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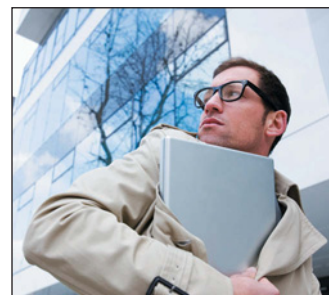
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SHLOMO BEN-HUR

Shlomo Ben-Hur is an organizational psychologist and a professor of leadership and organizational behaviour at the Switzerland-based IMD, a top-ranked business school. He has 25 years of corporate experience in multinational organizations, including senior roles with BP, Daimler AG and the Mercedes-Benz Credit Corporation. He teaches in the Advanced Strategic Marketing Program, the Breakthrough Program for Senior Executives, Orchestrating Winning Performance and the Program for Executive Development. He discusses the fragile state of talent management—and offers some advice to start addressing the issue—on [page 26](#).



MALCOLM MACKILLOP

Malcolm MacKillop is a partner at Shields O'Donnell MacKillop LLP. He spent over 17 years practicing employment law with two national law firms, the last several years as the national practice leader of the employment law practice. His practice is focused on providing employers with strategic employment-related advice and litigating disputes. Over the last 20 years, MacKillop has been a successful trial lawyer, professional speaker, professor of law, an author of several highly acclaimed legal texts and a regular columnist for *The Globe & Mail* and the *Toronto Star*. He is a current board member of Human Resources Professional Association and the legal editor for *HR Professional*. He discusses morality and ethics on [page 18](#).



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EVAN GREEN

Evan Green, LL.B., is a partner at Green and Spiegel LLP in Toronto. Green has extensive experience in all areas of Canadian immigration and U.S. immigration and is the firm's lead in the area of U.S. immigration. He has specialized in corporate immigration and, specifically, in the transfer of senior executives and workers into both Canada and the U.S. He also is a leading practitioner in the area of U.S. consular processing. He is a recent chair of the American Immigration Lawyers Association-Canada Chapter. Green has been named as a leading Canadian Corporate Immigration Attorney in the *Who's Who Legal of Corporate Immigration*, as well as selected by The Best Lawyers in Canada editions for the specialty of immigration law. He discusses Labour Market Opinions, on [page 69](#).

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Do you like *HR Professional's* new look? After five or six years of a good thing, we felt it was time for a change. But the change is more than cosmetic—it reflects our continuing emphasis on articles with ideas on strategic HR and its role in the future of work, in Ontario, in Canada and globally.

In this issue, our writers and contributors explore the fragile state of talent management, as Professor Shlomo Ben-Hur terms it. Writer J. Lynn Fraser delves into the need to adapt and be agile in our changing world, and writer Stephen Murdoch discusses managing a two-tier workforce.

HR Professional's sage columnists also offer advice on career literacy and development, ensuring ethical and moral behaviour in your workplace, how to avoid “cyber incivility,” protecting your workplace through immunization, and more.

This issue will be distributed at HRPAs annual conference, in Toronto. I hope to see you there! As always, you can contact me directly at lblake@naylor.com, or post on our Facebook page, at www.facebook.com/#!/HRProfessionalMag.

Cheers,



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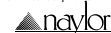
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Leadership matters



BY DAPHNE FITZGERALD, CHRP, SHRP

ALIGNING EDUCATION TO LABOUR MARKET DEMAND

A key ingredient to a prosperous, innovative and competitive Canada in 2025 is an education system that offers viable, practical training based on the realities of the labour market. And central to meeting this demand for skilled workers will be Canada's colleges, polytechnics and vocational schools, according to HRP's recent CanadaWorks 2025 whitepaper: *The Role of Colleges and Vocational Schools in Achieving a Prosperous Future*.

In Canada, it's long been held that a university education is a prerequisite to a good job and a solid future. And while that may have been true in generations past, today Canadian universities are helping to feed a disconnect—producing graduates in fields with few jobs and a workforce that's "overeducated and underemployed." In 2009, the top three fields of undergraduate study in Canada were social and behavioural sciences, business management and the humanities, which together accounted for 50 per cent of total enrollment. Meanwhile, at least 70% of jobs in the future will

require an education in health care, technology, science and engineering. "The numbers speak for themselves," states the report, "a general education in the humanities will support neither the worker nor the workforce of the future."

REVISITING THE ROLE OF COLLEGES

If our education system is to support our economy, sustain our workforce and help propel us to the Northern Tiger status envisioned in last year's CanadaWorks 2025 report, colleges and vocational schools will need much more support. According to *The Role of Colleges and Vocational Schools in Achieving a Prosperous Future*, if we are to better align education to shifting labour market demands, we need to:

- Increase funding of colleges and polytechnic schools. Currently, only 1.25 per cent of \$2.9 billion in federal funding goes to colleges—the rest goes to universities and research hospitals. Canada's colleges must receive more to avoid a critical skills shortage in the near future.

- Use labour market data to project demand for skills, both in the near and distant futures; and on a rolling basis, amending those projections as the data change.
- Based on labour market projections, provide specific, targeted support to programs and disciplines that will be in demand in the future.
- Increase Canada's presence in the World Federation of Colleges and Polytechnics. The WFCP offers best global practices in education, thought leadership and public-private partnerships.

I also strongly believe in the need to have more Certified Human Resources Professionals (CHRPs) volunteer their time as HR advisory committee members—most Canadian community colleges and universities providing HR-specific programs have such a committee and are often looking for willing volunteers to provide insight and advice. The voice of HR leaders is invaluable to those setting post-secondary human resources program curricula, both in terms of what the business world needs from its HR professionals today and what's anticipated will be required from the human resources profession in the future. As one such committee member, I can guarantee that the time is well spent and for every minute volunteered more is gained in personal growth and learning. ●

CANADIAN UNIVERSITIES ARE HELPING TO FEED A DISCONNECT—PRODUCING GRADUATES IN FIELDS WITH FEW JOBS AND A WORKFORCE THAT'S "OVEREDUCATED AND UNDEREMPLOYED."



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For more information, visit www.womenofinfluence.ca/advance.

HRPA: Updates to CHRP Recertification Terminology

The Human Resources Professionals Association (HRPA) is renaming the Certified Human Resources Professional (CHRP) designation maintenance requirement.

As of June 1, 2013, HRPA's CHRP "recertification" requirement will be renamed the "continuing professional development" or CPD requirement. In addition, instead of converting professional development hours to "points" by multiplying each hour by 1.5, that conversion calculation is removed and activities will be reported in hours. This means that instead of a triennial requirement to accrue 100 points, CHRP members must meet a triennial requirement to accrue 66.67 hours (or 66 hours and 40 minutes) of CPD.

The new terminology is more consistent with the way other professionals describe this requirement. For instance on January 1, 2011, the Law Society of Upper Canada introduced a continuing professional development requirement for both lawyers and paralegals in Ontario.

Using the term "continuing professional development" instead of "recertification" better aligns HRPA with other professional regulatory bodies and better describes the nature of the activities being reported.

For more information to the changes, please visit the Office of the Registrar section on the HRPA website at www.hrpa.ca.



Expectations Gap Threatens Talent Search: Study

One-third of Canadian senior executives are prepared to deliver the gift of employment to job seekers in 2013, but the challenges of finding top talent and a gap between the expectations of employers and candidates threatens to derail the process. These and other findings of a Workopolis study surveying Canadian senior executives are found in a report, called *Mind the Gap*. The infographic [at the right] offers study highlights.

First-of-its-Kind Career and Employment Website for Canadians with Vision Loss

Project Aspiro, a career planning and employment website for people who are blind or partially sighted, launched at the end of November 2012. The digitally accessible website also supports service providers, friends and family and employers.

Individuals with vision loss experience the highest unemployment or underemployment rates of any group in Canadian society. Project Aspiro was designed to ensure individuals who are blind or partially sighted have equal access to information so they can be independent, productive members of society.

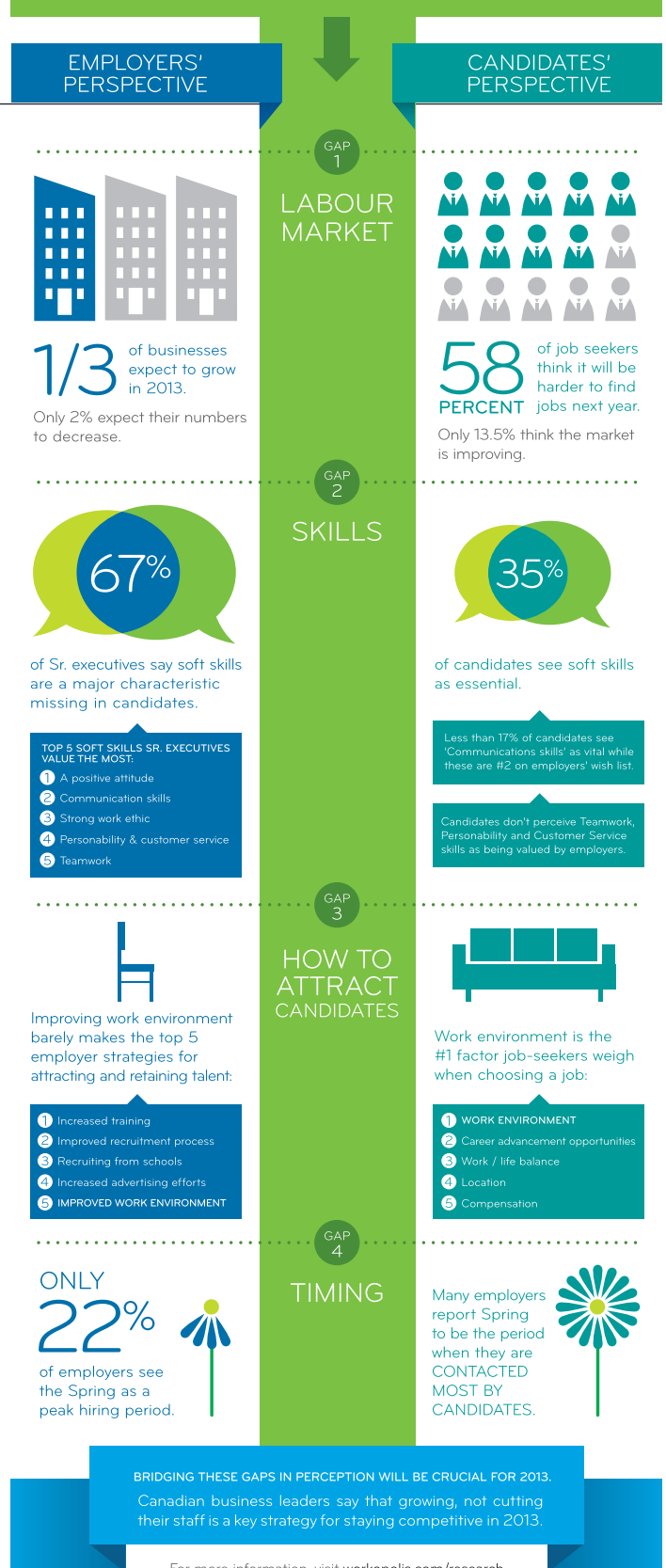
Created in partnership with the World Blind Union and CNIB, the website is generously funded by the Ontario Trillium Foundation.



To learn more, visit www.projectaspiro.com.

MIND THE GAP

Despite persistently high unemployment, Canadian business leaders say they are still having difficulty finding the candidates they need. One of the reasons for this could be the disparity in perception between employers' perspectives and those of the average job seeker.



Less than Half of Canadian Firms Make Talent Management Top Priority

Fewer than half of major organizations regard talent management as a top priority, according to a survey of 91 Canadian companies by Right Management, the talent and career management expert within ManpowerGroup.



