Calm, present, under control
- Able to reflect and communicate

## HYPO-ACTIVE ZONE ("BLUE ZONE")

- Numb, shut-down, frozen
- Unable to communicate, over-internalized

# DYSREGULATION

## LEAVING OUR OPTIMAL ZONE



Everyone has different baselines for the “width” of their zones



Everyone has different reaction profile when responding “up” or “down” from different stressors



Everyone fluctuates throughout the day between these zones (sleep, food, background stressors, foreground events, etc.)

# WORKPLACE INVESTIGATIONS



- Trauma-informed approach to workplace investigations recognizes the potential role and impact of trauma during an investigation process
- Investigator is trained and understands trauma
- Interview process is structured to reduce the possibility of re-traumatizing participants
- Credibility findings are made in light of evidence about the impact of trauma

# WHY ADOPT A “TRAUMA-INFORMED” APPROACH?

## We will discuss:

- Research on Trauma
- Benefits
- Limitations
- Types of Investigations Where a Trauma-Informed Approach May Be Appropriate





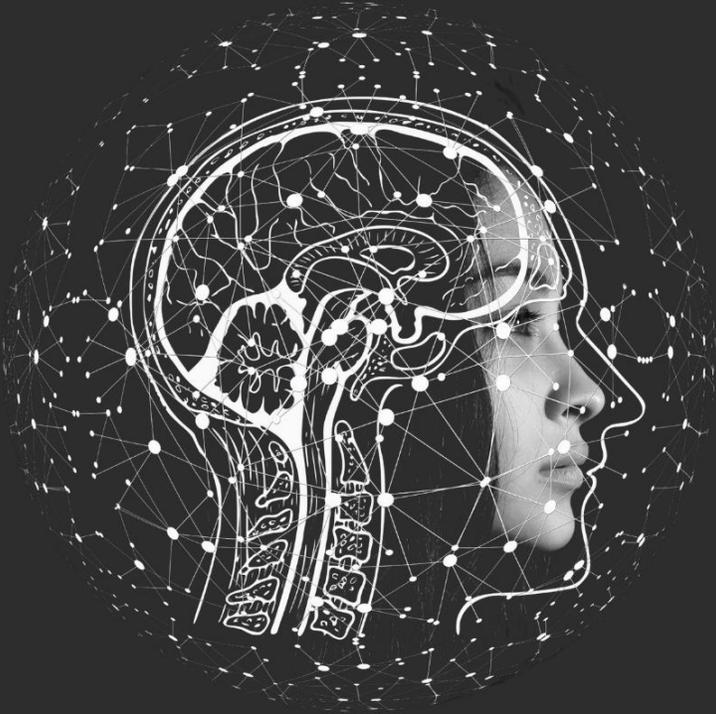
# RESEARCH ON TRAUMA

- Growing body of research demonstrates that trauma impacts memory storage and retrieval processes
- Traumatic memories may be fragmented, disjointed, and disordered
- Individuals who have suffered traumatic events often have gaps in their knowledge
- Memories may be recalled out of sequence



# RESEARCH ON TRAUMA

- Traumatic memories are often highly repetitive
- People who have experienced trauma may have intrusive flashbacks to traumatic event
- Trauma also increases likelihood that memories may be altered on retelling



# RESEARCH ON TRAUMA

- Research also demonstrates impact of trauma on an individual's demeanour
  - Flashbacks can cause disorientation, confusion, distress, emotional numbness, etc.
  - Attempts to avoid distressing memories may appear evasive
  - Individual may exhibit irritable or angry behaviour



# BENEFITS FOR INVESTIGATORS

- Clearer evidence
- More accurate factual findings
- Fairer credibility assessments



# BENEFITS FOR PARTICIPANTS

- Process does not become part of the stress/conflict
- Reduced likelihood of re-traumatization
- More “buy-in” on outcome
- Higher degree of closure



# BENEFITS FOR ORGANIZATIONS

- Stronger and more accurate reports
- Increased efficiency and fewer participant-delays
- Decreased residual tension/toxicity
- Reduced risk of re-traumatizing participants

# LIMITATIONS



NOT a substitute or alternative to counselling, therapy, or primary care



By centering individual lived experience and responses, always needs to be adaptive and conscientious



Ongoing learning, not a “checked box” pedagogy

# TYPES OF INVESTIGATIONS WHERE TRAUMA-INFORMED APPROACH MAY BE APPROPRIATE

Sexual  
harassment

Systemic  
discrimination

Gender-based  
violence/domestic violence

# DISCUSSION QUESTION

Have you encountered a participant in an investigation who you believed was experiencing trauma?

Did you make any modifications to your investigative approach as a result? What were they?





# HOW TO ADOPT A 'TRAUMA-INFORMED' APPROACH TO WORKPLACE INVESTIGATIONS

We will discuss:

- Active listening
- Content-warnings
- Flexibility and autonomy
- Meaningful weighing of credibility

# GOALS AND OBJECTIVES



## KEEP SPEAKER WITHIN OPTIMAL ZONE OF TOLERANCE

- Investigation interviews are not cross-examinations



## GIVE SPEAKER CONTROL OVER SHAPING THEIR NARRATIVE

- You will always learn more from a comfortable speaker
- How they emphasize, present, and prioritize elements of the story is itself valuable information



## KEEP SPEAKER ENGAGED SO THEY ARE LISTENING TO YOUR QUESTIONS AND PROVIDING RESPONSIVE ANSWERS

- Ensure clean evidence obtained on key facts, issues, allegations (especially where there is competing evidence)

# THE BASICS

1. Avoid being too formal; adopt a conversational tone to help build rapport
2. Ensure the interview is conducted in a private place
3. Consider what supports the participant may need/be entitled to for the interview  
*(e.g. union representative, lawyer)*
4. Provide opportunities for breaks at participant's request
5. Ensure water and tissues are available

# ACTIVE LISTENING



Give cues to show interest  
(verbal, body language)

- It should be tiring!



