

HR PROFESSIONAL

Special Legal Issue

JOHN WEST LABOUR LAWYER

Discusses the future state of employment law—including Bill 168, accessibility, dismissal and more...

To Catch a Thief Preventing Workplace Fraud

ALSO: HUMAN RIGHTS TRIBUNAL | CIBC'S CLASS ACTION UPDATE | JUST CAUSE DISMISSAL





Athabasca University 

CENTRE for INNOVATIVE MANAGEMENT

The AU online Executive MBA: A new level of possibilities for HR professionals.

Our Executive MBA builds on your human resources management expertise and broadens your knowledge and understanding in key organizational areas like strategy, marketing and operations. With five years of management experience and a CHRP designation you can take your career to the next level. Rise further faster with the Executive MBA from Athabasca University.

AU Executive MBA. Today's way. 1-800-561-4650. www.mba.athabasca.ca

SHIELDS · O'DONNELL · MACKILLOP

LLP

EMPLOYMENT AND LABOUR LAWYERS

Experience Counts.

Referrals respected and appreciated.

SHIELDS O'DONNELL MACKILLOP LLP

416.304.6400

www.djmlaw.ca

65 QUEEN STREET W, SUITE 1800, TORONTO, ONTARIO CANADA M5H 2M5

SEEKING THE ANSWER TO RETIREE BENEFITS?



PLANDIRECT™ IS THE SOLUTION

- Guaranteed Acceptance to those with prior coverage
- Covers pre-existing medical conditions
- Premiums do not incur sales tax
- No waiting periods and no lifetime maximums
- PlanDirect Plans insured by Great-West Life

**PLANDIRECT IS A LEADER IN INDIVIDUAL
HEALTH AND DENTAL INSURANCE**

PLANDIRECT BENEFITS HR PROFESSIONALS

- Fix your retiree obligation costs
- Transfer time spent on retiree administration
- Consider a voluntary employer cost sharing arrangement

CONTACT US TODAY

Toll Free: 1.800.565.4066
www.plandirect.com

CONTENTS



VOLUME 26/NUMBER 6

OCTOBER/NOVEMBER 2009

39



FEATURES

22 To Catch a Thief

The easiest way to prevent fraud in your workplace is to limit opportunities for theft.

By Richard Skinulis

29 Human Rights Tribunal

Ontario's new direct-access model poses fresh challenges for employers.

By Patricia Murray

49 Interview with John West

Pre-eminent employer lawyer John West talks about precedent-setting cases and impending game-changing legislation.

By Meredith Birchall-Spencer

DEPARTMENTS

EDITOR'S LETTER	6
CONTRIBUTORS	8
LEADERSHIP MATTERS	11
Foreign ownership	
LEGAL	19
Overtime	
COMPENSATION	20
Post-retirement benefits	
HUMAN CAPITAL	32
Security and layoffs	
ON MESSAGE	35
Public speaking	
STRATEGY	36
Intellectual property	
HR 101	39
Just cause dismissal	
INDUSTRY INSIDER	43
HR in the oilpatch	
OFF THE SHELF	59
Latest book reviews	
THE LAST WORD	66
From manager to coach	
UPFRONT	12
The latest human resources news	



12

Cover design: Rodolfo Novak Cover photography: Robin Wong

EDITOR'S LETTER

LAYING DOWN THE LAW

For the second year in a row, we have dedicated the October/November issue to HR law. Readers tell us that labour and employment law-related issues are top of mind right now, so we've packed this magazine with articles on the most relevant legal issues and cases to help you get the most information in the least amount of time.

In these pages, you'll find an article outlining the new direct access process at Ontario's human rights tribunal and how it's functioning a year into its inception; a nuts-and-bolts approach to just cause dismissal (page 39); an update on the CIBC class action overtime lawsuit (page 19) and an in-depth look at workplace fraud in our feature "To Catch a Thief" (page 22). We also spoke with Ogilvy Renault LLP senior partner John West for his views on the changes that have taken place in the Canadian employment law landscape in the last 30 years and what he sees as the most pressing HR law issues for the coming decade.



To be honest, walking into the Toronto law offices of Ogilvy Renault on the 38th floor of Royal Bank Plaza, I was expecting to spend 40 minutes in a guarded conversation with the veteran labour lawyer. But I was pleasantly surprised. West was not only amiable and engaging but spoke quite candidly. Be sure to turn to page 49 to get all of West's insights and advice for employers.

I would love to hear what you think of this issue or any other story ideas you may have. Feel free to email me at mbirchall@hrpa.ca or check out *HR Professional's* Facebook page, become a fan, and post your comments on our wall. With your input, the magazine can only get better.