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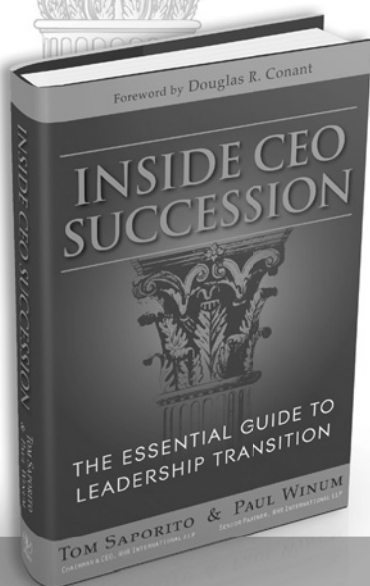
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DO MORALITY AND ETHICS IN THE WORKPLACE STILL MATTER?

BY MALCOLM MACKILLOP

Perhaps this title for a workplace column is too provocative and even too silly to use, but asking the question may be worthwhile.

Morality and ethical conduct questions continue to arise in the workplace despite so many employment law decisions and despite all the corporate policies that employers have introduced over the years.

Most employers accept the reality that a serious case of moral or ethical misconduct can result in large monetary claims and can also cause serious injury to the reputation of the company and to those who work for it.

Do employers have the right to set the moral or ethical standards for their employees? If so, should employers have a right to go beyond the four walls of the workplace in enforcing their policies? If employers undertake this task, what should they do to achieve this objective?

What kind of behaviour are we talking about? The types of conduct that possibly fall within the description of moral or ethical misconduct are varied and numerous, but here is a list of perhaps the most obvious:

- theft (including time, money, documentation, equipment, product);
- sexual misconduct (including sex harassment, consensual sexual relations with a co-worker, pornography);
- conflict of interest (including working for a competitor or your own business, disclosure of competitive information);
- dishonesty (including expense fraud); and
- drug and alcohol abuse.

The simple answer is that moral or ethical behaviour in the workplace does matter. Moreover, employers absolutely have the right to manage their workplace in a manner that is

consistent with a good reputation in the community. There is no doubt that a highly publicized case in any one of the above noted areas can result in a serious legal and public relations battle for an employer. Whether the conduct occurs within the workplace or after hours may not minimize the potential harm that can be suffered by the employer. Therefore, prudence would dictate that employers must be concerned about both on-site and off-site misconduct where the company's reputation might be at risk.

So what should you do as an employer to establish the moral or ethical benchmark for your employees? Here are a few suggestions:

1 Use employment contracts: Take the time to seriously consider what moral and ethical standards you want to clearly articulate as being a requirement of the job. Some positions may require more clarity than others, so





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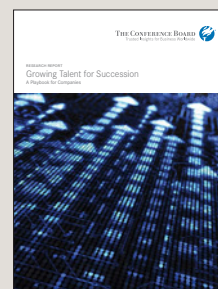
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This report, published by The Conference Board of Canada, is a playbook that explains how every business can lay the foundation for a growing talent (GT) plan. The plan includes four phases: linking GT to strategy, managing the talent pool, accelerating talent development, and measuring their own impact.



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legal words

consider targeting only management-level employees with clear contractual language.

There is certainly a growing trend among employers to clearly outline in an employment contract, at the beginning of the employment relationship, what specific behaviour will not be tolerated by indicating that an employee will be terminated for cause if they engage in specified misconduct. No doubt, this provides a clear message to your employee and it also makes your case much stronger should you need to defend yourself against a wrongful dismissal lawsuit. Referencing your corporate policies in the termination clause is a common practice that should be encouraged.

2 Implement and distribute policies: Some employers still believe, incorrectly, that you don't need a policy to inform employees that certain conduct is immoral or unethical. Regrettably, just-cause cases are never that clear and the court is always going to weigh the misconduct against other contextual factors. In the world of just-cause litigation, the contextual-analysis approach to cause cases makes even the clearest of cases uncertain, so policies have a huge role to play. A well-drafted policy that outlines what behaviour is deemed inappropriate and that the penalty will be termination for cause, is a serious hurdle for any employee to overcome. Although a court is not bound to enforce a policy, that does not mean that it will not pay serious attention to the policy or give the policy a certain amount of weight in weighing all the evidence in a case.

What is critical to a policy being enforceable is that the employer must show that the policy was distributed to the employees and must be able to show that the employee was aware of the policy. Simply having a corporate policy tucked away in a binder of policies is not going to provide the employer with any assistance when the time comes to seek enforcement

of the policy. Many employers are now distributing an annual acknowledgement by email that requires every employee to respond that they have read and understood the policy. This is a cost-effective way of annually reminding your employees that these policies are important and that they must be adhered to.

MANAGING MORAL AND ETHICAL CONDUCT IN THE WORKPLACE IS A RESPONSIBILITY AND RIGHT OF AN EMPLOYER.

3 Education and training: There is nothing more effective than regular education and training if an employer expects to enforce its corporate policy. Courts have repeatedly noted that employers had failed to educate their workforce on a critical policy when refusing to side with the employer in a cause case. Courts are much more likely to enforce a policy on sexual harassment or conflict of interest if the employer has taken the time and incurred the expense to educate its workforce on a key policy.

4 Consistent enforcement: The one problem that repeatedly surfaces during litigation is the employer's failure to consistently apply the policy. If an employer expects a court to enforce its policy it needs to be able to show the court that the policy is applied fairly and consistently to all employees not just to the employee in question. Simply stated, similar misconduct deserves similar corrective action. Although there should always be a weighing of the relevant factors in every case, a clear breach of a clear policy should yield the same corrective action.

5 Monitoring the workplace: Last but certainly not of less importance, is the requirement to monitor the

workplace. Social media has definitely heightened awareness of the need to monitor the adherence to corporate policies. Employers need to communicate clearly to their workforce that employees should have no expectation of privacy when it comes to monitoring the use of the corporate computer system. Another example is

that employers should regularly audit the expense claims of their employees. Filing false or inflated expenses is theft and a serious form of dishonesty. Many employers have implemented surveillance or searches where employees are working with valuable product. Again, this type of enforcement is consistent with a corporate policy and puts employees on notice that the employer is both serious about its policy and will take serious corrective action where there has been a breach of the policy.

At the end of the day, managing moral and ethical conduct in the workplace is a responsibility and right of an employer. Although it may be more difficult to enforce a policy that reaches beyond the workplace, in some cases it will be appropriate to do so. The best strategy for an employer is to have clear contractual language, clear policies, education and consistent application, if it wants to minimize the risks and the costs associated with offensive misconduct. ●

Malcolm MacKillop is a partner at Shields O'Donnell MacKillop LLP. Over the last 20 years, MacKillop has been a successful trial lawyer, professional speaker, professor of law, an author of several highly acclaimed legal texts. He is also the legal editor for HR Professional.



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BY ALAN KEARNS

REWRITING THE RECRUITING RULES

Do you like to play it safe and follow the rules? You know, the “traditional” rules used by most recruiters such as: “Don’t call us, we’ll call you.” As HR professionals, there is a tendency to want to honour rules. In fact, you are often involved with helping to shape policies that create a sense of fairness and order in an organization. Rules have their place, but heck, nobody got to the moon (and back) by following the rules exactly as described in the NASA policy manual.

Job hunting has, too. I was having a conversation with a new client who shared her dilemma: “I sent out three resumés to positions that I was a perfect fit for on paper and have had no responses. Do I need a new resumé?” she asked.

This person is extremely well qualified for the positions she was applying for. In fact, she discovered later that some of the people hired were less qualified than she was. She is a very sharp and capable person, who followed the conventional job-hunting rules and got lost in the shuffle. Yes, we did help create a new resumé for her, but that wasn’t the core of the problem.

Following the rules, whether for job-hunting or advertising, is fairly ineffective—you will most likely get lost in the crowd. Lest you think this is something only those in career transition struggle with, getting the attention of the market is challenging these days, and even global brands struggle with it.

This relates to a very clever and unconventional advertisement for

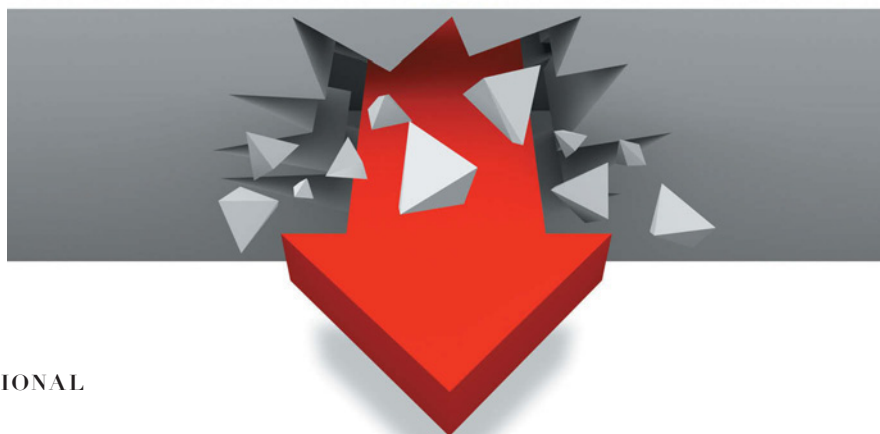
a Porsche deal in Toronto (www.ittybittyurl.com/j1g). H. J. Pfaff Porsche is a company that has grown extensively. So, if you want to sell a Porsche, what do you do? Traditionally, you put ads in magazines that wealthy people read and place advertisements in areas that wealthy people frequent.

Or, you can do this: You take a new Porsche, park it in the driveway of high net-worth homes and take a picture of the car in its “new home.” Then, print the picture and drop it in the homeowner’s mailbox. This is unconventional and has some inherent risk attached, but it *is* innovative. Yes, they have a terrific product to

market; however, they are not resting on their laurels. This campaign proves to me that they are looking for new and unconventional ways to convince others to consider their product.

Did it work? There was a 32 per cent response rate to the Porsche direct mail piece, compared to traditional direct mail pieces, which get two-to-five per cent responses.

How does this relate to job hunting? You can think and act in a conventional manner by sending out resumés, and hope that people respond, and then be prepared for a fairly low response rate. Or, you can be creative, take some risk and lower the “ignore” rate.



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We were looking for a new member of our team. I had a number of applicants send me resumé; I posted it on Twitter, on our Facebook page and LinkedIn. But there was only one candidate who stood out. Without realizing it, she used the Pfaff methodology. What did she do? She took a risk—she sent me a picture of her home office, she also sent me a PowerPoint presentation entitled "10 Reasons You Should Hire Me."

Just like H. J. Pfaff Prosche, which is finding ways to be innovative and standing out from the competition, she got my attention and that is half of the battle. We did take her through the normal interview process and she impressed us with who she was as a person, but also by her thoroughness and the extra things she did to stand out from the competition. She was creative, flexible in the process, responsive and just genuinely down-to-earth and smart.

Yes, you have to innovate and find ways to stand out. Even more importantly, you need to deliver on the goods.

What was the end result? This was a 100 per cent success rate for her, based on her innovative efforts. She has joined our team and will be working as our manager of client experience.

Relying on conventional thinking has never had more risk attached. You already know hiring managers are too busy and have too many options. If you want to stand out from the competition, well, you have to stand out. And what about the client who was not getting the responses she expected? We are now working with this client to help her innovate and stand out. Don't be shy, and don't be afraid to rewrite the rules, or you risk getting lost in the shuffle.

Alan Kearns is head coach and founder of CareerJoy, Canada's career and leadership coaching company. For more information, visit www.careerjoy.com.



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The fragile state of

The traditional talent deal is dead—challenges and strategies for developing new approaches

BY SHLOMO BEN-HUR

Globalization offers business immense possibilities: bigger markets, more sources of innovation and—in theory, at least—a wider, deeper pool of talent. That's the good news.

