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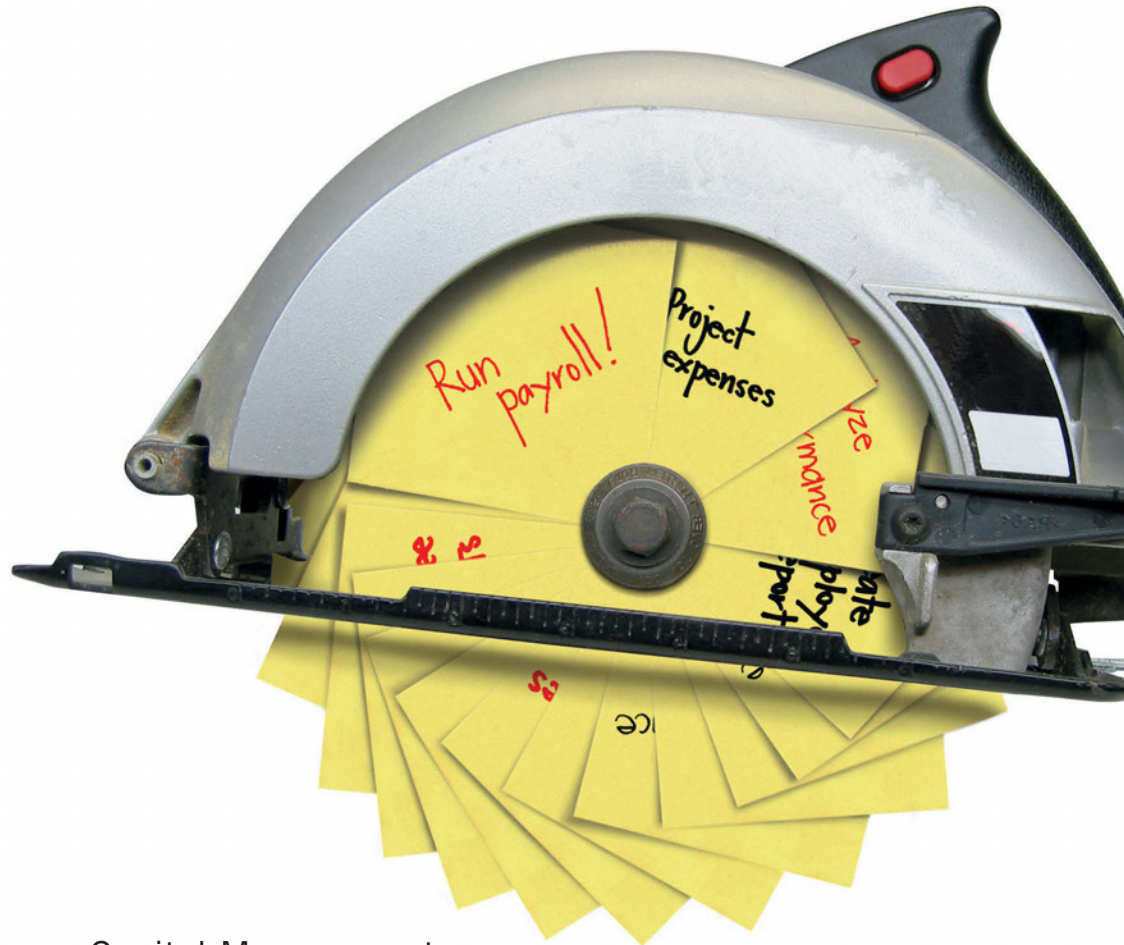
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CONTENTS

HR
PROFESSIONAL

VOLUME 29/NUMBER 4

MAY/JUNE 2012

42



ILLUSTRATION BY MICHAEL EDDENDEN

FEATURES

22 Thinking Outside the Box: The Business Case for Creating an Inclusive Workplace

So, why are more organizations not embracing the concept?
By Susan Stanton

42 HR 101: Top 10 Mistakes Investigating Harassment Complaints

How to handle those tricky investigations. By Lauren Bernardi

47 Interview with an HR Hero: Carrie Lindzon-Jacobs

The many starring roles played by senior HR. By Kim Shiffman

Check out the 2012 HR Suppliers Guide starting on page 29

DEPARTMENTS

CONTRIBUTORS 6

EDITOR'S LETTER 8

LEADERSHIP MATTERS 11

Family caregiver leave

LEGAL 17

New tort of "intrusion upon seclusion" may impact employers

BENEFITS 20

Benefit audits: understanding the cost of your benefits

MERGERS & ACQUISITIONS 26

The art and science of mergers

OFF THE SHELF 51

Latest book reviews

THE LAST WORD 54

7 tips to improve etiquette

UPFRONT 12

The latest human resources news



12

CONTRIBUTORS

MAY/JUNE 2012



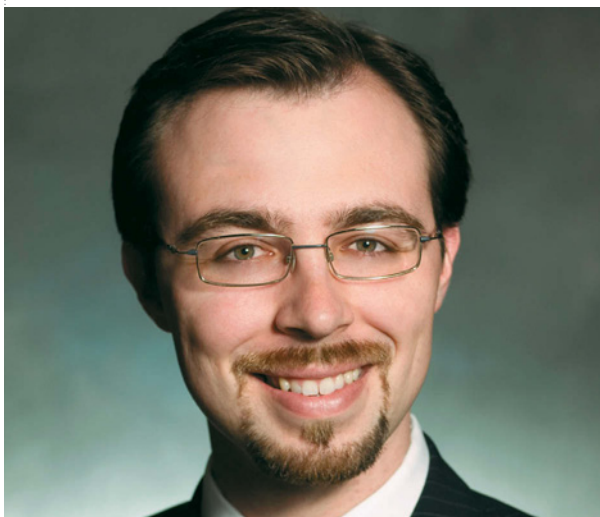
LAUREN BERNARDI

Lauren Bernardi is a proactive employment lawyer and HR advisor with the boutique firm of Toronto-based Bernardi Human Resource Law. Bernardi provides key strategies and training initiatives that help employers maintain productive and efficient workplaces. A prolific writer, she is the author of a leading book on workplace policies and has written numerous articles on human resource law for various business publications. She offers tips about conducting harassment investigations on page 42.



HAROLD SCHROEDER

Harold Schroeder is president of Schroeder & Schroeder Inc., a Toronto-based consulting firm that assists organizations that are planning and implementing major transformation initiatives and have had, or currently are experiencing, sub-optimal business results through their strategic or operational transformation projects. He explains the “art and science of transformation” on page 26.



HENDRIK NIEUWLAND

Hendrik represents employers in all areas of employment and labour law, including wrongful dismissal litigation, employee discipline and termination, employment standards complaints, human rights complaints, labour arbitration, fiduciary litigation, and drafting employment policies and contracts. He discussed a new privacy-related decision and its potential impact on employers on page 17.



ALYSON NYIRI

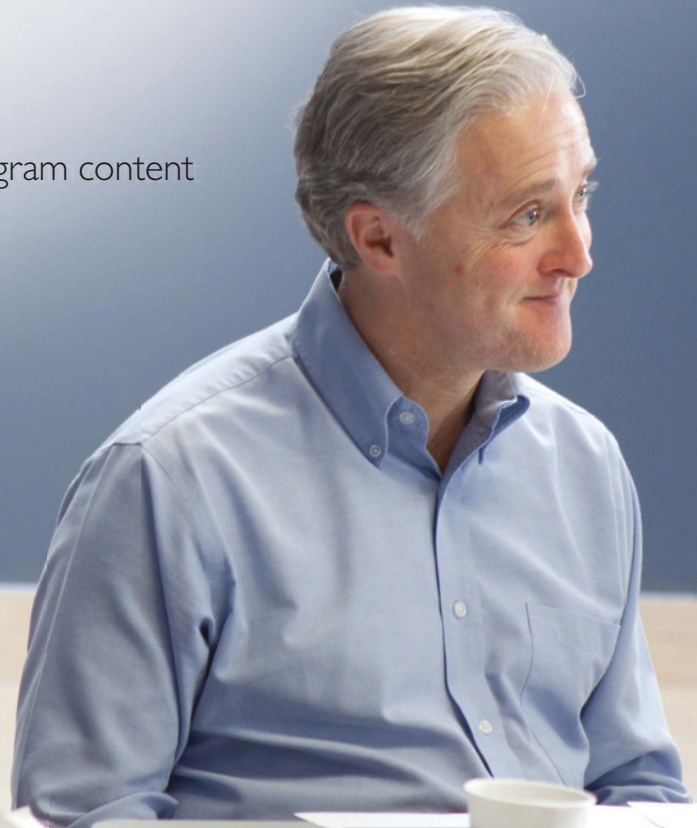
Alyson Nyiri, CHRP, is a freelance writer, researcher and consultant specializing in human resources and career development issues. She lends her expertise and gives readers the real story in *Off the Shelf* on page 51.

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CREATING OPEN AND ACCESSIBLE WORKPLACES

Have you met Carly Fleishman? If you visit Facebook or YouTube at all, or watch the news on ABC, CNN, or Canada's CTV or daytime talk shows such as *Ellen*, it's almost impossible not to have heard "Carly's Voice." Although, in fact, Carly doesn't say much.

Autistic from birth, Carly was isolated in her own non-verbal world until she was 11, despite years of therapy offered by diligent parents and specialists. Suddenly, one day she started typing on a laptop keyboard; she hasn't stopped since. The world is hearing from this intelligent, articulate young woman through Facebook postings, her own website and, now, along with her father, in the new book, *Carly's Voice*.

The point is: how often have we dismissed a potential employee, or pool of employees, because we didn't think they could fit in or offer our organization value? What opportunities have we lost as a result? Recent statistics demonstrate that populations of so-called Western countries are not being maintained by birthrates. Growth is coming via immigration; sustainability must focus on the better use of available, but as yet not fully utilized, talents such as those of people with disabilities.

As writer Susan Stanton discovered when researching her article on page 22 of this issue, making your workplace accessible is not just about the "bricks and mortar," but about policies, practices and attitudes. Working to identify gaps and opportunities in these areas will likely provide rewards we haven't even begun to contemplate.

As always, I'm interested in hearing your points of view and comments, so send me note at lblake@naylor.com. Or, visit our website www.hrpromag.com or "like" us on Facebook at www.facebook.com/#!/HRProfessionalMag.

Cheers,



Correction: In the article on Downsizing in the March/April 2012 issue, we misspelled Tara Veysey's last name. We apologize to Tara for the error.

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With more than 19,000 members in 28 chapters in Ontario, and other locations around the world, HRPA connects its membership to an unmatched range of HR information resources, events, professional development and networking opportunities.

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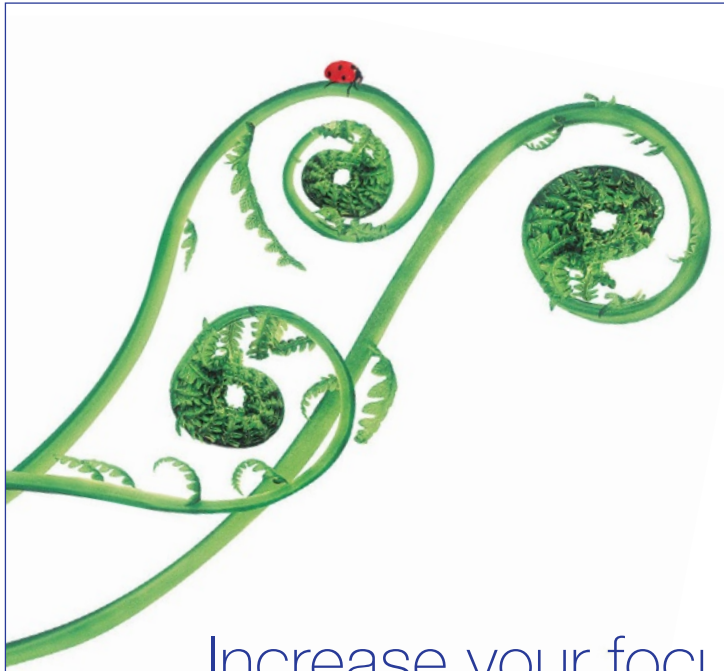
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LEADERSHIP MATTERS

BY DAPHNE FITZGERALD, CHRP, SHRP

FAMILY CAREGIVER LEAVE

In March, the Human Resources Professionals Association (HRPA) and *Canadian HR Reporter* released a Pulse Survey report examining HR professionals' opinion on the Ontario government's proposed Family Caregiver Leave Act.

