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HR LAW

WORKPLACE SEXUAL HARASSMENT



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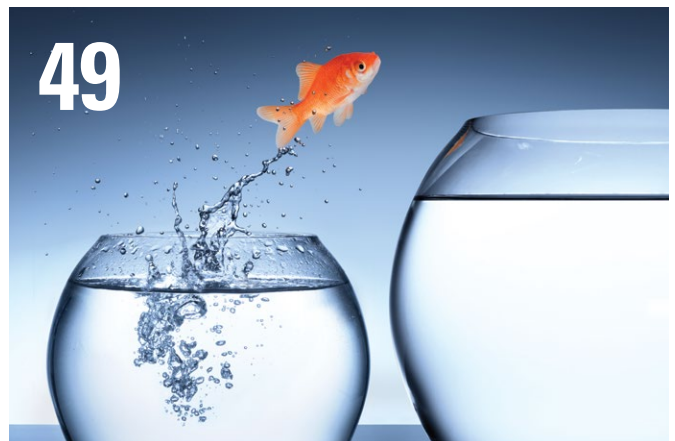
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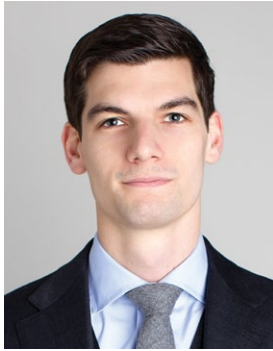
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IN THIS ISSUE

Workplace sexual harassment has been a headline-making topic in the past year with some high-profile cases. Higher awards for victims of harassment and a growing intolerance of unacceptable behaviour may prove to have an impact on our workplaces. Read our extended cover story about workplace sexual harassment, starting on page 16.

contributors



MARK REPATH

Mark Repath is an associate at Van Kralingen Law, a boutique firm with a practice focused on employment litigation and all aspects of workplace law. Van Kralingen Law is based in Toronto and represents employers of all sizes as well as key employees in their employment disputes. Repath has extensive experience with wrongful dismissal litigation and advising employers on their obligations in advance of terminations. Read his article that discusses how without cause dismissal cases are likely going to become more difficult for employers, starting on page 13.



STEPHEN SHORE

Stephen Shore is a lawyer with Sherrard Kuzz LLP, a Canadian employment and labour law firm, representing management. He is a skilled advocate whose practice is focused on the representation of management in many areas of employment and labour law, with particular emphasis on wrongful and constructive dismissal litigation, employment issues in corporate restructuring and transactions, collective bargaining, grievance arbitration and responding to union organizing and applications for certification. Shore regularly writes for a variety of employment and labour law publications and speaks to industry groups and other professionals on his areas of expertise. Read his article about employment practices liability insurance, starting on page 41.



SUSAN HODKINSON

Susan Hodkinson is chief operating officer for Crowe Soberman LLP, and provides human resources and operational consulting services to Crowe Soberman's clients. She has over 25 years of experience in all aspects of HR, across a wide variety of industries and business sizes. Her knowledgeable, practical and empathetic approach to business owners and their employees ensures that practices support business success. Read her article that discusses what employers can do when "moonlighting" employees let their outside job affect their daily tasks, starting on page 47.



HOWARD GREENBERG

Howard Greenberg is KPMG Law's national practice leader – Immigration. He is a past chair of the Citizenship and Immigration Law Specialization Committee of the Law Society of Upper Canada, responsible for certifying lawyers in this practice field, a past chairperson of both the Canadian Bar Association's National Immigration Section and the Citizenship and Immigration Section of the Canadian Bar Association (Ontario) and is recognized as a leading immigration lawyer in the *Who's Who of Corporate Immigration Lawyers* and a leading practitioner in the 2014 *Canadian Legal Expert Directory*. Read his article outlining tips to transition temporary foreign workers to permanent residence, starting on page 53.

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TACKLING BIG TOPICS

Welcome to the October issue of *HR Professional*. As in years past, this issue is our HR law edition. Selecting content for this issue is not an easy feat; there are so many interesting, relevant and important topics to cover, and a limited number of pages to fill.

To find the focus of this year's HR law cover feature, I once again turned to Christine Thomlinson, partner at Toronto employment law firm Rubin Thomlinson LLP, for help and ideas. After some discussion, Christine recommended that it might be time to cover sexual harassment in the workplace. Headlines about workplace sexual harassment and its consequences have been plentiful in the last 12 months. Writer Melissa Campeau spoke to a number of Ontario lawyers to find out how these headlines, higher awards for victims and a growing intolerance for bad behaviour might impact your workplace, and what HR can do to deter or deal with these instances. I highly recommend you flip to page 16 to read our extended cover feature on the topic, and please let me know what you think. In my opinion, it's a thought-provoking and very informative piece, and I hope you agree.

Some other HR law-related topics we chose to cover include the changing landscape of without cause dismissals (page 13), what HR professionals should know about employment practices liability insurance (page 41) and when off-duty conduct can result in an employee's dismissal (page 51). For even more insight into the employment law landscape, be sure to attend (in person or via webinar) the 2015 HR Law Conference, taking place Oct. 22. Visit www.hrpa.ca to learn more. I hope to see you there!

I look forward to hearing what you learned from this issue of *HR Professional*. As always, you can reach out to me any time or tweet to @HRProMag. You can find the digital edition live on www.hrpatoday.ca.

Happy reading,



Jill Harris
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VOLUME 32 / NUMBER 7 OCTOBER 2015

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HRPA

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HR PROFESSIONAL is published eight times per year for the Human Resources Professionals Association (HRPA).

PUBLISHED BY LESTER COMMUNICATIONS INC.

701 Henry Ave., Winnipeg, MB R3E 1T9
Phone: 204-953-2189 | Toll-free: 866-953-2189 | Fax: 204-953-2184
Email: info@lesterpublications.com | www.lestercommunications.ca

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Subscriptions: (Prices include shipping and handling)
\$49/year in Canada; \$79/year in the U.S. and International.

Publication Mail Agreement #40606022
Return undeliverable Canadian addresses to Lester Communications Inc.

Printed in Canada on FSC Certified paper and polybagged with biodegradable plastic. Please recycle where facilities exist.

Employment Law

WHAT'S NEW – SO WHAT?



By Brenda Clark, CHRE

As an HR professional, are you aware of the Ontario Government's new Action Plan to Combat Sexual Violence and Harassment? If not, read on.

Introduced earlier this year by Ontario premier Kathleen Wynne after a rash of unwelcome sexual harassment news including the CBC Ghomeshi affair and reports of abuse in the military, the plan promises to strengthen laws so workplaces are free from sexual violence and harassment. Within three years, the government will introduce legislation to amend the Occupational Health and Safety Act (OHSA) to include a definition of sexual harassment, plus clear requirements for employers to investigate and address workplace sexual harassment complaints.

A good place to start learning is in this month's cover feature, which includes some great advice from employment lawyers on how to identify, deal with and prevent workplace harassment.

This topic is timely as it helps to spotlight the Human Resources Professionals Association (HRPA)'s new jurisprudence requirements for the CHRP/CHRL designations.

While employment law has always been a big part of being an HR professional (HRPA's employment law education and resources have always been a part of the association's biggest professional development sessions), practical knowledge of the law is about to become a mandatory requirement for earning and maintaining your designations.

WITHIN THREE YEARS, THE GOVERNMENT WILL INTRODUCE LEGISLATION TO AMEND THE OCCUPATIONAL HEALTH AND SAFETY ACT TO INCLUDE A DEFINITION OF SEXUAL HARASSMENT, PLUS CLEAR REQUIREMENTS FOR EMPLOYERS TO INVESTIGATE AND ADDRESS WORKPLACE SEXUAL HARASSMENT COMPLAINTS.



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- Teresa Morgan, Human Resources
Health Canada

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As of July 1, 2016, CHRP and CHRL candidates must write Jurisprudence 1 or 2 (respectively) exams to earn their designations. The exams cover similar topics at each level of designation.

The reason why a jurisprudence exam was added to the CHRP and CHRL certification processes was that it was likely the biggest gap between the expectations of stakeholders and what was actually covered in the certification process. Indeed, up until now it was possible to get the CHRP designation without even knowing that the *Employment Standards Act, 2000*, existed. That needed to be fixed.

CHRP (now CHRLs) were always expected to know their workplace and employment law, but the difference now is that going forward, HRP A will test for knowledge and comprehension of workplace and employment law. Currently, HRP A is finalizing the blueprints for the CHRP and CHRL jurisprudence exams. Last summer, the association interviewed 50 employment lawyers regarding the aspects of workplace and employment law that give the most trouble to HR professionals. The findings of this study will be used to design the blueprints for the CHRP and CHRL jurisprudence exams.

FROM REACTIVE TO PROACTIVE

The sexual harassment legislation mentioned above is just one example of information that HR needs to keep itself – and the organization it serves – apprised of so it's able to seamlessly comply with changes without delay. As a trusted advisor, HR counsels business leaders on a variety of issues – employment law is one of them. This guidance keeps employees safe, the business free from non-compliance fines and maintains a productive/profitable workplace.

As HR professionals, we add value by ensuring we know employment law updates and that our business leaders understand what they need to know to work within those frameworks. ■

Brenda Clark, CHRE is chair of the Human Resources Professionals Association (HRPA).

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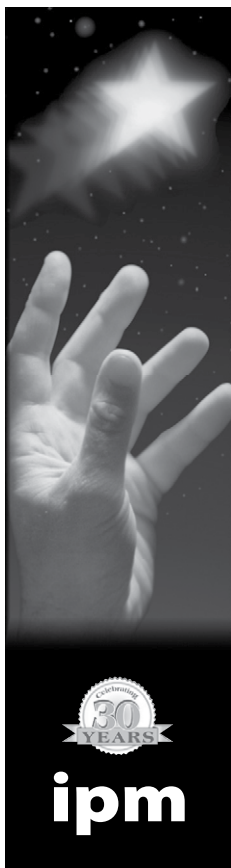
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UPFRONT

THE LONELINESS OF WORKING FROM HOME

Latest research by global workplace provider Regus has revealed that Canadian home workers “get lonely,” miss mixing with fellow professionals and are afraid of becoming overweight from snacking throughout the day. The research surveyed 2,692 Canadian professionals.

Additionally, the report highlights that 60 per cent of respondents feel they are getting stale and need to schedule trips outside of the house, raising the question: is the freedom of working from home all it's cracked up to be?

Other issues highlighted by the report include resentment from family members for taking up space in the house, work being taken less seriously by family members and unwanted distractions.

Here are the key findings in the report:

- Almost half of professionals report that they work outside the office more than half the week
- Seventeen per cent of respondents say that their family resents that they have sectioned off a space in the family home and two-fifths think family members take their work less seriously when they work from home
- Nearly two-thirds say they feel they are getting stale and need to schedule trips out of the house
- More than one-third “get lonely” and 65 per cent miss mixing with other professionals
- Thirty-one per cent are afraid of becoming overweight as they snack throughout the day

“Often times, flexible workers need a professional and fully-equipped environment to thrive and be productive, and working

from home isn't always the answer,” said Wayne Berger, VP of Regus Canada. “When working remotely, it is important for professionals to get out of their pajamas, and out of the house to maintain their morale and wellbeing.”

Working from a fully functional environment, instead of a makeshift space at home, offers professionals who work remotely the chance to interact with other professionals.

CONFERENCE CALL ETIQUETTE: ARE YOU AN OFFENDER?

When joining conference calls, employees should be careful about “phoning it in” if they want to avoid irritating colleagues, OfficeTeam research suggests. Of the workers surveyed who participate in conference calls, almost one-third said multiple people talking at the same time is the most distracting behaviour, followed by excessive background noise.

“It's tempting to let your guard down on conference calls because participants can't see you, but basic meeting rules still apply,” said Robert Hosking, executive director of OfficeTeam. “To get the most out of these discussions, join on time, offer your undivided attention and be respectful of other attendees.”

OfficeTeam identifies five types of conference call etiquette offenders and provides tips to help workers avoid these labels:

1. **The late arriver** disrupts the flow when he or she joins after the call has already kicked off. Have the dial-in details ready a few minutes prior to the start time so you won't be scrambling at the last moment. If you anticipate being tardy, let the host know.
2. **The noisemaker** causes a commotion with loud typing, a barking dog or other sounds that can be heard in the background. Find a quiet location for calls and mute the line when you're not speaking. Just remember to unmute yourself when you have something to say.
3. **The multitasker** is too busy eating, checking email or reading a report to pay attention to the discussion at hand. Put your other work away and eliminate potential distractions so you can actively participate in the conversation.
4. **The tech transgressor** is prone to technology *faux pas*, whether it's misusing phone access codes or a headset, or accidentally prompting music by putting the line on hold. Familiarize yourself with conference call systems and equipment before dialing.
5. **The scene-stealer** is known to interrupt or monopolize discussions. Contribute your thoughts, but don't forget to share the floor. Since there may be audio delays on the phone, wait a beat before speaking to avoid talking over someone.



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MORE THAN HALF OF WORKERS EXPERIENCE ONBOARDING ISSUES

It's important for new employees to make a good first impression, but many companies don't realize they also need to put their best foot forward, recent research from staffing firm OfficeTeam suggests. More than half of workers interviewed said they've experienced a mishap when starting a new job. For one-third of those surveyed, their computer, phone or security access wasn't properly set up when they arrived. Another 24 per cent said they didn't receive an overview of the company and its policies.

Despite these first-day troubles, however, most HR managers give their companies high marks when it comes to bringing new employees into the fold: nearly three-quarters (71 per cent) of those polled felt their organization's onboarding process is very effective and 28 per cent said it's somewhat effective.

"Many companies focus so much on information-sharing during an onboarding process that they may overlook basic practical needs, such as making sure that a workstation is up and running for the employee," said Robert Hosking, executive director of OfficeTeam. "Every touchpoint during those first days adds to the new staff member's perception of the organization, so the more you can do to ensure everything runs smoothly, the more positive that impression will be."

OfficeTeam offers five tips for getting employees up to speed when starting a new job:

1. **Set up shop.** Stock the desk with essential supplies and equipment, such as pens, notebooks, a computer and phone. Confirm network, voice mail and email functionality. Coordinate building security access, if necessary.
2. **Get acquainted.** Send a welcome email to team members and alert the receptionist so everyone's aware. On the first day, introduce the employee to coworkers around the office. Consider scheduling a lunch for the new hire to get to know colleagues. Assigning the worker a buddy or mentor can help ease his or her transition.
3. **Review the essentials.** Provide a tour of the building. Schedule an orientation to review the employee handbook, company history and policies. Allow time to complete any required HR paperwork.
4. **Focus on the job at hand.** Set expectations early on by discussing the position's goals and responsibilities. Organize training sessions on office equipment, software and procedures necessary for the role.
5. **Keep it going.** It can take a few months to fully onboard a worker. During that time, regularly check in with the employee and encourage him or her to ask questions. ■

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Without Cause Cases Likely to get Tougher for Employers

REASONABLE NOTICE IS HARDER TO PREDICT

By Mark Repath

In the great majority of cases involving dismissed employees, the first question employers want answered is: what is my potential liability? The exposure to employers in wrongful dismissal cases consists mostly of the need to provide a payment in lieu of reasonable notice, but also, to a lesser extent, legal fees and costs. Often, the challenge becomes trying to forecast the appropriate amount of reasonable notice, particularly where an employee has a common law entitlement.