Enjoy,

Meredith Birchall-Spencer

Meredith Birchall-Spencer
Editor



VOL. 26, NO. 6 October/November 2009

EDITORIAL

Editor-in-Chief **Meredith Birchall-Spencer**
Art & Design **Marianna Gajewska, Rodolfo Novak**

Associate Editor **Duff McCutcheon**
Legal Editor **Malcolm MacKillop, Partner, Shields O'Donnell MacKillop LLP**
Contributors **Annie Hsu, Justin Ramesar, Stuart Stark, Jay Somerset**

HRPA

Chief Executive Officer **William Greenhalgh**
Director, Finance and Administration **Gary Monk**
Director, Professional Development **Marta Pawych**
Director, Marketing and Membership **Chris Larsen**
Director, HR Excellence **Claude Balthazard, PhD**
Director, Government Relations **Scott Allinson**

NAYLOR

Publisher **Bob Phillips**
Project Manager **Alana Place**
Editor **Lisa Gordon**
Layout & Design **Calvin Harding**
Advertising Art **Reanne Dawson**
Advertising Sales Manager **Wayne Jury**
Advertising Sales Representatives: **Cherryl Oland, Gordon Jackson, Lana Taylor, Norma Walchuk, Tracy Goltsman**

EDITORIAL ADVISORY BOARD

Françoise Morissette, MEd, PCC, DB Consultant, Faculty and Fellow Industrial Relations Centre, Queen's University
Craig Fairclough, MSc, CRSP, CHRP, CCEP, CIH, ROH, Principal Consultant, Industrial Accident Prevention Association
Mick Collins, MA, Director of Marketing, Infohrm
Graham Lowe, PhD, President, The Graham Lowe Group Inc.
MJ Ducharme, PhD, Associate Professor of HR Management, Atkinson Faculty, York University
Anil Verma, PhD, Professor, Rotman School of Management and Centre for Industrial Relations, University of Toronto
Raji Ramanan, GPHR, Director, Organizational Development, Cement Division, Lafarge North America
Steven Van Alstine, CPM, VP, Compliance Programs and Services, The Canadian Payroll Association
David E. Tyson, CHRP, Author and Consultant, Tyson & Associates Limited
Christopher Chen, LLB, Regulatory Lead, Executive Compensation, Hay Group
Daniel J. McKeown, LLB, Associate, Labour & Employment Law Practice Group, Miller Thomson LLP

Sara LaIDLaw, CHRP, VP HR Ontario, ING Canada
Carol Calvert, CHRP, VP Human Resources, Navtech, Inc.
Gayle Fisher, SHRP, Chief Human Resources Officer, Ontario Securities Commission

HR PROFESSIONAL is published six times per year for the Human Resources Professionals Association (HRPA), 2 Bloor St. West, Suite 1902, Toronto, ON, M4W 3E2, tel. 416-923-2324, toll-free 1-800-387-1311, fax 416-923-7264, email info@hrpa.ca, www.hrp.ca. As the premier HR association in Canada, HRPA is internationally recognized and sought out for its knowledge, innovation and leadership. With more than 17,000 members in 28 chapters in Ontario, and other locations around the world, HRPA connects its membership to an unmatched range of HR information resources, events, professional development and networking opportunities.

HR Professional/magazine is published by Naylor (Canada), Inc. 2 Bloor Street West, Suite 2001, Toronto, ON M4W 3E2, tel. 1-800-665-2456 — Winnipeg or 1-800-461-4929 — Toronto, Fax 1-800-709-5551, www.naylor.com

© 2009 Human Resources Professionals Association (HRPA). All rights reserved. No part of this publication may be reproduced in a retrieval system or transmitted, in any form or by any means, without the prior written consent of HRPA or a license from Access Copyright. For a license, visit www.accesscopyright.ca or call 1-800-893-5777.

SUBSCRIPTIONS (Prices include shipping and handling) \$29 per year in Canada; \$49 per year in the United States; \$69 per year International. Published articles and advertisements do not necessarily reflect the views of HRPA.

ISSN 847-9453

HRPA is proud to be a founding member of the Canadian Council of Human Resources Associations. Published September 2009/HRP-S0509/8473



This publication is printed on 50 per cent recycled coated sheet, 15 per cent post consumer waste, acid- and chlorine-free paper stock. The polybag this magazine came in is 100 per cent recyclable.

CANADIAN PUBLICATIONS MAIL PRODUCT SALES AGREEMENT #40064978
Postage Paid at Winnipeg

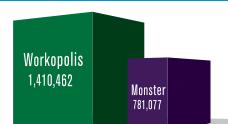
HR PROFESSIONAL

YOUR UPSWING IN
A DOWNTURN.

Get the best working for you.

WITH WORKOPOLIS, YOU GET IT ALL.

	Workopolis	Monster
Highest success rate of any Canadian online job site.** Benefit: You're more likely to find the right candidate at Workopolis.	✓	✗
Greatest number of candidates searching for employment. Benefit: With almost twice as many job seekers as our nearest competitor, Workopolis provides you with the greatest opportunity to find the right people.	✓	✗
Largest passive candidate pool in Canada. Benefit: With 50% of Workopolis visitors defining themselves as passive,** you get access to more currently employed, hard-to-find candidates.	✓	✗
Select your candidate profile with NicheNetwork™. Benefit: Quickly and easily reach targeted communities of job seekers that are otherwise difficult to find.	✓	✗
Expand your reach beyond the job site. Benefit: Workopolis' vast network of job sites will optimize your postings to receive top priority across a wide variety of online search engines ensuring that you reach the best candidates wherever they're searching. And with Workopolis Mobile, we're putting your jobs right into the hands of your candidates.	✓	✗
Regional pricing. Benefit: Workopolis offers flexible regional pricing to reflect the cost per hire in your local market.	✓	✗



WHEN IT COMES TO
JOB SEARCHERS, WE DWARF
THE COMPETITION.*

With 80% more candidates* and a higher success rate for hiring than any other job site in Canada,**

Workopolis offers the greatest value in the market, hands down. With Workopolis, you don't just spend dollars, you stretch them. And in this tough economic climate every penny counts. So post your jobs today and get Workopolis working for you.