Support for the legislation, which would allow Ontario workers to take up to eight unpaid weeks off work to care for family members with serious medical conditions, was almost unanimous. Ninety-five per cent of respondents approved of the legislation, either fully (57.1 per cent) or in part (38.5 per cent). Almost a third of respondents reported they were either currently caregivers themselves, or have been in the past. The written comments in the survey reflected this number, with many respondents answering with a candor that shows how personal an issue this is for many Canadians.

Where opinion diverged was around who pays for the leave: employer, employee or government. A third of respondents (33.6 per cent) said unpaid job-protected leave provides enough support, but over half (55.3 per cent) said the leave would have to be paid, if it was to be of any real assistance. In the comments, some respondents believed the leave should be paid for in full by the government; some did not want to see leave paid for by public funds; while others argued that employers should not have to pay. (If the legislation passes, Ontario Premier Dalton McGuinty says he will pressure the federal government to provide employment insurance benefits to employees who take family caregiver leave.)

The survey results should come as no surprise to those of us who work in HR. As more and more people live longer the need to provide care increases. But people are also working longer as more and more employees start to push back their retirement plans either due to economic pressures or because with the abolishment of mandatory retirement they can continue in their chosen field for a longer period. So just as the need for care increases, the number of available family members able to provide it is on the decline. The pressure to find a solutions hits hard at the individual level, which likely contributes to greater health problems for those employees struggling to find

an affordable solution and for employers who see the resultant drop in productivity that this kind of stress can have in the workplace.

Going back to the survey results, in terms of managing caregiver leave, respondents from small to medium-sized businesses expressed concerns: 66 per cent said their organization could manage, but with difficulty. Suggestions included provisions for smaller workplaces to be granted discretion to deal with the leaves on a one-off basis; relying on flexible work arrangements; short workweeks and shared leave among family members. Another idea included work-at-home provisions to provide some continuity between the employee, their colleagues and the work being done during the leave.

The non-profit sector is particularly impacted. Many HR professionals in this sector are responsible for managing both paid and unpaid resources. In the 2007 Statistics Canada report on giving, volunteering and participating, it was reported that over 12.5 million Canadians—representing about 46 per cent of the population—volunteered their time in support of non-profit organizations. As the need to provide caregiver solutions increases, the expectation is that the number of available volunteer hours will diminish, leaving volunteer management programs depleted of critical human resources.

In summary, the one recurring theme in respondents' answers was that regardless of who pays or how it's managed, failure to address this issue will result in turnover, loss of productivity, increased claims for short-term disability, sick leave and stress leave that will be equally, if not more, expensive over the long term.

And, with a rapidly aging population, it's an issue that's only going to get bigger. **HR**



Daphne Fitzgerald is chair of the Human Resources Professionals Association (HRPA).

TIME=MONEY=LESS HAPPINESS

A STUDY FROM THE ROTMAN SCHOOL OF MANAGEMENT SHOWS PEOPLE WHO PUT A PRICE ON THEIR TIME ARE MORE LIKELY TO FEEL IMPATIENT WHEN THEY'RE NOT USING IT TO EARN MONEY, WHICH HURTS THEIR ABILITY TO DERIVE HAPPINESS DURING LEISURE ACTIVITIES.

RESEARCHERS BASED THEIR CONCLUSIONS ON THREE EXPERIMENTS. IN EACH, A GROUP OF PARTICIPANTS WAS PRIMED TO THINK ABOUT THEIR TIME IN TERMS OF MONEY. SUBJECTS SHOWED GREATER IMPATIENCE AND LOWER SATISFACTION DURING LEISURE ACTIVITIES. HOWEVER, WHEN THEY WERE PAID DURING ONE OF THOSE ACTIVITIES (LISTENING TO MUSIC) THEY REPORTED MORE ENJOYMENT AND LESS IMPATIENCE.

THE EXPERIMENTS' RESULTS DEMONSTRATE THAT THINKING ABOUT TIME IN TERMS OF MONEY "CHANGES THE WAY YOU ACTUALLY EXPERIENCE TIME," SAYS RESEARCHER SANFORD DEVOE. "TWO PEOPLE MAY EXPERIENCE THE SAME THING, OVER THE SAME AMOUNT OF TIME, YET REACT TO IT VERY DIFFERENTLY."

WITH GROWTH OVER THE LAST SEVERAL DECADES IN JOBS PAID BY THE HOUR, IT'S IMPORTANT FOR PEOPLE TO BE AWARE OF THE IMPACT THIS CAN HAVE ON THEIR LEISURE ENJOYMENT.

HRPA Introduces New HR Internship Matching Program

The Human Resources Professionals Association (HRPA) has introduced HRP A Edge—a new HR internship program that matches Certified Human Resources Professional (CHRP) candidates with short-term HR internships at participating host employers.

CHRP candidates looking for HR experience can sign up to HRP A Edge to search and apply for paid internships (\$11,000 for a six-month internship) at participating organizations where they can get practical HR experience to put on their resumes and that may help fulfill their CHRP experience requirements.

Employers who sign up as an HRP A Edge organization get access to qualified recent human resources graduates who can help solve many HR challenges without adding headcount.

The new service is open to CHRP Candidates who have completed their college or university education and passed the National Knowledge Exam (NKE) beginning in 2009.

HRPA Edge is administered by Career Edge Organization (CEO), a national not-for-profit that has partnered with over 1,000 organizations to place close to 11,000 interns since 1996. HRP A provides the talent, Career Edge takes care of the details, including advertising internship opportunities, pre-screening intern applicants and providing ongoing administrative and technical support—including payroll and taxes.

To learn more about HRP A Edge, visit www.hrpa.ca/findyouredge.



Newcomers

FINDING DIVERSITY POLICIES AREN'T WORKING



A total of 24 Toronto region employers in small, medium and large public, private and non-profit sectors were also surveyed.

The study found that IEPs and employers have different views on how well diversity programs are working:

34% of working IEPs said their employers do not have the resources to address workplace cultural and new Canadian issues.

71% of employers say their diversity programs have been successful or very successful.

Only **45%** of employers have a method of assessing credentials, including interviews, testing, World Education Services evaluation of credentials, skills and background and reference checks.

The study also found that the more regulated the industry the more likely IEPs were to find work. For example, credentialed health-care workers were twice as likely to find work in their fields compared to workers with business, finance and administration backgrounds.

Source: Progress Career Planning Institute & CNW Newswire

Despite their good intentions, Canadian employers have been slow to embrace diversity. A new study of Internationally Educated Professionals (IEPs) found that fewer than half (49 per cent) work in companies that have policies welcoming new Canadians.

The study, "PROGRESS: IEP's Experience Matters," focuses on the experience of mid-career IEPs, or those with six to 15 years' experience in the workplace. A total of 560 IEPs were surveyed, of which 238 are employed and 322 unemployed.

Canada's Best in Diversity Recognize Business Benefits

The winners of this year's *Canada's Best Diversity Employers* competition, sponsored by BMO Financial Group, recognize 50 organizations that lead the nation in creating diverse and inclusive workplaces.

The program recognizes employers from across Canada with exemplary diversity initiatives in five employee groups: women; members of visible minorities; persons with disabilities; Aboriginal peoples; and lesbian, gay, bisexual and transgendered/transsexual peoples.

"We are seeing a significant expansion in the range of inclusiveness initiatives that leading employers offer," says Richard Yerema, managing editor of the *Canada's Top 100 Employers* project at Mediacorp Canada Inc., which oversees the selection process. "Employers with well-established diversity programs are moving beyond the groups that traditionally have been covered."

Companies with sustainable inclusiveness initiatives have a competitive advantage in a globalized economy, says Ernst & Young, one of this year's best diversity employers.

"Diversity of thought and experience can help lead to improved problem-solving, the ability to take advantage of global opportunities and the avoidance of groupthink", says Fiona Macfarlane, chief inclusiveness officer, Ernst & Young. "By 'stirring up the pot' in positive ways, diversity can encourage intellectual debate and conflict, which helps lead to innovation, potentially putting a company ahead of its competition."

Macfarlane finds more and more business leaders are making inclusiveness a priority. Referring to a recent Ernst & Young report "Winning in a Polycentric World," she notes that 53 per cent of business leaders agree that diversity of teams and experience improves both reputation and financial performance.

Another winner, Stikeman Elliott LLP, takes a grassroots approach with each office committed to incorporating diversity initiatives in areas such as recruitment, mentoring and client engagement, "to ensure that all our firm members are supported and respected," says firm chair Pierre Raymond.

However, there is still more work to be done. Macfarlane stresses that to really engrain inclusiveness in your corporate culture, you've got to set the tone from the top and implement strategies that teach by example.

Source: CNW Newswire

WHAT WORKERS WANT

WANT TO KNOW THE WAY TO EMPLOYEES' HEARTS? SOME 38% OF PROFESSIONALS INTERVIEWED BY STAFFING SPECIALIST OFFICETEAM IDENTIFIED WORK/LIFE BALANCE AS THE TOP CONTRIBUTOR TO THEIR JOB SATISFACTION. OPPORTUNITIES TO LEARN AND GROW CAME IN SECOND, WITH 20% OF THE RESPONSE.

FIVE TIPS MANAGERS CAN USE TO HELP THEIR TEAMS ACHIEVE WORK/LIFE BALANCE ARE:

1. **BE FLEXIBLE.** IF IT'S PRACTICAL FOR YOUR BUSINESS, OFFER ALTERNATIVE WORK ARRANGEMENTS SUCH AS MODIFIED SCHEDULES OR JOB SHARING.
2. **REDUCE THEIR COMMUTE.** GIVE PERSONNEL WHOSE JOBS CAN BE DONE REMOTELY THE OPTION OF WORKING FROM HOME ONE OR MORE DAYS A WEEK.
3. **WATCH THE CLOCK.** AVOID CONTACTING STAFF OUTSIDE OF OFFICE HOURS UNLESS THE MATTER IS URGENT AND CANNOT WAIT UNTIL THE NEXT BUSINESS DAY.
4. **TAKE A BREATH.** REMIND WORKERS TO TAKE BREAKS AND VACATIONS. SET A GOOD EXAMPLE BY DOING SO YOURSELF.
5. **BRING IN REINFORCEMENTS.** ENCOURAGE EMPLOYEES TO SEEK HELP WHEN THEY ARE OVERWHELMED WITH PROJECTS. USE TEMPORARY PROFESSIONALS, WHEN NECESSARY, TO ALLEVIATE WORKLOADS.

Source: OfficeTeam



CANADIAN EMPLOYEES ARE LESS LIKELY TO TAKE FOREIGN TRANSFERS



Two in 10 (19%) employees in 24 countries would be “very likely” to take a full-time job in another country for two to three years with a 10% pay increase, finds a new poll conducted by global research company Ipsos on behalf of

the Canadian Employee Relocation Council. Those most likely to say they would relocate internationally were from Mexico (34%), Brazil (32%), and Russia (31%). Just one in 10 or (10%) of Canadian employees in the survey say they would take a full time job overseas.

When asked to indicate their top reasons for why they would relocate, 38 per cent say they would do so because of better pay. Other reasons employees give for their interest in moving abroad include: better living conditions, international experience as a good career move, a new adventure and time for a change.

When asked why they would decline the relocation opportunity: 36 per cent said that a 10% pay increase is

not enough of an incentive for such a move and, underscoring previous research by CERC, almost one-third say they don’t want to leave their friends and family behind; two in 10 say their partner has a job preventing a transfer, and 13 per cent say they don’t want to uproot children from schools and friends.