It has never been easy to predict an appropriate period of common law reasonable notice for any given employee. However, historically, lawyers have been able – with a good deal of accuracy – to inform their clients as to a range of what reasonable notice will be for a particular employee, regardless of whether the matter is litigated or not.

Unfortunately, a number of recent cases have left some lawyers questioning their traditional approach to predicting reasonable notice, as their conclusions as to what is reasonable in the circumstances have been markedly different from the court's ultimate assessment. Put simply, the factors that affect a determination of reasonable notice pursuant to the common law are expanding, and therefore estimates based on a review of case law that emphasizes the traditional factors alone will be insufficient; some courts are deeming



THIS FLEXIBILITY TO CONSIDER PREVIOUSLY IRRELEVANT FACTORS IS YET ANOTHER EXAMPLE OF HOW COURTS WILL GO TO GREAT LENGTHS TO TRY AND PROTECT VULNERABLE EMPLOYEES WHO HAVE BEEN TERMINATED WITHOUT CAUSE AT LAW.

previously irrelevant factors to now be material when assessing reasonable notice.

PREVIOUSLY IRRELEVANT FACTORS BECOME RELEVANT

For example, in the recent case of *Fraser v. Canerector Inc.*, 2015 ONSC 2138, the court determined that an employee dismissed during the summer might be entitled to an extended notice period on the basis that employers generally do not hire in the summer months. Employers ought to familiarize themselves with this “time of year” factor, as it will likely be argued by any astute plaintiff counsel for their clients dismissed in the summer (and likely around the December holiday period as well) to justify a longer notice period.

Similarly – and separate and apart from their obligations pursuant to human rights legislation – employers will want to consider how an employee’s family status may lengthen a period of reasonable notice. In the recent case of *Partridge v. Botony Dental Corporation*, 2015 ONSC 343, the fact that the plaintiff was responsible for providing income and was the primary caregiver for her young children (her husband was self-employed and unable to easily attend to the children) appeared to be material in the court’s award of reasonable notice as it was significantly longer than would be expected when considering the traditional factors alone.

This flexibility to consider previously irrelevant factors is yet another example of how courts will go to great lengths to try and protect vulnerable employees who have been terminated without cause at law.

SUMMARY JUDGMENT MOTIONS

These “new” factors that have been used to increase periods of reasonable notice are being coupled with procedural regimes

that make it easier for a plaintiff to obtain judgment. In the past, employers would be in a position to leverage procedural rules to extend the life of a litigation, as they were often in a better position to bear the costs of lengthy proceeding.

Although many cases involving determinations of reasonable notice (where cause was not alleged) had previously been dealt with through “summary judgment” motions, the Supreme Court of Canada’s 2014 decision *Hryniak v. Mauldin* has led to a sea-change in the way cases are litigated in that trials are no longer the preferred course to determine civil proceedings – summary judgment motions are the best mechanism to ensure speedy justice. Courts from across Canada – and particularly in Ontario – have clearly stated that summary judgment motions are well suited to determine the enforceability of termination clauses, the period of reasonable notice and the appropriateness of an employee’s mitigation efforts. Courts are responding to the call for “speedy justice” in *Hryniak*. For example, the Toronto civil courts have recently stated a goal of having all summary judgment motions heard within 100 days from when the motion is booked.

Given the above, employers must adapt their litigation strategies and consider the “culture shift” articulated by the Supreme Court in *Hryniak*. Offers to settle employment disputes – even before litigation is commenced – should consider that the previous long wait to obtain judgment may no longer exist.

POTENTIAL CONSEQUENCES

One unintended consequence of the increasing use of summary judgment motions is that for long-serving employees, they may often be heard before the end of the employee’s notice period.

Many employers had hoped that this would create, in effect, a *de facto* delay on judgment, until the period of reasonable notice had concluded and the parties could consider the employee’s mitigation efforts. That has not been the case. The clear trend is that employers will be ordered to pay the dismissed employee the amount representing the entire notice period, notwithstanding that it is impossible for the employer to make arguments as to reasonable mitigation efforts during the period following judgment. Courts have addressed this issue by imposing a trust on the employee’s judgment, to account to the employer for any mitigation income earned. There is a valid argument that this will create a disincentive for those employees to look for work. However, employers are not necessarily without a remedy. Insisting on mitigation information following the judgment and informing the dismissed employee of their ongoing duty to collect and preserve this information could provide an employer with an opportunity for redemption. However, the employer will have to do a cost-benefit analysis of engaging its counsel for this purpose.

Ultimately, all of the above uncertainty takes us to the one piece of advice that still endures: employers can avoid all of the above concerns by utilizing comprehensive employment agreements with unassailable termination clauses setting out each party’s obligations on termination of employment. This will greatly limit the employer’s potential liability in terms of both providing the dismissed employee with reasonable notice, and also in its eventual legal fees and costs. ■

Mark Repath is an associate at Van Kralingen Law.



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Workplace Sexual Harassment

HOW BIG-NEWS CASES, HIGHER AWARDS FOR VICTIMS AND A GROWING INTOLERANCE FOR BAD BEHAVIOUR MIGHT IMPACT YOUR WORKPLACE

By Melissa Campeau





EXTENDED

COVER

FEATURE

cover feature

On her way to becoming the show's surprise feminist heroine, Joan Holloway Harris of TV's *Mad Men* endured more than her share of workplace sexual harassment: She was coerced into sleeping with a client to secure her professional future and was the target of endless crude commentary, catcalls and innuendo. Once, a co-worker even sketched her likeness in a suggestive cartoon and posted it on the office bulletin board.

It's 50 years later, and while the presence of women in the workplace isn't the cultural upheaval it was in *Mad Men*-era 1960s, it's clear – given the headlines, the number of calls to help centres and the steady march of cases in tribunals and courts – significant change happens very slowly.

There's been progress, certainly. Sexual harassment has been prohibited in Canada by human rights legislation since the 1980s and workplace victims of this behaviour can pursue a legal remedy through the human rights process. This past March, the Ontario government published its *Action Plan to Stop Sexual Violence and Harassment*, as well.

Culturally, we've had a gradual awakening, too. A majority of Canadians understand what workplace sexual harassment looks like, and they understand there are consequences for those who harass and for employers who let it happen.

Reading the headlines over the past year or so, however, might make someone wonder just how far we've come. On Parliament Hill, for example, in late 2014, federal Liberal leader Justin Trudeau launched an investigation into the alleged sexual harassment of two female MPs by two male MPs. In the past four years, hundreds of women have come forward and joined a class action suit against the RCMP, claiming rampant sexual harassment within that organization. Allegations of runaway sexual harassment in the restaurant business made headlines for much of the first part of 2015, as well. And, of course, in the fall of 2014, sexual harassment (and assault) allegations against celebrity CBC radio host Jian Ghomeshi were front-page news for months on end.



“ANY TIME THAT A SEXUAL HARASSMENT COMPLAINT COMES UP, IT HAS TO BE TAKEN SERIOUSLY. IF IT’S NOT ADDRESSED IN AN APPROPRIATE WAY, AN EMPLOYER COULD FIND THEMSELVES LIABLE FOR SIGNIFICANT DAMAGES.”

– CRAIG STEHR, NELLIGAN O’BRIEN PAYNE LLP

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Away from the media spotlight, there’s plenty of misconduct going on, too. The Ontario Human Rights Legal Support Centre reported that during the fiscal year ending March 31, 2014, they received 1,173 calls about sexual harassment. That amounts to three calls every day – and that’s just in Ontario.

Despite all this, it’s unlikely we’re witnessing a resurgence of sexual harassment.

“I don’t think sexual harassment has ever gone away,” said Christine Thomlinson, partner at Rubin Thomlinson, LLP. Instead, our tolerance for bad behaviour may be in decline, and our willingness to blow the whistle could be on the rise.

What’s more, our understanding of sexual harassment has evolved. Rather than simply “quid pro quo” (an employee agrees to go along with a sexual advance in return for a reward or to avoid a punishment), today’s legal definition is quite broad.

“Sexual harassment is any unwelcome or unwanted behaviour – of a sexual nature – that makes a person uncomfortable,” said Craig Stehr, a lawyer with Nelligan O’Brien Payne LLP.

IMPACT OF THE BORDERLESS WORKPLACE

Along with the broader definition of sexual harassment, we’re blurring the boundaries of the workplace. With the influence of social media, the frequency of work-related travel and our tendency to send emails and attend to other work duties during non-traditional hours, the definition of workplace is becoming more and more grey.

This past spring, for example, a Hydro One employee attending a Toronto FC game heckled a female on-air City TV reporter after another individual insulted her with a sexually explicit taunt. A social media firestorm followed and Hydro One promptly fired the man because of the conduct, despite the fact that the incident didn’t happen on company property or during company time.

The same is true of the alleged cases of sexual harassment on Parliament Hill. Two of the interactions in question took place outside of the office: one at a bar and one at a sporting event.

INDIRECT REPORTING

The Parliament Hill cases are also a prime example of another significant shift: organizations are no longer waiting, necessarily, for the victim of sexual harassment to come forward.

“In the case of the two MPs, you have a situation where nobody complained,” said Thomlinson. Rumours, however, were rampant. “There, you saw Justin Trudeau taking the step of engaging an investigation when he didn’t even have people coming forward with a complaint.”

THE TIPPING POINT

Behind all these changes is a growing acknowledgment of something most HR practitioners have understood for years.

“I think there’s an increasing recognition that how people feel at work affects the work they do,” said Thomlinson. Forward-thinking organizations are realizing the importance of preventing sexual harassment, and dealing with it effectively if and when it happens. “When people are on the receiving end of any kind of unwelcome behaviour, organizations are increasingly recognizing that this is bad for business.”

BIGGER AWARDS

There’s another shift that might indicate a sea change: awards for victims of sexual harassment are increasing, at least in a few noteworthy cases.

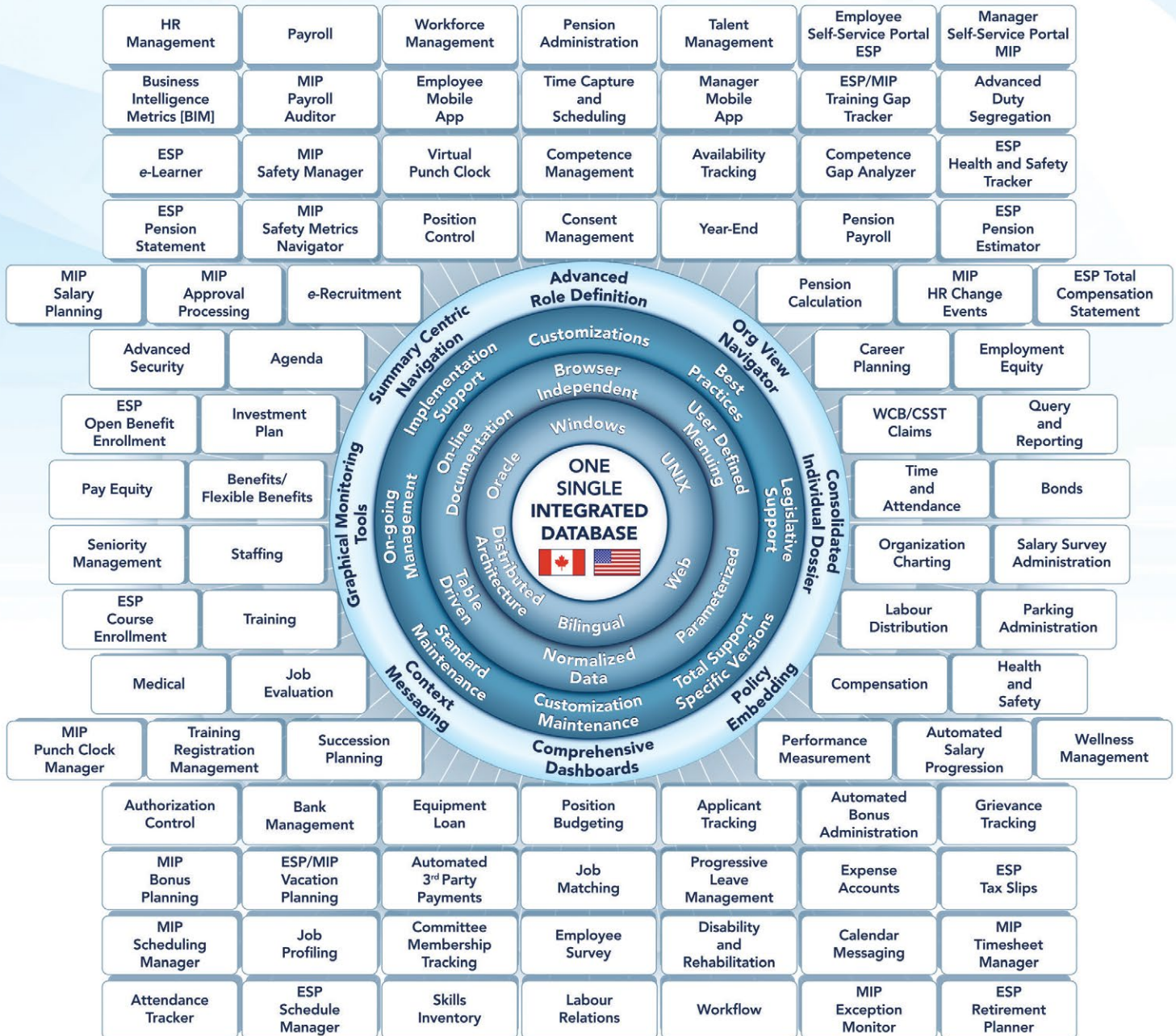
“As society is becoming less tolerant, so too are judges and arbitrators,” said Melanie D. McNaught, partner with Fillion Wakely Thorup Angeletti LLP. “That’s had a couple of effects. First of

Continued on page 21



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all, damage awards are going up for people who are establishing they've been sexually harassed. Secondly, discipline for employees who have sexually harassed other employees is more likely to be upheld."

Earlier this spring, the Human Rights Tribunal awarded \$50,000 and \$100,000 respectively to two migrant workers who were sexually harassed. (Typical awards up until recently were in the \$30,000 to \$50,000 range.) A recent court case saw a single-parent administrative assistant who was sexually harassed on the job awarded \$300,000 (where a wrongful dismissal charge alone may have resulted in an award a fraction of this amount).

"It's clear that the court is really looking for ways to compensate victims of sexual harassment," said Thomlinson.

Repercussions in the workplace are evolving, as well.

"As we become less tolerant, punishment in the workplace is increasing, too," said McNaught. "There used to be a bit of a 'boys will be boys' attitude. Now a sexual harassment offense is more likely to result in discipline, and termination is more likely to be upheld."

WHO'S AT RISK?

Discipline is more likely to be needed in certain types of businesses.

"Any industry that's heavily male-dominated seems to have more of an issue with harassment," said McNaught.

The military, firefighting, restaurants and even some manufacturing environments have more than their share of sexual harassment.

"We still see a greater number of incidents in places where, for example, you have a lot of men together and it's a macho boys-club atmosphere," said Thomlinson.

Workers in owner-operated businesses are at greater risk, as well. Companies with corporate structure will tend to take a more active interest in ensuring they comply with Canadian law, says Thomlinson, so there are generally mechanisms in place to protect the company and its employees against sexual harassment.

"Owner-operated companies are more susceptible to this behaviour," said Thomlinson, "because if the owner-operator is also the harasser, [they're] not going to put measures in place to protect employees."

Then, there are the kinds of industries that foster a "superstar culture." In media organizations such as the CBC, or law or medicine, you have people in a

high-pressure, high-performance environment operating at the pinnacle of their profession.