The bad news, though, is that large parts of the world are already facing talent gaps. Even with the downturn-driven workforce surplus we currently have, many organizations are still finding it difficult to find workers with the right skills and talents to meet their needs.

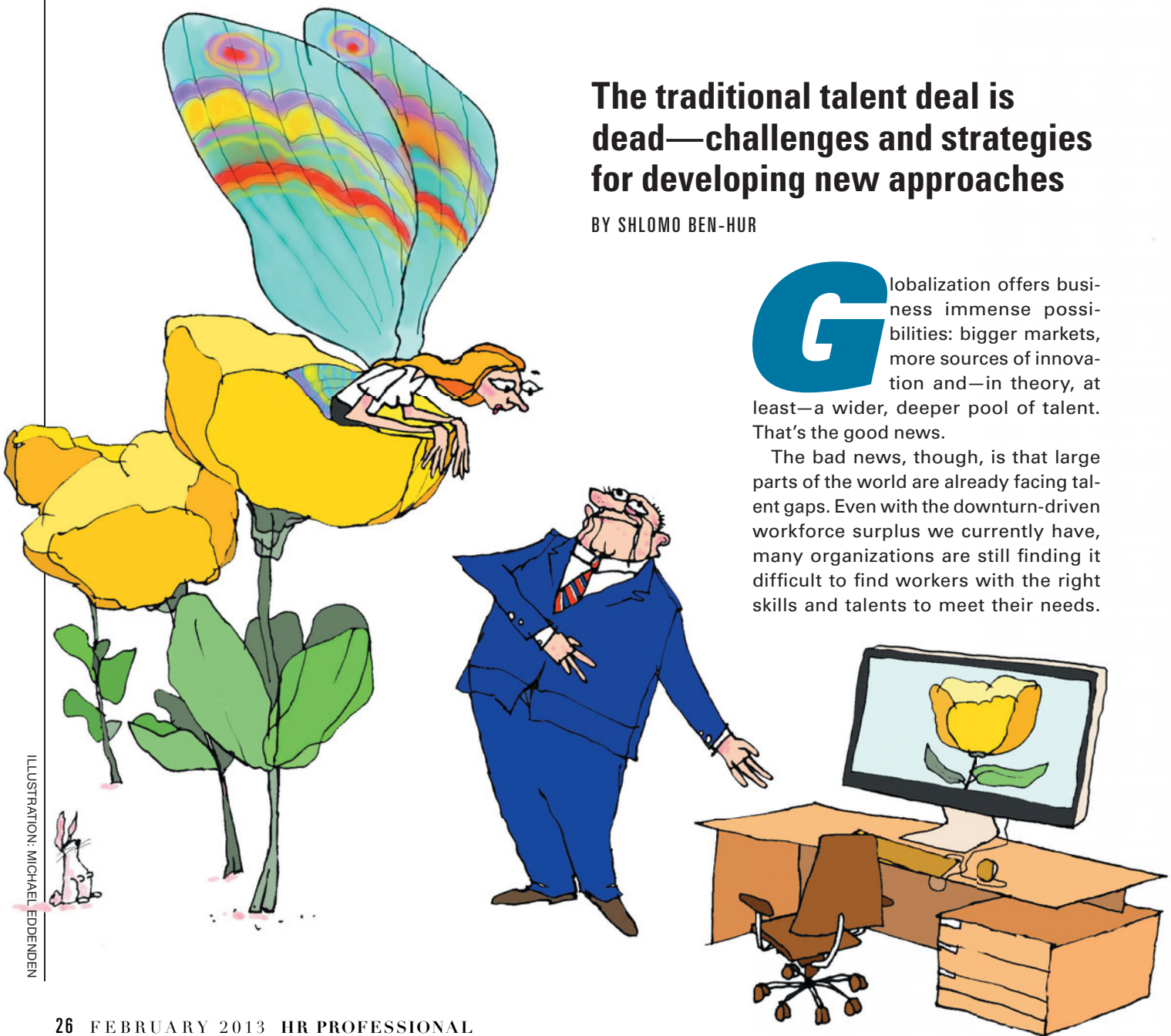


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talent management

Last year, more than half of the CEOs questioned by DDI, a global talent management business, said that their talent pipeline was not growing fast enough, while other surveys found that organizations are already facing enormous difficulties in finding and keeping the people they need to grow their businesses. Some 68 per cent of organizations report that they struggle to fill vacancies, while 55 per cent face challenges in keeping the employees they do have.

And the really bad news is that this situation is going to get worse. A lot worse. In the years to come four key pressures will make these challenges ever more difficult.

The aging population—The first issue affecting talent is simple demographics: populations are getting older. By 2050 the number of people aged 65 and above in the G7 and BRIC nations will have doubled, while China will see the number of workers supporting each senior citizen drop from 10 to 2.5. Rethinking retirement will provide some of the shortfall, but only some of it; the proportion of the workforce available to work will steadily decrease.

Increased demand—The other side of this coin is that to support this aging population, we are going to need more workers, and lots of them. In fact, to sustain economic growth the U.S. will require an additional 25 million workers by 2030 and Western Europe will require a staggering additional 45 million workers.



WE MAY BE NECK-DEEP IN A DOWNTURN-DRIVEN WORKFORCE SURPLUS NOW, BUT THE TREND IS CLEAR: DEMAND IS GOING TO INCREASE AND SUPPLY IS GOING TO DECREASE.

Employability—Organizations are becoming increasingly concerned about whether high school and college graduates leave education with the skills needed to contribute to the modern economy. In countries such as the United States and the United Kingdom, fewer people are studying much-needed technical disciplines such as engineering, science and mathematics. Alongside this, only a quarter of professionals in India and 20 per cent of those in Russia are considered employable by multinational companies.

Changing talent pool—A final force at play is the fact that people are changing, or at least their expectations are. Generational changes in the psychological contract between organization and employee are appearing as younger workers expect more than just financial returns and

are more willing to change employers and travel to get what they want. We are already seeing this, too, with some recent fascinating research showing that large numbers of senior leaders no longer want to be promoted further, although only a minority of them will admit this to the business. So organizations are going to have to work harder to attract, keep and motivate talent.

We may be neck-deep in a downturn-driven workforce surplus now, but the trend is clear: demand is going to increase and supply is going to decrease. Popular thought at present—in the Northern Hemisphere, at least—is that Asia will help bridge any workforce gaps, but the region will not remain a reliable source for long. By 2020, in less than eight years' time, India is likely to be the only major global talent pool that continues to be

cover feature

a net exporter of workers. So, in the decades to come, organizations will be competing for employees on an unprecedented scale.

Current approach to talent management outdated

What makes this all the more worrying is that less than half of executives rate their existing performance and talent management activities as effective, while less than a third of leaders think that their company has got leadership selection and development right. So

what is going wrong with the current approach to talent management?

Well, part of the issue here is that the traditional talent deal is outdated. Historically, talent management was based on the assumption that the initial investment involved in hiring and training someone would be recouped over time as the person settled into the role and started creating value for the organization. However, modern turnover rates mean that a sizeable proportion of employees leave before these costs have been

covered. So financially, the old deal just doesn't make sense any more.

A related issue is the demand-planning challenge, which exists because internal and external environments—and hence labour needs—are less predictable now than in the past. It is also exacerbated by the way in which many companies view and manage their talent. All too often, external talent is assumed to be better and internal talent is not visible or accessible. The result is overreliance on the external market for talent, plus reduced retention levels as people become fed up with being pigeon-holed and the consequent lack of internal opportunities.

What makes this all the more difficult is that knowing what works is not as easy as it sounds. There is not a wealth of thorough research available and what is out there is usually published by vendors and

PART OF THE ISSUE HERE IS THAT THE TRADITIONAL TALENT DEAL IS OUTDATED: MODERN TURNOVER RATES MEAN THAT A SIZEABLE PROPORTION OF EMPLOYEES LEAVE BEFORE THESE COSTS HAVE BEEN COVERED.

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other interested parties and so unreliably subjective. Even when there is consensus on what works, consultants and HR specialists often end up making things worse by creating well-intentioned yet ultimately not value-producing bureaucratic processes. Not that business leaders are blameless here, either: recent studies have found that only seven

per cent of organizations hold managers accountable for developing their reports and that only a tenth hold a regular talent review with their boards.

So what's to be done?

The starting point has to be identifying which activities and processes will actually add real value to your

business. So, think about what kind of talent you need, what you are currently doing to manage your talent needs and which of your current activities are genuinely making a measurable difference. Next—and this is a big one—you need to find a way of getting leaders and managers to own and actually invest time in talent management and development.

That means:

- setting explicit expectations with clear incentives;
- creating visibility and accountability through relevant metrics that are aligned with your strategy;
- supporting managers with training where required; and
- making sure that, as a business leader, you walk the talk.

Next, clarify strategy and ownership. Get in real specialists with a deeply pragmatic approach and integrate all talent and development-related areas behind one point of accountability. Distinguish between different types of talent or employee types and assess the talent you do have to establish how good it is and to identify who is succeeding and who is not. Create fluid talent pools instead of static succession plans; have a clear view of your resourcing and retention strategies alongside this. Remember: don't forget that you need to look at this globally.

Finally, audit your activities every year. Do not expect amazing outcomes from year one and do not rely on vendors for validation studies. Instead, establish both leading and lagging metrics that are commercially relevant to your business—these could include engagement, intention to leave, pipeline capability levels and future demand. ●

Professor Shlomo Ben-Hur is an organizational psychologist and a professor of leadership and organizational behaviour at the Switzerland-based IMD, a top-ranked business school. For further information, visit www.imd.org.



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Managing a two-tier workplace

Understanding the risks and benefits of a trend that seems to be here to stay

BY STEPHEN MURDOCH & LAURIE BLAKE

The use of temporary, or contingent workers is one trend that has gained strength as a result of the recent economic downturn, and seems to be here to stay. However, according to Jeff Nugent, president and managing director of Contingent Workforce Solutions, the trend to hire temporarily, or on a contract basis, is only partly driven by

employers' reluctance to hire too many permanent staff during what remains uncertain times. It's also driven by demographics and available skills sets.

In a 2010 study, called "Temporary employment in the downturn," StatsCan reported that those on contracts comprise more than half of all temporary workers. In other words, not all temporary workers are seasonal, or doing precarious work.



In fact, Nugent notes the demographics reveal an interesting story. On one hand, Nugent notes there's still a large body of baby boomers out there who "have got their 25 years in and the gold watch," but either can't afford to be fully retired or are still active and aren't ready to give up all work. But, they want to work on their own terms and not necessarily full time. Employers, reluctant to hire more full-timers, are happy to bring

back these older workers to fill skill and leadership gaps.

The second demographic component consists of the millennials—a group of fast learning, tech savvy, high achievers who are disinclined to remain with an employer if they're not getting what they want. "They look around and see what consultants are charging per hour, compared with their \$60,000/year, see contract work as better paying and go get themselves GST/HST registered and set up shop," says Nugent.

So, what are the issues employers and their HR departments face when managing a larger contingent workforce? As it turns out there are a number of issues, ranging from understanding who actually can be classified as a self-employed contractor, how properly to set up contracts and documentation to ensure neither the employer nor the individual is at risk from such bodies as the CRA, workers' compensation board, etc., and how to manage a two-tiered workforce composed of both full-time and contingent workers.

Challenges for HR

In April 2012, HRPAs surveyed human resources professionals from across Canada regarding the trend of using contract workers. Kristina Hidas, vice-president of human resources research and development with HRPAs, says the survey discovered, "Half of the respondents felt they were well equipped to manage a two-tier workforce. Whereas, 40 per cent of those surveyed felt equipped to handle a two-tier workforce, but felt they could use more support. In other words, 88 per cent feel prepared to manage the contract workers currently in their workplace."