There are some incentives that employers could offer workers to encourage a move to that new international job. One-third of employees in 24 countries, including Canada at 34%, report that a guarantee to be able to move back to their current role after two years with further relocation assistance would make them “much more likely to take the job.” Three in 10 say relocation is much more likely if their immediate family members would each get one round-trip airfare per person to travel back home or have two round-trip tickets.

The Canadian Employee Relocation Council (CERC) is Canada’s business authority on talent mobility. As a non-profit organization of employers, CERC represents the interests of leading organizations across Canada that relocate their employees for employment purposes both domestically and internationally.

Citizenship IS MORE THAN YOU THINK

National public opinion research reveals that Canadians believe citizenship is more than having a passport and obeying the law.

While these things are important, when asked what makes someone a good citizen, Canadians also emphasize:

- treating men and women equally (95%);
- accepting those who are different (82%);
- protecting the environment (80%);
- respecting other religions (65%); and,
- actively participating in one’s local community (51%).

In addition:

- A majority are comfortable with citizenship requirements, with most endorsing the current residency (69%) and language (86%) requirements.
- Two-thirds (65%) believe citizenship in Canada today strikes the right balance between rights and responsibilities.
- Canadians expect newcomers to adapt to become good citizens (obeying the law, learning about history and culture,

accepting Canadian values), but many (44%) also believe society needs to do more to help newcomers.

- Most do not feel Canadian citizenship is threatened by globalization. Clear majorities believe living abroad is a good thing (64%) and that dual citizenship should be allowed (70%).

Canadians on Citizenship is the result of a collaboration between the Environics Institute, the Institute for Canadian Citizenship, the Maytree Foundation, the CBC and RBC to further the national dialogue on citizenship (join the conversation on Twitter #goodcdncitizens).





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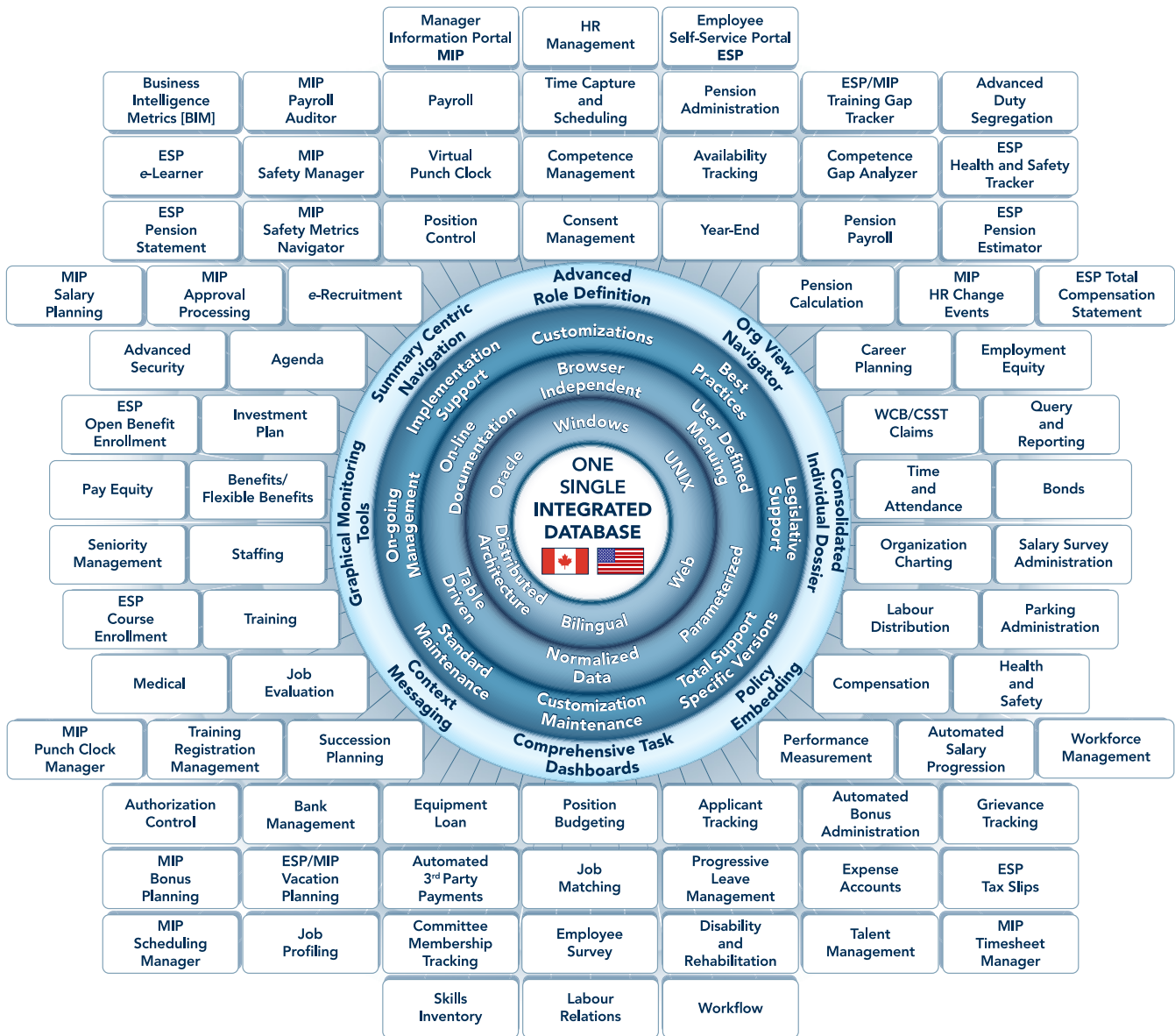
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NEW TORT OF “INTRUSION UPON SECLUSION” MAY IMPACT EMPLOYERS

In *Jones v. Tsige*, 2012 ONCA 32, the Ontario Court of Appeal recognized for the first time a tort called “intrusion upon seclusion.” This new tort may have important implications for employers.

In that case, Jones and Tsige both worked at a bank. Tsige became involved with Jones’ former husband and used her workplace computer to access Jones’ personal account information at least 174 times. Jones learned of Tsige’s misconduct and sued for breach of privacy.

The Court of Appeal allowed the action and awarded Jones \$10,000 in “symbolic” or “moral” damages (since Tsige’s actions did not cause Jones any financial loss), saying that the law had to evolve to recognize the need to protect individuals from unreasonable intrusion into their private lives. The court described the tort of “intrusion upon seclusion” as follows:

One who intentionally intrudes, physically or otherwise, upon the seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the invasion would be highly offensive to a reasonable person.

“Employers should examine and adjust the way they gather information to protect against invasion of privacy claims.”

The Court of Appeal explained some of the key features of this new tort: (1) the defendant’s conduct must be intentional or reckless; (2) the defendant must have invaded, without lawful justification, the plaintiff’s private affairs; (3) a reasonable person would regard the invasion as highly offensive causing distress, humiliation or anguish; and (4) the plaintiff can recover damages even if there is no actual financial harm caused by the invasion of privacy, but capped these “symbolic” or “moral” damages at \$20,000.



Implications for Employers

In recent years, employers have been using various methods to gather information about prospective or current employees. These include using social media to conduct background checks, monitoring the use of workplace computers and using private investigators to conduct surveillance on employees suspected of malingering or disability fraud.

Most employees in Ontario work for private sector, provincially regulated employers; Ontario does not have private sector privacy legislation. The only remedy for an employee who feels her privacy has been invaded by an employer using these methods is to sue for “intrusion upon seclusion.” Employers should, therefore, examine and adjust the way they gather information to protect against invasion of privacy claims. The difficulty is that *Jones v. Tsige* leaves unanswered a number of important questions for employers.

1. What is an employee’s “private affair”?

The answer will impact employer use of social media (such as LinkedIn or Facebook) for background checks. At first blush, it seems logical that information an individual makes

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publicly available online cannot be considered private. But the information and privacy commissioners for BC and Alberta recently released guidelines that strongly caution such background checks may violate their respective *Personal Information Protection Acts* (PIPA). It is worth noting, however, that both Acts allow for the collection and use of employee information in an electronic publication that is available to the public, which arguably would include social media.

2. When does an employer have “lawful justification” to invade an employee’s privacy?

The recent Ontario Court of Appeal decision in *R. v. Cole*, 2011 ONCA 218, suggests that employees can have a reasonable expectation of privacy in their workplace computers absent a policy saying otherwise. Employers who want “lawful justification” to conduct electronic workplace monitoring are well advised to have a policy that makes it clear that employees have no reasonable expectation of privacy on their workplace computers.

When examining whether invasion of privacy is justified, it is also expected that Ontario courts will be guided by “justifiable” collection and use of information in privacy legislation such as PIPA. For example, B.C.’s PIPA allows employers to collect and use employee information if obtaining consent would compromise the information and the information is reasonably required for an investigation or proceeding.

3. When is an employer’s invasion of privacy “highly offensive”?

Using a private investigator is one of the most effective methods of gathering information about employees suspected of malingering or disability fraud.

In the case *Davis v. McArthur*, 17 D.L.R. (3d) 760, the B.C. Court of Appeal concluded that retaining a PI did not violate B.C.’s *Privacy Act* because the PI was used for a legitimate purpose, was not motivated by malice and acted with “circumspection.”

To protect against offensive invasions of privacy, Ontario employers should retain PIs for objectively reasonable purposes (like a fraud investigation) and should ensure the PI retained is well trained and professional since the employer could be liable for the PI’s misconduct. **HR**

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BENEFIT AUDITS: UNDERSTANDING THE COST OF YOUR BENEFITS

It's frustrating to watch your company's benefit costs rise year after year. The increasing cost of claims far outpaces inflation without a plausible explanation and, generally, without examination. Somewhere between the benefit promise made to employees and the actual payment of claims, the potential for errors and fraud exists. Benefit plan sponsors are unable to verify the adjudication of claims due to privacy legislation. However, they have a powerful and insightful tool at their disposal—the benefit audit.

Audits are a very familiar tool to financial professionals. Yet, auditing benefit claims is far from the norm despite the fact that the cost of benefits is a rising and significant component of an

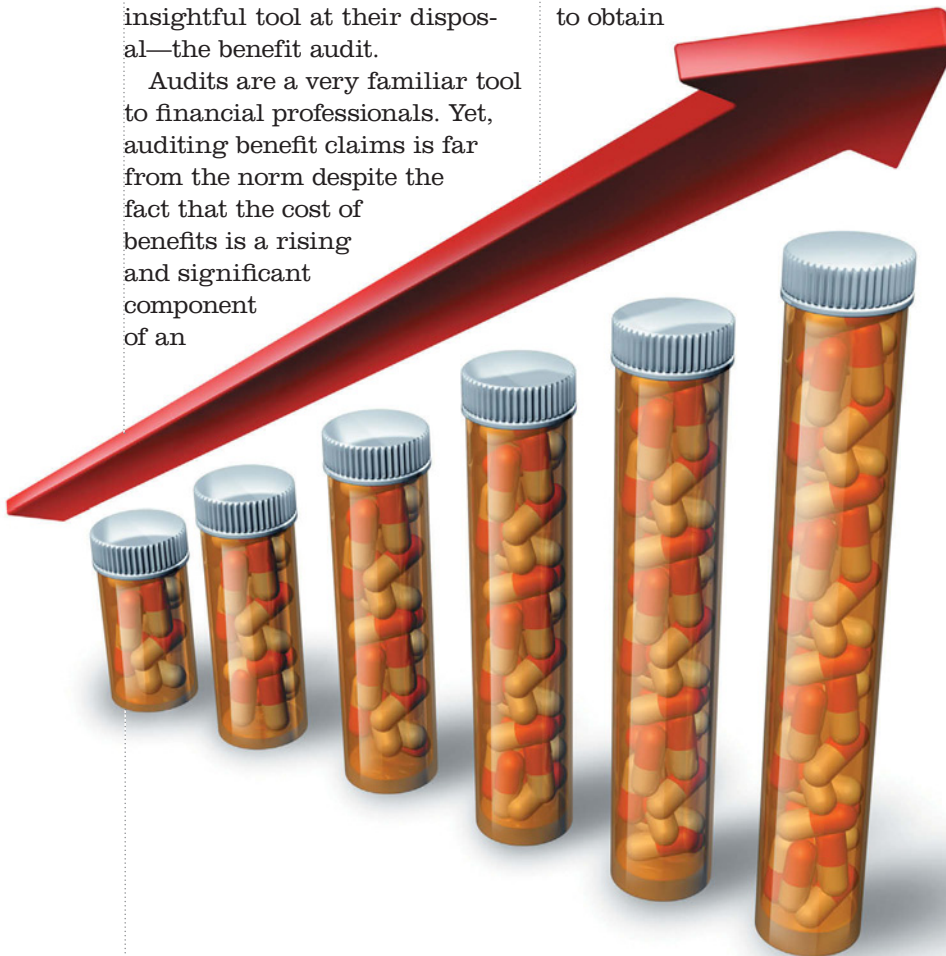
organization's compensation expense. Whereas benefit claim audits have been popular in the United States and regularly used as a cost-control and risk-management tool, they are only recently gaining momentum in Canada. A benefit audit allows the plan sponsor to understand how its benefit plan is being managed and whether it's being adjudicated properly and according to underlying contracts.