"In those cases, you could have a bad-behaving superstar who is not only being tolerated but in some cases enabled, and where people are afraid to complain about the superstar," said Thomlinson. "They don't want to rock the boat or affect the superstar's superstardom."

STARTING POINT: POLICY AND PROCEDURE

There's no way to deter sexual harassment or deal with it effectively if it comes up without developing a clear and comprehensive

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“INFORMATION ABOUT SEXUAL HARASSMENT DOESN'T ALWAYS COME GIFT-WRAPPED IN A PERFECTLY COMPLETED HARASSMENT FORM. [...] I THINK THAT'S A BIG LEARNING FOR HR – NOT TO IGNORE INFORMATION THAT COMES THROUGH IN A NON-TRADITIONAL WAY.”

— CHRISTINE THOMLINSON,
RUBIN THOMLINSON, LLP

policy on the issue. It's only an initial step, but it's an important one.

A good policy should contain:

- A definition of sexual harassment and some examples of harassing behaviour
- Details about how an employee can make a complaint
- Information on how an investigation will be conducted
- Potential consequences of harassing behaviour
- Assurances that employees will not face reprisals for making a genuine harassment complaint

Ideally, a policy helps to instill the sense that an employer has an employee's back.

“Having a policy in place should provide reassurance to someone who has been harassed that they'll be treated with respect, that the content of the investigation will be kept confidential and that there's a fair process,” said Stehr.

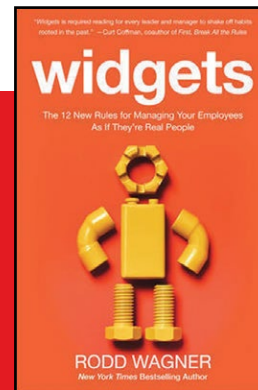
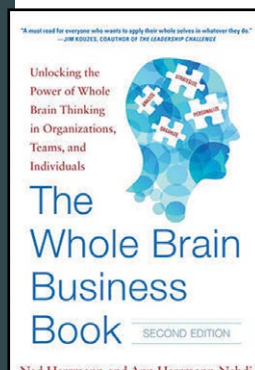
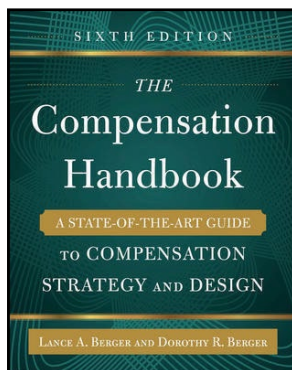
Organizations also need to establish a procedure to follow in case of an incident or a complaint.

“Any time that a sexual harassment complaint comes up, it has to be taken seriously,” said Stehr. “If it's not addressed in an appropriate way, an employer could find themselves liable for significant damages.”

Any procedure should include steps to take to determine if a complaint is well founded, how to undertake an internal investigation or oversee an external one, and a way to resolve the complaint.

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"Any investigation needs to be reasonable and procedurally fair, which also makes it more likely that the parties involved will accept the results," said Stehr.

CREATING A SAFE ENVIRONMENT

Policies and procedures are necessary, but they're not always enough to convince employees to come forward with a complaint. Take the case of the CBC and the Ghomeshi allegations. The organization had all the right processes in place for dealing with the problem, but no one ever made a formal complaint during all the years the alleged misconduct took place.

This can happen in any organization, where people might fear reprisals or they may not be confident their complaint will be taken seriously.

"Most companies want to get at these problems so they can tackle them, but there's a fairly sophisticated understanding that a lot of this behaviour does remain underground," said Thomlinson. "Not everyone complains. The only meaningful thing an organization can do to encourage people be more comfortable coming forward is to help them feel supported and protected. If the company's not committed to doing anything, people get that."

Given the real and perceived obstacles, HR professionals can't always wait for someone to come forward with a complaint.

"Information about sexual harassment doesn't always come gift-wrapped in a perfectly completed harassment form," said Thomlinson. "Often, someone else comes forward and makes a complaint indirectly. It might come through the rumour mill, it might come through an anonymous complaint. For many years, organizations thought if they didn't check all the boxes, if complaints didn't come in as the policy dictated, they wouldn't have to act."

Consider, though, if the harassment case were to hit the media. It's pretty hard to justify not having investigated allegations of sexual harassment because no one submitted the official form.

Instead, HR needs to find other ways to get at the information. Conduct workplace assessments and employee surveys. Investigate and consider every reasonable piece of information to understand what's going on at the organization.

"I think that's a big learning for HR – not to ignore information that comes through in a non-traditional way," said Thomlinson.

HOW TO HANDLE A COMPLAINT

When a complaint does make its way to HR, the first step is to make sure everyone concerned is protected, and the alleged harassment can't continue in the short term while it's investigated. If the allegations are quite serious or if there may be an incident of assault, an organization needs to remove the alleged perpetrator from the workplace in the short term. If it's a situation involving inappropriate commentary, there might be a way to isolate the accused but still have them work without interacting with the accuser.

"Make sure no further harassment happens in the short term," said Thomlinson, "but also recognize that removing someone or suspending them can seem like prejudging, so you don't want to make that decision lightly."

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INTERNAL VS. EXTERNAL INVESTIGATIONS

Once an incident comes to light, organizations will need to decide whether to handle an investigation internally or bring in external expertise.

On the one hand, it's frequently in an organization's best interest to keep investigations internal, since there are costs and implications of looking beyond the organization for help. If the goal is to handle an investigation internally, however, the person at the helm needs to have both the time and the expertise – and that can be a tall order.

When there is a serious complaint, hiring a third-party investigator can make sense.

"If an HR person is carrying out the role of listening to the complainant, then investigating, then deciding – especially when this HR person knows all the parties – it's a lot to take on and it might also be perceived as less fair or impartial," said McNaught.

When a situation has the potential to be very high profile or attract media attention, then looking beyond the organization's walls is a wise move.

"You can probably think of any number of the high-profile sexual harassment cases we've read about in the media recently and ask yourself: Would they really have wanted someone internal to investigate that?" said Thomlinson. "Many of these organizations make the decision to go outside the moment they see what's on the horizon."

HR'S ROLE

While HR tends to be the keeper and promoter of sexual harassment policies and procedures, as well as the point-person in the case of a complaint, it's an organization-wide issue at heart. To develop and nurture a culture of respect, where workers feel safe and able to speak up when there are issues, is something HR can't do alone.

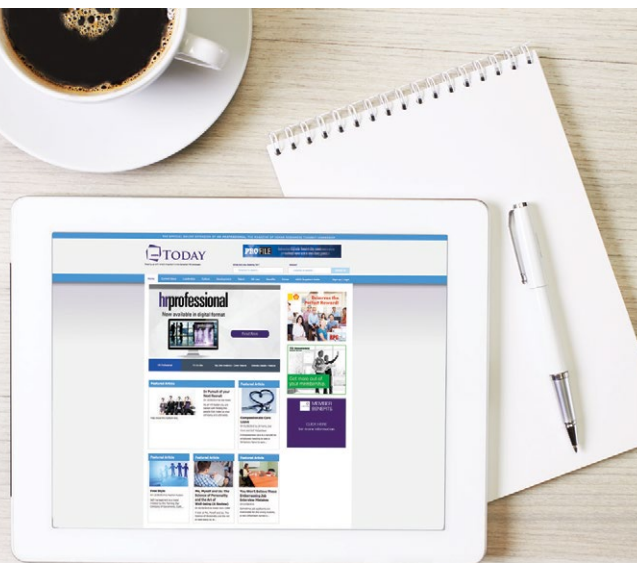
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"I think it's senior management's role, I really do," said Thomlinson. "In our practice we've seen situations where sophisticated, enlightened HR professionals work diligently to try to make this connection and invoke this kind of culture shift and they can't do it because people at the top don't support it and don't help them fulfill those commitments." Those in senior positions may claim an education campaign is too pricey, an external investigation is too disruptive or they may not want to confront a superstar.

Whatever the rationale, it's not a stretch to imagine the toll this inaction can have on morale and engagement.

"The impact can be huge," said McNaught. "Sexual harassment makes people uncomfortable. They tend to avoid the situation if they can. They take sick leave or stress leave. If they're at work, they can be distracted." Lingering stress and anxiety erodes employee wellbeing and costs businesses money in the form of increased health care and lost productivity.

On the flip side, there's long-term gain in supporting these kinds of initiatives.

"I really believe that when you invest in people and their ability to work in an environment that's free from harassment and discrimination, then you're allowing your business to thrive," said Thomlinson.

CHANGING TIMES?

It's too soon to tell if these past few years are the beginning of a turning point – and there's no denying we still have a significant problem. But as an increasing number of businesses commit to preventing and handling sexual harassment, courts and tribunals award higher and higher sums to victims, and headline-news cases keep the subject top of mind, we might just be in the midst of a slow evolution.

"Whether you can call it the Zeitgeist or not, it's clear there's been a significant shift in society's attitude towards sexual harassment recently," said Thomlinson. "People who used to be reluctant to come forward to report this behaviour because of fear that nothing would be done, or worse, that they might suffer some kind of reprisal – these people have been emboldened by this cultural shift."

If an HR professional can work with that momentum and encourage the same positive change in an organization, it's a hopeful sign for safer, more productive workplaces down the road. ■

Editor's note: Sexual harassment can and does occur in many different harasser-victim scenarios, but for the purposes of this article, the legal experts interviewed opted to speak in wider generalizations based on the understanding of men in the aggressor role, as the majority of reported cases of sexual harassment involve men as harassers and women as targets.



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Recruiting Goldmine Overlooked?

HOW CANADIAN RECRUITERS CAN SAVE THEIR EMPLOYERS MILLIONS



Rohail Khan,
CEO of Skills International

There's a professional talent goldmine for Canadian employers of all sizes and types, but to most recruiters and business leaders, the mine is closed and its riches are untapped. Why? Because few employers know the gold even exists, much less how fast and easy it is to mine.

This talent "goldmine" is actually called Express Entry, the Canadian government's new immigration law, and it's been open since Jan. 1, 2015.

"We call it Revolutionary Express Entry because it is arguably the most innovative talent recruiting goldmine that's ever been created," said Rohail Khan, CEO of Skills International, a global talent and career management firm that was founded in Canada.

"But unfortunately, Express Entry is grossly misunderstood and one of Canada's best-kept secrets," he said. "A test survey we recently conducted in western Canada revealed 71 percent of employers had never heard of Express Entry."

That lack of awareness comes at a high cost to Canadian employers, who increasingly can't find qualified Canadians for hard-to-fill positions. According to *HR Professional* magazine, every day a vacant \$70,000 position goes unfilled, lost productivity costs employers up to \$954 per day.¹

"A 2015 report from the Canadian Chamber of Commerce says that solving the skills gap remains, for the fourth year in a row, a main

"Every day a vacant \$70,000 position goes unfilled, lost productivity costs employers up to \$954 per day."

priority," said Khan, who also sits on the prestigious Conference Board of Canada's Leadership Roundtable on Immigration.

So why is Canada's skills gap costing employers millions and still worsening when Express Entry provides a readily available solution? "Start with the awareness problem...add confusion about past immigration policies...and throw in a list of 'myths' about how the new Express Entry program works and you have the answer," said Khan.

Khan lists five wrong 'myths' about Express Entry:

1. The government alone is in control of who comes to Canada.

"That's absolutely false," said Khan. "Express Entry puts the employer squarely in control. When an employer selects, interviews and hires a professional from another country, the job offer will increase the points and probability of the employer's candidate being selected in the next Express Entry draw and invited to complete the process to immigrate to Canada."

2. The process takes too long.

"Our test survey in western Canada revealed many firms can't find anyone to fill some positions for six months to more than a year," said Khan. "Under Express Entry, a foreign-qualified professional can begin working in Canada within six to sixteen weeks," he said.

3. Hiring a foreign qualified professional is risky.

"Not necessarily," said Khan. "Skills International works with

credible, world-renowned third parties to ensure all candidates are Ready4Employment-certified to de-risk the hiring process."

4. The level of talent isn't as good as in Canada.

"There's a talent gap today because Canadian employers can't find enough qualified Canadians to fill many positions. That doesn't mean, though, that employers must settle for less-qualified talent when they look outside of Canada under Express Entry. In fact, it's the opposite. When you tap into the whole global professional talent pool, you can hire the 'best of the best talent' in virtually every industry segment, from IT to financial services, engineering and literally hundreds of others."

5. The Labour Market Impact Assessment (LMIA) process is too difficult.

"It doesn't have to be," said Khan. "Skills International currently does virtually all of this work for the employer at zero cost to ensure all LMIA processes are followed to the letter and are completed as quickly as possible."

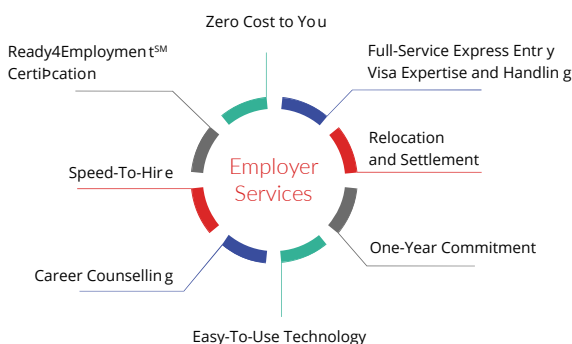
So, how can employers begin mining the "recruiting goldmine" of Express Entry?

"That's easy," said Khan. "For more information, employers can call us at (519) 804-1960 or visit www.skillsinternational.com. To register for one of three informational webinars in October, follow the instructions below." ■

To register, go to www.canadajobs2015.com/employer/ and click on the "October Talent Gap Webinars" link.

1. Loren Miner with assistance from Tom Brennan, "Calculating the Cost of Vacancies," *HR Professional* May/June 2015.

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The Myth and Merit of Canadian Experience

DEMANDING CANADIAN EXPERIENCE CAN MEAN DISCRIMINATING AGAINST SKILLED IMMIGRANTS

By Jinnie Ng, Jiwon Chun and Cathy Gallagher-Louisy

What is “Canadian experience”? When searched online, there is no actual definition, yet there are many discussions about the necessity for it. Many HR professionals in Canada believe that demonstrating previous work experience within Canada is a requirement for someone to be a serious candidate or to be successful in their jobs in Canada. However, many have begun to question the merit and fairness of that assumption.

For example, the Canadian Experience Project, led by Professor Izumi Sakamoto, is questioning the motives behind the requirement for Canadian experience. According to Professor Sakamoto, Canadian experience is considered “tacit knowledge” by Canadian employers. The issue at stake is that even asking for Canadian experience, in many cases, seems like a euphemism for lack of trust in skilled immigrants.

DISCRIMINATION?

The Ontario Human Rights Commission (OHRC) has declared that requiring Canadian experience is “*prima facie* discrimination” and can only be used in very limited circumstances, such as the legal and medical fields. Therefore, in 2013, a report was published by OHRC advocating a policy removing Canadian experience, highlighting the aim of the *Ontario Human Rights Code*, “to recognize the inherent dignity and worth of every person and to provide for equal rights and opportunities without discrimination.”

Regardless of the OHRC ruling, discrimination based on Canadian experience remains pervasive in Ontario. Professor Sakamoto’s team at the Canadian Experience Project has made it clear that skilled immigrants to Canada continue to experience high rates of not only unemployment, but also underemployment.



THE ISSUE AT STAKE IS THAT EVEN ASKING FOR CANADIAN EXPERIENCE, IN MANY CASES, SEEMS LIKE A EUPHEMISM FOR LACK OF TRUST IN SKILLED IMMIGRANTS.