Results from the survey indicated that challenges largely revolve around integrating contract workers into a workplace, without blurring the lines of their employment contract. Managers in human resources will face the challenge of bringing contract workers into the workplace

for a specific period of time, including them in teams and teamwork and then managing the end of their contract.

Hidas expects the two-tier workplace to become the norm in the Canadian workplace. According to the survey, managing a contingent workforce is part of the mandate of a majority of human resources professionals. Only 10 per cent of those surveyed work at organizations in which there are no contract workers at all. Of those that responded, 40 per cent predicted that the number of contract workers at their organizations will only increase in the future.

Looking ahead, the survey also revealed that a majority of human resources professionals believe more can be done to integrate contingent workers into corporate culture. "A majority of respondents from our survey advocated in favour of integrating contingent workers into the culture of the workplace, noting the importance of including those workers in as many workplace activities, both social and professional, as possible. This process can be supported, and made easier, by having the right policies in place that are driven by business and that outline a specific defined start and end date for the contract worker," Hidas notes.

Not all employees are the same

Employment lawyer Stuart Rudner believes it is crucial for those working in human resources to work alongside management and counsel to do their due diligence. "All too often, employers choose to hire workers 'on contract' due to a misconception that they are required to provide all employees with benefits, or that it will be easier to terminate the relationship," says Rudner.

However, he warns, "This is not only false, but treating someone as a contractor when they are truly an employee in all but name exposes the employer to unwarranted risks if the worker is found by the Canada Revenue Agency or a court to be an



“AN EFFECTIVE ON-BOARDING PROGRAM IS ESSENTIAL TO INTEGRATE A CONTINGENT WORKER INTO THE ORGANIZATION AND TO CREATE A HIGH-PERFORMING TEAM.”

employee. Ultimately, there is no requirement that all employees be offered the same benefits or compensation. Every employee has their own contract of employment, unless they are part of a bargaining unit. Rather than artificially calling someone an independent contractor in order to avoid benefits or dismissal obligations, organizations can use strategically drafted employment agreements in order to maximize their rights and minimize their obligations.”

As one of Canada’s leading lawyers specializing in human resources, Rudner is well aware of the nuances of working in a two-tier workforce. He is often asked whether it is permissible to treat workers differently in Canada. “It is important to distinguish between unionized and non-unionized environments. In unionized workplaces, employers are governed by a collective agreement and must negotiate the terms of employment with the union. There can be two

or more tiers of workers, but that is something that must be negotiated globally.”

However, when it comes to other workplaces, Rudner notes, “There is no law requiring that all employees be treated equally and there is nothing illegal about paying one worker less than another for the same work. Of course, distinctions cannot be based upon protected grounds under human rights legislation, such as ethnicity or gender and cannot breach pay equity requirements.”

Rudner feels that there can be potential issues that human resources may face on a day-to-day basis when it comes to leading a two-tier workforce. “Putting legal issues aside, there is, of course, significant potential for discord and frustration in workplace with two-tiers. Management and human resources professionals need to be mindful of this and do whatever they can to address the underlying issue. As we

all know, unhappy workers tend to be unproductive workers,” he says.

Here to stay

Samina Sial, HR consultant with HREnable, which offers customized human resources solutions to small and medium-sized businesses, also knows the challenges and opportunities of leading a two-tier workforce. “When hiring a contract or temporary worker, the major concern is employee retention. Recruiting is an expensive process and an employee could decide to terminate the contract before completion or not renew the contract if a more lucrative offer is presented, even though their skills still may be required by the organization, she notes.

“Another issue with a two-tier workforce is the knowledge gap that may exist once the temporary employee has left the organization, especially if the transition of knowledge is not managed properly.”

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Sial explains the challenges human resources professionals might encounter when it comes to dealing with a two-tier workforce on a day-to-day basis. "Due to the downturn in economy, employers tend to favour towards temporary employees with the perception that it may be cost effective, but in some cases, the cost may be very high. The recruiting

process is time-consuming and the constant turnover can create a lot of extra work for human resources professionals. Furthermore, recruiting for highly skilled workers can be very challenging at the best of times."

She believes the two-tier workforce is here to stay. "I believe the trend towards a two-tier Canadian workplace is already the norm in some

industries, but others are just beginning to be introduced to the idea. In the long term, I do believe with changes in the employment law focusing on a higher risk and accountability on employers combined with the downturn in economy, a two-tier workplace will become the norm."

In the coming years, Sial feels there will be a substantial learning curve



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for human resources professionals. "This will be a challenging area for human resources professionals as the human resource function focuses on company goals and objectives. I personally don't believe a lot of human resources professionals have analyzed and developed a process to manage a two-tier workforce or even begun to realize the challenges that could occur. It will certainly be an interesting time for those working in our industry."

For companies to succeed, Sial believes integrating the temporary workers in a two-tier workforce will be of the utmost importance. "An effective on-boarding program is essential to integrate a contingent worker into the organization and to create a high-performing team. Management training would be another factor to consider, so that those leading the company have the skills to assist an employee with the process. When all is said and done, separation in a two-tier workforce will only hurt productivity." ●



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301 to 400 Employees	2	2	37,214	36,707	37,720
More than 400 Employees	26	51	38,116	35,000	40,004
Geographic Region					
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Toronto	10	12	37,090	35,090	38,375
York/Durham Region	12	13	38,846	34,987	41,338
Peel Region	15	21	37,490	35,000	38,770
Greater Golden Horseshoe Area	10	21	38,225	36,672	40,301
Mid-Western Ontario	9	14	35,843	31,000	38,521
Southern Ontario	5	6	32,792	31,130	34,250
Northern Ontario	6	9	33,467	30,700	35,801
Industry					
Automotive Parts / Assembly	9	10	40,335	37,379	45,000
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Skills in Demand: The Competitive Advantage of Social Media

BY J. LYNN FRASER

These days, social media is about more than posting holiday photos and keeping in touch with high school friends.

Social media venues are both social and business destinations. In many cases, the distinction between the two can be blurred when everyone can potentially have at least one “personal brand.” Increasingly, “speaking” and understanding social media are becoming the *lingua franca* of business. Successful job applicants will be those who are fluent in social media communication in addition to the knowledge gained through their traditional degrees.

“As the economy continues to be fuelled and driven by creativity and the creative class, we will continue to see a greater emphasis on analytic[al] and critical thinking skills,” states Dr. Richard Florida, director of the Martin Prosperity Institute and professor of business and creativity at the Rotman School of Management, University of Toronto. “We will see a rising need of highly developed social skills that help us develop necessary relationships and networks. These social skills include persuasion, social perceptiveness, the capacity to



bring the right people together on an initiative, the ability to help develop other people, and a strong sense of empathy. These are leadership skills needed to innovate, mobilize resources, scale growing organizations and launch new businesses and initiatives in the creative age."

Social media strategies are gaining ground in augmenting traditional business models. A 2010 survey ("Leading Through Connections") of 1,500 chief executives by IBM's Institute for Business found that "creativity" was considered a key tool in a business's success due to the increasing "complexity" of the global

marketplace. "Reinventing" customer relationships was also cited as being important by these chief executives as was having "greater operational dexterity."

Reinventing Customer Relationships

Such creativity and dexterity was demonstrated recently in the "Find Red" campaign by Mars Canada for its M&M's candies. Users were encouraged to utilize their knowledge of Google Street View, YouTube, the Internet, QR codes and Twitter. The prize for the winner who assembled the 100 clues scattered across these social media sources was a red Smart car. The campaign generated 8.4 million social media impressions, that is ad or web page views, as well as seven million scans of the campaign's QR code and more than 200,000 Twitter notations.

**SOCIAL MEDIA
FLUENCY ENHANCES
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FROM ARTS AND
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Being fluent in social media means more than understanding the grammar or technical language of social media—it means being creative by drawing on users' fluency within social media and understanding a particular community's interests and values. This fluency also opens a business's access to niche markets and non-traditional sources of labour because social media acts like a passport into different communities. In the case of M&M's Find Red campaign, it was the ability to link the message of the campaign with social media.

Social media fluency enhances traditional knowledge gained from

arts and sciences degrees. Well-rounded and literate job candidates and employees, at all levels, extend their value to their employer by becoming portals to a vast number of local and global professional and personal communities. The CEOs surveyed by IBM viewed the future of the marketplace as well as that of social, political and economic systems as being increasingly integrated. Success in the future would depend on "fresh thinking and continuous innovation at all levels of the organization."

Social Media Savvy a Unique Skill

Florida, author of *The Rise of the Creative Class* and *The Great Reset*, believes that, "We will see a rise in creative class jobs in the future... people who earn their livings by working with their minds...success for many of these professionals will be dictated by their abilities to effectively communicate and disseminate their work; social media will be one tool in an array of many necessary to master and utilize for reaching a wide and diverse audience."

A recent poll conducted by Queen's University School of Business* found that more than one-third of the 400 business leaders surveyed believed that: "Being Twitter and Facebook-savvy is a unique skill"; one-third also felt that social media was "at least important as speaking a second language (36 per cent) and having international work experience (32 per cent) when recruiting for new employees."

A facility with social media can be seen as promoting career opportunities for candidates. Additionally, this facility makes candidates more visible to potential employers. "An individual's representation of his or herself online affects their competi-

*Queen's School of Business, 'Canadian Execs Divided on Value of Social Media, but Plan to Keep Spending', <http://business.queensu.ca/news/blog/canadian-execs-divided-on-value-of-social-media-but-plan-to-keep-spending>.



feature

tiveness in the job market. [Today] 91 per cent of recruiters research candidates online," comments Peter Harris, editor-in-chief, Workopolis.

Three-quarters of the executives in the Queen's survey believed that social media "is making it harder for older employees to compete in the workforce." Kerry Philpot CHRP, senior manager of operations with Social Media Group, a social media strategy consulting group, agrees, noting that her firm finds sites such as LinkedIn a valuable resource for providing references. That an individual with "an active social media presence has a good network and has an understanding of social media."

Richard Branson, founder and chair of the Virgin Group of companies, views social media as a means to respond in real-time to customer concerns and to improve products and services, notes Jack

TODAY, ELOQUENCE FOR A BUSINESS, A JOB APPLICANT AND THOSE IN THE WORKFORCE MEANS BEING ABLE TO TRANSLATE VALUES, CORE MESSAGES AND ABILITIES INTO AN EFFECTIVE DIGITAL IDENTITY.

Preston in his blog Richard Branson—The Importance of Social Media (www.ittybittyurl.com/j1m). Branson also recognizes the importance of establishing a personal relationship with his customers. Over 2.4 million people read his tweets, with 250,000 following him on Facebook and 2.9 million on Google+.