The advent of privacy legislation in Ontario in 2004 inhibited a plan sponsor's ability to obtain

detailed information relating to claims in their benefit plan. More recently, the idea of auditing the body adjudicating and paying claims became more appealing as financial accountability became increasingly important to plan sponsors. Likewise, Ontario's privacy legislation specifically allows insurers/administrators to disclose personal health information to an auditor enabling them to conduct detailed examination of claims.

Various factors trigger a plan sponsor's decision to undertake an audit. It could be a nagging suspicion that the plan is not being adjudicated properly based on plan member complaints; or, an inability to understand the increasing cost of providing benefits absent a valid explanation. Public sectors employers are being held accountable for how they spend money—an audit can help substantiate benefit costs. These factors aside, performing audits should be an integral component of a comprehensive corporate governance scheme.

Most audits result in a heightened level of cost control to benefit plans and it's easy to see why. Once the plan sponsor contracts with the organization that will adjudicate their claims, a transfer of complex, detailed information occurs. This information is then manually mapped into an adjudication system. Herein lies the danger of "contract drift" where the underlying contract and promise made to employees may



become out of alignment with the adjudication system. Room for potential error exists.

A simple coding mistake of a drug maximum can increase claims payments and go undetected for years. And this is just one area where things can go wrong. Failing to update the adjudication system is another. A recent audit revealed that the system had not been updated for higher deductibles negotiated under a collective agreement. Such things as misapplied dental fee guides, ineligible dependents, failure to check “medical necessity” documentation when approving claims, inconsistently applying “reasonable and customary limits” to claims, failure to coordinate with government programs where they are first payer are just a few examples of what an audit can detect.

In a broad sense, the audit is looking for systemic problems in the adjudication system that lead to incorrect payment of claims. Given the complex subject matter, successful audits require experienced auditors comprised of multi-disciplinary teams. The audit team reviews the internal accuracy of claims adjudication, financial accounting, eligibility data and ensures compliance with underlying contracts. Due to the scope of the audit and the breadth and complication of the subject matter it covers, ideally, the team should be composed of an accounting professional, a legal expert, a dentist, a benefits specialist and a pharmacist.

Most audits result in some form of savings. Detected errors can lead to cash refunds, rebates or some form of financial concession from the

adjudicator. And, going forward, the corrected errors often lead to future savings. A benefit audit provides valuable insight into a costly component of employee compensation. Knowledge is power. It's time for plan sponsors to ask questions about the rising

cost of their benefits and understand whether they are getting value for money spent. **HR**

Sari Sanders is a lawyer and vice-president of compliance at Burke & Company Limited, a boutique employee benefits consulting firm and industry leader in claims audits. Contact her at www.burkeandcompany.com.



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THINKING OUTSIDE THE BOX: THE BUSINESS CASE FOR CREATING AN INCLUSIVE WORKPLACE

So, why are more organizations not embracing the concept?

BY SUSAN STANTON



The ability to think “outside the box” is one of the greatest strengths employees with disabilities can bring to a workplace, according to Sharon Myatt, employment development consultant with JOIN, the Ontario Job Opportunity Information Network for Persons with Disabilities. A network of 25 community agencies, JOIN helps people with disabilities find jobs, and helps employers recruit qualified candidates.

“One of the things I hear often from employers who have really made a commitment is that people with disabilities bring a fresh perspective to the workplace,” says Myatt. “They’ve had to think outside the box to be able to communicate and advocate for themselves.” It’s an asset that organizations seeking creativity and innovation value most in their employees.

Ironically, thinking outside the box is also what organiza-

tions need to do in order to reap the many benefits of this virtually untapped pool of talent. “There’s a compelling business case why it’s good for your organization,” says Debbie Yip, vice-president of human resources and diversity at proLearning innovations, a leading HR consulting firm. “Employees with disabilities stay on the job longer, take fewer breaks and their performance is typically higher.”

But to capture this talent and reap the benefits, organizations need to let go of preconceived ideas about hiring the disabled, fully embrace the new Integrated Accessibility Standards under the *Accessibility for Ontarians with Disabilities Act* (AODA) (see sidebar) to eliminate barriers to employment, create a culture of openness, trust and opportunity in the workplace, and make a solid commitment to building an inclusive workforce.

PARTICIPATION RATES TOO LOW

While many business and organizations, public and private, in Ontario and across Canada are passionate about employment equity and diversity, many others still don't get it. That's clear from Ontario stats alone: more than 1.5 million Ontarians have a disability (15.5 per cent). Of those, 49.5 per cent are not working for pay at a job or business, compared to 24.5 per cent for people without disabilities.

This discrepancy is also apparent to people who work in the field. Myatt is enthusiastic about JOIN's Business Leadership Network, which brings together top companies across Canada to share best practices, learn and strategize about AODA, promote the hiring of people with disabilities, discuss accommodation strategies and more. "But I have to be really candid," says Myatt. "Given the number of employers we have in this country, we are now up to 40 BLN members. That's great. We are delighted with that. But it's not enough."

Anne Lamont, President and CEO of Career Edge Organization sees the same hesitation in employers to hire people with disabilities. Career Edge offers three paid internship programs, one of which—Ability Edge—connects employers with bright and talented graduates who have self-declared disabilities.

These individuals "manage their disability extremely well through accommodation," says Lamont. Ability Edge has placed more than 450 interns with nearly 200 employers—a laudable achievement. But the Ability Edge program is still the smallest of the three intern programs, notes Lamont, and the participation rate is lower than she'd like to see. "Regardless of the size of

organization, I still think organizations can do more."

So what's keeping organizations thinking "inside the box"? To some extent it's the myths and stereotypes that still abound about the costs and difficulties of employing people with disabilities.

EXPLODING THE MYTHS

Sharon Myatt enumerates some of the things organizations say when they think about hiring the disabled: "I'm too busy. This is going to cost me a lot of money. It's going to be time-consuming, and people are going to take time off. I can't treat a person with a disability the same as I can their non-disabled counterpart."

From Lamont's perspective, "Everybody seems to be working harder, longer, with less. So employers will say, 'I want to hire someone and they have to be on the ground running and fully productive.' This is where the myths come in."

Deloitte Canada's 2010 report, *The Road to Inclusion: Integrating people with disabilities into the workplace*, includes statistics that refute some of these myths:

- 90 per cent of disabled employees did as well or better at their jobs than non-disabled co-workers.
- 86 per cent rated average or better in attendance.
- when accommodation is necessary for employees with disabilities, 20% cost nothing, and 50% cost less than \$500.

The government of New Brunswick identifies 19 additional falsehoods in its publication, *Myths about Hiring Persons with Disabilities* (see sidebar below).

Most recently engaged in coaching employers and employees on the implementation of the Customer Service Standard under AODA, Yip says it's part of her job to dispel the myths about people with disabilities in the workplace.

During workshops, Yip asks participants how they feel about persons with disabilities in the workplace. The most common response, says Yip, is that "they can only be in certain roles." Yip's response is, "That's true, but everybody can only be in certain roles. I can only be in a certain role. If the requirement of the job is to carry 50 pounds above my head in a warehouse, I'm not qualified. So we have to change our thinking—

MYTHS & FACTS

Here are just a few of the 19 myths to be found in New Brunswick's publication *Myths about Hiring Persons with Disabilities*:

MYTH: Employees with disabilities are more prone to on-the-job injuries.

FACT: Four U.S. studies found that individuals with disabilities experience fewer disabling injuries than the average employee exposed to the same hazard.

MYTH: Employees with disabilities can only fill entry-level positions.

FACT: Almost 75 per cent of working age adults with disabilities had a high school diploma or higher education.

MYTH: Employees with disabilities are more difficult to supervise.

FACT: Employees with disabilities are no more difficult to supervise than employees without disabilities.

MYTH: Employees with disabilities can't be fired or disciplined.

FACT: Employees with disabilities are subject to the same performance standards and guidelines as other employees.

Source: www.gnb.ca/0048/PCSDP/PDF/Myth%20Busters%20ENG.pdf.

these are the requirements of the job, what are the abilities of the person applying for the position.”

And when you look at the requirements of the job, make sure they are bona fide, says Yip. “Open your mind” to possible accommodations. If an employee with one arm applies for the warehouse job, for example, “Do they really have to lift 50 pounds over their heads? Is there a forklift available to everyone? Maybe that’s not a bona fide job requirement. Maybe I could hire the person with one arm because they could work the forklift.”

Focusing on abilities is essential, says Lamont. “If you bring somebody into a supportive environment, it demystifies the discussion around a disability. The reality is the question will come up, ‘Do you need any accommodation to do this job?’ And it shouldn’t be a threatening question because the individual is working for a company that says, ‘I know I’m hiring someone with a disability and I’m prepared to provide the accommodation they require.’”

When organizations focus on the abilities, rather than the disabilities of potential employees, much resistance goes out the window, says Yip. Organizations begin to

really support the concept of building accessible workplaces. Once an organization embraces these concepts, their enthusiasm soars. “They inspire me by how much they are embracing it,” says Yip.

And there’s even better news for organizations—employees with disabilities actually benefit the workplace.



THE BUSINESS CASE EMERGES

While Canada still has a way to go in terms of developing its own statistics to support the business case for hiring the disabled, says Myatt, enough information is available to show that disabled employees contribute much to the bottom line.

One of the ways they do this is simply by being more productive.

She points to the success of Randy Lewis, vice-president of the U.S.-based Walgreens and the speaker at JOIN’s March 28, 2012 BLN meeting. Lewis hired 700 disabled employees (or 40 per cent of the workers) at a Walgreen’s distribution centre equipped with touch screens and flexible work stations and watched productivity shoot up 20 per cent higher than the company’s other distributions centres.

Walgreen’s is now using that model for its other centres and sharing its experiences and strategies with employers around the globe. “Just by having him speak will get a lot more employers in Canada saying, ‘You know what, here’s the evidence,’” says Myatt.

As well as being more productive, employees with disabilities are often more dependable and loyal than their co-workers without disabilities, and staff retention is significantly higher, according to Deloitte’s *The Road to Inclusion*. That adds up to savings of millions of dollars every year in hiring and training costs,” says the report.

This finding is supported by the experiences of companies operating in Ontario. BMO Financial Group, for instance, has worked

INTEGRATED STANDARDS UPDATE

By January 1, 2012, private sector organizations were to have come into compliance with both the Customer Service Standard (Ontario Regulation 429/07) and the Emergency Preparedness requirements in the Integrated Accessibility Standards (Ontario Regulation 191/11) under the Accessibility for Ontarians with Disabilities Act (AODA). The deadline for reporting compliance with the Customer Service Standard is December 31, 2012.