SKILLS ARE SKILLS

There are specific criteria for any job seeker to be considered “skilled.” Hard skills can include education and credentials, and soft skills can be less defined, like fitting in with the team, conflict resolution and workplace communication. Some of these skills are manifested in particular ways in Canadian workforces, yet that does not mean that someone who did not acquire their experience in Canada does not have these skills.

In talent acquisition processes, skilled immigrants should be subjected to the same hiring process as any employee in Canada. Employers and regulatory bodies may ask about previous work experience, but where they got their experience should not matter as long as they have sufficient knowledge, skills and abilities (KSAs). According to Professor Sakamoto, both employers and policymakers play a major role in helping immigrants overcome

the “Canadian experience barrier.” Skilled immigrants often already have the expertise and experience – the “know-what” and “know-why” to do the job – but what they really need is the help to develop contextual knowledge and contacts – the “know-how” and “know-who” to be successful in the Canadian environment. Yet these are not deal breakers for most jobs.

Discrimination begins from the assumption that skilled immigrants don’t have sufficient KSAs from their credentials and work experience, and that Canadian experience should be a requirement to assess their ability.

EMPLOYMENT EPIDEMIC

According to Statistics Canada, about 70 per cent of immigrants who arrived in Canada five or fewer years earlier have a university degree or higher educational level, and more than 10 per cent





RESOURCES FOR EMPLOYERS

For more information to support the integration of skilled immigrants in your workforce, check out these organizations.

- Beyond Canadian Experience project (www.beyondcanadianexperience.com) is a resource to go to for learning more about the boundaries regarding Canadian experience. In addition to the project, there are resources for hiring immigrants, integrating them into the workforce and assessing foreign credentials.
- The Toronto Region Immigrant Employment Council (TRIEC) (www.triec.ca/immigrants) is a multi-stakeholder council that provides solutions for employers hiring skilled immigrants and brings business and community leadership together to create and champion solutions to better integrate skilled immigrants in the Toronto Region labour market.
- Hire Immigrants (www.hireimmigrants.ca), a project of TRIEC, provides a number of resources for employers and HR professionals.
- Resources for evaluating educational credentials can be found through World Education Services at www.wes.org/ca.
- Toolkits for an employer's guide to integrating immigrants into the workplace can be found at *The Employer Guide*, which can be accessed through www.hrcouncil.ca or www.globaltalent.ca.

of those people were unemployed as of 2014. During the 2008–2009 economic downturn, over half of employment losses among the 25 to 54-year-old range occurred in Ontario. Furthermore, while both the Canadian-born and immigrants were affected by employment losses, immigrants experienced a faster decline in their rate of employment and a larger increase in their underemployment rate. These statistics show the downfalls of immigrant employment before 2013 when the policy was enacted, and they could be used to explain the continuing trend of downfall even after the policy as the practice still remains.

The Employer's Guide, published by the Global Talent Project with funding from Employment Ontario, says that, "Immigrants are allowed entry based on a point system that favours those with high levels of education and skills. Consequently, newcomers assume that the same qualities and experiences that allowed them to come here will be respected and in demand by employers." Unfortunately, expectations of skilled immigrants are often flawed. The Project has also found that "a lack of recognition of foreign credentials and experience, language and communication barriers, discrimination and employers' requirement for Canadian experience all contribute to this disconnect."

According to RBC Economics, fully two-thirds of university-educated immigrants are underemployed. Lost income due to underemployment is estimated at \$13 billion a year, and has a significant impact on the Canadian economy. The disconnect leads to the unfortunate reality that the Canadian Experience Project calls "double blind" to describe the social quagmire where skilled immigrants who are internationally trained professionals can't get a job because they don't have Canadian experience, and they can't get Canadian experience because no one will give them a job.

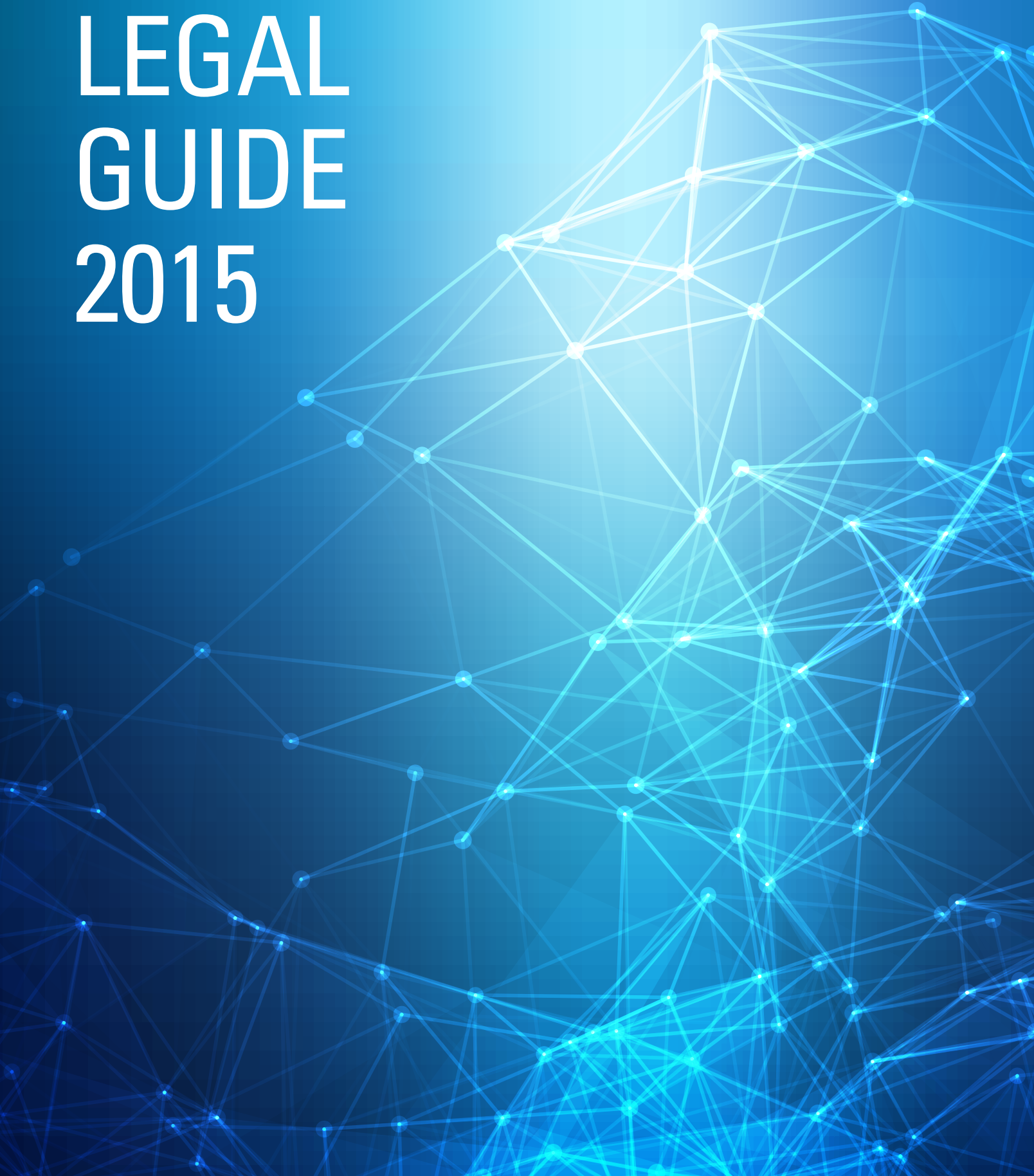
CHANGING OUR THINKING

Besides the economic losses, underlying practices of discrimination and exclusion are implied in requiring Canadian experience. Thinking back to the merit of Canadian experience, what both employers and skilled immigrants are eventually aiming for is an employee's smooth adaptation to the Canadian workforce. As employers facing a rapidly changing workforce, we need to embrace and leverage the diversity of thought brought by people from multiple nations and cultures by providing the right support for skilled immigrants who are currently in the workforce, and for those who are about to enter our workforce. As statistics on unemployment and underemployment of skilled immigrants show, the bias toward Canadian experience can yield more negative results than positive ones. By recognizing the value of international experience, organizations can work towards building more diverse, inclusive and engaging work environments.

We know that immigrants are and will continue to be a significant portion of our workforce in Ontario. Instead of Canadian experience, we suggest that what is needed is better cross-cultural learning in order for newcomers to better adapt to Canadian workplace culture and for Canadian employers to more fully embrace the value that international professionals bring. The Canadian Experience Project also mentions that employers can use a variety of workplace learning approaches, including internships and mentoring, to help with relationship building and create the trusting environment needed for skilled immigrants to develop. ■

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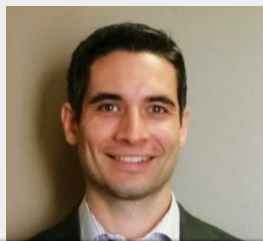
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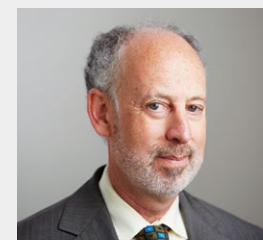
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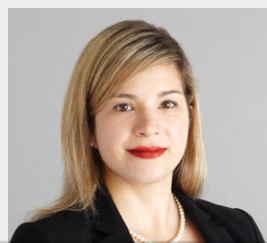
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Employment Practices Liability Insurance



WHAT'S IT ALL ABOUT?

By Stephen Shore

Increasing workplace regulation, coupled with heightened employee awareness of workplace rights and entitlements, has exposed employers to an explosion of employment-related liability from current, past and prospective employees. Whether related to employment contracts, recruiting practices, human rights, employment standards, class action, privacy, wrongful dismissal, pay equity, workplace compensation, occupational health and safety or labour relations – the list continues to grow.

The most effective way to minimize an employer's risk is to have tailored and effective workplace policies and practices, administered by top-notch human resources professionals. However, while good HR practices can go a long way to mitigate exposure, they cannot eliminate them, nor can there be any guarantee a current, former or prospective employee will not launch a claim or make an allegation to which an employer must respond.

To further mitigate against the potential for legal risk, financial cost, brand damage and drain on resources caused by a legal claim, an employer may look to place employment practices liability (EPL) insurance. EPL insurance offers protection against frivolous

claims, as well as errors and omissions in the management and administration of human resources.


EPL INSURANCE – HOW DOES IT WORK?

WHAT TYPES OF CLAIMS ARE COVERED?

Depending on the policy, coverage may include damages for harassment, wrongful termination, breach of contract and vicarious liability claims brought by individuals against an organization. Other employment-related claims such as negligent pension or benefits administration are covered under more comprehensive plans. Regulatory proceedings relating to occupational health and safety charges or union issues (*i.e.*, an application for certification, grievances or unfair labour practices) are not typically covered.

WHAT COSTS ARE COVERED?

It's standard for an EPL policy to cover damage awards as well as the legal costs incurred or owing to another party. That said, it's possible to purchase insurance of legal costs only (not "damages"). A "legal costs only" policy may provide an organization with the



**THE MOST EFFECTIVE WAY TO
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RISK IS TO HAVE TAILORED AND
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leverage it needs to manage common employment claims and withstand pressure to settle for “business reasons.” However, with this type of policy, the monetary amount paid out in any settlement or award will still be borne by the organization.

WHO IS COVERED?

An EPL policy typically covers two classes of insureds: an individual and an organization. Where an individual is insured, coverage extends to the unlawful actions of the insured individual. Where an organization is insured, coverage captures a proceeding where an organization is directly implicated in the wrong alleged, as well as a proceeding where an organization’s liability arises from the unlawful actions of an employee. This latter circumstance is known as “vicarious liability.”

WHO MAKES KEY DECISIONS?

Not unlike most insurance arrangements, the insurer – as the ultimate payer of a claim – generally retains a duty (and the right) to steer the response to a claim, including deciding which counsel to appoint, what investigations to conduct and whether to litigate or

settle. Some policies allow the insured to select counsel from a pre-approved roster set by the insurer.

WHEN DOES EPL MAKE SENSE?

In determining whether an EPL policy is right for an organization, the two key considerations tend to be frequency and size of claims, and internal resources.

An organization with a high frequency of employment related claims, whether because of industry norms, size or peculiarities tied to the organization’s business model, may consider EPL a good investment. On the other hand, a smaller organization may look to EPL as a hedge against the risk of a complex or expensive claim (such as a class action or large wrongful dismissal), which can cause unsustainable damage.

Similarly, an organization with relatively few internal resources – for example, where there’s a high ratio of front-line to managerial employees, or limited (if any) on-site senior-level HR support (*i.e.*, retail, hospitality) – the workplace may not be sufficiently equipped to appropriately address workplace issues as they arise. For this type of organization, EPL coverage may be just the right kind of “back-stop” should matters go awry.

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BEST PRACTICES TO REDUCE WORKPLACE RISK

Whether or not an organization places EPL coverage, many employment-related risks can be reduced with strong human resources practices and strategies.

WRITTEN EMPLOYMENT CONTRACTS

The relationship between an employer and employee is a contractual one – even in the absence of written terms. Although parties are free to enter into a written agreement, in the absence of written terms (or if the written terms are unenforceable), our courts impute contractual terms into the relationship through their own legal precedent (referred to as the common-law). For example, a court will imply the contract of employment to be of an indefinite length, and absent “just cause for termination,” an employer will be obligated to provide an employee with “reasonable notice” of termination of employment. “Reasonable notice” will almost always far exceed whatever minimum notice is required under employment standards legislation. A properly drafted employment contract can reduce or even eliminate common law obligations.

Although a termination clause is the principal reason for using an employment contract, it’s not the only reason. A written

employment contract clarifies obligations and entitlements during the course of the employment relationship, as well as after its conclusion. A well-prepared employment contract will set out remuneration, a probationary period, duties of employment, hours of work, vacation, confidentiality obligations, etc. It may also address any post-employment covenant such as one that restricts the solicitation of customers. For these reasons, a savvy employer will use an employment contract to significantly reduce employment-related risks and achieve important business objectives.

An employer that does not already have written contracts in place should not despair – it may not be too late. An enforceable employment contract can be introduced into an existing employment relationship under the rights conditions, and with the assistance of experienced employment counsel.

WORKPLACE VIOLENCE AND HARRASSMENT POLICY

Every organization is required to establish, implement and train employees on workplace violence and harassment to comply with health and safety and human rights law. However, the benefit of such a policy goes beyond avoiding sanction from a government regulator. An organization with a well-written policy will be better

prepared to respond to a claim of workplace abuse, whereas an organization without a policy may struggle to avoid expensive and potentially embarrassing litigation.

EMPLOYEE HANDBOOK

In the interest of consistency across an organization, some employers will have an “employee handbook” to address aspects of the employment relationship, such as core values, workplace rules and practices, hours of work, leaves, social media, use of confidential information and workplace conflict resolution, to name a few. This is especially important if these matters are not addressed in individual written employment contracts. A handbook should create clear expectations with the effect of minimizing misunderstandings or disagreements leading to claims.

FINAL THOUGHTS

While there are distinct advantages to EPL insurance coverage, the decision should be made based on an organization’s size, risk profile, management structure, public image and other unique circumstances impacting its ability to bear the cost, impact and management of employment-related claims.

That said, and whether or not insurance is purchased, there are several pro-active steps an organization can take to reduce its risks of employment-related claims. These are steps every organization can and should take to best position itself for conflict. While EPL insurance can be a good strategy for mitigating the risk of legal claims, it is not a substitute for robust workplace management. ■

Stephen Shore is a lawyer with Sherrard Kuzz LLP.