TM© 2006, VANOC.

* Each figure represents the average monthly job search unique visitors on that job site from March 2008 to March 2009, as reported by ComScore Media Metrix Canada.

**Northstar Research, 2007 Employer Survey.

post your job today

workopolis.com
CANADA'S BIGGEST JOB SITE

YOUR LIFE AWAITS

CONTRIBUTORS

OCTOBER/NOVEMBER 2009



PETER MARTIN

Peter Martin outlines some valuable lessons learned from last year's GM standoff in the Human Capital column, on page 32. Martin is president of AFI International Group Inc. and International Management Assistance Corporation (IMAC) specializing in crisis management and risk mitigation.



ELLEN WHELAN

Ellen Whelan is leader of Mercer's post-retirement benefits group. She provides analysis of Mercer's post-retirement (non-pension) benefit trends survey and provides suggestions to organizations planning changes to their benefits plans, in the Compensation column, on page 20.



RHONDA JANSEN

Rhonda Jansen is a partner at Gowling Lafleur Henderson LLP in Toronto, specializing in employer-side employment law. She provides an update to the CIBC overtime class action lawsuit, in the Legal column, on page 19.



RALPH ECKARDT

Ralph Eckardt tackles the complex issue of intellectual property with co-author Mark Blaxill in the Strategy column, on page 36. Eckardt is a managing partner of 3LP Advisors and co-author of *The Invisible Edge* (Portfolio Press, 2009).

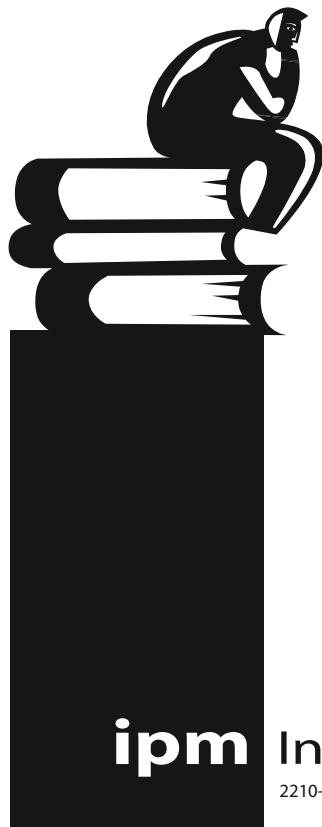


UltiPro®
**From recruitment
to retirement,
and everything
in between.**

Find out more at ultimatesoftware.com
or call us at **800.432.1729**.

Choose the true end-to-end solution for strategic HR, payroll, and talent management: UltiPro from Ultimate Software. UltiPro delivers a comprehensive suite of powerful business tools for human resources, recruiting, onboarding, performance management, salary planning, benefits, payroll, analytics, and more. All built around a human capital management portal that provides self-service convenience to people at every level of the organization.

 **Ultimate Software**
ULTIPRO®



The Professional Trainer

Full Accreditation Program on Multimedia CD-ROM

The goal of this program is to teach participants how to assess the need for training, develop the material, prepare the handouts, deliver the content and evaluate the results. Successful completion of all 3 Modules makes you eligible for membership in the Canadian Professional Trainers Association, CPTA, with the RPT (*Registered Professional Trainer*) designation.

This new multi-media deluxe package includes three (3) CD-ROMS, participant workbook and exam.

HRPA Members! Special offer valid until October 31, 2009

\$745 Regular \$945 ... **SAVE \$200**

Details at www.workplace.ca/hrpa.html

ipm

Institute of Professional Management

2210-1081 Ambleside Drive, Ottawa, Ontario, K2B8C8 Tel: (613) 721-5957 Fax: (613) 721-5850 Toll Free: 1-888-441-0000



HR PROFESSIONALS. *REJOICE!*

Thank You! Great Job! Awesome work! However you say it, Hbc Gift Cards has you covered.

An Hbc Gift Card is something the receiver will never forget. Customizable, personalizable, eco-friendly and reloadable, Hbc Gift Cards let you recognize the people that make things happen in your organization. Plus, you'll feel good knowing they will be able to choose from over 1 million products at more than 400 locations of the Hudson's Bay Company family of stores from coast to coast. Whether it's a new employee or a seasoned veteran, they'll love an Hbc Gift Card.



www.hbc.com/hr • 1.866.461.2323
Hbc Gift Cards and Incentives

LEADERSHIP MATTERS

BY ANTOINETTE BLUNT

FOREIGN OWNERSHIP: HR'S ROLE

Company ownership and management is in transition in many companies across Canada. Increasingly, foreign companies are buying Canadian firms and this is not likely to change—especially when the federal government is actively encouraging foreign investment.