However, it’s likely that enforcement actions will not be taken immediately, says Holly Reid, a lawyer with Blake, Cassels & Graydon, LLP’s labour and employment group. “What we’ve heard from the Ministry of Community and Social Services (MCSS) to date suggests that the government does

not intend to apply penalties immediately but rather will try to assist companies to come into compliance with the requirements.” Still, organizations “should complete implementation as soon as possible,” says Reid.

For an overview of the Customer Service Standard, see the AODA Update by Alison Ada in the January 2012 issue of *HR Professional*. The MCSS has produced plenty of resources to help you come into compliance, including a webcast, toolkit, guide, template and online reporting tool. You’ll find them at www.mcscs.gov.on.ca/en/mcss/programs/accessibility/customerService/index.aspx.

According to Reid, the emergency preparedness obligations in the Integrated Standards include:

- providing individualized emergency response information to employees with disabilities who require assistance in an emergency in a manner that they can understand, and
- providing individuals with disabilities, upon request and in an accessible format, any emergency procedures, plans or public safety information that are available to the public.

Tip sheets and guides are available from MCSS to help companies and organizations come into compliance with these obligations, says Reid (www.mcscs.gov.on.ca/en/mcss/programs/accessibility/other_standards/emergencies.aspx). For some additional advice, check out the article, *Emergency*

with JOIN to develop recruitment programs for people with disabilities in its customer contact centre in Mississauga, ON. It has hired 64 employees with disabilities and reports that its turnover rate for employees with disabilities at the centre is 6.3 per cent compared to 17.3 per cent for the total population. “There’s no question that inclusion at BMO has instilled a much deeper sense of engagement from our employees and that has a very direct and positive influence on employee success and the bank’s bottom line,” says Jennifer Reid, vice-president, Customer Contact Centre.

And then there’s Mark Wafer, who owns six Tim Horton’s stores in Toronto and has hired more than 70 people with disabilities for positions ranging from customer service to management. Wafer says that not only do disabled employees stay on the job much longer, but other employees also stay put because they feel good about the inclusive environment. Wafer’s stores boast a 35 per cent turnover rate compared to 70-80 per cent in other Tim Horton’s stores in Ontario. The benefits are tangible, says Wafer, in terms of training costs, productivity and more.

Consider these sound business reasons for hiring people with disabilities:

The talent pool is decreasing. “Workers are getting older and there are fewer skilled people in the current labour pool to fill jobs as they become available,” notes the *Road to Inclusion*. “To find the people to fill these positions, business and governments must look for talent in every corner of the community and be more open about who they hire. People with disabilities are part of an untapped market—people with a variety of skills at a variety of levels.”

They contribute to creativity, innovation and problem solving. Ernst & Young, one of Canada’s Best Diversity Employers for 2012, says that companies with sustainable inclusive initiatives have a competitive advantage in a globalized economy. “Diversity of thought and experience can help lead to improved problem-solving and the ability to take advantage of global opportunities, says Fiona Macfarlane, chief inclusiveness officer.

They are part of the communities and markets companies need to reflect. Organizations that want to better serve and under-

stand their markets, and be seen as an employer of choice “support the hiring of people who represent their communities and in their communities are people with disabilities,” says Lamont. This opens up huge markets, and builds a positive image of the organization.

MOVING FORWARD

There’s no doubt that once businesses in Ontario comply with the Integrated Accessibility Standards requirements, they are going to be in a better state of “readiness” when it comes to hiring and managing disabled employees.

But is that enough? “What’s also needed is leadership,” says Lamont. “And with the leadership, accountability has to be expected of people.”

Leadership is needed to build a culture of openness and trust in the workplace, where disabled employees have opportunities to grow and advance, and where non-disabled employees can express any concerns they have.

“If we can get people with disabilities actively engaged in the economy,” concludes Anne Lamont, “then let them get on with that.” **HR**

Preparedness: new rules if you employ people with disabilities, at www.healthandsafetyontario.ca/HSO/media/HSO/NetworkMag/NetworkMag2/Article3a.html.

Expected soon from the MCSS are policies and resources for the remaining requirements in the Integrated Accessibility Standards, which cover employment, information and communications and transportation. “What the Ministry has said is that they are going to try to replicate the Customer Service Standard experience by providing policies on the Integrated Standards that give more guidance,” says Reid.

If your company is already in compliance with the Customer Service Standard and the Emergency Preparedness requirement,

both Reid and proLearning’s Debbie Yip suggest you work on your employment standard requirements—even though they are not yet in force.

“Companies tend to review and revise their employment-related documentation relatively regularly,” notes Reid. “So what I have been saying to clients is, ‘If you are already doing a review of your job application, your employee handbook, your offer of employment, your human rights policies, you know these obligations are coming up in the future and it would be efficient if you dealt with them now.’”

For HR professionals who have already worked on the Customer Service Standard, the transition to working on the employ-

ment standard should be relatively easy, says Yip. “You’ve already adopted the philosophies (of accessibility), so I don’t think it’s that different. It’s a matter of reviewing policies, looking for systemic barriers and providing required training to managers and employees.” According to Yip, the cost of coming into compliance should not be too onerous.

Holly Reid agrees: “There’s significant focus on training, accessibility policy and plan development as well as ensuring that employment documentation references and recognizes accessibility issues,” says Reid. “I think the cost to businesses is “time” in most respects.”

THE ART AND SCIENCE OF MERGERS

Mergers and acquisitions involve many challenges for an organization's human resource professionals. At very least, challenges include: the need to integrate different pay and grading systems, staffing structures and performance assessment methods. Increasingly, HR specialists find themselves confronted with these challenges, as the number of mergers and acquisitions grows. According to the Bloomberg 2012 M&A Outlook, more than 24,700 deals were conducted globally in the year ending November 2011.

The challenges involved in mergers prove insurmountable for many organizations, as reflected in failure rates that are reported to be between 40 and 70 per cent of all deals. A growing body of research suggests that it is most often the people-related aspects of mergers that prove most difficult to resolve. For example, in one international survey of 132 senior executives, more than half reported incompatible cultures to be the principal cause of a failed merger they had been involved with.

Managing the people-related aspects of change is the forte of human resource specialists, suggesting that an expanded role for the human resource function may be a critical success factor in mergers and integrations. By adopting an "art and science of transformation" approach to mergers and acquisitions, organizations can better understand the opportunities and risk factors inherent in the change, and how human resource expertise can help maximize the prospects for a successful outcome.

The Art and Science of Transformation*

To be successful, all major organizational change initiatives require a mix of art and science. The science of transformation involves the application of specific tools and techniques such as risk analysis, financial planning methods and, in the human resource management arena, the ability to ascertain the staffing structures and reward mechanisms that are best suited to the organization's new business goals.

The art, which is often overlooked in change initiatives, involves being able to understand the human aspects of change and how these can be influenced to ensure a successful outcome. This relates to the more intuitive, intangible skills including what might be defined as "people" and "political" acumen, as well as experiential knowledge and experience about what works in people management, rather than learned tools and techniques. Art skills are inherent in effective leadership, good communications, the ability to build and motivate teams and the understanding of organizational cultures and how these shape employee attitudes and behaviour. And art is, of course, fundamental to good human resource management, which is largely synonymous with understanding people and knowing how to attract, recruit and retain the best talent so that organizational goals can be met and exceeded.

An Art and Science Imbalance

In a merger or acquisition, effective human resource management is especially crucial; all employees are likely to be impacted in significant ways by the change and their resulting attitudes and behaviour will have a critical impact on the outcome. Despite this, many organizations approach mergers and acquisitions mainly from a science perspective and neglect the people-related aspects of change.

The due diligence process focuses primarily on the financial dimensions and to a lesser extent on reviewing organizational structures and policies, such as staffing procedures and pay rates. Rarely is adequate attention paid to understanding compatibility of organizational cultures, anticipating employee reactions to the merger or identifying the best talent within a prospective acquisition, below top management. Once a decision has been taken to proceed, the implementation plans are mainly concerned with the logistical aspects of integration, rather than on how to reconcile employee mindsets in organizations which might formerly have been competitors.

Unsurprisingly, this often results in the widely documented turmoil that prevails in the

early stages of post-merger integration, with productivity and profits sometimes plummeting as valued employees leave the organization, struggle to adapt to new job roles or management styles and cope with the stress of organizational upheaval and uncertainty about the future. One source cites evidence that within one year, 47 per cent of senior managers from the acquired entity leave the newly merged organization, with this figure rising to 72 per cent within three years.

Defining HR Roles in Mergers and Acquisitions

Though HR specialists generally play an important role in restructuring and redefining employment policies in a newly merged organization, the art and science approach calls for more strategic involvement at all stages of pre- and post-merger processes. Three key roles and a few examples of associated responsibilities are suggested below, which illustrate the types of art and science skills that HR professionals can contribute to a successful merger.

These three key roles are:

Pre-Merger Consultants

- Assessing cultural compatibility by reviewing existing structures, management and leadership styles, and other influencing factors.
- Determining how to improve compatibility, for example through training in new management methods, and the likely costs and risks involved.
- Determining the optimal staffing structure for the achievement of new goals, and the financial and people-related implications of implementation.
- Conducting employee interviews or surveys to explore attitudes and concerns about the organizational changes so that these can be addressed at an early stage.
- Reviewing the value of a potential acquisition's human resources and identifying specific individuals for key roles in the new organization.

Integration Facilitators

- Helping to develop and implement plans and strategies for reconciling cultural differences and promoting a new corporate identity, such as communications strategies tailored to different groups of staff and their concerns, as well as training and development in new ways of working.
- Helping to determine how best to integrate existing functions and departments, identifying overlaps or duplications and reallocating staff to



make best use of these expertise, and clarifying the skills gaps that need to be addressed.

- Identifying individuals with the right art and science skills to lead the post-merger integration, and ensuring that they are supported by adequate resources for as long as necessary to achieve a positive outcome.
- Reconciling inconsistencies in pay and grading structures in ways that are fair to all staff and help ensure that organizational skills and expertise of all staff are utilized to best effect.
- Designing HR metrics, such as survey measures of employee satisfaction, to provide feedback on the people-related aspects of post-merger organizational performance.