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A Whole New World

ALIGNING YOUR PEOPLE STRATEGY WITH YOUR GLOBAL GROWTH STRATEGY

By Sarah B. Hood

Canadian companies have many advantages in the global marketplace, but a new report commissioned by HSBC Bank Canada from The Conference Board of Canada shows we aren't yet making the most of our potential, and the HR function could be doing more to help.

Selling to the World, The Keys to International Business Success points out that only 10 per cent of small and mid-sized Canadian businesses generate foreign sales, while 70 per cent of that business is being generated by less than 1.4 per cent of those companies. It shows that "the key to global success is to have a Global Competitive Advantage (GCA)," which is "a firm's ability to create more value [than its global rivals do] for its international customers, through differentiation."

Along with a companion report titled *Learning From the International Experience of 20 Successful Canadian Companies*, *Selling to the World* identifies key factors that allow firms to succeed in global markets. Above all, it highlights four "core resources" that allow firms to develop their GCA: skilled executives, foreign market knowledge, innovation capabilities and international networks.

Although the HR function is best positioned to address the first of these, it can play a role in all four, says HSBC Bank Canada's executive vice president and head of commercial banking, Linda Seymour.

"They all tie together, and I think it's important that HR recruiters look at all four," she said.

Workforce diversity is also important.

"It's important to acknowledge that from a skilled executive standpoint, you need a diverse workforce," she said. "For HSBC, having a diverse workforce is a competitive advantage."

Selling to the World identifies three qualities to recruit for in skilled executives who can drive GCA: entrepreneurship, commitment to international growth and international experience.

"Being entrepreneurial, and especially being a bit of a risk taker, is so important when you're looking at expanding globally. A number of the companies [in the study] say they were able to grow internationally faster than here in Canada," said Seymour.

As for a commitment to international growth, she said, "Canadian companies tend to look to the U.S. for most of their exporting, when in fact we have to become less reliant on the U.S. and start to look at exporting internationally."

International experience comes in many forms.

"It could be an executive who has travelled the world and has worked for different companies around the world. It may come from the management team around that skilled executive," said Seymour. "The international experience has to allow that individual to recognize the local cultures and how they can execute on their business plan in that region or country."

Vancouver-based Energold Group (aka Energold Drilling Corp.) is one of the companies that participated in the HSBC study. As a diversified global drilling solutions provider, Energold operates in 25 countries.

"We try to hire people who are nationals in the various countries to the highest executive positions possible, and then support them with people we bring in. Over 90 per cent of our labour force is hired locally," said Energold CEO, Fred Davidson. "The critical item is being attuned to the local culture. They don't even have to be versed in the technical matters, as long as they're good managers; we can provide them the technical support."

“WE TRY TO HIRE PEOPLE WHO ARE NATIONALS IN THE VARIOUS COUNTRIES TO THE HIGHEST EXECUTIVE POSITIONS POSSIBLE, AND THEN SUPPORT THEM WITH PEOPLE WE BRING IN.”

– FRED DAVIDSON, THE ENERGOLD GROUP

A thorough knowledge of cultural norms and business etiquette is important, as is familiarity with “the regulators you deal with: customs officers, government officials and immigration – we don’t waste time going in circles trying to understand the local system,” said Davidson.

With our own diverse population, Canadian companies tend to be pretty good at navigating cross-cultural waters.

“[Canadians] tend to be fairly sensitive to these issues [compared to some other nations that] import their senior people and expect things to work the same as back home, while they become isolated from the locals – who may not have the technical skills – and also feel disconnected from the foreign managers,” said Davidson. “We find that where we have a manager who’s familiar with the country, with the fact that we generate jobs and training locally, showing we

are local stakeholders along with the community, we gain mutual respect and help build trust and support for our client’s projects.”

Another study participant was H₂O Innovation Inc., which works with water and wastewater treatment in 40 countries. The company’s systems and projects are complex and require a lot of people with different skills, says CFO Marc Blanchet.

“People who are open-minded and experienced with different cultures will be better adapted for the company,” he said. “[It’s essential] to be able to address a message that will be understood or received properly by other cultures. If you don’t have the right people, you may create an expectation from customers and partners abroad that you won’t be able to meet, because they are your ambassadors and your translators.”

Parachuting executives into foreign settings presents challenges. “You need a special kind of personality to move to India or the Middle East for an extended period,” said Blanchet. When it comes to business negotiations, “here in North America, we’re pretty straightforward; there, it’s not the case.”

Sales professionals seem to adapt better than some other types of people, he says.

“By their nature, salespeople are much more chameleon-like; they can bend themselves to adapt to cultures. Engineers and project managers tend to find it tougher to adapt themselves,” said Blanchet.

“We are a small organization compared to others. One of our advantages is that the culture is really strong. We are a young company, still growing; it’s exciting, so it’s flexible,” he said. Corporate HR strategy is rolled out throughout the company by briefing senior staff regularly. “In our organization all managers have a very strong HR role to play. We expect them to know all the policies and be able to answer most of the HR questions coming from their team. That’s the way we’ve structured it. We don’t want to be a company where HR is outsourced to an HR department; managers have to be part of HR.”

In an age of globalization, “how an organization should be now is different than it was,” said Blanchet. “When we hire, we choose more than an employee; we recruit ambassadors of the company.”

Selling to the World demonstrates the shared qualities of the people who head globally successful companies. HR has a vital part to play in helping firms expand their reach in global markets by targeting executives with these characteristics, as well as helping develop overall foreign market knowledge, innovation capabilities and international networks. Taken together, these are the building blocks that will increase Canada’s share of the global marketplace. ■

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When Moonlighting Conflicts with Your Day Job

COULD IT BE CAUSE FOR DISCIPLINE OR DISMISSAL?

By Susan Hodkinson

Close to one million Canadians have more than one job, often referred to as moonlighting. There are numerous, reputable reasons for moonlighting, including the greater number of part-time and contract jobs being created, the need to make extra money to pay bills and the simple desire of individuals to capitalize on opportunities presented to them.

Employment isn't indentured servitude; an employer cannot dictate how employees spend their time off. But can moonlighting be cause for discipline or even dismissal from a day job?

Take, for example, the office worker who struggles to complete his or her tasks, makes mistakes or doesn't come to work on time due to late nights at a second job. This individual risks disciplinary measures, not simply because they have the other job, but because their performance at the day job is compromised. Phone calls, emails and other activities that workers engage in to further an outside job while on the clock at their day job decreases productivity, and results in "time theft" from the employer.

Competing with your employer by way of your outside activities can also be grounds for discipline, termination and even legal

action in some cases. A computer technician who offers to provide certain services to a client of their employer outside of work hours, "for cash," is taking revenue away from their employer and is likely using tools or know-how acquired through their day job for personal benefit. Even when there is no direct loss of revenue to the employer, engaging in such behaviour can be risky.

For example, a homeowner sees a city maintenance crew trimming trees on his street, and approaches the crew to ask them if they can assist him with a dead tree on his property. They agree to return when their shift is over and use the city's equipment to remove the tree for a cash payment. Apart from potential insurance issues to the workers and the homeowner, the use of publicly owned equipment for personal gain is problematic, and would likely result in negative consequences to the entrepreneurial tree removers.

It would be a mistake to believe that these moonlighting dilemmas are reserved to low- and mid-level employees. Senior employees have great access to contacts and resources, but can also find themselves in an uncomfortable spotlight if they use those contacts for personal gain. CBC journalist Evan Solomon was able to

AS WITH MOST STICKY HUMAN RESOURCES SITUATIONS, A GREAT DEAL OF HEARTACHE CAN BE PREVENTED OR RESOLVED BY WAY OF CLEAR, REASONABLE AND ENFORCEABLE POLICIES.

build a lucrative business facilitating art deals based on the prominent individuals he met through his job at the CBC, which led to his dismissal and placed the organization in a precarious position.

Organizations also have certain values that are important to stakeholders, whether they are the public, shareholders or customers. Employees who are engaged in another business that seems at odds with those values, and could alienate or offend any of these stakeholders, might put their employer in an awkward position.

So how can employers and employees avoid the negative implications of these situations?

As with most sticky human resources situations, a great deal of heartache can be prevented or resolved by way of clear, reasonable and enforceable policies. Employment agreements should state that

employees who have access to client data and/or technical information as a result of their jobs are entrusted with this important knowledge and information, and the misuse of it would result in damages to the company and in disciplinary action for the employee. An employer can and should demand that employees are attentive to their duties while at work, no matter what activities they might be engaged in during their private time.

Employees who are contemplating taking on a side job would also be well advised to consult their primary or original employer, so as to avoid any perception of conflict. ■

Susan Hodkinson is chief operating officer at Crowe Soberman LLP.



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Change Marketing

ENCOURAGE WORKERS TO ADOPT CHANGES BY APPLYING MARKETING BEST PRACTICES

By Martin Brooker

The rollout of a new technology. A more creative setup in the office. The reorganization of a company's structure. Change is a constant in today's fast-paced business environment.

Nowadays, many workplace changes are cross-disciplinary. Managing these moments of disruption often falls to HR professionals who increasingly bridge the gap between senior leadership, IT managers and the workforce. Not only should they have the knowledge and skills to identify when change is needed, they also need to know how to successfully implement that change. As easy as this sounds, enacting change can be a fraught process to manage. It's frequently against human nature to react favourably to change, so employees tend to dig their heels in and resist it at all costs. Companies are struggling to come up with adequate change management strategies, and

according to one study, no less than 70 per cent of major corporate change efforts fail.

With this challenging landscape in mind, HR professionals should remember that it's just as important to manage a change from a people perspective as it is to manage it from a logistical perspective. To successfully enact change in the workplace, they should adopt marketing best practices and treat the implementation of a workplace change as the development of a new product. Just as it's much easier to sell a product to a consumer if they've seen a compelling promotion for it, change will be much more appealing to employees if it has been marketed to them.

STEP INTO THE EMPLOYEES' SHOES

A profound understanding of the consumer is at the centre of every successful marketing strategy. Only when you truly understand what your targets want can you build a marketing strategy that positions your product in a way that makes it so attractive that the customer can no longer live without it. Likewise, HR professionals need to gather information about their employees' points

IT'S JUST AS IMPORTANT TO MANAGE A CHANGE FROM A PEOPLE PERSPECTIVE AS IT IS TO MANAGE IT FROM A LOGISTICAL PERSPECTIVE.

of view and concerns related to the change. Hosting in-depth employee surveys on the change allows HR professionals to establish employees' feelings about the change and offer the opportunity to brainstorm potential solutions that make the staff feel more involved in the change process. Furthermore, focus groups can be ideal sounding boards to test different approaches to change to learn what works and what doesn't.

BRING CREATIVITY INTO CHANGE COMMUNICATIONS

With this insight into employees' perspectives in their back pockets, HR professionals can successfully position the change in the most relevant way. Flyers, emails and videos, which are tailored to different stakeholder groups, are invaluable communications tools.

But, although these materials are imperative in times of change, HR professionals should especially dip into their creative reserves to come up with playful campaigns to drive engagement around the change. For instance, are you implementing a new meeting room management technology? Throw a party and bring in actors dressed like flight attendants to manage the meeting room booking process or organize an educational contest that rewards the employees who fulfill a list with scheduling tasks in the least amount of time.

ENGAGE CHANGE ADVOCATES

Once all individuals fully grasp how the change will affect their day-to-day experience and what success or failure in adoption means, they will become more engaged. Change advocates have proven especially effective at conveying understanding of the change because people are generally inclined to trust their peers. Whereas 90 per cent of consumers trust peer reviews of products, a comparably small percentage trusts advertisements. Likewise, key team leaders that work closely together with their colleagues on a daily basis will have a bigger impact throughout the entire office than HR managers, as they can more easily influence their coworkers' perspective on the change. By giving these ambassadors a sneak preview or by offering them in-depth trainings, companies can target these ambassadors as early adopters to get them on board with the change.

STIMULATE TRAINING WITH REWARDS

If the change significantly impacts the day-to-day operations of the staff, necessary training should be available before the change is launched. Training that is tailored to varying levels of employee understanding will be the most effective. To speed up adoption of a new work routine, HR professionals should incentivize their workforce for the efforts they make. Incentives like gift certificates, a company paid lunch or social outing or an extra day off will help build "brand loyalty," or loyalty to the change.

Finally, it is important to support the change with marketing efforts on an ongoing basis. By highlighting the value, the progress and the direct results of the change throughout the year, companies can keep the momentum going until the change is no longer viewed as a change but as the new standard. ■

Martin Brooker is chief operating officer at Condeco Software.

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Off-Duty Conduct

WHEN CAN IT LEAD TO AN EMPLOYEE GETTING FIRED?

By Kathryn F. Hordienko

It is becoming increasingly clear that employees can be fired for off-duty conduct, even when the events are unrelated to their employment. While many employees are under the impression that how they behave in their private lives cannot impact their livelihoods, incidents recently portrayed in the media – including Jian Ghomeshi of the CBC and Toronto FC fan Shawn Simoes of Hydro One – are putting those beliefs to rest. The reality is that in certain instances, employers are legally entitled to dismiss employees for conduct outside of the workplace.

In the new digital age of social media, employees' private lives are becoming more visible than ever before. Behaviour of individuals outside the workplace is more readily accessible to their employers. This enhanced visibility is in turn heightening employers' risk of reputational harm, and complicating the ability to manage their workforce. The consequence is an increased likelihood that employees will be disciplined or dismissed for off-duty conduct.

These employees may be dismissed on a "without cause" basis, where a severance package is provided. Or, they may

be dismissed on a "just cause" basis if their off-duty conduct is deemed sufficiently serious – taking into account resulting harm to the company to meet the legal threshold for firing without any severance pay owing. Either way, they will have lost their jobs due to their behaviour outside of the workplace.

FACTORS FOR EMPLOYERS TO CONSIDER

The question to ask is when will an employee's conduct outside the workplace warrant the ultimate punishment of employment law – termination of employment?

In Canada, the presence of one of the following factors may entitle the employer to terminate on a "just cause" basis for off-duty conduct:

- Does the conduct harm the employer's reputation?
- Does the conduct render the employee incapable of performing his or her duties satisfactorily?
- Does the conduct lead to a refusal, reluctance or inability of other employees to work with him or her?
- Is the conduct a serious breach of the *Criminal Code*?

- Does the conduct make it difficult for the employer to carry out its functions and/or manage its workforce?

RECOMMENDATIONS

HR professionals can assist employers in proactively addressing off-duty conduct to allow for swift action and decreased exposure to the company and its operations, as follows:

1. CLEAR TERMINATION CLAUSES IN CONTRACTS

Ensure that the termination provisions in employment contracts expressly list off-duty misconduct as a ground for just cause termination. Ideally, this ground would include wording that the termination would be at the employer's discretion. While the merit of such a dismissal would still rest on the facts, a well-worded clause is the first step towards an enforceable termination for just cause.

2. COMPREHENSIVE COMPANY POLICIES

Ensure that clearly written and detailed policies are in place to specifically address expectations regarding off-duty conduct, including on social media, as well

Deborah Kolb/Shutterstock.com



policies & procedures

as mechanisms to enforce and discipline for breach of these expectations, up to and including termination for just cause. These policies must be properly administered to ensure that they form part of employees' terms of employment.