Branson's example is not unusual. A 2012 study by *Social Media Examiner*, a global social media magazine, surveyed 43,800 marketers worldwide finding that 83 per cent

of the marketers surveyed believed that social media was important for their business. Three quarters of those surveyed stated that they would be increasing their presence on YouTube and using video marketing. The survey asked respondents their questions about using the power of social media. They responded with questions such as: how are social media strategies created?; how are different social media platforms utilized?; how to match a business with the right platform?; and what social

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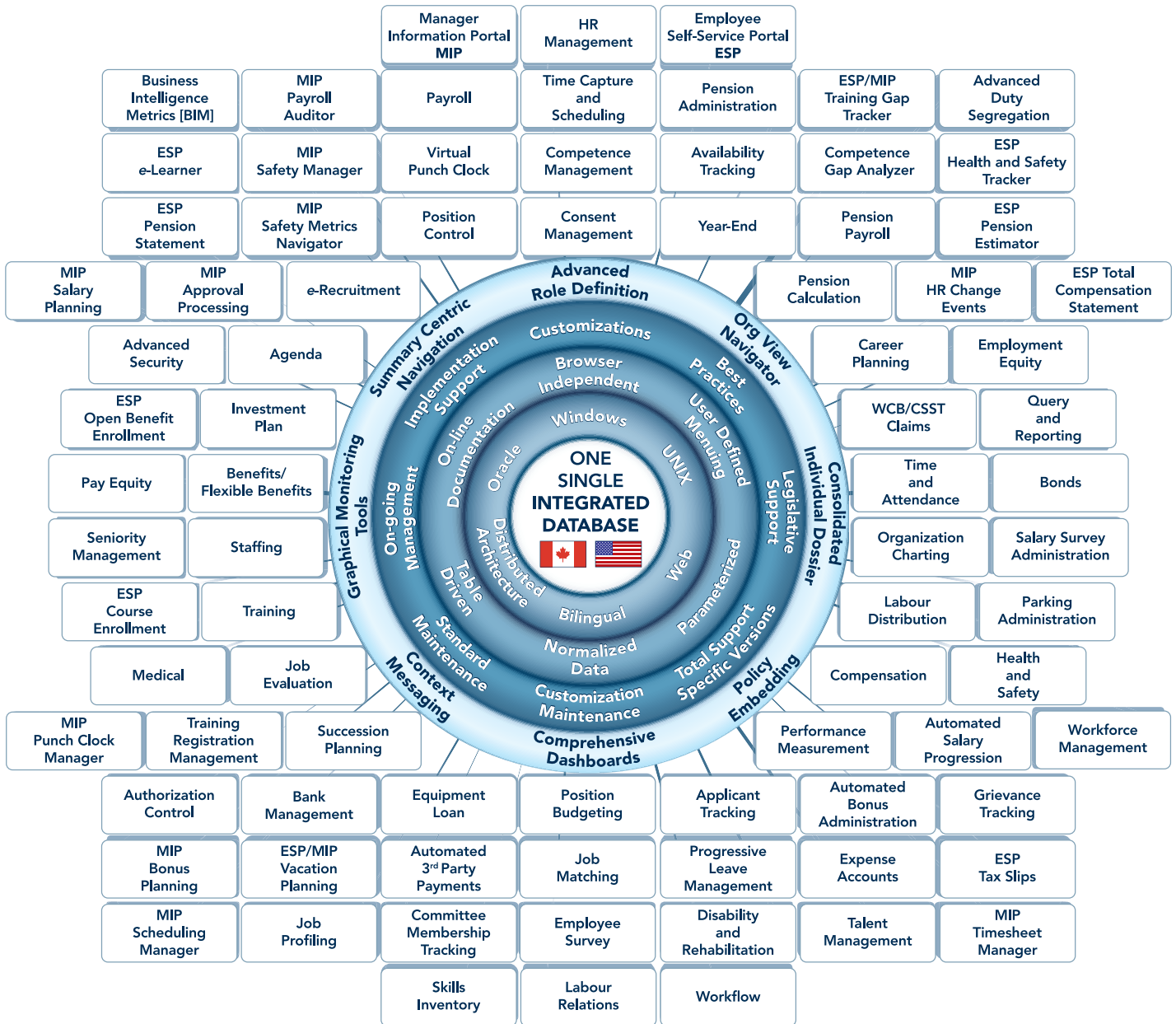


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media tactics are most effective? Career opportunities exist for individuals who can provide the services that answer those questions.

Workplaces need to be open to social media

In the future, businesses will rely on employees who can communicate fluently using social media and who have an understanding of a particular community. This is an area where traditional degrees and skills are augmented by social media skills. Philpot comments that workplaces need to be open to social media use in the workplace. "Social media is a phenomenal tool if the right policies are in place and can enhance the



workplace experience. To be social media literate is part of our lives."

Dr. Nihar Biswas, a professor of engineering at the University of Windsor, notes a change in his students' teamwork skills from 10 to 15 years ago. Their access to social media has, he believes, "enhanced" their communication skills and they are "more professional" due to the "strong team and networking skills" their use of social media has developed. An employee's facility with social media is not unlike a stock that pays dividends over time with the employee's social media skills adding increasing value to the employee and his or her company over time.

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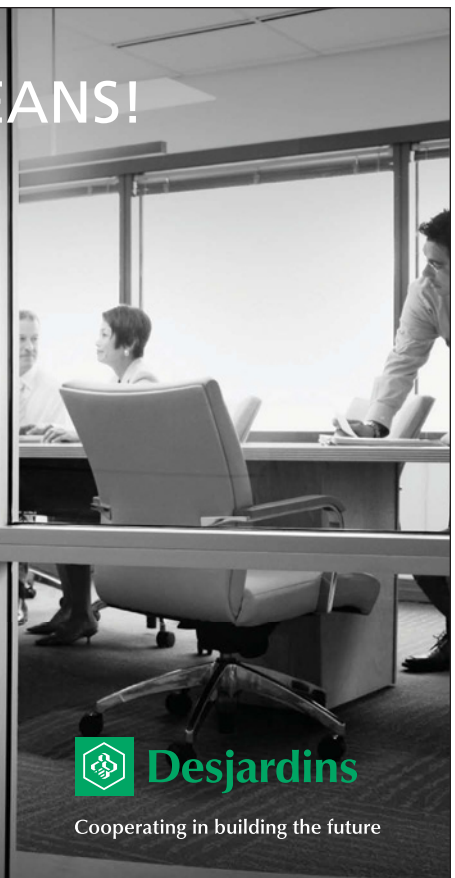
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**THE FINANCIAL TIMES OPEN ENROLMENT
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Legal perspective

"Social media is a powerful tool by which a lawyer can project himself or herself to users of legal services and to colleagues in the legal community—for purposes of marketing, networking and general profile building," comments James D. Kondopulos, a partner with Vancouver-based Roper

"IT'S AN ELEVATION OF THE FIRST IMPRESSION, BEING ABLE TO USE INFORMATION, DISSEMINATE INFORMATION, AND BUILDING AND PROTECTING A BRAND PRESENCE."

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"Social media is important for information gathering and researching, and [to receive] late breaking news, to stay abreast of developments in the case law and legislation, and to build a valuable client base," Kondopulos observes. "A lawyer with a well-developed web presence—for example, a strong LinkedIn profile and a workplace law blog—will likely have a better platform from which to market, network and raise his or her profile in the [legal] community; will likely have access to a large network of clients and prospective clients; and will likely have a high level of professional recognition among his or her peers. There is a potential benefit [to the firm] that flows from such a web presence."


A facility with social media is not just a skill set. It's a way of looking at communications and communities. "We have learned to think differently. In the new communications the audience interacts with each other on social platforms," states Peter Harris, editor-in-chief for Workopolis. "It's an elevation of the first impression," Harris observes and notes that social media is about "being able to use information, disseminate information, and building and protecting a brand presence."

Today, eloquence for a business, a job applicant and those in the workforce means being able to translate values, core messages and abilities into an effective digital identity. ●

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CYBER INCIVILITY IN THE WORKPLACE

BY NAREE SONG

Email has its upside: it's fast, cheap, and easy to use. But a looming issue—one often seen as relatively unimportant if not entirely overlooked—threatens to offset the gains of email communication in the workplace. That issue is cyber incivility. Since the term “cyber incivility” came into use, it has been associated with decreased job satisfaction, increased health-related expenses, as well as other costs to workplace efficiency and collegiality, to say nothing of potential public-relations catastrophes. Which is why corporations looking to steer clear of these outcomes should nip this workplace malfunction in the bud.

Cyber incivility, a term popularized by researchers Vivien Lim and Thompson Teo, refers to a “cold war,” usually between co-workers as a result of dubious or unprofessional if not downright aggressive and hostile online interactions. On an obvious level, emails that contain profanity, exclamation marks, character assassinations, personal attacks, and shouting matches in ALL CAPS, all fit under the cyber incivility umbrella, as do exchanges that broach politics or sexual matters. On a more subjective end of the spectrum, cyber incivility includes emails ridden with typos, void of salutations, or written in a condescending, bullying or threatening tone. As for those infamous “last minute” cancellations—they, too, may qualify, along with a host of other more passive forms of the phenomenon.

THE CULPRITS

Though cyber incivility can be likened to a “cold war” it differs from warring nations in one important respect: the opposing parties tend not to engage in

equal levels of hostility. Rather, cyber uncivil acts are typically one-sided. In most cases, upper level managers are the instigators while their subordinates are the not-so-lucky recipients. The logic behind this tendency is simple: bosses have fewer reservations when communicating to subordinates, while—to protect their jobs or simply to get along—the latter tend to censor what they say to supervisors.

Perhaps this is why despite its prevalence, cyber incivility continues to fly under the radar in corporations. Managers are either too ignorant or lack the self-awareness to auto-correct their own uncivil tendencies, while their fearful subordinates would rather “take it” than “give it back.” When asked if she encountered cyber incivility at her workplace, one HR agent at a large theme park resort in Florida described her manager as “the worst.”

“His emails are full of exclamation marks, all caps and typos,” the agent notes. And this coming from someone whose department is in charge of improving human performance!

THE COSTS

The ramifications of cyber incivility on both employees and corporations are many. First, cyber incivility has been known to erode motivation among employees. As a rule, subordinates want to do a good job so their managers, whom they see as gatekeepers, would think favourably of them in future promotions. When subordinates experience condescending or hostile remarks on the part of their supervisors, not only does such behaviour depress them generally, it has a particularly damaging effect on their sense of motivation. The poor treatment suggests there is little hope for advancement, so why should they



keep trying? Once such realization sinks in, job dissatisfaction is sure to follow.

In consequence, cyber incivility harms employees' productivity and performance. Rather than focus on work, employee victims of cyber incivility will tend to mull over where they went wrong, and whether (and how) they should try to mend relations, as well as how to avoid future run-ins with the uncivil party—their bosses. And while unhappy people may still be productive, it's reasonable to conclude that, all other things being equal, a happy worker is more productive than an unhappy one. It's also well-established that mentally distracted people are more likely to make errors.

Corporations may also face financial repercussions from cyber incivility. Apart from decreased productivity from workers, health-care expenses related to treatment of psychiatric issues caused by civil incivility can skyrocket. Since email came into common use in the workplace, according to researchers, corporations in the U.S. have incurred at least five-billion dollars' worth of medical expenses due to mental issues resulting directly from inappropriate uses of this mode of communication. Though more research needs to be done regarding the relationship between health-care expenses and cyber incivility, the effects of stress on a person's health and wellness have

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already been well documented: stress suppresses the human immune system and can lead to all kinds of ailments, including digestive issues, psychological distress, elevated blood pressure, and heart problems.

THE CURE

Though it may take some effort on the part of HR professionals to administer proper treatment, the disease known as cyber incivility can be cured. First, corporations should have systems in place for employees to voice their concerns. Even when individuals are reluctant to write up their own supervisors, as long as managers are aware that such tools exist, they'll be more likely to guard themselves against virtual misconduct.

Next, all workers should be educated about the issue. Firms should hold yearly seminars that stress the importance of respect and professionalism

with respect to all modes of workplace communication, including email. A company's HR department should make it clear to its employees—and especially to supervisors—that email correspondence should be treated with the same care as regular letters: with a comparable format, and appropriate, thoughtful, professional language and conventions employed. HR should also remind all employees to refrain from using excessive interjections and all caps, to pay attention to tone, to read over all drafts, and to include appropriate salutations and endings in all work-related emails regardless of brevity or length.

Lastly, since when communicating on smartphones, people tend to abbreviate and forego appropriate salutations and endings, HR should stress that the expectations for civility are the same when using such devices.