The most recent numbers from Statistics Canada show that between 1999 and 2006, the number of foreign-owned enterprises in Canada jumped to 8,321 from 7,310. During the same seven-year period, assets under foreign control have increased to \$1.2 trillion from \$728 billion.

Foreign owners—even Americans, who represent most foreign ownership in Canada—come to Canada with an understanding of the legalities of owning a business here, and bring their own culture, work ethic, workplace values and management style. But what they may not bring is a solid understanding of Canadian culture and work ethic.

With this change on Canada's working horizon, and the potential chasm of understanding and clash of values, human resources can play a critical role in ensuring that both sides can work together. As HR professionals, we can become the bridge between foreign owners and Canadian employees.

Building bridges

Though recent studies, including one from Industry Canada, have shown that multinational companies are often productive and high-paying relative to their competitors, there are many pitfalls. Even organizations that understand the host culture can become dysfunctional due to ineffective communication and relationship management. Language is one consideration, but more important is mutual understanding. New managers from another country must teach Canadian HR professionals about their work ethic and workplace values. And HR must educate new management on the Canadian side of that coin.

The issue of how work is valued is a big one because it varies from country to country. In North America, the value of work and what we

pay for it is significantly higher than in many other countries. That can be challenging for Ontario companies with foreign owners who have businesses in other countries where labour costs may be significantly less. As Dr. Greg Baiden, a professor of robotics and mining at Sudbury, Ont.'s Laurentian

University, points out, productivity in these countries may also be considerably higher.

Labour relations

In terms of labour relations, companies are taking a tougher stand in contract negotiations. The Ministry of Labour's dispute resolution services reported in 2008 that wage increases were at two per cent, down from 2.9 per cent in 2007. In some companies, foreign owners are looking for concessions with unions because of high labour costs and economic slowdown. The union response has not been positive. But both sides must understand the impact of that decision. If the Canadian workers draw a line in the sand, will these companies leave? If so, where does that leave us?

On that front, Dr. Baiden thinks HR must learn to manage expectations on both sides because the way things are going, in many fields, there will be wage drops or freezes. He agrees that HR has to be aware of the cultural differences between Canada and the countries that are investing here.

For some time now, our focus has been on integrating foreign workers into Ontario workplaces. HR can play a strategic role in the future if we understand the differences in foreign ownership and make ourselves a conduit for smooth operations. **HR**



Antoinette Blunt is chair of HRPA's board of directors.

EXPATRIATES MERCER COST OF LIVING INDEX

THINKING OF SENDING SOME EMPLOYEES OVERSEAS? BE PREPARED FOR SOME EXTRAVAGANT LIVING COSTS, ACCORDING TO MERCER'S 2009 GLOBAL COST OF LIVING INDEX. CITIES IN THE U.S., CHINA, JAPAN AND THE MIDDLE EAST HAVE SURGED IN THE RANKING. THE SURVEY COVERS 143 CITIES ACROSS SIX CONTINENTS AND MEASURES THE COMPARATIVE COST OF MORE THAN 200 ITEMS IN EACH LOCATION, INCLUDING HOUSING, TRANSPORT, FOOD, CLOTHING, HOUSEHOLD GOODS AND ENTERTAINMENT.

TOP 10 MOST EXPENSIVE CITIES:

1. TOKYO
2. OSAKA, JAPAN
3. MOSCOW
4. GENEVA
5. HONG KONG
6. ZURICH
7. COPENHAGEN
8. NEW YORK
9. BEIJING
10. SINGAPORE

NETWORKING

ERNST & YOUNG USES SOCIAL NETWORKING TO CONNECT WITH ALUMNI

Audit and professional services firm Ernst & Young (EY) has had thousands of talented professionals come and go from its various practices. Now it's leveraging the power of online social networks to keep in touch with its former employees.

The Canadian EY network encompasses more than 13,000 alumni who left in good standing after working for the firm for a minimum of one year, as well as 4,000 current employees.

EY alumni can look up former co-workers in the directory, build a personal or professional profile, participate in surveys and catch up on EY news.

EY has some selfish reasons for offering the site: "They are a source of great talent and strong brand ambassadors. It allows us

to reach out to talented individuals and stay more connected to our alumni. Last year, 22 per cent of new hires at manager level and above were rehires," says EY alumni relations manager Maha Zabaneh.



© JURE PORENTA / BIGSTOCKPHOTO.COM

TECHNOLOGY

BLACKBERRY ETIQUETTE

Emily Post wouldn't think much of the typical BlackBerry user—absently scrolling through messages during conversations or tapping away during presentations.

And it appears many people are getting fed up with co-workers held in thrall by the glowing devices. In a recent Yahoo Hot Jobs survey, almost one-fifth of 5,000 U.S. workers say they've been berated for showing bad manners with their BlackBerrys or iPhones. The biggest beefs included responding to emails during a meeting or business dinner.

Here are a few ways to show you value other people's time:

- When meeting someone, turn the BlackBerry off or to silent mode, in front of the other person.
- If you have forgotten to turn it off and it buzzes with a new message, make a point of bringing it out and silencing it, without looking at the incoming message.
- During meetings, put an out-of-office message on the device, saying you are in meetings but will return messages when possible.
- If you must check your BlackBerry in front of others, ask for permission.