3. REMINDERS OF COMPANY EXPECTATIONS

As with all company policies, it's prudent to ensure that expectations regarding off-duty conduct are periodically relayed to employees in the form of workplace seminars or refreshers, with the attendance of employees documented. These sessions will serve to remind employees of the contents of company policies and enhance the employer's ability to enforce them.

4. CONSISTENT ENFORCEMENT OF POLICIES

It's a basic principle within human resources that workplace policies be applied consistently to all employees. This equal application to

all employees will provide a defence to any future claims that the employer condoned prior breaches and that, accordingly, any new breach of the policy should not be enforced respecting the behaviour in question.

5. CONDUCT AN INVESTIGATION


While in some instances, an employer may be justified in taking swift action to terminate an employee for off-duty conduct, for reasons such as preserving public image and mitigating damage to its reputation, it's always a safer course of action to ensure that a proper investigation is conducted before steps are taken. An employee may be placed on paid non-disciplinary or unpaid disciplinary leave – depending on the underlying circumstances, severity of the misconduct and degree of publicity. Taking the necessary precautions and providing an employee with the requisite due process will increase employer's prospects of having a termination upheld by an adjudicator.

CONSIDER CAREFULLY

Although dismissal without cause with the appropriate severance package is an option available to employers at any time (provided it's in compliance with human rights legislation), decisions to terminate for just cause on the basis of off-duty conduct must be carefully considered.

Despite the fact that in the age of social media, discipline or termination of employees for off-duty conduct is becoming a more prevalent and accepted course of action, employers must tread carefully in making these decisions. Proactive steps should be taken by companies to better equip themselves to handle off-duty conduct, and the competing interests of the employee's right to privacy versus the employer's legitimate business needs must be weighed and scrutinized to ensure that a termination is justified on the facts. ■

Kathryn Hordienko is a lawyer at Fillmore Riley LLP in Winnipeg.



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Express Entry

TOP 5 TIPS TO TRANSITION YOUR TEMPORARY FOREIGN WORKERS TO PERMANENT RESIDENCE

By Howard Greenberg

On Jan. 1, 2015, Citizenship and Immigration Canada (CIC) overhauled Canada's Permanent Residence process with the introduction of the Express Entry system. Foreign nationals seeking permanent residency now require an invitation from CIC in order to apply under one of the economic streams. Although this new system is expected to drastically reduce processing times, it has also resulted in uncertainty for employers and foreign nationals. There are some tips that HR professionals can implement to transition their temporary workforce.

1. APPLY FOR PERMANENT RESIDENCE AT THE FIRST OPPORTUNITY

As Invitations to Apply (ITAs) are issued without prior notice, all foreign nationals are advised to enter the Express Entry pool as soon as the eligibility criteria are met by creating and submitting an online profile. Individuals may remain in the Express Entry pool for a period of 12 months, after which the profile can be easily renewed. Once the profile is submitted, the individual is eligible to receive an ITA.

2. SUBMIT AN ONLINE PROFILE AND UPGRADE

Employers and foreign nationals are advised to take a two-pronged approach to maximize the likelihood of receiving an ITA at the earliest possible opportunity: submit an online profile as soon as possible; and immediately begin to upgrade the Comprehensive Ranking System (CRS) points. CRS points may be upgraded by obtaining an Education Credential Assessment (ECA), improving language scores and increasing relevant work experience.

OBTAINING FOREIGN EDUCATION ASSESSMENTS

As ITAs are issued solely on the individual's CRS score, it's crucial that all efforts are undertaken to maximize CRS points. Once an individual is in the Express Entry pool, CRS points can increase by upgrading certain aspects of the Express Entry profile, such as obtaining an ECA:

- If the principal applicant has completed foreign post-secondary education, then obtaining an ECA will result in additional CRS points;
- An ECA is mandatory for consideration under the Federal Skilled Worker (FSW) stream if the principal applicant has



- completed post-secondary education outside of Canada;
- The completion of an ECA provides for a considerable increase to the CRS point total;
- The spouse of the principal applicant may also obtain an ECA for foreign education credentials, which will increase the overall CRS points.

COMPLETING OR IMPROVING LANGUAGE EXAMS

- If an applicant re-takes a language exam and improves his or her score, then a significant number of points may be added to the CRS total;
- The spouse of the principal applicant may undertake a voluntary language exam which, if passed, will result in additional CRS points;
- Additional points can also be obtained by completing a language exam in a second official language (French or English).

3. CONSIDER A LABOUR MARKET IMPACT ASSESSMENT

If a foreign worker is deemed a critical resource and lacks sufficient CRS points to obtain an ITA, employers may consider obtaining a labour market impact assessment (LMIA). This will ensure a continued ability to work in Canada. In addition, once the LMIA is obtained, foreign workers can expect to receive an ITA in the next draw from the Express Entry pool.

4. PLAN AHEAD FOR AN INVITATION TO APPLY

Once an ITA is received, a complete application must be submitted within 60 days. In anticipation of an ITA, foreign nationals may consider the following:

- Those with a substantial CRS score should consider obtaining police clearance certificates (PCC) for each country where they have lived for six or more consecutive months since the age of 18. These documents may be difficult to obtain and if all PCCs are not obtained by the 60-day filing deadline, then it may delay or in some cases result in the refusal of the application;
- Birth certificates and marriage certificates should be obtained at the outset of the process. This is especially important for foreign workers from countries where these documents may not be readily available;
- Passports expiring in the near future should be renewed in order to avoid any potential issues during the application process;

- Employment confirmation letters from previous employers should be obtained for all prior relevant work experience. These letters should be detailed and obtained in advance to mitigate against any potential delay;
- Medical exams may be obtained in advance – although these are typically valid for a period of one year. Depending on the location of the foreign national at the time of the request, it may be difficult to schedule with a panel physician.

5. ENSURE FOREIGN NATIONALS MAINTAIN TEMPORARY WORK AUTHORIZATION

CIC has indicated that approximately 80 per cent of complete Permanent Residence applications submitted under Express Entry are expected to be finalized within six months. Once an ITA is received and a complete application is submitted, a completeness check confirmation is expected to be issued by CIC. The completeness check confirmation can then be leveraged to support the filing of a Bridging Open Work Permit (BOWP) application. However, there are currently significant delays in the issuance of the completeness check confirmation. As a result, employers must have a viable strategy in place to maintain Canadian work authorization, independent of a BOWP. Strategies to consider may include:

- Commencing the Permanent Residence process as soon as the temporary foreign worker becomes eligible. (Initial work permits may be issued for up to a three-year duration);
- Extending the current work authorization under an LMIA exempt category where applicable;
- Filing for an LMIA for critical resources well in advance of expiry of work authorization.

CONCLUSION

The Express Entry is a system by which Permanent Residence may be granted in a short period of time. However, in order to successfully use the complex system, HR professionals and foreign nationals must take a proactive approach to increase the likelihood of obtaining an ITA and meeting strict deadlines. Taking a strategic approach will assist HR professionals in transitioning their temporary foreign workforce to Permanent Residence. ■

Howard Greenberg is national practice leader – Immigration at KPMG Law.

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HR Career Paths

MATT TYRE, SALES COMPENSATION EXPERT

By Lisa Kopochinski



Matt Tyre

Matt Tyre says he is comfortable being uncomfortable. But as a sales compensation manager for Rogers Communications, he finds this skill makes him a great fit for this position. Of course, his strong relationship and leadership skills, and ability to be both creative and analytical haven't hurt, either.

Born and raised in Oakville, Ont., Tyre always knew he wanted to be in business. He just didn't know to what extent. His

local school – Sheridan College – seemed like the logical starting place to better understand what aspect of business he wanted to pursue.

“However, it wasn't until I was given an opportunity to work in a small boutique sales compensation firm, Sales Resource Group (SRG), that I knew I found my calling,” he said. “I was given an opportunity to be under the tutelage of sales compensation guru David Johnston. I learned a lot from him and he helped me to get my

designation as a certified sales compensation professional. He has been a mentor of mine for many years and I wouldn't be in this position if he didn't share his knowledge with me.”

At Rogers – a diversified public communications and media company (headquartered in Toronto) that operates primarily in wireless communications, cable television, telephone and Internet connectivity – Tyre's main areas of responsibility include managing sales

compensation for the company's HR Total Rewards team and covering two business units: the consumer channel and its customer experience groups.

"My role is to provide guidance and support on best practices to the business and work closely with cross-functional teams on sales compensation solutions," said Tyre. "The sales teams that my team supports are in retail, field door-to-door, indirect third party, call centre and customer service. These groups all come with different flavours and our job has been

periods, guarantees, etc. We provide a consistent approach across the company on HR policies and have embedded an approval process. We're always mindful of the employee and company experience and – with this approach – the business can react quickly and consistently to issues.

What do you like most about human resources?

MT: I like being a strategic HR partner and creating programs that support desired behaviours and outcomes to address

that can set you apart. I take what I have learned and provide guidance so that – as a business – we don't trip and fall when I can foresee a hazard ahead. I find challenges that I haven't experienced before are good learnings. I put those experiences in my back pocket for next time.

What are your ultimate career goals?

MT: My short-term goals are to continue to grow and develop at Rogers, and work with senior leadership to build effective sales compensation programs enabling the business to achieve organizational objectives. My longer term goals are to apply my skills and varying industry experience to open my own consulting practice someday.

What advice do you have for others interested in pursuing a career in both sales and HR? And what do you tell those in the HR field who are looking to move up the ladder?

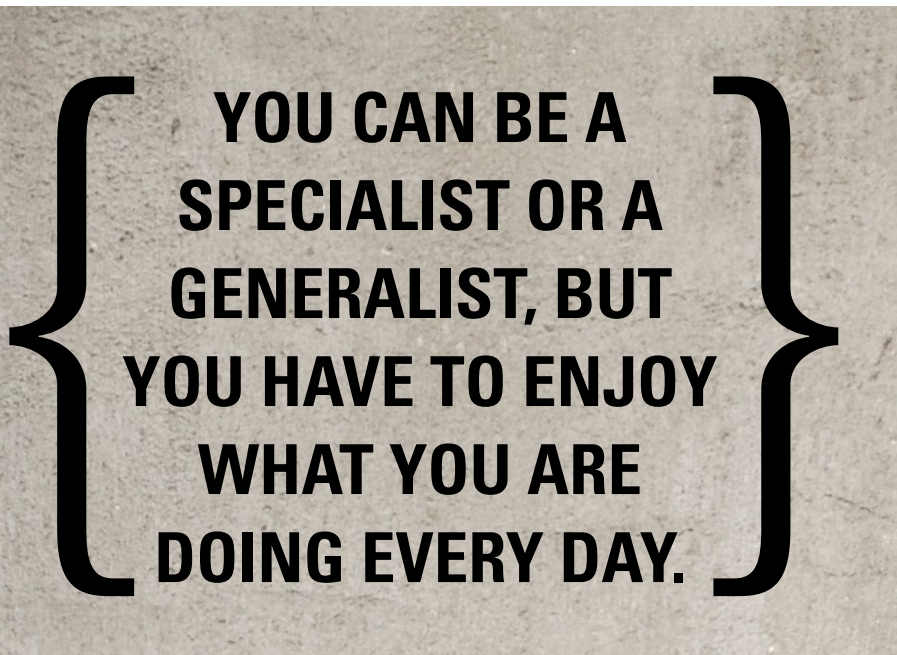
MT: For me, having both sales and HR experience is probably unique and has helped me in my role to understand the mindset of salespeople as I design compensation programs. I keep what motivates salespeople in mind and make sure to align behaviours with business objectives.

For those HR professionals trying to move up the ladder, I have this advice: do what you are passionate about. You can be a specialist or a generalist, but you have to enjoy what you are doing every day. I would recommend finding a mentor. I have found personal and professional growth by building those relationships.

What do you like to do in your spare time?

MT: I manage a LinkedIn group site called ICM – Incentive Compensation Management – and spend my time upgrading my skills by reading and researching, which I find helps in delivering quality results to business partners.

I also just returned from my honeymoon! We have blended our families to become a family of seven – plus our dog, Duff. I also like golfing and curling, and I volunteer to help support the Ontario Junior Curling Championship. ■



to make recommendations that will create consistencies, but offer variability by group that addresses each business focus. We have also instilled governance and controls to ensure consistent policies are applied across the company."

HR Professional recently chatted with Tyre about the human resources aspects of his busy position and what makes him tick.

What do you like most about your job?

Matt Tyre: My favorite part is working with our cross-functional business partners and leaders and delivering solutions that will help propel our business. From a governance perspective, my team works with cross-functional partners in areas of finance, HR, sales, operations and legal to ensure we have controls in place on HR policies such as exceptions, notice

business needs. Sales compensation is just one spoke in the human resources wheel and we are here to help, attract, retain and motivate top talent.

What does a typical day for you look like?

MT: Every day is different and comes with new opportunities. That's what is exciting. In one day we could be pitching a recommendation to leadership or managing employee or business requests and inquiries. The role requires a lot of independence and drive to deliver results in a very fast-paced environment.

What are some of the challenges you experience?

MT: Opportunities occur anywhere you work, but it's how you deal with them

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MEET THE HR INFLUENCERS:

Alex Gallacher, MBA, CHRE, ICD.D



ENABLER OF HUMAN CAPITAL

By Lisa Gordon

After a decade spent working in human resources for three of Canada's big banks, Alex Gallacher was looking for an entrepreneurial challenge. In 2004, he and two partners established ENGAGE HR™, a Mississauga-based consulting and outsourcing firm that delivers a full suite of human resources services to HR professionals, employers, associations and other private clients.

That was 11 eventful years ago – and today, Gallacher is celebrating 25 years in the HR field. Now the sole owner of ENGAGE HR, he has assembled a strong “A-team” of six staff members who are on pace to make 2015 the boutique consultancy's best year ever.

HR Professional caught up with Gallacher to discuss his role as “chief cook and bottle washer,” and the rewards of “getting it right” for a diverse portfolio of more than 100 clients.

When did you decide you wanted a career in human resources?

Alex Gallacher: In 1986, I had just finished my undergraduate degree at the University of Western Ontario. I was working as a student placement officer for

the summer in what was then called a Canada Employment Centre for Students, when I realized just how much help employers needed in order to optimize their human resources.

What was your first HR job?

AG: My first real HR job was as a human resources administrator at Mintz & Partners, Chartered Accountants, which has since become an integral component of the Deloitte SME (small to medium sized enterprises) practice.

Tell me about your current job. What are your main areas of responsibility?

AG: As “chief cook and bottle washer,” I get to do a little bit of everything, which keeps it fun and interesting! My primary roles are to a) keep an eye on where the firm is headed, pursuing strategic opportunities and exciting others; b) support our fantastic team as an in-house expert, or find appropriate resources to “go to ground” on client issues, which means having and maintaining great partnerships with firms like Gradient Solutions, Navicom and Hicks Morley; c) guide and counsel the fantastic clients who have let us into the heart of

their organizations; and, d) help clients and prospective clients realize the positive returns of having the right strategy, structure and people – along with doing the right things, for the right reasons, in the right ways, in their organizations.

What do you love about your job?

AG: The challenge of “getting it right” every single day, probably coupled with the mental agility of making that happen across a wide range of clients, sectors and personalities.

What are the challenges you experience in your job?

AG: It’s challenging to maintain the stamina that is necessary to keep up with the burgeoning needs of our clients, all the while maintaining the client-centric focus for which our team is known.

What’s key to leading HR during a difficult time for a client organization?

AG: Communication, communication and hard work leading to more, effective and better communication! HR has to work very, very hard in order to support client organizations during periods of difficulty. The hard work does

not mean just extra hours or stamina, although both may be involved. It means innovating to come up with better, often simpler and more robust solutions to meet real challenges and difficulties which, at the end of the day, make a positive difference in the lives of our clients and their people.