Because these solutions are relatively hassle-free and inexpensive, with no need to implement costly infrastructures, hire additional workers, or invest in expensive software or other tools or equipment, corporations should move quickly to implement these processes.

EVERYBODY WINS

Once such solutions have been implemented, the result will be a win-win situation for all parties. On HR's front, professionalism is restored. For firms, health and other related expenses are reduced. For employee "victims," job satisfaction, productivity, motivation, and a general sense of workplace professionalism and congeniality will be restored. ●

Naree Song is the assistant women's golf coach at Rollins College and a student in the master of human resources program.

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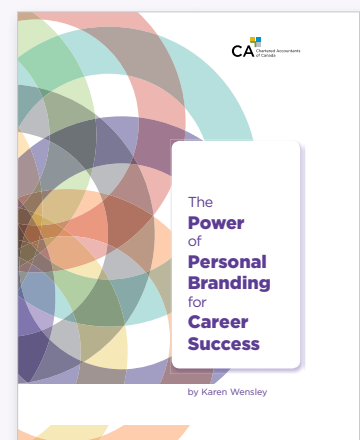
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IMMUNIZATION: IT'S YOUR BEST SHOT!

WHAT COMPANIES SHOULD KNOW ABOUT PREVENTING DISEASE

BY VIVIEN BROWN

Immunization is one of the most successful public health interventions in 100 years. Yet vaccinations—a proven health strategy that prevents disease and infection—remain undervalued and underused. Influenza takes a predictable toll on Canadian businesses. On average, 10 to 25 per cent of Canadians fall victim to the flu every year, resulting in lost-work time and lost productivity. Four thousand Canadians die from influenza a year, yet only 38 per cent of adults between the ages of 18-64 get a flu shot.

Despite a crippling SARS epidemic a decade ago in Toronto, massive publicity and public health initiatives aimed at convincing Canadians to get a flu shot, there remains a gap in immunization. Although public health offers free flu shots and research that shows influenza immunization in healthy working adults results in 43 per cent fewer sick days, we need a more aggressive, more user-friendly option for Canadians.

WHY ARE IMMUNIZATION RATES SO LOW?

According to, Dr. Paul Freedman, medical director of Medisys Corporate Health, which offers workplace vaccination clinics to companies across Canada, "People don't generally perceive themselves at risk when they are well and don't think about it until they get sick. There is also a misperception about certain vaccinations. For instance, the flu shot will not always prevent an individual from

contracting the infection itself," he notes.

"If they do get the flu, it most likely will be mild, and they won't need hospitalization or emergency care for a serious respiratory condition. However, the misperception persists that an individual will not get the flu at all, once vaccinated. Therefore, if they get that mild case, they tend to believe the shot didn't work as expectations were not clarified," Freedman adds.

Not only are disturbingly low participation rates among Canadian workers for the flu vaccine significant, but there are also other diseases that can easily be prevented through vaccinations costing the workplace huge amounts of money in both time lost and productivity.

OTHER VACCINATIONS

Consider two diseases where vaccinations have made significant inroads in preventing debilitating diseases: shingles and pneumonia. These diseases are commonly associated with individuals in the 50-plus age group, who are still in the workforce and likely to be key employees.

Shingles is a painful blistering skin rash caused by the varicella-zoster virus, the same virus that causes chickenpox. The virus remains inactive in certain nerves in the body from childhood. With stress, plus an aging immune system, the virus becomes stimulated once again and is reactivated. Upon reactivation, the virus erupts on the skin surface causing a painful blistering rash. After about 20 per cent of those with the

rash will go on to suffer from chronic nerve pain in the area of the skin affected. This pain can be severe and debilitating for months to years.

We now have a great vaccine to offer people over the age of 50. A vaccine that will reduce the number of cases by more than 50 per cent. But even more importantly, like the flu vaccine, if an individual does contract the disease, it tends to be minor and much less likely to cause nerve pain.

As the workforce population ages, interest in these diseases is growing. A recent



health & wellness

study about the cost in lost productivity was recently undertaken among workers that contracted shingles. The study revealed that 87 per cent lost productivity and 100 per cent of those with post herpetic neuralgia could not work or concentrate at work (Drolet M et al. *Vaccine* 30 (2012) 2047-2050).

Another disease, pneumonia, closely linked to the flu, can also

have a negative impact on the workplace. Pneumonia is a serious infection of the lungs usually caused by bacteria or viruses. Yet less than half the adults at risk are protected. On average, the cost to an employer is five times higher for workers who had pneumonia than for the overall population of workers. A pneumonia vaccine is now recommended

for everyone over the age of 65, as well as for high-risk individuals at a younger age.

HOW CAN COMPANIES COME OUT AHEAD?

"Employers should acknowledge the changing demographics in the workplace and provide preventative health education programs through lunch-and-learns and by making information available through newsletters and on websites," advises Freedman. They should also encourage older workers to consider vaccinations that provide protection for some of the more preventable diseases such as shingles, flu and pneumonia.

The Public Health Agency of Canada recommends workplace immunization programs as a cost-effective way to protect against the flu. The agency estimates that in an organization of 100 people, a flu shot program with a 40 per cent participation rate can pay for itself if influenza is avoided in just one employee.

Experts agree that a flu clinic delivers a predictable and measurable ROI. The cost per employee is low and the decrease in absenteeism is considerable. But there is another good reason to promote vaccination at work. Vaccination is a tangible, finite effort that absolutely has the best interests of all concerned at its core. This is a straightforward example of health promotion and disease prevention. And unlike other chronic diseases, requiring ongoing support, effort and attention, this can be limited, seasonal and has a clear finish line! ●

Dr. Vivien Brown, MDCM, CCFP, FCFP, NCMP is vice-president, medical affairs, Medisys Corporate Health. She is also a noted family physician, having been awarded the 2012 Family Physician of the Year from the Ontario College of Family Physicians. She is an international and national speaker on health prevention, wellness, continuing medical education and women's health as well as member of numerous advisory bodies for both the provincial and federal government.

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HR101

DOCUMENT, DOCUMENT, DOCUMENT HOW TO PROPERLY HANDLE EMPLOYEE DISCIPLINE REPORTS

BY COURTNEY DUSTI



Documentation and record keeping are not necessarily high on the priority list when thinking about the day-to-day responsibilities that encompass your human resources department, but maybe it's time your company took a closer look. It's important, even when just starting out in the HR field, to be aware of and understand how employee discipline reports are being handled in your company.

Let's say one of your recently terminated employees has filed a complaint with the Canadian Human Rights Commission (CHRC) and the commission is requesting documentation supporting the termination—do you know where to find this information? Are you confident that you, as an human resources representative, have the correct documentation on file with the correct signatures and supporting paperwork? A properly documented discipline report can be the difference between the dismissal of a complaint and a costly lawsuit.

Effectively administering and retaining discipline reports can also aid in successful workforce decisions such as promotions, demotions, special assignments and rehire eligibility. Implementing a proper procedure for discipline reports will provide your company with consistency and organization within employee personnel files as well as decrease potential litigation. Human rights complaints, termination appeals, unemployment claims and union grievances are all issues that can be expected to arise

in your department and can be handled, and likely avoided, with proper documentation. It's very plausible, for instance, that your company can be hit with a discrimination complaint that is upheld due to a lack of proper documentation.

Is your company taking the correct steps when administering, documenting, and retaining employee discipline reports? Here are five major factors to consider:

1 Progressive Disciplining

There are five types of documentation that should be issued to employees:

- Verbal Warning
- Written Warning
- Final Written Warning
- Suspension
- Termination

Employing the correct type of warning is important when administering discipline reports. Using these warnings in the correct order is imperative as well. It does not make sense (logically or legally) to issue a suspension to an employee who has committed his or her very first infraction with

the company, depending on the severity, of course. Progressive discipline needs to be utilized in order to track repeated violations and, most importantly, to give opportunities to coach the employee on the proper rules and procedures within the organization. Some flexibility can be used depending on the circumstances of the violation, but for the most part, these warnings should be administered sequentially.

2 Standardization

When administering discipline reports to employees, it is crucial that the process remains consistent throughout the company. A lack of standardization will undeniably increase your company's potential for liability. The same forms need to be filled out, the same procedures need to be followed and the same verbiage needs to be used when completing a discipline report. All reports must be fully completed and include the correct date and time of the incident.

The type of report should be clearly indicated at the top (verbal, written, final written, suspension or termination). Details regarding the occurrence should be explained using clear and concise professional language. Abbreviations and



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company jargon should be avoided as words and phrases can be misinterpreted to mean something else. The company policy that has been violated needs to be clearly stated and a plan of action for the future needs to be addressed as well. Let's put the issue of standardization into perspective.

For example, let's say you terminate a female employee for poor attendance. She has received three different

discipline reports regarding the issue before the termination. However, a male employee has received five discipline reports over the same timeframe as the female, but has not yet been terminated. The administration of these discipline reports has showed bias towards the female employee, whether it was intentional or not, simply because a standardized employee discipline process was not consistently followed. The female employee can now raise the issue of adverse impact and have a very strong case because the documentation will show inconsistencies

and therefore will work against you should this type of complaint arise. Standardization and consistency are essential when handling employee discipline reports. Extensive knowledge of these concepts needs to be mastered when entering into a human resources position.

3 Appropriate Signatures

There are four possible signatures that can appear on a discipline report:

- Employee signature
- Supervisor/Manager signature
- Witness signature
- HR Representative signature

Each and every administered report needs to be signed by the employee. This ensures that the employee has acknowledged and is aware of the discipline report even if he or she does not necessarily agree with the contents of the report. A comment section should always be included on

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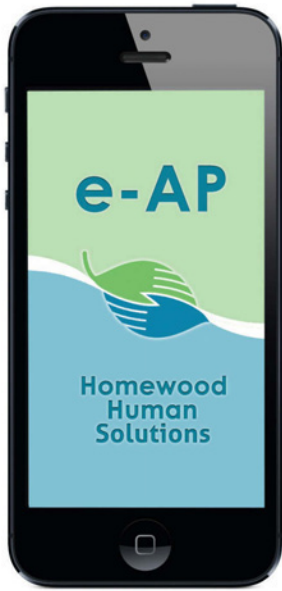
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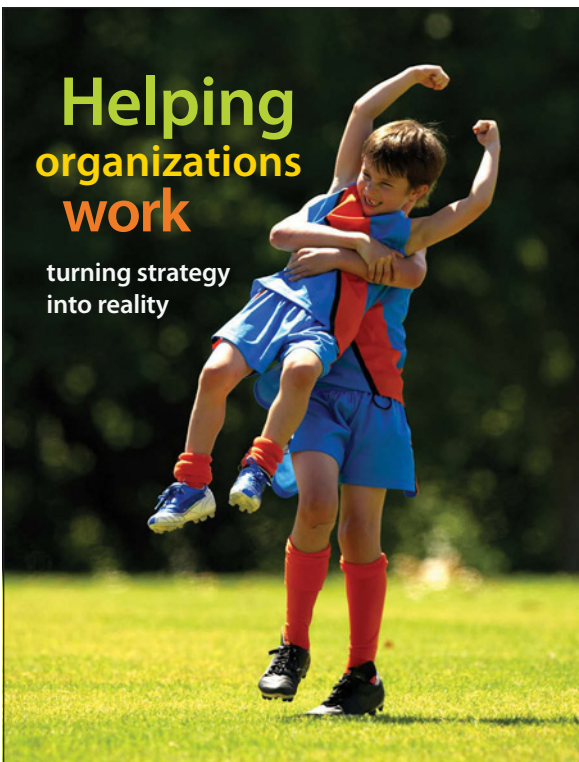
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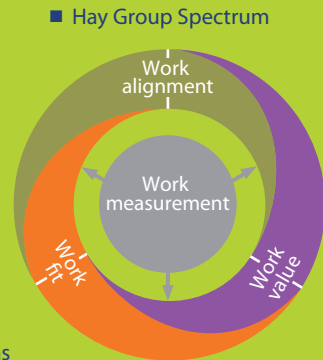


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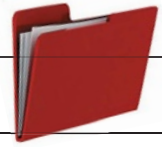
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all forms so that the employee has the opportunity to express their thoughts and concerns. If the employee refuses to sign, a witness signature should be used. The manager or supervisor that administered the report needs to include his or her signature as well. The last signature that should appear on the report is from a human resource representative. It should always be documented that a human resources representative has reviewed an employee discipline report.