Source: The Globe and Mail



© NORMAN POGSON / BIGSTOCKPHOTO.COM

LEADERSHIP

Chief executive characteristics

Using detailed personality assessments of 316 CEOs and measurements of their companies' performances, researchers from the University of Chicago have come up with some surprising conclusions on the characteristics of an effective CEO.

Here's the fix: Warm, flexible and team-oriented people are less likely to thrive than organized, structured, attention-to-detail types.

"Success and performance are more strongly correlated with execution-related skills than with interpersonal and team-related skills," concludes the study, *Which C.E.O. Characteristics and Abilities Matter?* "In other words, CEOs with the execution-related skills of a (former GE head) Jack Welch appear more successful than CEOs with

the more team-related skills of (current GE CEO) Jeff Immelt," pictured.

As Drucker noted in the *Effective Executive*, successful executives have several "right things" in common: utilizing time efficiently, focusing on contribution, making strengths productive, doing first things first, and making effective or rational decisions. "The attributes are largely execution-related and appear to correspond well to the 'efficient,' 'persistent,' 'proactive,' 'commitment,' and 'analytical' skills in our study," said the study authors.

Source: Which C.E.O. Characteristics and Abilities Matter? University of Chicago



PARTNERSHIPS

NEW MENTORING INITIATIVE HELPS INTEGRATE SKILLED IMMIGRANTS

ONE OF THE BIGGEST BARRIERS TO NEW CANADIANS FINDING WORK IN THEIR CHOSEN PROFESSION HAS BEEN A LACK OF PROFESSIONAL NETWORKS AND AN UNDERSTANDING OF CANADIAN WORKPLACE CULTURE AND EXPECTATIONS.

BUT A NEW MENTORING PROGRAM PAIRING WORKPLACE-READY IMMIGRANTS AND CANADIAN PROFESSIONALS SHOULD GO FAR IN LOWERING THESE BARRIERS.

THE NATIONAL MENTORING INITIATIVE—A JOINT PROGRAM OF TD BANK FINANCIAL GROUP, MAYTREE AND THE J. W. MCCONNELL FAMILY FOUNDATION PARTICIPANTS—PROVIDES FOREIGN-TRAINED PROFESSIONALS WITH THE CONNECTIONS AND KNOWLEDGE THAT CAN ONLY BE GAINED FROM REAL-LIFE EXPERIENCE.

DETAILS ON HOW ORGANIZATIONS CAN GET TOOLS, RESOURCES AND SUPPORT TO SET UP OR EXPAND THEIR MENTORING PROGRAM ARE AVAILABLE ONLINE AT WWW.MAYTREE.COM/INTEGRATION/ALLIES.

OFFICE HOURS

WORKING LONG HOURS OFTEN SELF-IMPOSED: SHRM SURVEY

Slaving long hours on the job? Go home, you martyr! A new survey by the U.S. Society for Human Resource Management (SHRM) suggests pressure to work long hours and while on vacation is usually self-imposed.

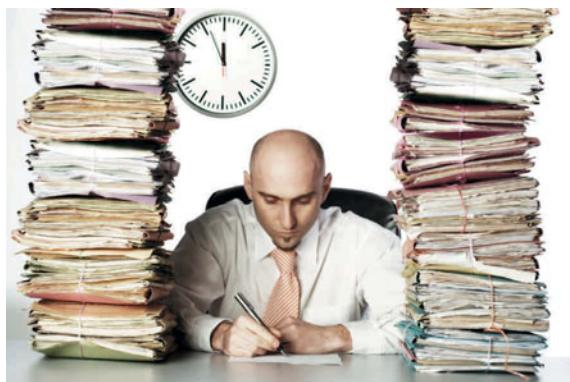
SHRM's *Pressure to Work: Employee Perspective* study surveyed 605 full-time and part-time employed U.S. residents.

More than one-third (35 per cent) said they frequently worked beyond scheduled hours. Another 35 per cent did so occasionally. When asked why, only 21 per cent blamed their immediate supervisor or manager.

Although 44 per cent cited project or performance goals, a majority (52 per cent) said the impetus to work longer hours was self-imposed.

Career advancement spurred some respondents (12 per cent) to work late, as did competition with co-workers (five per cent). Other sources of pressure include demands from higher-ups, investors and/or organizational supporters, and external reasons such as global and industry competition.

According to the report, long hours were more common among executive-level and middle management than non-management employees.



LABOUR RELATIONS FRENCH WORKERS THREATEN NORTEL PLANT

NORTEL WORKERS IN FRANCE MAY HAVE SET A NEW BENCHMARK IN MILITANT INDUSTRIAL RELATIONS AFTER THREATENING TO BLOW UP THEIR FACTORY THIS PAST JULY.

THE WORKERS WERE DEMANDING BETTER LAYOFF TERMS AFTER NORTEL FRANCE WAS IN THE PROCESS OF AXING JOBS FOLLOWING BANKRUPTCY PROCEEDINGS.