What skills are important for success in HR?

AG: Apart from all the normal skills, I would say curiosity about the world, organizations, business and people is essential. This curiosity leads to a better understanding of what, how and, most importantly, why things happen. This knowledge in turn leads to a much stronger ability for an HR professional to diagnose, understand, propose and help implement contextually appropriate solutions that have a much better opportunity to succeed.

What tips do you have for new grads or those in entry-level HR jobs who want to move up the ladder?

AG: Dig in and work hard! In my experience, anyone who is successful in any profession – whether it’s HR, IT, marketing or medicine, with the exception

HR HAS TO WORK VERY, VERY HARD IN ORDER TO SUPPORT CLIENT ORGANIZATIONS DURING PERIODS OF DIFFICULTY.

of a relatively rarified few – has worked really, really hard to get there. Dig in and learn from those who have gone before you; they know what they're doing, or they wouldn't be there.

What's the future of HR?

AG: The future of HR is tremendous. In the current issue of *Harvard Business Review*, they speak of "blowing it up and reinventing it." I agree. HR needs to free

itself from the notion that it is a back-office function and step into the limelight of enabling organizations and their leaders, managers and individual contributors! HR, or probably more appropriately, the concept of "enabling human capital" needs to be seen as an essential element of organizational and business success. Let's work on getting it there, collectively, for the benefit of everyone. The world needs more HR, not less. ■

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IN A NUTSHELL

First job: Corn detasseler (really!)

Childhood ambition: To be the Prime Minister of Canada

Best boss and why: Steve Latimer of Jeffries & Co., because he delights in motivating people to achieve what appears to be beyond their means – and then supports them to get there through a ton of hard work and fun.

Current source of inspiration: This is a three-way tie: a) our team at ENGAGE HR; b) the Lorne Park Peewee 71 hockey team of 2014/15, who won absolutely everything in the season of all seasons, and had even more fun doing it; and c) the Mississauga Chiefs Bantam A hockey team of 2015/16, because their hard work will pay off.

Best piece of advice you ever got: "Go for it!" – Suzanne Tyson, president and CEO of HigherEdPoints.com

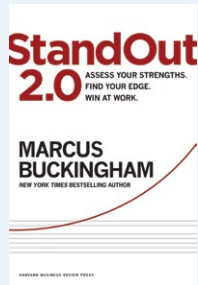
Favourite music: The Tragically Hip, Blue Rodeo, Rush, Taylor Swift, Mumford & Sons and Neil Diamond at the cottage on a Sunday morning

Last book you read: *37 Ways Your Website Died and How to Resurrect It* by Darrell Keezer, a fellow entrepreneur in Mississauga

How you spend your time away from work: Coaching, playing and watching hockey (yes, including the Leafs); spending quality time with family and friends; skiing; cottaging; and, when time permits, cooking. I really love food; it's a weakness and pleasure all wrapped into one!

OFF THE SHELF

By Alyson Nyiri, CHRL



STANDOUT 2.0: ASSESS YOUR STRENGTHS. FIND YOUR EDGE. WIN AT WORK

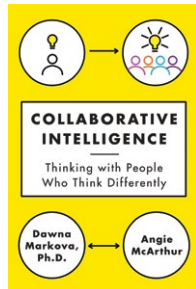
By Marcus Buckingham
Harvard Business Review Press, 2015

The strengths-based approach to management is, according to Buckingham, conventional wisdom. But the forms and systems used for people remain remedial, separating management theory from management practice.

StandOut 2.0 assesses talent, the innate patterns of thought, feeling and behaviour measuring nine strength roles. Each role is described in detail with tips on how to describe yourself, make an immediate impact, take your performance to the next level and what to watch out for.

Talking point

StandOut 2.0 builds on Buckingham's previous work in *StrengthsFinder*. Knowing your strengths is important, but you need to learn how to translate them into action.



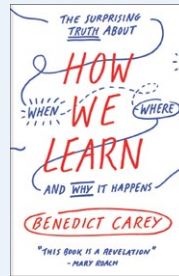
COLLABORATIVE INTELLIGENCE: THINKING WITH PEOPLE WHO THINK DIFFERENTLY

By Dawna Markova and Angie McArthur
Penguin Random House, 2015

The biggest challenge for leaders today is people. There is a range of differences in the way people think, often leading to misunderstanding and conflict. Collaboration is a crucial component of business acumen. Our collaborative intelligence quotient (CQ) is a measure of our ability to think with others on behalf of what matters to us all. The CQ program outlines four thinking strategies and breakthrough strategies to help leaders experience curiosity in place of conflict. CQ is an exciting addition to the field of pedagogy offering an innovative approach to building stronger and more connected workplaces.

Talking point

The challenges faced by leaders today are vastly different than their predecessors, who were trained to solve procedural problems requiring rational solutions. Today, leaders are being asked to think with others in ways that are innovative and relational.



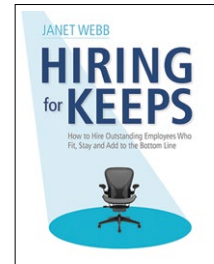
HOW WE LEARN: THE SURPRISING TRUTH ABOUT WHEN, WHERE AND WHY IT HAPPENS

By Benedict Carey
Penguin Random House, 2014

The science of learning is complex and constantly evolving. Rather than focusing on the learning styles of individuals, Carey demonstrates there are different strategies of learning, each uniquely suited to capturing a particular type of information. He traces the basic theory of learning and investigates the findings that have held up to scrutiny, demonstrating how remembering, forgetting and learning are related. Drawing on decades of learning theory, he presents various retention tools.

Talking point

Distraction is not a bad thing. Unless you are attending a seminar, taking short breaks to check in on Facebook, respond to a few emails or check sports scores is the most effective technique learning scientists know of to help you get unstuck with a problem.



HIRING FOR KEEPS: HOW TO HIRE OUTSTANDING EMPLOYEES WHO FIT, STAY AND ADD TO THE BOTTOM LINE

By Janet Webb
JW Associates International, 2015

Organizations engage executive search companies for various reasons: cost effectiveness, access to their database of candidates, to fill C-suite positions. With the proliferation of networking sites, many companies can reach more candidates themselves. According to Webb, instead of delivering information, search firms deliver judgment. Using her unique Trait Alignment Protocol (TAP), Webb outlines how identify and maintain fit over the long term. TAP enables both hiring managers and candidates to understand the soft skills required for the position.

Talking point

The TAP method is especially helpful when recruiting for senior leadership roles. It prevents recruiters from making assumptions about key traits from the candidate's level of seniority and forces screening for each trait regardless of executive level. ■

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Are You Tired?

YOUR EMPLOYEES ARE, AND IT'S AFFECTING THEIR ENGAGEMENT LEVELS

By Brady Wilson

Today's organizations are seeing a troubling trend: managers and employees might be engaged, but not energized. Many employees are loyal and committed to the cause – they come in early, stay late and get things done. But they are exhausted.

According to brain science, when humans are low on energy, the “executive function” of the brain suffers. This affects a person's ability to connect the dots, focus their attention in the midst of massive distractions, regulate their emotions in tension-filled situations, predict outcomes or make smart decisions. Essentially, these are all “power tools” that employees need to be innovative and to provide remarkable customer experiences.

Traditional engagement initiatives do nothing to help energize and fuel the executive function; instead, they focus on how to get more discretionary effort from people. But without the executive function, all the effort in the world is, at best, redundant.

Organizations looking to evolve their business culture to one of value-creation and innovation must recognize the critical significance of the executive function. That requires thinking beyond traditional employee engagement strategies.

THE POWER OF CONVERSATION

Moving beyond engagement means leaders must implement strategies geared toward energizing the executive function. One such way is through quality conversation.

In fact, science shows that meaningful conversation has the ability to release three high-performance hormones in the brain – dopamine, oxytocin and serotonin – releasing energy so people can get their executive function back.

Despite this fact, traditional engagement strategies ignore the importance of the brain in defining people's own experiences – often foregoing conversation



PathDoc/Shutterstock.com

together and appealing to employees in ways that do nothing to acknowledge their emotional needs.

As a result, leaders simply perpetuate an “engagement paradox”: the more leaders manage engagement, the more disengagement they may produce.

TACKLE THE ENERGY CRISIS

One effective way leaders can move toward managing energy is by holding quick, frequent “energy check” conversations with employees.

As mentioned, meaningful conversations can release hormones in the brain – priming positive emotions that help employees feel connected, calm, creative and curious, boosting their brain's processing power. An energy check can help leaders determine and acknowledge what matters most to employees based on five emotional needs:

- **Belonging:** Teamwork, inclusion, connection, relationship, acceptance
- **Security:** Consistency, clarity, predictability, rules and fair play
- **Freedom:** Autonomy, decision-making latitude, flexibility, creativity
- **Significance:** Achievement, feeling valued and respected, reputation, quality, excellence

- **Meaning:** Purposeful living, contribution, legacy, understanding the “why”

By identifying what is energizing and depleting individual employees in their day-to-day lives, leaders and employees can work to co-create the conditions that release energy within the employee.

Moreover, by safeguarding employees' executive function, leaders can unlock value-creation and innovation, generating true and sustainable engagement like never before.

ENERGY: THE NEXT FRONTIER

Overcoming the human energy crisis changes the game for businesses. By shifting from managing engagement to managing energy, leaders can fuel not only discretionary effort but innovative thinking in employees. As energy is most certainly the next frontier for value creation and economic viability, this blend of intelligent effort is the only way to sustain energy and drive superb results. ■

Brady Wilson is co-founder of Juice Inc. and author of Beyond Engagement: A Brain-Based Approach That Blends the Engagement Managers Want with the Energy Employees Need.

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2015 Fall Program Schedule



Program 1 Managing Employees in a Unionized Environment



Program 2 How to Become a Better Manager of People



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"Loved it! Thank you so much for this transformational program. I feel very excited about the tools I now have to be a more effective leader."

Kelowna General Hospital

"Extremely informative. Everyone in a leading position should take this course."

Western Financial Insurance

"I loved the practical work. It really enhanced my learning."


Manitoba Nurses Union

"Awesome program. I appreciated how the presenter involved the attendees to foster discussion and debate of differing perspectives. A lot of information to absorb, very useful."

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PROGRAM ONE

MANAGING EMPLOYEES IN A UNIONIZED ENVIRONMENT

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Victoria	Sept 9, 10 & 11
Vancouver	Oct 21, 22 & 23
Prince George	Sept 14, 15 & 16
Kelowna	Sept 21, 22 & 23
Calgary	Oct 5, 6 & 7
Edmonton	Oct 19, 20 & 21
Saskatoon	Sept 21, 22 & 23
Regina	Sept 9, 10 & 11
Winnipeg	Oct 19, 20 & 21
London	Oct 7, 8 & 9
Sudbury	Sept 28, 29 & 30
Hamilton	Sept 16, 17 & 18
Toronto	Oct 5, 6 & 7
Kingston	Oct 7, 8 & 9
Ottawa	Sept 23, 24 & 25

Some unionized employees may believe they can't be touched and that if a task is not in their existing job description, they don't have to do it. Some employees may use sick time as an entitlement rather than a benefit and any form of coaching could be perceived as discipline and therefore challenged. No wonder supervisors cringe at the sight of the Shop Steward and freeze in astonishment when an employee

POSITIVE LABOUR RELATIONS STARTS WITH UNDERSTANDING YOUR RIGHTS

says 'no' to an instruction and walks away.

Most supervisors and managers do not know their rights and do not have the skills to manage these issues when they arise.

They may start to feel they are at the mercy

of their union and become disillusioned and frustrated.

Most progressive unions also want better management and believe that if management had the proper tools to manage, there would not be as many problems in the workplace. They want better processes, consistency and fairness, but they can't be the ones teaching the managers.

Most people in management roles have never been taught how to successfully apply management rights in the workplace. Usually, the employer leaves it up to the individual to learn by experience. The problem? By the time you learn from your mistakes, you may have lost the respect of most of your employees. Your team may have developed a toxic work environment and you will have been so badly beaten up that you will have lost all sense of empowerment and may even want to quit.

Is learning from your mistakes the only way to do it? No! This program is important to help you succeed and even to thrive in a unionized organization. In this program you not only learn what your rights are but you learn how to apply them in order to become a more confident leader.

LEARNING OBJECTIVES

- ✓ Understanding management rights and obligations
- ✓ Setting the standard of expectations
- ✓ Learning how to enforce rules in a unionized environment
- ✓ Understanding what arbitrators look for in disciplinary issues
- ✓ Managing excessive absenteeism
- ✓ Developing rational policies and procedures for the workplace
- ✓ Building defensibility into your ability to manage a unionized workplace



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THREE DAY PROGRAM CONTENT

UNDERSTANDING MANAGEMENT RIGHTS

- Bargained Rights vs. Residual Rights
- Making and enforcing rules
- Setting expectations and performance standards
- Management rights – what rights do you have?
- Employer policies and procedures
- Side deals – limiting your rights
- Conducting past practice audits

UNIONS AND THEIR ROLE

- Duty of fair representation
- Carriage of collective rights
- The Shop Steward and their role
- Leaves for union business – your rights
- Representation during investigations
- Dispute resolution – the alternative
- Ensuring disciplinary processes are followed

THE COLLECTIVE AGREEMENT

- Becoming familiar with employment laws
- Intent of collective agreement language
- Learning to read collective agreement language
- What are 'letters of agreement'?
- The use of headings in a collective agreement
- What are mandatory provisions?
- The management rights clause

BUILDING CULTURE IN A UNIONIZED ENVIRONMENT

- The 'six-pack' of culture
- Defining acceptable norms and practices
- Building positive traditions
- Recognizing positive role models
- Recognizing sub-cultures and cultural skewing
- Positive labour relations
- Disclosure of relevant information
- Building an interest-based dispute resolution model

GRIEVANCE MANAGEMENT

- Writing effective grievance replies
- Understanding grievances and hidden issues
- What the union and management are responsible for
- Seven steps to an effective grievance investigation
- What information must you gain from the investigation process?
- How to effectively use 'Step 1' and 'Step 2' meetings to your advantage
- What information should and must you disclose?
- 'Without prejudice' – what does it mean?

MANAGING PERFORMANCE

- Setting the standard
- Communicating in a unionized environment
- Identifying performance problems
- Coaching and assistance
- Proving poor performance
- Creating a performance-based culture

MANAGING ABSENTEEISM

- Doctrine of Frustration
- Doctors' notes and Dr. Automatic – what can you do?
- Culpable vs. non-culpable absenteeism
- The do's and don'ts of a good absenteeism program
- Last chance agreements – what should they say?
- Considerations regarding non-culpable absenteeism
- Eliminating 'patterned' absenteeism

USING PROGRESSIVE DISCIPLINE

- Progressive discipline – when all else fails
- Discipline models
- How to develop discipline guidelines
- Three principles of progressive discipline
- The 'dirty dozen' – 12 key considerations of discipline
- Mitigating and aggravating principles

What Our Clients Have Said About Our Programs:

"The presenter was extremely engaging, encouraging, humorous, well-spoken, and thoughtful; an obvious fountain of knowledge. Well-presented and I am definitely looking forward to other programs."

SGS Canada Inc.

"Definitely worth the investment to gain the confidence to manage staff more effectively in a unionized environment."

Burlington Hydro Electric Inc.

"Good course... it was beneficial to see both the union and management perspectives."