4 Supporting Documentation

Often times, there will be additional documentation that is relevant to the employee violation that needs to be included with the discipline report. Examples of such documentation can include witness statements, time cards, pictures, social media and signed contracts. It is important to collect as much supporting

documentation as possible in order to justify any type of discipline report, especially if it is a termination.

5 Filing and Retention

Some companies have completely moved to an Electronic Document Management system, while others are still filing with physical folders. Many companies use a combination of the two. Whichever method your company uses, you need to ensure that all documents are filed into the correct employee personnel files and that the process is efficient and organized. Documents should be filed in chronological order with the most recent document on top. Separate security files also need to be utilized for documents that need to be filtered out of an employee's personnel file. For example, if a discipline report is getting filed that also has attached witness statements, those witness

statements should be placed into a security file with restricted access for confidentiality reasons.

Whether you represent a large company or a smaller one, employee discipline documentation is not something that an HR department can afford to overlook. Inconsistency in the documentation process can lead to unintentional bias that can easily lead to long, intrusive investigations and hefty legal fees. The reputation of your company could even be at stake. Why take the risk? Help make sure that your company has a standardized process for documenting employee discipline reports. Whether you're hands on in the process, overseeing it, or just starting to learn what the process is all about, involve yourself and be aware of what is going on in your company. ●

Courtney Dusti is coordinator, personnel records for NBC Universal Orlando, in Orlando, FL.

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Metric Category: Recruitment	Your Results	Average	10th	25th	Median	75th	90th	n	- / = / +
Metric Name	Score								
Vacancy Rate		10.2%	5.2%	7.6%	10.3%	11.2%	12%	11	
The percentage of positions being actively recruited for at the end of the reporting period.									
90 Day Turnover Rate		23.1%	4.9%	11.5%	16.9%	22.5%	47.4%	6	
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	
The percentage of employees with less than 1 year of service who left the organization involuntarily.									

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Interview

WITH AN
HR HERO

BY KIM SHIFFMAN



Norm Sabapathy: Strong Leadership Through Rough Times

Being a leader in HR means being able to lead during good times and bad. Nobody knows that better than Norm Sabapathy. The seasoned executive with more than 20 years of HR experience has spent the last decade at Maple Leaf Foods, a consumer packaged-foods company headquartered in Toronto. It boasts an award-winning, values-based culture that prides itself in leadership development and continuous improvement, but the organization has gone through its rough spots as well. In 2008, the company was forced to recall several products that were eventually linked to illness and loss of life. In 2011, corporate restructuring led to closed plants and hundreds of job losses.

But Maple Leaf Foods has come out on the other end stronger than ever. The same can be said for Norm Sabapathy. Here, he reveals what it takes to be a strong HR leader and what it's like to lead during rough times.

HRP: WHEN DID YOU DECIDE YOU WANTED A CAREER IN HUMAN RESOURCES?

NS: In university, I planned to be a lawyer. But as I investigated this option further, I wasn't totally convinced it was for me. Then I found out about the Master of Industrial Relations program at Queen's—which counted as one year toward my law degree—and after they offered me a big scholarship, it became a can't-lose proposition. I was offered an HR job prior to graduating and never looked back.

HRP: WHAT WAS YOUR FIRST HR JOB?

NS: I was a personnel assistant at a university. The fact that it was called "personnel" indicates how long ago that was! The role provided me with

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solid generalist HR exposure in a larger size, multi-union organization. It also taught me how to roll up my sleeves and work on practical solutions versus the creation of strategy, vision or operating models.

HRP: TELL ME ABOUT YOUR JOB NOW. WHAT ARE YOUR MAIN AREAS OF RESPONSIBILITY?

NS: As vice-president of human resources at Maple Leaf Foods, my job is to foster an engaged, capable and aligned workforce that can anticipate the market and deliver business objectives. That's imperative in today's complex global environment.

To help do this, we have a multi-year strategy focused on five key areas: strengthening the culture of accountability; developing superior people leadership; building a strong, deep talent base; fully engaging people; and maximizing value and service across the HR team.

My role is focused on ensuring these strategies come alive in the business in order to drive performance and results, and this engages me in such areas as talent management, employee and labour relations, workforce planning, organizational effectiveness and strategic planning, as well as serving a talented and geographically dispersed HR team.

HRP: WHAT DO YOU LOVE ABOUT YOUR JOB?

NS: I love making a difference and driving performance through people. I love working with talented people across all functions and levels who inspire me to be a better business leader. I love the award-winning, action-oriented and values-based culture at Maple Leaf. I love having the opportunity to coach others and see people grow as leaders.

HRP: WHAT ARE THE CHALLENGES IN YOUR JOB?

NS: One notable challenge is implementing what we call the Maple Leaf Foods Value Creation Strategy, which is a multi-year transformation that will yield significant shareholder value. This requires hundreds of millions of dollars in new investment and broad restructuring of our operations, resulting in multiple facility closures, building new facilities, implementing new technology and broad changes to how we do business. These are complex and challenging issues that affect every functional area with significant people impact—but the end result will be scale competitive operations and systems that uphold the Canadian food industry and help provide a global solution to food sustainability for an exponentially growing world population. It provides an opportunity for HR to not only partner with the business, but also lead strategy and implementation, shaping better decisions and outcomes.

Personally, I work at managing the challenge of being a balanced, positive and inspiring person at home, at work and in the community. My family routinely lets me know how I'm doing in that regard.

HRP: YOUR WORK EXPERIENCE IS MOSTLY IN LARGE, PUBLICLY TRADED CORPORATIONS. WHAT ARE THE UPSIDES AND DOWNSIDES OF WORKING FOR THAT TYPE OF COMPANY AS COMPARED TO WORKING FOR A SMALLER, ENTREPRENEURIAL FIRM?

NS: I think HR contributes in the same general performance areas regardless of the size of organization. The main difference for me in a large, publicly traded corporation is handling complexity and stakeholder management. Smaller organizations often have the benefit of providing a broader generalist business experience versus more specialized HR work, but I believe larger organizations can and should provide a similar opportunity within their business units, so HR professionals can develop generalist business skills.

HRP: WHAT'S IT LIKE LEADING HR DURING A VERY DIFFICULT TIME FOR AN ORGANIZATION?

NS: I've experienced leading HR through times when the very survival of an organization is at stake. I've found such situations demonstrate the importance of organizational values and culture when managing crisis

in a nutshell

FIRST JOB: I was a newspaper carrier. It taught me the discipline of getting up early every day, respecting my commitments, and also how to successfully collect money from people. There was no pre-authorized withdrawal back then!

CHILDHOOD AMBITION: I wanted to become a litigation lawyer and drive a Ferrari. Isn't it interesting how priorities change?

BEST BOSS AND WHY: I've benefited from many great bosses and one common reason the great ones were great is that they had humility.

CURRENT SOURCE OF INSPIRATION: My partner and three children inspire me to have the right perspective on life, enjoy wonderment in even the smallest things and believe in dreams and possibilities.

BEST PIECE OF ADVICE I EVER GOT: Candid feedback is a powerful gift—make sure you maintain your humility so that people keep on giving you this gift, particularly as you move higher up the organizational ladder.

FAVOURITE MUSIC: My playlists have everything from Vivaldi to Van Halen. If you pressed play on my iPod right now, you'd hear 80's rock.

LAST BOOK YOU READ: I just finished *Stepping Up* by John Izzo and it reinforced for me the value of believing in an end state, taking accountability and having courage to take the first step. It strengthened my belief that we need to look to ourselves to create change rather than looking to others and that each of us has the power to change the world.

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and I've experienced organizations becoming stronger as a result of working through difficult times.

I've also developed a strong belief in the resiliency of people, and how difficult times enable people to change, adapt and grow at a faster pace.

HRP: WHAT TIPS DO YOU HAVE FOR NEW GRADS OR THOSE IN ENTRY-LEVEL HR JOBS ABOUT MOVING UP?

NS: Don't focus too much on title, role or career path. Jump in, assume responsibility and figure out how you can contribute with practical solutions to the problems an organization is facing, no matter how small, or even if it's not technically an HR problem. Get to know the business and how it generates its bottom line. Don't be afraid to work in functional areas outside HR, like manufacturing, supply chain or sales; this will only make you a stronger business and HR professional.

HRP: WHAT SKILLS ARE MOST IMPORTANT FOR SUCCESS IN HR?

NS: The propensity to lead and execute—having high capacity for work, dealing with ambiguity and complexity, ensuring disciplined execution. The ability to develop individuals and teams, and to enable others to do so. Being able to develop credibility and influence across multiple levels; generating trust and a perception of impeccable integrity is essential.

You also need to be able to drive change and continuous improvement (and make it stick). Finally, the ability to provide insightful analysis and business acumen.

HRP: WHERE DO YOU THINK HR IS GOING? WHAT'S THE FUTURE OF HR?

NS: Changing markets, competitive pressures, social trends, technological changes, leadership shake-ups, acquisitions, divestitures and expansions are regular occurrences and HR

is at the forefront of ensuring people and organizations make it through these transitions successfully.

HR has the power to both make money and create value in a complex and dynamic global business environment. It's a well-known mantra that talent is an organization's most valuable resource; high-performance organizations recognize strong HR develops people solutions that yield bottom-line results and the competitive advantage that allows them to outpace their peers. It's a great time to be in HR!

HRP: WHAT OVERALL ADVICE DO YOU HAVE FOR STUDENTS OR RECENT GRADS IN HR?

NS: Learn to lead from who you are. In order to do that, you need to invest deeply in knowing who you are—and who you're not—as well as continuously understand how others perceive you. As you build your career, never take your foot off this gas pedal. ●

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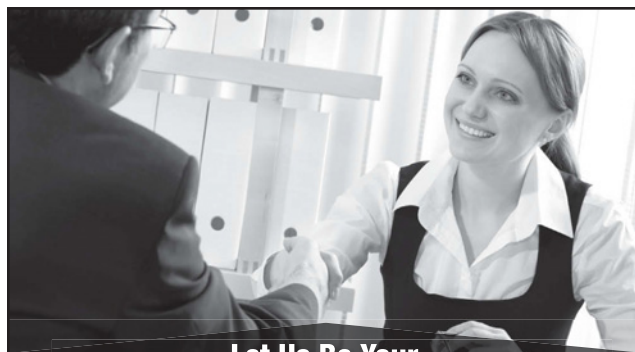
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WHAT MELTS *YOUR* EMPLOYEES' BUTTER?

INCENTIVES & REWARDS IN THE 21ST CENTURY

BY JIM FINKELSTEIN AND MELISSA MEAD

There's no law that says you must actually *like* your job. But what is it that motivates people to get up every day and go to work? Think about this: if your employees all won the lottery tomorrow—that is, they were all financially set for life—some 95 to 98 per cent of them would not show up the next day! Can you really and truly afford to not understand what melts their butter?

Maybe it has something to do with the rewards, recognition and incentives that accompany showing up and staying for years on end. Some will argue that the bona fide way to a committed and loyal employee's heart is solely through monetary earnings, not to mention the gratification of a steady income. Or maybe, it has to do with working in an inspired environment, where appreciation and respect for fellow co-workers and employer not only exists but is the norm. People want to feel wanted and appreciated. It's only human nature.