Employee Advisors and Counsellors

- Establishing support and advice systems to address concerns about job security or the impact of the merger on roles, workloads or career prospects. These might include guidance or mentoring for line managers, and the development and dissemination of information resources.
- Ensuring that terminations are handled sensitively and with adequate support for those involved. For employees facing relocation, ensuring that any financial assistance, as well as guidance and support, are provided in a timely way to avoid inconvenience to the individuals and their families. **HR**

Harold Schroeder FCMC, PMP, CHRP, CHE, is the president of Toronto-based Schroeder & Schroeder Inc. For more information, visit www.schroeder-inc.com

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ABSENCE MANAGEMENT

Workplace Medical Corp. 36

ACCOMMODATIONS

Canadian Benefits Management (CBML) 32

ASSESSMENT

DDI Canada 33
 WATMEC 36

ATTORNEYS/LEGAL SERVICES

Workplace Options 37

BACKGROUND CHECKS & EXIT INTERVIEWS

Commissionaires Canada 32
 Informed Hiring 34
 OBN Security & Investigative Consultants, Inc. 35
 The Garda Security Group Inc. 34

BARRISTERS & SOLICITORS

Rubin Thomlinson LLP Inside Back Cover

BENEFITS

Comprehensive Benefit Solutions Ltd. 32
 RBC Group Financial Services... 35
 Special Benefits Insurance Services Outside Back Cover

CATERING

Orderit.ca/Restaurants on the go 35

COACHING & LEADERSHIP DEVELOPMENT

The Coaching Edge 32

COMPENSATION

The Compensation Company... 32

COMPENSATION BENEFITS

RBC Group Financial Services... 35
 The Compensation Company... 32

CONFLICT MANAGEMENT SERVICES/PROGRAMS

Stitt Feld Handy Group 36

CONSULTING

Buck Consultants 31
 OBN Security & Investigative Consultants, Inc. 35
 Proteus Performance Management 35

CONSULTING - HR & BENEFITS

The Compensation Company... 32
 The Williamson Group Inc. 36

DISABILITY MANAGEMENT

Canadian Benefits Management (CBML) 32
 Organizational Solutions Inc. 35
 Workplace Medical Corp. 36

EDUCATION/TRAINING

Durham College 33
 Humber College Inside Front Cover, 34
 The Canadian Payroll Association 32

EMPLOYEE & FAMILY ASSISTANCE PROVIDER

Homewood Human Solutions ... 34

EMPLOYEE ASSISTANCE PROGRAMS

FSEAP 34
 Workplace Options 37

EMPLOYEE BENEFITS

Comprehensive Benefit Solutions Ltd. 32
 RBC Group Financial Services... 35

EMPLOYEE INCENTIVES & RECOGNITION AWARDS

Achievers 31
 RBC Group Financial Services... 35
 Walmart Canada Corp. 36

EMPLOYMENT VERIFICATION & SCREENING

Informed Hiring 34
 OBN Security & Investigative Consultants, Inc. 35
 The Garda Security Group Inc. 34

EXECUTIVE RECRUITMENT

Lannick Group Inc. 35

EXIT INTERVIEW/EXIT SURVEY

Informed Hiring 34
 The Garda Security Group Inc. 34

FINANCIAL PLANNER/ INVESTMENT ADVISORS

Proteus Performance Management 35

FINANCIAL SERVICES

RBC Group Financial Services... 35

HEALTH & WELLNESS

Canadian Benefits Management (CBML) 32
 Integrated Workplace Solutions [IWS] 34
 Workplace Medical Corp. 36
 Workplace Options 37

HR EMPLOYMENT SOLUTIONS

Informed Hiring 34

HR PERFORMANCE & RECRUITMENT

OBN Security & Investigative Consultants, Inc. 35

HR SOFTWARE

Stargarden Group 36
 WorkForce Software 36

HR SOLUTIONS

The Aboriginal Human Resource Council 31

INSURANCE

Comprehensive Benefit Solutions Ltd. 32

INVESTIGATIVE SERVICES

OBN Security & Investigative Consultants, Inc. 35
 The Garda Security Group Inc. 34

CREATING OPPORTUNITY, FOSTERING GROWTH

LABOUR & EMPLOYMENT LAW

Emond Harnden LLP 33
 First Reference Inc. 33

MANAGEMENT CONSULTANTS

The Compensation Company 32

MANAGEMENT TRAINING & DEVELOPMENT

Desire2Learn Incorporated 33
 WATMEC 36

ONLINE RECRUITMENT

Canadian Institute of
 Chartered Accountants 31

ORGANIZATIONAL DEVELOPMENT

COREinternational Inc. 33

PAYROLL/HR SOLUTIONS

ADP Canada 31
 Ceridian Canada Ltd. 32
 Desjardins Payroll and Human
 Resources Services 33
 Payroll Solutions
 International Inc. 35
 Payworks 35

PENSION PLAN GOVERNANCE

Proteus Performance
 Management 35

PRE-EMPLOYMENT SCREENING

Informed Hiring 34
 OBN Security & Investigative
 Consultants, Inc. 35
 Garda Pre-Employment
 Screening 34
 Workplace Medical Corp. 36

REFERENCE CHECK

Informed Hiring 34
 Garda Pre-Employment
 Screening 34

RELOCATION SERVICES

ARIANNE Relocation Canada ... 31
 Atlas Van Lines (Canada) Ltd. ... 31

SAFETY RESOURCES

Workplace Safety & Prevention
 Services (WSPS) 37

SAFETY TRAINING COURSES

Workplace Safety & Prevention
 Services (WSPS) 37

SOFTWARE

WorkForce Software 36

SPEAKERS

Ideas at Work 34

SUBSTANCE ABUSE PROFESSIONAL ASSESSMENTS

Integrated Workplace
 Solutions [IWS] 34

TIME & ATTENDANCE

WorkForce Software 36

TRAINING & DEVELOPMENT

Canadian Society for Training
 and Development 32
 DDI Canada 33

TRAINING & ORGANIZATIONAL DEVELOPMENT

Integrated Workplace
 Solutions [IWS] 34

TRAINING PROGRAMS - DESIGN & DELIVERY

SmarterU.com 36
 Workplace Options 37

TRAINING VIDEOS

Workwell Training Videos 37

TRAINING/COACHING/CONSULTING

Canadian Benefits
 Management (CBML) 32
 The Coaching Edge 32
 WATMEC 36

UNIVERSITY EDUCATION/ TRAINING

Athabasca University -
 Centre for Innovative
 Management 31
 DeGroote School of Business -
 McMaster University 33
 Queen's University IRC 35

WORKFORCE MANAGEMENT

WorkForce Software 36

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TOP 10 MISTAKES INVESTIGATING HARASSMENT COMPLAINTS

How to handle those tricky investigations

Since the passage of Bill 168, many employers have faced an increasing number of harassment complaints, with a corresponding need to investigate them. Harassment investigations can be very tricky and unless you are well versed in the law of harassment and proper investigative procedure, you can find yourself in legal hot water.

This article identifies some common investigation errors and provides guidance on what employers should do.

1. Failing to Provide Procedural Fairness

The most common error that employers are making is that they fail to provide procedural fairness, i.e., the process is not impartial or fair.

The respondent should be advised that a complaint has been made, what the allegations are against him or her, that he or she will be given an opportunity to respond and will be granted sufficient time to obtain legal advice in advance, if necessary.

During the investigation, employers should not suspend the respondent without pay. Suspension connotes guilt, so it is preferable to simply place the respondent (or complainant, where appropriate) on a leave of absence with pay until the investigation is complete.

2. Not Taking Complaints Seriously Enough

Many employers brush off complaints as not serious and fail to properly address the allegations. However, just because the alleged behaviour may seem trivial or not that serious to the investigator, does not mean that it is not important to the complainant.

Additionally, employers often fail to respond quickly enough. Left unchecked, harassment often escalates and evidence often gets lost or forgotten with the passage of time, making it critical to proceed quickly.

3. Untrained Investigators

An investigation requires a thorough understanding of human rights law and due process along with compassion, empathy and the

ability to appreciate the psychological dynamics of workplace harassment. Therefore, you should enquire about the investigator's skills and experience and make sure that he or she will be viewed as credible and unbiased by the parties.

4. Internal Investigators vs. External Investigators

Using an internal investigator is generally more cost effective, less intrusive and faster. However, if the allegations are of a very serious nature

“Just because the **alleged behaviour** may seem **trivial** or not that **serious** to the **investigator**, does not mean that it is not **important** to the **complainant**.”

This often takes two forms: trying to ambush the respondent and failing to provide sufficient particulars to enable the respondent to address the allegations.

Often, in a sincere but misguided attempt to protect complainants, employers do not provide the respondent with the complainant's identity or details of the allegations. However, failing to provide this essential information makes it very difficult for respondents to adequately defend themselves.

or involve senior management, it is usually preferable to appoint an external investigator.

5. Failing to Remain Neutral

A common tendency of employers is to take sides in the process, based on the likeability of the parties. It is imperative that the investigator not only be objective but be perceived as objective as well. This can be difficult for internal investigators to achieve, particularly where they know the parties well.

6. Failing to Document the Investigation Properly

To ensure that the evidence is accurate and to support the ultimate findings, you must properly document the investigation. This includes taking detailed notes of all interviews and having interviewees sign off on them.

7. Failing to Appreciate the Psychological Dynamics

The fact that an employee continues to put up with harassment often unduly influences employers during investigations but there are many reasons why harassment victims

are reluctant to complain. They may be economically vulnerable, intimidated or afraid of the impact the complaint will have on their careers or personal lives. Often they don't complain until their job is on the line.

8. Mishandling Reluctant Complainants

Sometimes, victims do not want to make a formal complaint. Although you have a duty to respond to harassment, you can take other measures before or instead of an investigation. For example, you can: discuss the complainant's concerns and provide information about the process; coach the complainant on how to deal directly with the harasser; or monitor the work environment to attempt to witness the behaviour firsthand to stop it, and re-circulating the harassment policy and re-training staff.

9. Applying the Appropriate Standard of Proof

Many investigators, believe that the standard of proof is a criminal one: beyond a





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reasonable doubt. As a result, if it is a case of one person's word against another's investigators treat it as "a wash" and believe that no findings can be made. However, they can use credibility as a means of being able to make a finding.

In a harassment investigation, a finding is made "on a balance of probabilities." This test is met if the allegation is more likely true than not true.

10. Failing to Advise the Complainant of the Outcome

While an employer may be unable to tell the complainant what steps have been taken against the respondent for reasons of confidentiality, it can, and should: state that a finding was made; what that finding was; what steps will be taken to remedy the situation; thank the complainant for his or her co-operation; and outline what measures exist to protect the complainant from a reprisal.

Harassment investigations can be quite disruptive. The most important considerations are to:

- treat all parties fairly and respectfully;
- allow everyone a full opportunity to be heard;
- be fully versed in the law and the psychology of workplace harassment;
- ensure that the findings are supported by the evidence; and
- consider the outcome and remedy that best suits the particular circumstances. **HR**

Lauren Bernardi is a proactive employment lawyer and HR advisor with the boutique firm of Bernardi Human Resource Law. For more information, visit www.hrlawyers.ca.



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The percentage of new employees leaving the organization within 90 days of starting their employment.									
90 Day Voluntary Turnover Rate		12.2%	0%	2.4%	8.4%	13.4%	28.4%	7	
The percentage of new employees leaving the organization on a voluntary basis within 90 days of starting their employment.									
90 Day Involuntary Turnover Rate		8.8%	0%	0%	4.2%	16.7%	22.2%	6	
The percentage of new employees leaving the organization on an involuntary basis within 90 days of starting their employment.									
1st Year Turnover Rate		16.8%	7.2%	9.5%	12.7%	15.7%	28.8%	7	
The percentage of employees with less than 1 year of service who left the organization.									
1st Year Resignation Rate		12.1%	5%	5.2%	7.7%	15.8%	22.6%	11	
Percentage of employees with less than 1 year of service who resigned.									
1st Year Involuntary Turnover Rate		5.7%	0%	1.6%	4.5%	9%	11.9%	7	
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INTERVIEW WITH AN HR HERO

BY KIM SHIFFMAN

CARRIE LINDZON-JACOBS: THE MANY STARRING ROLES PLAYED BY SENIOR HR

The days when human resource professionals weren't allowed a seat at the executive table are long gone. So says Carrie Lindzon-Jacobs, senior vice-president at IMAX Corp., one of the world's leading entertainment and technology companies. Lindzon-Jacobs started her career in an entry-level HR job and worked her way up to a position where she advises the executive team on company strategy, acts as architect for the firm's talent management and manages a team of her own. Here's how she did it—and tips on how you can, too.

HRP: How and when did you decide you wanted a career in human resources?

CLJ: I didn't even know what HR was when I started working. But even back when I was working in retail management roles, I was always really motivated to be a strong manager and deal with the people side of the business. I really



IN A NUTSHELL

First job: Retail. I spent over 10 years working in all types of retail stores, from gourmet cookies to kitchen and giftware to clothing.

Childhood ambition: To have a loving family and successful career, like the mom on the *The Cosby Show*.

Best boss: Michael Guerriere (currently Chief Medical Officer at Telus). He taught me that holding a seat on the executive team means that my job is not just to lead HR well but also to lead the company well.

Mentor: My first mentors were three HR executives at CIBC: Joe Magri, Amy Hanen and Aliana Rozenek. They all gave me great career and personal advice that I still appreciate.