Paraphrase back and  
use mirroring  
language



Investigators must  
remain impartial, but  
can show empathy  
*(“I can see this is very difficult  
for you to talk about”)*



Avoid “I understand.”  
*(try “I hear you”, “I imagine”)*  
Conveying “understanding” can  
often minimize or feel dismissive.  
Leave room for their truth. (We never  
fully understand how others are feeling)

# ADVANCE NOTICE / CONTENT WARNINGS



Provide detailed particulars / topics of discussion in advance of interview



Begin interview with overview reminder of topics to be discussed



Pause to “signpost” difficult topics as they arise



Explicitly attribute direct quotes from documents or other witnesses so that difficult language isn't seen to come from investigator

# FLEXIBILITY / AUTONOMY



**Be flexible on interview format and delivery**  
(in-person vs. virtual; oral vs. written; oral + written)



**Begin with and prioritize open-ended questions**



**End interviews with invitation**  
*(“Is there anything else you’d like me to know regarding what we talked about today?”)*



**Give meaningful opportunity to review summary of evidence (for correction, clarification, and additions) and provide additional evidence (with clear “cut-off” date)**

# MEANINGFULLY WEIGH CREDIBILITY



Recognize that trauma can have an impact both on how a witness presents and their memory of the event



Consider whether the person's demeanour and recollection may be influenced by trauma

# DISCUSSION QUESTION

What's one technique you plan to adopt going forward when conducting a trauma-informed investigation?



# ADDITIONAL TECHNIQUES

We will discuss:

- Pre-Investigation preparation
- Post-Investigation reintegration
- Alternatives to formal investigations (workplace “restorations”)



# PRE-INVESTIGATION PREPARATION

Explain the “Five Ws” in advance to all direct participants (complainants/respondents)

## WHAT

is happening – preliminary review, workplace investigation, ADR or restoration

## WHY

is it happening – identify source of concerns, applicable policies, legislative mandates

## WHEN

is it happening – give an estimated timeframe for participation and conclusion of process

## WHO

is facilitating – is it internal or external investigator (if external, identify the benefits)?  
Who else can attend – union representatives, legal counsel, support persons

## WHERE/HOW

is it happening – provide guidance on how evidence will be obtained  
*(in-person, Zoom, etc.)*

# PRE-INVESTIGATION PREPARATION



Provide particulars of specific allegations in advance, but also other “chapters”/topics you intend to discuss



Invite participants to identify any topics or language that they find particularly difficult to discuss in advance



Invite participants to provide documentary evidence, notes, or summary written responses in advance



Remind participants of primary “fact-finding” function – our goal in this process is to learn

# POST-INVESTIGATION RE-INTEGRATIONS

- Offer confidential “debrief” interview with supervisor or HR
- Gives an opportunity for closure – many participants simply attend an interview and then hear nothing further
- Invite reflections/feedback on investigation process
- Maintains sense of autonomy and buy-in for the process
- Offer final “follow-up” debrief interview with supervisor or HR within one year
- Consider facilitated group reintegration sessions if tension persists
- Establish boundaries, expectations, and provide opportunity for face-to-face recognitions (where appropriate)

# ALTERNATIVE DISPUTE RESOLUTION/ WORKPLACE RESTORATIONS

- Primary consideration is organizational rules (policies, by-laws, collective agreements, etc.)
  - Ensure you have discretion to offer ADR
  - Ensure the “content” of the case is appropriate for ADR (e.g. cases where discipline is likely to be remedial vs. very serious allegations)
- Should almost always be voluntary / consent-based to ensure genuine engagement

# ALTERNATIVE DISPUTE RESOLUTION/ WORKPLACE RESTORATIONS

- Process and structure are essential (consider hiring professional facilitator)
- Allows conflicting parties to participate directly in crafting a responsive remedy
- Frequently results in deeper and longer-lasting resolutions
- Well-suited to early stages of conflict before tensions escalate to the level of formal complaints

# QUESTIONS/DISCUSSION

# ADDITIONAL READING

- Doidge, Norman (2015), *The Brain's Way of Healing: Remarkable Stories of Discoveries and Recoveries from the Frontiers of Neuroplasticity*, USA, Penguin Books.
- Levin, Peter A. (2015), *Trauma and Memory Brain and Body in a Search of the Living Past: A Practical Guide to Understanding and Working with Traumatic Memory*, Berkeley, California, North Atlantic.
- Bruce, Caroline Dr. (2020) Applying trauma informed principles to support witnesses to stay within their window of tolerance (<https://vimeo.com/380211535>).
- “Vicarious Trauma: Signs and Strategies for Coping”, British Medical Association, 2022 ([Vicarious trauma: signs and strategies for coping \(bma.org.uk\)](https://www.bma.org.uk/vicarious-trauma)).
- *Trauma-Informed Legal Practice Toolkit*, Golden Eagle Rising Society and The Law Foundation of British Columbia (September 2020) ([Trauma-Informed Legal Practice TOOLKIT | Golden Eagle Rising Society | Protecting and Enhancing Indigenous Lives](https://www.goldsociety.ca/trauma-informed-legal-practice-toolkit)).
- Paulson, Thor et al. (2023) Toward a Trauma-Informed Approach to Evidence Law: Witness Credibility and Reliability. *Canadian Bar Review*.



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THANKYOU