Let's first start with understanding what are turnoffs to an employee. Why do people shun the word "appraisal" as if it were the plague? Performance appraisals shouldn't be feared. In fact, they should be welcomed with open arms. In an ideal world, employers wouldn't manage people like two-year-olds. Rather, they would encourage skill development and offer training, mentoring and coaching to make that happen. This way, there would be a whole lot more empowerment going on, instead of nitty-gritty micromanagement.

The focus of monitoring and assessing workplace performance should undoubtedly be placed on setting attainable and collaborative goals, making collective decisions and being able to tackle and solve problems within one's own relative sphere of responsibility and authority along with one's colleagues. Yes, while workplace performance is frequently monitored, there's no reason

why appraisals shouldn't focus on the positives and be a catalyst to cooperation and communications. The butter will start to soften up a bit.

Increasing the value of people and truly understanding why people show up to work, and why they stay, is just as important as why they leave.

The tricky part, however, is that not everyone is motivated by the same things. One very important item to realize about motivation itself is that it is an incredibly individual expression. Figuring it out might prove to be quite the challenge in larger organizations, but probing and prodding for what melts your employee's butter—their unique motivational profile—is an expense that is certainly worth spending.

Both employers and co-workers need to be willing to understand and pay attention to the profile of the individual, which is why listening is a vital component of maintaining goal- and action-orientated motivation. Communication itself is crucial and practically nonexistent without listening. Along with the ability of employers and employees to actually listen to and comprehend what the other has to say, comes the increasing potential to recognize, encourage and motivate. That being said, do you really understand your own employees?

People are inclined to leave their job because they: don't like their boss or co-workers, they don't have the tools to be productive and move forward; and/or they're working in a toxic environment.

People in the workplace can be motivated by a myriad of things. Yes, some of these things might be



generations

extrinsic motivators. Having (and keeping) a job that can pay the bills ranks noticeably high in everyone's profile. Compensation is an extrinsic motivator and one of the best at that. The anticipation that rests in such satisfaction through rewards processes (e.g., paychecks and raises and the occasional bonus) is enough to coax employees to

tackle mundane tasks and things they really could care less about.

But obviously, if money were the only motivating factor in existence, it wouldn't take very long for people to become exhausted with those tedious tasks and risk leaving their secure occupation for something better, or for potentially more money.

PEOPLE WANT IT ALL, AND IN THE 21ST CENTURY THEY ARE TUNED INTO WII-FM (WHAT'S IN IT FOR ME).


A large portion of motivators in the 21st century just so happen to be intrinsic motivators, including: the excitement that work brings them, engaging projects, the interesting environments in which people work, the captivating people with whom they work with, the work/life balance that their jobs allows them to have, not to mention the ongoing search for meaning and purpose within their life and passion for their work.

For every 10 articles you read on compensation, five will say money is key and five will say lifestyle, workplace accommodations, etc., are key. Here is the scoop—the one with the cherry on top. In a workplace populated today with 18 to 80 year olds, they all expect both.

Above all, there are no best practices that can apply across the board to all organizations and all people in a highly diverse and divergent world of cultures, values and opinions. There are a plethora of tools to use; your job is to find the right mix.

People want it all, and in the 21st century they are tuned into WII-FM (What's In it For Me). Thus, if you can tap into and listen to the music they enjoy, determine their UMP, then you can put together the right mix of incentives, rewards and motivation to melt their butter. ●

*Jim Finkelstein is president and CEO of FutureSense, Inc., a management consulting firm specializing in people and organizations (www.futuresense.com). He is the author of *Fuse: Making Sense of the New Cogenerational Workplace* (www.fusethebook.com). Melissa Mead is the social media coordinator for FutureSense.*



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LABOUR MARKET OPINIONS: PLAY SAFE, BE COMPLIANT

BY EVAN GREEN

Employers who make use of Canada's Temporary Foreign Worker Program are probably well aware of the lengthy processing times and rigorous requirements that accompany applications for Labour Market Opinions (LMOs) from Service Canada.

In recognition of the need to expedite processing times for employers seeking to hire temporary foreign workers, Service Canada introduced a new Accelerated Labour Market Opinion (A-LMO) initiative in April 2012. Since the spring, the new A-LMO process has allowed eligible employers to apply for A-LMOs without providing documented proof of recruitment efforts that notoriously draw out processing

times. A-LMOs typically take seven to 10 days to be processed, far short of the regular LMO processing stream that can take months.

The new A-LMO procedure does not mean that employers can shirk their obligations to maintain documentation of recruitment efforts and evidence that the conditions of the LMO are being met. In fact, the opposite is true, as participation in the A-LMO initiative is conditional upon the agreement to a potential "Employer Compliance Review."

While Employer Compliance Reviews have not taken place yet, Service Canada plans to proceed full steam ahead with these reviews

in the coming months. The reviews will take the form of random audits from Service Canada to ensure that employers are providing temporary foreign workers with wages, benefits and job duties that are "substantially the same" as those set out in the LMO for temporary foreign workers. The audit will also cover the recruitment process for temporary foreign workers to ensure that efforts were made to employ and recruit Canadians in accordance with Service Canada's requirements.

These reviews will have important implications for employers and the consequences for failing to demonstrate compliance are very serious.



immigration

Employers may be prohibited from obtaining any work permits for foreign nationals for a period of two years and could be placed on an “ineligible employers list,” which is available for public view. Additionally, due to information sharing programs, employers may also be subjected to additional penalties or consequences beyond the context of the Temporary Foreign Workers Program, if in the course of the review employers are found to have violated employment laws.

So what can you do to prepare for a potential “substantially the same” assessment or a compliance review based on “recruitment efforts”?

“SUBSTANTIALLY THE SAME” ASSESSMENTS

Employers must ensure that the conditions, duties, wages and hours provided to temporary foreign workers match those on the accompanying Labour Market Opinion as closely as possible. Although it is difficult to know at this point precisely how Service Canada will determine if wages and conditions are substantially the same, Service Canada has indicated that it will grant limited leeway to employers and allow a small

variance of wages, some variance with regard to job duties and some flexibility in the amount of working hours provided to workers.

As a basic rule, employers must ensure that the wages, hours and benefits provided to temporary foreign workers correspond to those on the Labour Market Opinion. On occasion, employers mistakenly believe that they can offer temporary foreign workers handsome raises for good performance over and above the wages and benefits set out in the LMO, but these can also potentially raise serious compliance issues on a “substantially the same” assessment. This is because the increased wages might create increased interest from Canadian workers in the labour market, and therefore might require renewed recruitment efforts in order to demonstrate LMO compliance. In other words, employers should seek to match the conditions set out in the LMO under all circumstances to avoid any potential issues.

In addition to doing the right thing, you must document it. Employers must ensure that they diligently maintain



records on all employees in the event that they are the subject of an Employer Compliance Review. This means maintaining proper timesheets, benefits records, payroll records and tax returns for the past two years. It is important to remember that wages will not be the only item subject to review in a “substantially the same” assessment. Vacation pay and hours of work can also be specified in LMOs. So, if temporary foreign workers receive reduced hours due to unpaid personal or sick leave, employers should make sure that they have documentation to explain these variances. The onus will be on the employer to demonstrate compliance, so maintaining good and thorough records is of the utmost importance.

“RECRUITMENT EFFORT” ASSESSMENTS

When you apply for an LMO or an A-LMO, in most cases, the employer is required to advertise for a period of 14 days in one or more locations depending on the skill level of the position being filled. Drafting and posting the advertisements can be technical and it is critical that the advertisements are properly drafted and placed in the correct location(s). Service Canada will ask for copies of these advertisements and will want a summary of the responses to the advertisements. If you do not have this documentation, you will be seen as non-compliant and will face serious ramifications.

Employers are best advised to take these reviews very seriously and to begin planning for Compliance Reviews today. The A-LMO initiative has received glowing reviews—it is simple and it is fast. For the privilege of using this new A-LMO process, play safe, be compliant! ●

Evan Green, LLB, is a partner at Green and Spiegel LLP in Toronto. Contact him at evang@gands.com, or visit www.gands.com.

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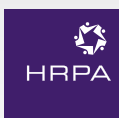
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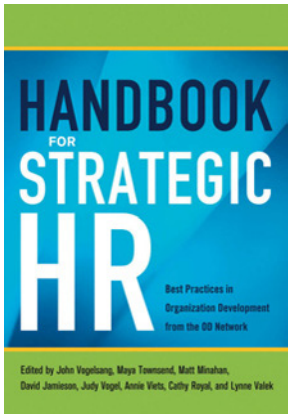
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off the shelf

BY ALISON NYIRI



HANDBOOK FOR STRATEGIC HR: BEST PRACTICES IN ORGANIZATIONAL DEVELOPMENT FROM THE OD NETWORK

Edited by John Vogelsang, Maya Townsend, Matt Minihan, David Jamieson, Judy Vogel, Annie Vieto, Cathy Royal, and Lynne Valak
AMACOM, 2013

Culled into one volume are 78 articles drawn from the *OD Practitioner*, providing a comprehensive overview of the core Organizational Development skills needed for HR professionals. Some of the skills included are: consulting and partnership, self as instrument of change, thinking systematically and strategically, employee engagement, globalization and cross-cultural interaction.

TALKING POINT

How has Organizational Development changed in your company since the 2008 recession?



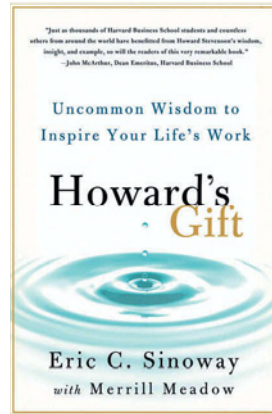
HOW WOMEN LEAD: THE 8 ESSENTIAL STRATEGIES SUCCESSFUL WOMEN KNOW

Sharon Hadary and Laura Henderson
MCGRAW-HILL, 2013

Drawing on 20 years of research with thousands of women, the authors identified consistent, observable, and substantive differences between women of achievement and those who have not achieved the same levels of success. These differences are captured in eight practical strategies providing concrete examples and tips to increase women's leadership capabilities.

TALKING POINT

In what ways do women's leadership styles differ from men's?



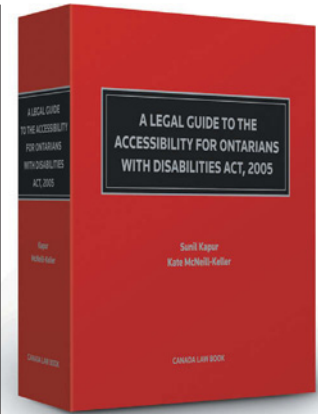
HOWARD'S GIFT: UNCOMMON WISDOM TO INSPIRE YOUR LIFE'S WORK

Eric Sinoway
ST. MARTIN'S PRESS, 2012

Sinoway's book is a compilation of career wisdom from his friend and mentor Howard Stevenson, professor at Harvard Business School. Key to planning one's career is using inflection points described as events that fundamentally change the way we think and act, dramatically altering the trajectory of our career. Having a long-term or legacy vision can help us use these events to our advantage.

TALKING POINT

Notable success and significant failure are inflection points. How have they affected your career?



A LEGAL GUIDE TO THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005

Sunil Kapur and Kate McNeill-Keller
THOMSON REUTERS, 2012

This legal guide explores how the new accessibility standards and existing rights and obligations under other legislation such as the Ontario *Human Rights Code* interconnect. It is a convenient resource providing direction and clarity on the obligations created by the Act. Included is the Act itself as well as a detailed chapter on the Regulations.

TALKING POINT

What strategies have you used to move the discussion beyond legal compliance?

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