ACCORDING TO *LE PARISIEN*, WORKERS WERE BITTER ABOUT HOW AUTHORITIES WERE HANDLING THE CASE. THE THREAT WASN'T THE FIRST IN FRANCE. WORKERS AT AUTO-PARTS SUPPLIER NEW FABRIS MADE SIMILAR THREATS EARLIER THIS YEAR. THERE HAVE ALSO BEEN SEVERAL INCIDENTS OF "BOSS-NAPPING." WORKERS AT THE FRENCH SUBSIDIARIES OF SONY, CATERPILLAR, 3M AND HEWLETT-PACKARD HAVE TAKEN MANAGERS HOSTAGE TO PROTEST CUTBACKS.

CONTINUITY PLANNING

EMPLOYERS STOCKPILING ANTI-FLU DRUGS

As H1N1 continues its spread, many organizations are counting on antiviral drugs like Tamiflu or Relenza as the best way to reduce absenteeism and protect profits.

"It's a sort of insurance," said Paula Allen, a vice-president at EAP firm Shepell-fgi. "There is an obligation to protect employees. Plus, they don't want their businesses to collapse. They want their businesses to be strong and their customers not to find other sources during a pandemic."

Businesses are free to stockpile for preventative purposes, as long as an occupational health physician oversees the acquisition and dispensing of the drugs.



The acquisition of antivirals is a closely guarded secret at many companies. That's because some acquire only enough for "mission critical" employees and there's a fear

remaining employees would feel devalued.

Other companies see it as a competitive advantage and don't want to tip off rivals. Still others fear the government could seize their inventory if its stockpile dwindled.

Some experts predict one in three workers could be affected by H1N1, either getting sick themselves or caring for a family member.

Source: Toronto Star

HR DESIGNATION

SHRP DESIGNATION OFF TO GOOD START

Twelve Ontario senior HR executives now hold the title of Senior Human Resources Professional (SHRP), five months after the new designation was launched.

The SHRPs come from varied industries and career paths, but all have one thing in common: they have made a significant impact on their organizations and the profession.

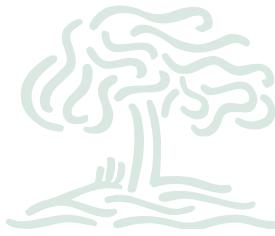
Among the newly minted SHRPs are a former Ontario assistant deputy minister of employee relations who mended relationships between OPSEU and the Province; a one-time BMO HR exec who helped create the bank's financial reporting structure; and a VP HR at a Windsor auto-parts manufacturer who played a big role in guiding her organization through recent turmoil in the automotive sector.

"All of these SHRPs are leaders who've reached the top echelons of the profession and are true business partners in their organizations," says Human Resources Professionals Association (HRPA) CEO Bill Greenhalgh. "They have fully aligned the HR function to their organization's overall business strategy, they are a key player in the decision-making process and they're among the most elite in the HR profession."

HRPA was among the first Canadian HR associations to roll the SHRP designation out to its membership, along with Saskatchewan and Nova Scotia.

For more information on the SHRP designation, go to www.shrpdesignation.ca.





“Goodbye.”

When you say farewell to a retiree, it doesn't have to mean that their healthcare benefits end.

In the wake of double-digit cost increases, it's not surprising many Canadian companies are struggling with retiree benefits. Contact us today to learn more about how we can help your retirees gain the crucial health and dental coverage they need, so they can enjoy the same type of security they enjoyed while working – while eliminating plan administration and future liabilities for you. With only a few years left before Canadian Baby Boomers – over 30% of the population – start to retire, it may be one of the most informed decisions you'll ever make.

And one more thing. When you call during regular business hours, a real human being will pick up the phone. We care enough about the healthcare insurance needs of your company and employees to answer each call personally. By helping your retirees make the right healthcare choice, you'll gain the peace of mind of knowing that after all they've done for you, you've done the right thing for them. And, your bottom line.



Toll-free at 1-800-667-0429 or 416-601-0429 in Toronto
Visit us at 4benefits.ca or email us at general@4benefits.ca

**THE EXCLUSIVE PARTNER FOR GREEN SHIELD CANADA'S
PRISM® HEALTH AND DENTAL PROGRAMS**

MONEY IT COMPENSATION SURVEY

MEDIAN COMPENSATION
FOR IT SPECIALISTS
(BACHELOR'S
DEGREE AND ONE
PROGRAMMING
CERTIFICATE) ACROSS
CANADA (COMBINES
BASE ANNUAL SALARY
OR HOURLY WAGE,
BONUSES, PROFIT
SHARING, TIPS,
COMMISSIONS, AND
OTHER FORMS OF
CASH EARNINGS, AS
APPLICABLE).

VANCOUVER
\$62,500

CALGARY
\$66,100
REGINA
\$57,700

WINNIPEG
\$53,600
TORONTO
\$61,000

OTTAWA
\$61,100
KITCHENER
\$61,400

MONTREAL
\$59,000
HALIFAX
\$62,000

Source: Payscale.com

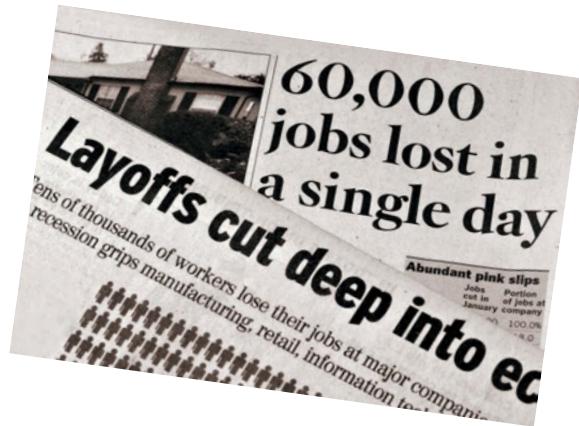
HR LAW

WRONGFUL DISMISSAL

With the numbers of layoffs and terminations increasing due to recession, so too are wrongful dismissal claims. And recent case law is reflecting the harsh economic climate, with courts recognizing that dismissed employees face longer unemployment.

