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'Well-respected' workplace harassment expert to probe Jian Ghomeshi allegations at CBC

Employment lawyer Janice Rubin to conduct third-party investigation as CBC encourages current and former employees to come forward.



Toronto employment lawyer Janice Rubin has been named as the third party who will investigate allegations within the CBC about Jian Ghomeshi.

By: [Jacques Gallant](#) Staff Reporter, [Alex Ballingall](#) News, Published on Tue Nov 04 2014

Toronto employment lawyer Janice Rubin has begun to tackle one of the most sensitive — if not messiest — jobs in the country: investigating allegations about Jian Ghomeshi within the CBC.

The public broadcaster announced in a note to staff Tuesday that Rubin, considered a leading authority on workplace harassment and investigations, and her team have already started their third-party probe.

Rubin is well known in the legal community as a thorough investigator who has conducted probes at other corporations. She is considered a pioneer in the field of workplace investigations, having co-written a book on the subject, and has been caught up in at least one high-profile firing.

More on the Jian Ghomeshi case at thestar.com:

[Former York University student alleges Ghomeshi fondled him](#)

[Jian Ghomeshi: The story so far](#)

“She’s very well respected by reputation,” said Ontario Trial Lawyers Association president Steve Rastin. “She’s widely perceived as being an acknowledged expert in her field.”

Later Tuesday, the Star learned Ghomeshi had hired a new legal team: Criminal Lawyers Association treasurer Marie Henein, who carries a reputation as a tough and well-prepared cross-examiner, and her downtown firm colleagues Scott Hutchison and Danielle Robitaille.

Henein represented former attorney general Michael Bryant and signed on to represent a woman who was charged with assault for throwing a beverage at Mayor Rob Ford.

In his book, Bryant called her the “best barrister I’ve met.”

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The CBC's executive vice-president for English services, Heather Conway, in her memo to staff Tuesday, encouraged current and former CBC employees who worked for Ghomeshi's former radio show *Q* and his old CBC Newsworld TV show *Play* to contact Rubin if they have any complaints or concerns about inappropriate behaviour.

Employees with information or concerns about harassment at the CBC not related to Ghomeshi should contact the human resources department, according to the memo.

Conway said Rubin's final report will be delivered to senior CBC management and will include a summary of the complaints she has received, findings for each complaint and recommendations on how CBC can resolve them.

She said Rubin will deliver a separate report "setting out her recommendations as to what steps CBC/Radio-Canada can take to prevent similar issues from arising in our organization in the future, including any recommended changes to CBC/Radio-Canada's policies and procedures related to harassment, discrimination, respect in the workplace and workplace violence and the investigation of these issues."

In public a statement last Friday, CBC president Hubert Lacroix [said recommendations from the third-party investigation "regarding any improvements to our policies and procedures" would be shared with "our board, our employees and with Canadians."](#)

CBC spokesman Chuck Thompson said Tuesday that general recommendations will be made public, "but, for privacy reasons, nothing pertaining to any specific complaints."

Rubin is a "leading authority on workplace harassment and has a certificate in workplace investigation," wrote Conway. "She is an experienced workplace investigator having conducted investigations into allegations of harassment, bullying and poisoned work environment and other employee misconduct."

A spokesperson for Rubin's law firm, Rubin Thomlinson LLP, said Rubin and the firm will not be speaking to media at all about her involvement in the investigation.

She is the co-author of two books: *Human Resources Guide to Workplace Investigations*, along with law partner Christine Thomlinson, and the second edition of *Law of Termination in Ontario*.

She is considered a pioneer in the field of workplace investigations in Canada and now offers training on the subject with Thomlinson, said Toronto mediator and arbitrator Barry B. Fisher, who has known Rubin for several years.

Describing Rubin as "very entrepreneurial, energetic and ethical," Fisher said she saw a new trend a decade ago in workplace investigations and decided to make it a main part of her practice, often examining allegations of sexual harassment and other forms of inappropriate behaviour in the workplace.

He said she has conducted probes at "large employers" in the past, but said he didn't feel comfortable identifying them.

Erin Kuzz, a partner at the employment and labour law firm Sherrard Kuzz LLP, said she has worked with a client business where Rubin had conducted a workplace investigation.

"(Rubin) has spent a number of years performing workplace investigations and it really is her area of expertise," she said, adding that she is known for being thorough and balanced. "That goes to the heart of what she does."

Rubin has frequently appeared on TV and in newspapers discussing work issues. This includes stints on CTV and the CBC, including the noon-hour radio call-in show *Ontario Today* last March, when she took questions about child care and the workplace.

Thompson, the CBC spokesman, said Rubin was paid a “nominal fee” for an appearance in the mid-1990s on a CBC radio show, but has not been paid for her other appearances. He said management was aware of her prior history with the CBC when they made their decision to hire her for the investigation.

“As a leading authority on workplace harassment, Janice has often been interviewed for her views on this subject (by a number of media outlets) and we see no conflict of interest,” he said.

Thompson said the terms of her contract with the CBC for the investigation are confidential.

Rubin was also involved in another infamous and very public firing, that of Ontario Gaming and Lottery Corp. CEO Kelly McDougald, in 2009. Rubin represented McDougald in her \$8.85-million lawsuit against the province after she was fired.

McDougald alleged in her lawsuit that she had been sacked because she refused to dismiss the chief financial officer and one other senior employee on the orders of then-Finance Minister Dwight Duncan when embarrassing expense account details became public. McDougald settled later in 2009 for almost \$750,000.

Rubin has been hired by businesses that are dealing with lawsuits from former employees, such as a downtown long-term care facility that was taken to the Human Rights Tribunal in 2012. She also represented Hallmark Canada in a severance dispute after the company closed down its Toronto manufacturing plant in 2008 and has worked with the BMO Financial Group, according to her firm’s website.

With files from Star staff