Source of current inspiration/motivation: My husband, Jeremy, my son, Ryan, and my daughter, Emma.

Best piece of advice I even got: An ex-Nortel executive told me to "Be nice to people on your way up, because you will need them on your way back down."

Career goal: To continue to lead HR at IMAX and make a positive contribution to this amazing organization.

Ideal vacation destination: Long summer weekends in Muskoka.

Last iPod or CD purchased: I love gadgets and always have my BlackBerry, iPad and Kobo with me. (Unless I'm out for a run. That's when I completely disconnect.)

Favourite author or book and why: Ayn Rand's *The Fountainhead*. I loved the development of all the characters, the stories and her philosophy, even if I didn't agree with all of it. And the supposed connection to Frank Lloyd Wright—I've always been fascinated by his life and work.

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INTERVIEW

enjoyed motivating people from a sales perspective, and getting them to be engaged in what they were doing so they loved coming to work, which made them more productive as employees.

When I went back to school to do my MBA and learned about organizational behaviour, I discovered that I was passionate about it. That's when I realized there was a career I could make out of it.

HRP: What was your first HR-related job?

CLJ: Besides a co-op in the HR department at Imperial Oil, my first real HR job was an entry-level position at CIBC. I was an HR associate in its Human Resources Leadership Development Program. The program was for people who they saw had potential as HR leaders. It was rotational; you do three or four six-month rotations. The idea was to give you exposure to the different functional areas of HR to prepare you to be a leader with strong generalist abilities. After the program, I started moving up the ranks in HR: HR consultant, HR manager, HR director.

HRP: What's your current position?

CLJ: I'm senior vice-president of HR for IMAX Corp. I run HR globally, I report to the CEO, I sit on the executive team and I'm an executive officer of the company. I'm a strategic advisor to the executive team, so I influence strategic business decisions. I'm the architect for our talent management, basically making sure the right people are in the right jobs and ensuring we have the right leadership in place to execute on our strategy.

I'm a coach and a trusted advisor; I'm a sounding board to employees, managers, executives.

I also lead the HR function itself; I'm a subject matter expert in several different areas. Finally, I'm a people manager. I have the HR team that reports into me and my direct reports have other HR people reporting in to them. I delegate and provide guidance, and make sure I hire experts and specialists that are often stronger at that their roles than I am.

HRP: What do you love about your current job?

CLJ: I love that I get to do what I love to do. I can't wait to come to work every day because I'm in a role I love with a company and brand that I'm very passionate about. It's a great experience to work for a company that's committed to staying on the cutting edge of the entertainment technology industry. IMAX is rapidly expanding in the fastest-growing markets of the world. We

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It is very cool to work for a company that I also enjoy being a customer of. Getting to see *Mission: Impossible* and the *Dark Knight Prologue* in IMAX as part of my job is a pretty cool perk. I'm also working with people who are the best in the business and incredibly dedicated to what they do.

HRP: What are the challenges in your job?

CLJ: The biggest challenge being at this level is being all things to all people. Plus, because we're global, I have to manage a very busy work schedule and travel schedule but still be a supportive manager. My employees aren't all in the same place, but I still want to be an engaged, available manager. My boss is in another country, and I have employees around the world, so I'm sort of sandwiched.

Another challenge is balancing being an engaged wife and mom in the midst of doing all that. I think I'm successful at it; it's a challenge, but it can be done.

HRP: What tips do you have about moving up in HR?

CLJ: I have four main tips. First: don't focus on trying to get promoted. That was never my approach. If you're good at what you do, promotions happen naturally. Focus on doing your job well.

Next: in HR, particularly, you have to build credibility and trust, and you have only one shot at doing that. It's very important that employees or managers trust you. The third tip is that you have to do what you say you're going to do. Finally, you need to have business acumen. If you want a seat at the executive table, you have to be able to contribute to all aspects of the business.

HRP: Where do you think HR is going? What's the future of HR?

CLJ: I think as companies and competition become increasingly global, organizations will keep striving for excellence and to be as effective as they can—and HR will matter more than ever. Organizations will have to really focus on talent acquisition, retention, development and organizational capabilities, culture and leadership. These things will be key to success in the future, and the HR leader in an organization is the one who drives that success.

“I'm the architect for our talent management, basically making sure the right people are in the right jobs and ensuring we have the right leadership in place to execute on our strategy.”

HRP: What's next for your career? Where do you see yourself in five to 10 years?

CLJ: Given that I'm within my first year at IMAX, I see a lot more work to be done here. We're expanding significantly internationally, and there's an opportunity for HR to have a large impact on the success of the organization going forward, so I look forward to continuing in my role here.

HRP: One last question. The theme of this issue of the magazine is the Accessibility of Ontarians with Disabilities Act. Has IMAX been affected by the Act?

CLJ: While we don't serve customers out of our head office, we definitely as an organization recognize the value of rolling out the AODA program to our Ontario employees and workplaces, regardless of the fact that we don't deal directly with the public. Two of our core values at IMAX are respect and communication, and we feel that the spirit of what the AODA is trying to do fits incredibly well with our corporate culture. As with any meaningful diversity initiative, the benefit doesn't come with compliance, but with acknowledging and embracing the underlying values of fairness and equality. **HR**

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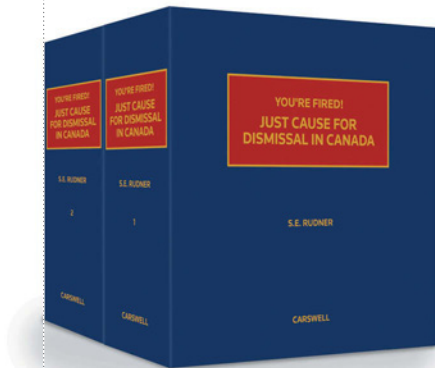
The Human Resources Professionals Association (HRPA) is Canada's largest HR professional body with more than 19,000 members across Ontario. HRPA provides members with the tools they need to excel throughout their career including professional certification, information resources, HR education, career search and networking opportunities. www.hrpa.ca/membership

WHAT'S WORTH READING

You're Fired! Just Cause for Dismissal in Canada

Thomson Reuters Canada, 2011

By Stuart E. Rudner



Although the threshold for establishing just cause for dismissal is high, lawyer and author Stuart Rudner lays a clear foundation for what constitutes dismissal

for cause at law in Canada, arguing that just cause is not a “lost cause.” Not all instances of misconduct, including dishonesty, theft or fraud, necessarily warrant just cause for dismissal. However, Rudner offers HR professionals and the legal community a searchable database of case summaries to see how just cause was determined, cautioning readers that each case must be assessed based on its own specific circumstances.

Volume 1 of the work offers an overview of summary dismissal before moving into specific grounds for dismissal, such as: dishonesty, conflicts of interest, inappropriate relationships, insolence, insubordination, breach of rules or policies, theft, fraud, absenteeism/tardiness, harassment, violence in the workplace, intoxication/alcohol and drug use, abuse of technology, personality issues, performance issues/incompetence, and off-duty conduct. Additional sections cover probationary employees, last-chance agreements, condonation, and progressive discipline in the non-union environment, investigations, human rights considerations, litigation, and practical advice. Volume 2 provides hundreds of digests based on the grounds for dismissal.

You're Fired! Just Cause for Dismissal in Canada is a two-volume, loose-leaf text with a companion CD-ROM, which contains the case digests from Volume 2 of text plus all available full text decisions. Both the two-volume loose leaf

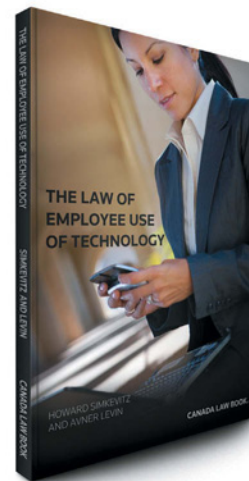
texts and the CD-ROM are easy to navigate and are well worth the investment.

Stuart Rudner, BA, LL.B, is a partner at the national law firm Miller Thomson LLP where he specializes in employment law. He has been named several times in Canadian HR Reporter's Employment Lawyers Directory as one of the top employment lawyers in Canada. Rudner has written numerous papers and is the host and moderator of *Canadian HR Law* which is a monthly blog and web television show. He is on a number of advisory boards, including *HR Professional* magazine.

The Law of Employee Use of Technology

Canada Law Book: Thomson Reuters Canada, 2011

By Howard Simkevitz and Avner Levin



Written for professionals in law, human resources, information technology and a variety of other disciplines involved in technology at work, *The Law of Employee Use of Technology* provides guidelines around how technology can be used safely and productively while at the same time protecting the varying expectations of employers, employees and Canadian society, such as privacy, security, and freedom of expression.

Technological developments occur at a rapid pace, making it a challenge to develop policies around its use. Yet the guidelines and approaches developed in this book are designed to set the groundwork for future developments. The introduction reviews the major technological developments and their use in the workplace. Successive chapters cover the legal landscape across Canada, reviewing legislation at the federal and provincial levels, relevant cases and tests the courts use, labour arbitration, reasonable expectation of privacy, permissible use, discipline and discharge, intellectual property, harassment, brand risks, defamation, security and productivity.

OFF THE SHELF

The final chapter offers recommendations for why a policy should be in place and to whom it should apply. Sample policies are included for email, Internet use, blogging, user-generated content and social media. The language used in the policies reflects the authors' contention that human dignity and freedom of expression should be a key value throughout all policies regarding use of technology. Written in clear language with detailed annotations, *The Law of Employee Use of Technology* is a valuable reference book for HR professionals.

Howard Simkevitz, BA, MSPPM, LL.B, is a senior associate director at Bell Canada, where he provides consulting services in the areas of privacy and cybersecurity. Simkevitz has authored numerous papers on privacy, information technology and internet regulation.

Avner Levin, BSc, LLB, LLM, SJD, is the director of Ryerson University's Law Research Centre as its Privacy and Cyber Crime Institute. His work on workplace privacy, privacy online and other topics has been funded by the Privacy Commissioner of Canada's Contributions Program.

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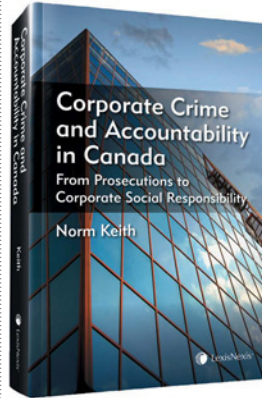
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Corporate Crime and Accountability in Canada: From Prosecutions to Corporate Social Responsibility

LexisNexis, 2011

By Norm Keith



Described as the scourge of the 21st century, author Norm Keith outlines the evolution of corporate criminals and to what extent the law can hold corporate criminals accountable for their actions. Corporate accountability, he argues, can occur if regulators move away from moral panic and the traditional criminal justice system and adopting the concept of Corporate Social Responsibility (CSR).

Keith provides a lock-step process to outline: corporate liability; Bill C-45; a catalogue of corporate crimes, rights of corporations under the Charter; defences to criminal and strict liability offences; and sentencing for corporate offenders. In the final chapter, Keith outlines new directions in corporate accountability such as monetary penalties, alternative dispute resolution, corporate social responsibility and Bill C-300 (on Corporate Accountability).

Corporate Crime and Accountability is an instructive read, providing clarity around the concept of corporate social responsibility and the movement toward establishing legal recognition of its principles. While defining CSR, argues Keith, may be difficult or perhaps undesirable, CSR activities centre around four goals: human rights, labour standards, safety standards and occupational health and safety and environmental responsibility.

This extensive review of corporate criminal liability and offences in Canadian law and how they may apply to corporations gives HR professionals an inside look at the justice system. Keith challenges the notion that stiff penalties against corporations are the best way to handle corporate crime and invites readers to consider that one must balance the need to hold corporations accountable against the important role corporations have in society.

Norm Keith is a partner at Gowlings LLP with 28 years of advising, representing and defending corporate and individual defendants in regulatory and criminal prosecutions. **HR**

Alyson Nyiri, CHRP, is a freelance writer, researcher and consultant specializing in human resources and career development issues.