There are several things an employer can do to improve its position should it be necessary to assert that a former employee has failed to take steps to mitigate:

1. At the time of termination, advise the employee in writing that a reference letter is available upon request.
2. Once requested, provide the reference letter in a timely manner.
3. Provide a neutral reference letter and ensure that all comments provided to prospective employers remain consistent with the content of the letter.
4. Provide a positive reference letter if it's deserved and reasonable to do so.



5. Consider offering re-employment counselling, whether or not the employee accepts a termination package, which demonstrates the employer's good faith and enhances the employer's mitigation argument.

If you do end up in court, "Employers have to show that they've done everything reasonable in their power to assist the employee," says Erin Kuzz, a partner at Toronto employment law firm Sherrard Kuzz LLP.

Source: [Sherrard Kuzz LLP](http://SherrardKuzzLLP.com)

EMPLOYEE RELATIONS

Staff go nude to improve morale

Staff at a marketing company in Newcastle, U.K. spent a day working naked in an effort to improve morale.

Psychologist David Taylor told workers at onebest-way that a Naked Friday idea would boost team spirit. Morale at the firm had taken a beating after six workers were laid off because of declining business.

The idea was that by stripping off their clothes, staff would strip away inhibitions and talk to each other more openly and honestly.

Nearly all staff took off all their clothes—except one man and two women who kept their knickers on.

"It was brilliant. Now that we've seen each other naked, there are no barriers," said office manager Sam Jackson. "It was emotional but we found

we were much more able to talk to each other honestly—and have been since."

The April experiment was filmed for a one-off TV show, *Naked Office*, on Virgin 1.

Source: www.telegraph.co.uk





workperks™

It's not about rewards ... it's about helping your staff save money — everyday!

With your own corporate WorkPerks™ program, your staff will have private access to a growing list of discounts from over 350 national companies and trusted local businesses.



See why some of Canada's leading employers are using an innovative WorkPerks™ program to cost-effectively enhance their overall benefits package, boost morale and provide more value to their employees.

www.venngo.com/perkUp



World Class Information, Capabilities and Expertise.

Kroll delivers comprehensive background screening solutions that help you make empowered HR decisions.

- Criminal record and credit checks
- Employment and education verifications
- Professional references
- Driver record abstracts
- Employment exit interviews
- Investment-related research

Canada, U.S. and international offices to serve you.

Contact us today:

416 956 5000 or 888 956 5000
70 University Avenue, Suite 200
Toronto, Ontario, Canada M5J 2M4

www.krollbackgroundscreening.com

CIBC OVERTIME CLASS ACTION UPDATE

An Ontario court has refused to certify a \$500 million-plus class action brought by Dara Fresco on behalf of CIBC's front-line customer service employees.

The claimant in *Fresco vs. CIBC* argued the bank's overtime policy was illegal and the bank had failed to pay overtime allegedly earned by the employees. They hoped to utilize a class proceeding to pursue their claims, rather than pursuing their claims individually.

On June 18, 2009, Ontario Superior Court Justice Joan Lax refused to certify the class action, finding it lacked the essential element of commonality required to establish a class proceeding. The court found there were a variety of individual circumstances forming the basis of the alleged unpaid overtime claims that could only be resolved individually.

The claimant alleged the pre-approval requirement violated the Canada Labour Code's statutory requirement stipulating an employee be paid for overtime when the employee is "required or permitted" to work in excess of the standard hours of work. But the court found CIBC's pre-approval requirement was in compliance with the code, reasoning that it is a fundamental right of the employer to control its business, including employees' schedules, hours of work and overtime.

The claimant's case also called into question the legality of the policy's time off in lieu provision, which permitted employees to choose between receiving overtime pay or taking time-off in lieu of overtime pay. But the court found for the defendant, citing the time-off in lieu provision was not illegal because the code permits arrangements if they are more favourable to the employee than the rights or benefits under the statute; and CIBC's

policy did that by offering employees a choice between time off or overtime pay.

Lessons learned

Even though the action was not certified, the lesson is to be cautious with overtime matters. It is still possible for overtime claims to be certified as a class action on behalf of several employees. Further, certification is more likely in certain types of misclassification cases where the employer is alleged to have treated all members of the class as ineligible for overtime pay.

Employers will still be on the hook for overtime pay where the employer can be deemed by their actions to have permitted or required an employee to work overtime, even when their policy requires pre-approval and where such pre-approval has not been obtained.

Employers must conduct a review of their overtime policies and practices to ensure they are compliant with employment legislation and their policy is being properly applied by their managers. **HR**

“Even though the **action** was not certified, the lesson is to be **cautious** with **overtime** matters.”