Health Sciences Association of Alberta

"Every manager or supervisor needs this for their work."

Rod McGillivray Memorial Care Home

"Course content was very helpful. Interaction was great and cases helped to relate theory to the workplace."

Hatch Industries Limited

"Excellent quality; great combination of lecture and group work. The facilitator gave amazing examples through his experiences."

Thames Valley District School Board

"This was by far the best course I have ever taken in terms of knowledge gained and practical hands-on training."

O'Connor MacLeod Hanna LLP

"Excellent course. I have attended several training sessions and found this to be the best."

SGEU

"Very clear presentation of concepts. Tools helpful. Stories and past experience really add to the learning. Great Course."

MNP LLP

"Informative, interactive and enjoyable - I will recommend others to attend."

BC Ferries

"This program gave me a very solid knowledge base to address any issues I might have, as well as material to pass on to supervisors and HR."

Sleep Country Canada

PROGRAM CONTENT CONTINUED

USING THE DISCIPLINARY PROCESS

- Consistent treatment does not mean identical treatment
- How to write effective disciplinary letters
- Culminating incidents – ‘the straw that breaks the camel’s back’
- What is the standard of proof?
- Considering fairness and natural justice
- Why is timing of discipline important?

DOCUMENTATION & INVESTIGATIONS

- When and what to document
- Formal vs. informal conversations – is there a difference?
- Understanding how to use warnings to correct behaviour
- How to properly conduct an investigation
- Confidentiality does not guarantee anonymity
- The do’s and don’ts of disciplinary meetings

WORKPLACE ISSUES

- Dealing with uncooperative employees
- Harassment of other employees
- Setting precedent – do you really want to?
- Consistency in the workplace
- Confronting to resolve
- Using sick days as an entitlement

CASE STUDIES

- Insubordination and misconduct
- Absenteeism – setting expectations
- Enforcing workplace rules
- Standard of proof – balance of probability
- Breach of trust – the end of the relationship

Past Participants from Leading Organizations: Calgary Fire Department, ILWU, College of Physicians and Surgeons, BC Public School Employers Association, University of Northern British Columbia, Canadian Blood Services, City of Surrey, Sysco Regina, Ledcor Industries Ltd., Law Society of Alberta, Rogers Sugar Ltd., CTV, Edmonton Petroleum Club, Town of Taber, Greater Victoria Savings Credit Union, Purolator Courier, Town of Peace River, Vancouver Island University, Edmonton Public Library, Daimler Chrysler, Musqueam Indian Band, Holy Spirit Catholic Schools, Mercer Human Resource Consulting, Abbotsford Police Department, City of North Vancouver, London Drugs, Mission Hill Family Estate Winery, Colliers International, ADT Security, Regional District of Central Okanagan, IATSE, Aboriginal Affairs & Northern Development Canada, Alberta Human Resources and Employment, Riverside Forest Products Ltd., Elmwood Residences Inc, Department of Public Safety, Registered Nurses Association of BC, Barren Lands First Nation, Ministry of Education, Island Farms, University of Regina, Vancouver Police Department, and more...

PROGRAM TWO

HOW TO BECOME A BETTER MANAGER OF PEOPLE

Where do you learn the right skills and how do you put them into practice? Typically, organizations do themselves harm by making poor promotion decisions. Albeit with good intentions, we promote individuals based on strong technical skills but fail to consider a more vital attribute – their ability to manage people. However, it is common knowledge that as you climb the corporate ladder, the role becomes

IT IS YOUR PEOPLE
SKILLS THAT DETERMINE
THE SUCCESS OF YOUR
CAREER

less technical in nature and more managerial. This explains why good employees become poor supervisors.

A skilled manager of people drives expectations to achieve organizational goals. They are able to maintain a positive organizational culture and increase morale, while motivating their team towards greater goals. Do you currently have the right skills and knowledge to achieve all of this?

Whether you have been recently promoted or have managed for a number of years, there is always room for improvement. Retooling is constantly required if you want to continue to succeed and advance in your career. This is even more imperative when you are in a position of responsibility and authority. Some say “bad bosses aren’t good for your health,” wouldn’t you agree? How many of us have vowed that we would never be like that but find ourselves struggling and making poor decisions?

This program will teach you practical tools, techniques and concepts that will help you to become a better manager of people. You will learn how to motivate your team, set expectations, make tough decisions and build a positive team culture. Your employees rely on your leadership skills, your organization expects you to achieve, and your career depends on your ability to manage...You can depend on us to show you the way!

LEARNING OBJECTIVES

- ✓ Building a managerial tool box
- ✓ Understanding and applying motivational theory
- ✓ Developing a decision-making model
- ✓ Dealing with poor performance
- ✓ Coaching employees for success
- ✓ Handling common management dilemmas
- ✓ Using progressive discipline when all else fails



LOCATIONS & DATES:

Victoria	Oct 14, 15 & 16
Vancouver	Oct 26, 27 & 28
Prince George	Oct 21, 22 & 23
Kelowna	Sept 28, 29 & 30
Calgary	Oct 14, 15 & 16
Edmonton	Oct 26, 27 & 28
Saskatoon	Sept 28, 29 & 30
Regina	Sept 14, 15 & 16
Winnipeg	Oct 26, 27 & 28
London	Oct 14, 15 & 16
Sudbury	Oct 19, 20 & 21
Hamilton	Sept 21, 22 & 23
Toronto	Oct 14, 15 & 16
Kingston	Oct 14, 15 & 16
Ottawa	Sept 28, 29 & 30

THREE DAY PROGRAM CONTENT

CRITICAL DECISION MAKING SKILLS & DELEGATION

- Using decision-making models
 - knowing who, when and what to delegate
- Asking the right questions
- Analysis and piloting – keys to success
- Managing risk successfully
- The delegation model
- Creating critical check-points
- Learning to let go

LEADERSHIP & MANAGING YOUR TIME

- Understanding the four quadrants of time
- Organizational saturation
- Time blocks and scope statements
- Developing critical paths
- Identifying key attributes of an effective leader
- Three key components of leadership
- Avoiding common leadership errors

BUILDING POSITIVE CULTURE

- The 'six-pack' of culture
- Understanding how organizational culture develops
- Avoiding destructive sub-cultures
- Initiating team traditions
- Building common norms and practices
- Guarding your culture – your shield
- Strategies leaders use to improve culture

EFFECTIVE COMMUNICATION SKILLS

- What are effective communication strategies?
- The power of role modeling
- The 'Art of Persuasion'
- Short term vs. long term communication strategies
- How you unknowingly contribute to communication failures
- Verbal communication – the lost art
- Fostering two-way communication

SETTING EXPECTATIONS

- Constructing reasonable expectations
- Communicating and building consensus
- Setting the rules and guidelines
- Building flexibility while attaining accountability
- Linking individual performance objectives to a greater goal
- Using the power of a 'file of accomplishments'

MANAGING PERFORMANCE

- Creating a performance plan and developing 'buy-in'
- The primary reasons why employees don't perform
- Why managers fail to recognize performance issues
- Objective and subjective criterion
- How to develop employees to become peer supporters
- How to gauge when performance has improved

COACHING & MOTIVATING YOUR EMPLOYEES

- The motivation formula
- Understanding the motivation stimuli
 - intrinsic vs. extrinsic
- Leading with the early adopters
- Performance coaching – how it works
- Using coaching sessions to achieve goals
- Dealing with problematic behaviour and insolence
- Building a coaching culture

USING THE POWER OF TEAM BUILDING

- Team formation and culture
- Setting team goals
- Personality and its impact on a team
- How to foster a sense of belonging
- Utilizing each individual's strengths to complement the team
- Building a team's shared vision

20 YEARS OF EXCEPTIONAL ADVICE

USING PROGRESSIVE DISCIPLINE AS A MANAGEMENT TOOL

- Progressive discipline – when all else fails
- Discipline models
- How to develop discipline guidelines
- Three principles of progressive discipline
- The ‘dirty dozen’ – 12 key considerations of discipline
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- The do’s and don’ts of disciplinary meetings

CASE STUDIES

- Your best employee is cancerous to your culture
- Motivated employees, but no resources
- Managing those who were once your peers
- When your boss is the problem
- Dealing with poisoned work environments

Past Participants from Leading Organizations: Coast Capital Savings, Gibson Energy, Alberta Motor Association, Alberta Union of Provincial Employees, Sobeys, Labatt Brewing Company, Victoria Fire Department, McCain Foods, Richardson International, YMCA, Overwaitea Food Group, Sherritt International Corporation, Deloitte, PCL Constructors Westcoast Inc, Calgary Airport Authority, Themis Program Management and Consulting Ltd., Health Sciences Association of Alberta, Riverside Forest Products Ltd., Dalhousie University, Tourism BC, Westshore Terminals, Great Western Containers Inc., Canada Revenue Agency, and more....

Canadian Professional Management Services (CPMS) is a national management consulting firm that has been dedicated to assisting organizations in building dynamic leaders through professional development, education, conferences, and consulting services. We incorporate the best human resources practices taken from a combination of real workplace experiences and traditional academic studies.

Our team of highly respected award winning consultants have been successfully advising and educating management and staff in various levels of public and private sector organizations and companies. As former directors, senior human resource and labour relations executives for Fortune 500 companies, our consultants are experienced in labour relations, organizational development, strategic development, amalgamations and re-structuring, and civil liberties.

Develop your career in management by attending one of our many **professional development courses**, which are intended to engage participants in discussion, case studies, role-playing and in some programs, a full simulation.

Should you require a **customized training program** or prefer the convenience of bringing a facilitator to your organization, we are here to deliver the results you seek. We will design a program curriculum to meet your learning objectives using scenarios and case studies that are applicable to your industry, while tailoring the discussions to meet the education and experience level of all participants. In this setting, participants will gain the added advantage of learning with their peers, while discussing situations that they may currently experience.

Consulting services can also be arranged for specific objectives such as to lead labour contract negotiations, to mediate discussions among board members and senior managers, or to provide strategies for day-to-day employee issues. Our consultants can help identify the issues, suggest achievable solutions, determine realistic timelines and implement the steps necessary to achieve your organizational goals. Negotiating collective agreements and presenting at arbitrations on behalf of our clients can be prepared.

CPMS offers interactive and valuable learning opportunities that are second to none.

For more information please call us toll free at 1-888-452-6422 or visit www.cpmsnational.com.



2015 FALL PROGRAM REGISTRATION FORM

STEP 1: SELECT PROGRAM

City	1. Managing Employees in a Unionized Environment	2. How to Become a Better Manager of People	Location
Victoria	<input type="checkbox"/> Sept. 9, 10 & 11	<input type="checkbox"/> Oct. 14, 15 & 16	Marriott Inner Harbour - 728 Humboldt St.
Vancouver	<input type="checkbox"/> Oct. 21, 22 & 23	<input type="checkbox"/> Oct. 26, 27 & 28	Marriott Pinnacle - 1128 W Hastings St.
Prince George	<input type="checkbox"/> Sept. 14, 15 & 16	<input type="checkbox"/> Oct. 21, 22 & 23	Ramada Hotel - 444 George St.
Kelowna	<input type="checkbox"/> Sept. 21, 22 & 23	<input type="checkbox"/> Sept. 28, 29 & 30	Delta Grand Okanagan - 1310 Water St.
Calgary	<input type="checkbox"/> Oct. 5, 6 & 7	<input type="checkbox"/> Oct. 14, 15 & 16	International Hotel - 220 4th Ave. SW
Edmonton	<input type="checkbox"/> Oct. 19, 20 & 21	<input type="checkbox"/> Oct. 26, 27 & 28	The Westin Edmonton - 10135 100 St.
Saskatoon	<input type="checkbox"/> Sept. 21, 22 & 23	<input type="checkbox"/> Sept. 28, 29 & 30	Radisson Hotel - 405 Twentieth St. E
Regina	<input type="checkbox"/> Sept. 9, 10 & 11	<input type="checkbox"/> Sept. 14, 15 & 16	Delta Regina - 1919 Saskatchewan Dr.
Winnipeg	<input type="checkbox"/> Oct. 19, 20 & 21	<input type="checkbox"/> Oct. 26, 27 & 28	Fort Garry Hotel - 222 Broadway
London	<input type="checkbox"/> Oct. 7, 8 & 9	<input type="checkbox"/> Oct. 14, 15 & 16	Delta London Armouries - 325 Dundas St.
Sudbury	<input type="checkbox"/> Sept. 28, 29 & 30	<input type="checkbox"/> Oct. 19, 20 & 21	Radisson Hotel Sudbury - 85 Ste. Anne Rd.
Hamilton	<input type="checkbox"/> Sept. 16, 17 & 18	<input type="checkbox"/> Sept. 21, 22 & 23	Hamilton Convention Centre - 1 Summers Ln.
Toronto	<input type="checkbox"/> Oct. 5, 6 & 7	<input type="checkbox"/> Oct. 14, 15 & 16	Hilton Toronto - 145 Richmond St.
Kingston	<input type="checkbox"/> Oct. 7, 8 & 9	<input type="checkbox"/> Oct. 14, 15 & 16	Delta Kingston Waterfront Hotel - 1 Johnson St.
Ottawa	<input type="checkbox"/> Sept. 23, 24 & 25	<input type="checkbox"/> Sept. 28, 29 & 30	Ottawa Marriott Hotel - 100 Kent St.

STEP 2: PARTICIPANT NAMES

Name: _____ Title: _____ 1 2 Both

Name: _____ Title: _____ 1 2 Both

Name: _____ Title: _____ 1 2 Both

Organization: _____ Address: _____


City: _____ Postal Code: _____

Phone: _____ Fax: _____

Contact Name: _____ Email for Confirmation: _____

Please send me upcoming course information by email

STEP 3: PAYMENT INFORMATION

 \$1599 per registration per three day program, plus tax. **Save \$600** when you and/or your colleagues register for three or more seats at the price of **\$1399, plus tax, per program**. Breakfast and lunch are included daily. [GST/HST# 874032162]

Credit Card (Visa/MC/Amex)

Card Number: _____ Expiry: _____

Card Holder: _____ Signature: _____

Cheque enclosed is payable to CPMS Invoice my organization (PO Number: _____)

How To Register

- ✓ Online: www.cpmsnational.com
- ✓ Tel: 1-888-452-6422
604-688-2641
- ✓ Email: registrations@cpmsnational.com
- ✓ Fax: 604-688-2642
- ✓ Mail: 388 - 1111 W Hastings St.
Vancouver, BC V6E 2J3

What You Can Expect

- ✓ Take home material for future reference
- ✓ Small interactive programs, limited seats
- ✓ Open discussions, interaction and real life examples
- ✓ Facilitators who are leaders/practitioners with real life experience
- ✓ Guaranteed program satisfaction

Who Should Attend

These Programs:

- ✓ Managers and Supervisors
- ✓ Human Resources and Labour Relations Specialists
- ✓ Directors and Board Members
- ✓ Administrators
- ✓ Members of the Negotiations Team
- ✓ Future Managers, Supervisors and those in leadership positions

Benefits of On-site

Customized Programs

- ✓ Program content is customized to meet your specific learning objectives by incorporating your corporate values along with our recommended best human resources practices
- ✓ Case studies, group discussion and role playing is customized to illustrate key learning points
- ✓ Team building and the convenience of an on-site session

We are the Curriculum

Developers for the



International Conference for
Police & Law Enforcement
Executives



International Conference for
Fire & Rescue Executives

Cancellation Policy: Minimum 10 working days prior to the program for reimbursement. A credit note will be issued for all other cancellations. Substitutions can be made at any time. Venue subject to change.