INDEX TO ADVERTISERS

ACCOMMODATIONS

Delsuites Inc. 48

ADMINISTRATIVE STAFFING

Toronto CFA Society 52

AFFINITY SOLUTIONS

Venngo 21

ASSESSMENT

D.L.G.L. Ltd. 16

ATTORNEYS/LEGAL SERVICES

Dorian N. Persaud 44

BACKGROUND CHECKS & EXIT INTERVIEWS

The Garda Security Group Inc. 19

CONFLICT MANAGEMENT SERVICES/PROGRAMS

Stitt Feld Handy Group 41

CORPORATE EDUCATION

Stitt Feld Handy Group 41

EMPLOYEE INCENTIVES & RECOGNITION AWARDS

Telus Sourcing Solutions 9

EXECUTIVE DEVELOPMENT & TRAINING

Queen's School of Business, Queen's Executive Development Centre 15

EXECUTIVE RECRUITMENT

Lannick Group Inc. 44

HR SOFTWARE

Telus Sourcing Solutions 9
The Ultimate Software Group Inside Front Cover

HR SOLUTIONS

Telus Sourcing Solutions 9

INSURANCE & FINANCIAL SERVICES

The Personal Insurance Inside Back Cover

LABOUR & EMPLOYMENT LAW

Emond Harnden LLP 46

LEGAL SERVICES

Kuretzky Vassos Henderson, LLP 48
Shields O'Donnell MacKillop LLP 3

MANAGEMENT TRAINING & DEVELOPMENT

IPM - Institute of Professional Management 10

ONLINE RECRUITMENT

Canadian Institute of Chartered Accountants 10

OUTSOURCING

Telus Sourcing Solutions 9

PAYROLL/HR SOLUTIONS

Telus Sourcing Solutions 9

RECRUITMENT - FINANCIAL

Robert Half International - Accountemps 46

SAFETY RESOURCES

Board of Canadian Registered Safety Professionals 44

STAFFING & EMPLOYMENT SERVICES

jobWings Careers 53

TRAINING & DEVELOPMENT

Training Business Pros Outside Back Cover

TRAINING PROGRAMS - DESIGN & DELIVERY

Psychometrics Canada Ltd. 46

UNIVERSITY EDUCATION/ TRAINING

Concordia University 7, 41
Queen's University IRC 4



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POLITENESS COUNTS: 7 TIPS TO IMPROVE YOUR PROFESSIONAL AND PERSONAL ETIQUETTE

Etiquette expert Deborah McGrath, an active member of Toastmasters International, has accumulated a wealth of “civility tips” to enhance our personal and professional lives. McGrath notes that proper etiquette can be immensely beneficial on a daily basis. In public you never escape scrutiny. You can’t afford to get caught on details that prevent you from appearing prepared, poised and polished.

She offers the following tips to focus on to improve our business and personal etiquette skills:

1. Eye Contact: Ensure you make direct eye contact with your new acquaintance (business or social). This means that eyes do not gravitate lower (than eye level)—you risk not putting your best foot forward!

2. Entrance: Room entrance in a business or social setting should entail some time for reflection, and taking in the surroundings. This allows everyone, including others observing and yourself, to absorb the ambience, creating an open and friendly one. McGrath recommends that you have a human moment, and reconnoitre a bit before fully entering the room. If you happen to be making a presentation, do your homework about who you will have to meet to help you set up your presentation effectively.

3. The Handshake: Impressions are made as rapidly as 1/20th of a second (meaning a decision about whether to befriend or do business with you) and so a good handshake is crucial. This is initiated at a 90 degree angle—the ideal position for showing strength. The handshake should incorporate a firm clasp (web to web) and no more than two hand pumps.

4. Posture: Posture is also important and you should make it a point to carry yourself well as people do notice—especially when you don’t!

5. Introducing Yourself: When you introduce yourself, ensure that your name is well heard. This requires good articulation. People can only do business or socialize with you if they remember your name well. They certainly can’t call upon someone whose name they just heard in a “fuzzy” way, so you need to spend the time to pronounce it clearly and to associate it with something memorable.

6. Introducing Others: Introductions in a business setting takes rank (but no longer gender) into account. So if you are introducing the VP Marketing, ensure you say “Ms. VP Marketing” this is “Mr. New Hire,” and not the other way around!

7. People Skills: Lastly, ensure that your people skills are up to date and that you are respectful and polite—the hallmark of a business professional or consummate host in a social setting.

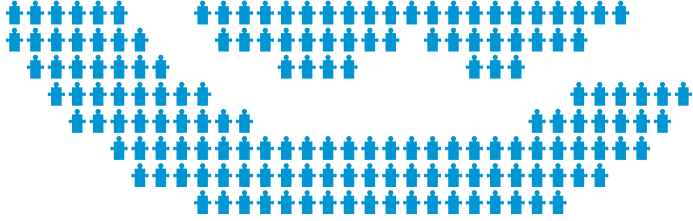
Take the time to employ the simple and useable tips above and see your business, social or academic results soar! **HR**

For the past decade certified and trained Etiquette expert Deborah McGrath has helped clients overcome challenges ranging from social anxiety to shyness. By offering a new form of intelligence: etiquette and protocol intelligence, McGrath has helped adults, teens and children face fears—and win, feel more confident and comfortable, and move with ease and grace through a myriad of academic, business and social arenas. For more information, contact McGrath at deborah@millarmcgrath.ca or visit www.millarmcgrath.ca. Visit Nilésh (Neil) Shreedhar, MBA, CHRP, HRMC at his website, <http://neilshreedhar.com/default.aspx>.





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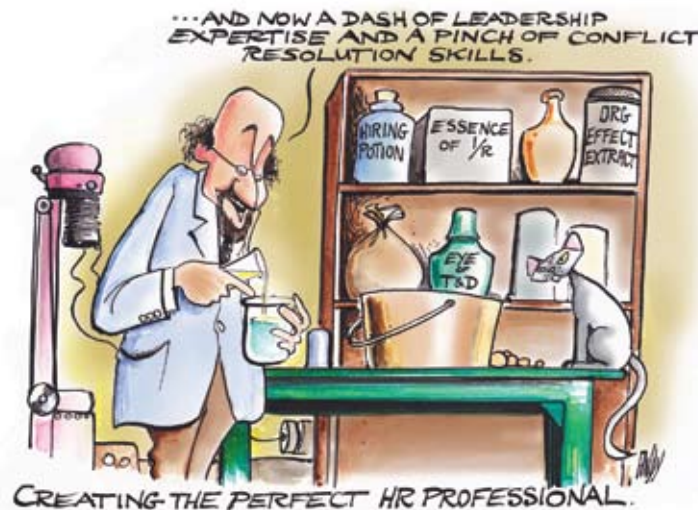
We are extremely excited to announce the launch of the new University of Windsor Law School Executive Certificate in Conflict Management. You can complete it in under one year, without quitting your day job. To earn the Executive Certificate, you must complete the following six courses:

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Advanced Alternative Dispute Resolution

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online Negotiation



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- effective collective bargaining
- aligning people with the right job

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Experience has taught us that the best way for people to develop conflict management, negotiation, and communication skills is through practice. Our workshops involve case studies, thought-provoking discussions, small group exercises, lectures, demonstrations and videos. Our training is practical and immediately applicable. Visit our website to see biographies of our trainers. We practise, and research in the areas we teach. You will get the most up to date and advanced training.

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Alternative Dispute Resolution (ADR) Workshop



What is Alternative Dispute Resolution (ADR)?

ADR processes provide practical ways to resolve workplace disputes. Two of the processes we focus on are principled negotiation and interest-based mediation. Principled Negotiation, developed at Harvard, is an approach to negotiating that allows you to look behind the positions and focus on the underlying interests in order to find a solution that makes sense and maintains relationships. In an interest-based mediation, a mediator assists disputing parties to negotiate. Mediation can help re-establish trust and prevent damage to relationships. Mediation can save time and reduce financial and emotional costs.

Public sector departments, ministries and state enterprises are turning with increasing frequency to ADR to resolve workplace disputes. For example, “as part of a Public Service Staff Relations Board mediation pilot project, ADR processes successfully resolved 85% of grievances within the Canadian Federal Government”. *ADR vital part of modernizing public sector, Barrie White, Workplace News.*

At this workshop you will learn how to mediate disputes while preserving relationships and how to negotiate your way through tough situations.

Day 1

- What causes conflict?
- What are your negotiation tendencies?
- How do you avoid negotiation pitfalls?
- Which style is better, a competitive or cooperative one?
- How can you avoid making dangerous assumptions?

Day 3

- How do you prepare for a negotiation?
- How do you deal with strong emotions?
- How can you be more persuasive?
- How can you get people to listen to you?
- How do you handle a number of people at the table?

Day 2

- 7 Elements of Principled Negotiation?
- How do you deal with difficult people?
- How can you be creative to get better results?
- What should you disclose in negotiation?
- When should you say yes and when should you walk away?

Day 4

- How do you find people’s underlying interests?
- How do you mediate to resolve disputes?
- How can you resolve workplace conflict?
- How can you prevent mediations from getting out of control?

“The ADR Workshop was by far the best course I have attended in my 30+ year career in HR. A must attend for HR Professionals. I have used the tools on a regular basis.”

- Dan Heard, HR
Ministry of Community & Social Services
Bleinheim

“Absolutely essential to anyone in a people management role. I wouldn’t change anything! The instructors were very effective and speaking from personal experience was very helpful”

- Danielle Germansky,
Manager, Scotia Bank
Toronto

40 CHRP recertification points by HRPATM

Workshop includes 6 negotiation case studies, 3 mediation case studies, 1 video and a mediation demonstration.

Experienced coaches supervise mediation case studies.



Dealing With Difficult People Workshop



You will learn how to prepare for difficult conversations, deliver messages powerfully, confront someone calmly and respectfully, overcome the fears that lead you to avoid conversations, how to end a difficult conversation and recognize personality differences. You will have the opportunity to complete the Myers-Briggs Type Indicator-Step II ® * and receive a customized report containing insights into your personality type and the personality types of others.

Day 1

- What makes a conversation difficult?
- How do you start a difficult conversation?
- How do you confront bad behaviour?
- How do you deal with difficult people?
- How do you identify personality types?
- How do different personality types contribute to problems in the workplace?

Day 2

- What triggers you and others?
- How do you avoid common mistakes?
- How do you manage emotions?
- How do you get to the root of a problem?
- How can you disagree without escalating the conflict?
- How do you prepare for a tough conversation?

Day 3

- How do you deal with difficult conversations in the workplace?
- How do you deal with difficult conversations at home?
- How might you manage your own responses better to make the conversation less difficult for you?
- How do you know when to end a difficult conversation?
- What is the best way to end a difficult conversation?
- How do you conquer fears around a difficult conversation?



* Myers-Briggs Type Indicator Step II (Form Q) Interpretive Report © 2001, 2003 by Peter B. Myers and Katharine D. Myers. All rights reserved.

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Workshop includes the MBTI exercise (all of day 1), 5 exercises, and 3 case studies.

On day 3 you will also practise a specific skill or conversation that you have identified. The facilitators will be available to answer any questions.



Registration Information

Please register me for the following workshop(s):

visit sfhgroup.com/ca for more dates.

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- ADR WORKSHOP, **Toronto**, May 29 - June 1, 2012, \$2,300+HST
- ADR WORKSHOP, **Toronto**, July 10-13, 2012, \$2,300+HST
- ADR WORKSHOP, **Ottawa**, July 17-20, 2012, \$2,300+HST
- ADR WORKSHOP, **Toronto**, August 14-17, 2012, \$2,300+HST
- ADR WORKSHOP, **Toronto**, October 1-4, 2012, \$2,300+HST
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CANCELLATION POLICY

Up to two weeks before the workshop - 50% of workshop fee. In the two-week period prior to the workshop - full fee. We accept substitutes.