This was not a **misclassification** case in which the employer is alleged to have treated all members of the class as ineligible for overtime, but rather an **off-the-clock case**, where the employer allegedly failed to compensate employees who were eligible to earn overtime pay.

Overtime

CIBC's policy required employees to obtain advance management approval in order to be compensated for overtime hours worked—unless extenuating circumstances dictated and approval was obtained soon afterwards.

Rhonda Jansen, LLB, is an employment law partner at Gowling Lafleur Henderson LLP in Toronto, specializing in all aspects of employer-side employment law.

RETIREMENT BENEFIT CHANGES

A year ago, global HR consultants Mercer completed a survey on post-retirement (non-pension) benefit trends. In agreement with prior surveys, one-third of survey respondents made retirement program reductions within the last three years, and another 21 per cent were planning to make benefit reductions in the next three years. Few were making program improvements.

The primary reason cited for making these reductions was the accounting requirements for these benefits. Such requirements force employers to recognize a liability for these benefits in their financial statements, rather than just the annual cash costs.

One would expect 2009's economic upheaval to have accelerated this trend as companies make plan changes to reduce the cost of retiree benefits, but this may not be the case in Canada. For many organizations, retirement benefit obligations were significantly reduced for their 2008 year-end or early 2009 reporting, some by

“If employers are given tax breaks now, they may continue with these benefit programs.”

as much as 25 to 30 per cent. The reductions are a welcome change from the consistent annual increases experienced since 2000.

Discount rates

The primary reasons for the program reductions were increases in the discount rates used to measure these obligations. With bond investors demanding higher yields for their investments, corporate AA bond yields—the benchmark for discounting these obligations—have been driven up. Increased discount rates mean decreased obligations. Other contributing factors to the reductions (but to a much lesser degree) include increased terminations and layoffs.

Although the reductions appear to be a silver lining in the economic slowdown, it is not likely to continue. Bond yields and post-retirement obligations will return to higher levels as the economy gains strength. Government cost-shifting and increases to health-care trend rate assumptions will also continue to apply upward pressure on the cost of these plans, despite recent reductions.

Employers thinking of cancelling any plan changes due to the slowdown should consider the time of designing, communicating and implementing plan changes. Not proceeding with planned changes will put those plans further behind schedule, with potentially adverse consequences if markets rebound in the near future and obligations increase significantly again.

Legal precedent

Those who are planning to make changes should be aware of the outcome of the recent settlement in *Smith, Heineman and Nother vs.*

Labatt Brewing Company, where retirees launched a class-action against Labatt after the company introduced retiree plan changes. The case was settled before going to court. Under the settlement, Labatt had to continue to provide a plan, but was able to introduce plan reductions that were negotiated with the retiree group. The class action provided retirees

with a voice to negotiate with the employer. This settlement provides a useful precedent on how to deal with benefit plan changes for retirees.

As governments are active in stimulating the economy, now may also be a good time to push for more tax effective funding vehicles for future health-care costs. If employers are given tax breaks now, they may continue with these benefit programs.

In the meantime, organizations should balance the desire to provide employees with post-retirement benefits and the need to control escalating costs. **HR**

Ellen Whelan is leader of Mercer's post-retirement benefit group.



HUMAN RESOURCES
SUMMIT AWARDS
PRIX d'EXCELLENCE
EN RESSOURCES HUMAINES

TM



Celebrate HR excellence

The Human Resources Professionals Association (HRPA) and the *Canadian HR Reporter* present the 2010 Human Resources Summit Awards—a celebration of Canada's HR leaders.

Please join us in honouring those in the HR community who have made outstanding contributions to the Canadian HR profession through people management innovation, HR leadership and academic research.

The awards are open to all Canadian HR professionals. Join us at the gala event on Tuesday, January 26th, 2010 at the Metro Toronto Convention Centre, South Building.

Award categories

- Carswell HR Rising Star Award
- Export Development Canada Innovation in Employment Branding Award
- GlaxoSmithKline Innovation in Total Rewards Award
- HR Professional of the Year Award
- Overall Talent Management Award
- Right Management HR Academic of the Year Award
- TD Insurance Meloche Monnex Corporate Governance Award
- The Globe and Mail Corporate Social Responsibility Award

Chair Judging Committee

Susan Robinson

Judges

- Chris K. Bart, PhD, CA, MBA
Professor of Strategic Market Leadership
DeGroote School of Business
McMaster University
- Barb Conway
Vice-president, HR
Carswell, a Thomson Reuter business

- Harold Gershman
Vice-president, Global Rewards
Manulife Financial

- Bradley J. Harper
Vice-president, e.HR Workforce Solutions
TELUS Communications Inc.
- Allan C. Middleton, PhD
Professor
Schulich School of Business
York University

- Margot Thom
Partner, Canadian Human Capital Practice
Deloitte Inc.

- Mardi Walker
Senior Vice-president, People
Maple Leaf Sports & Entertainment Ltd.

CALL FOR NOMINATIONS-
SUBMISSION DEADLINE OCT 15

To submit a nomination or purchase tickets for the gala
please go to **HRSummitAwards.com**

SPONSORED BY



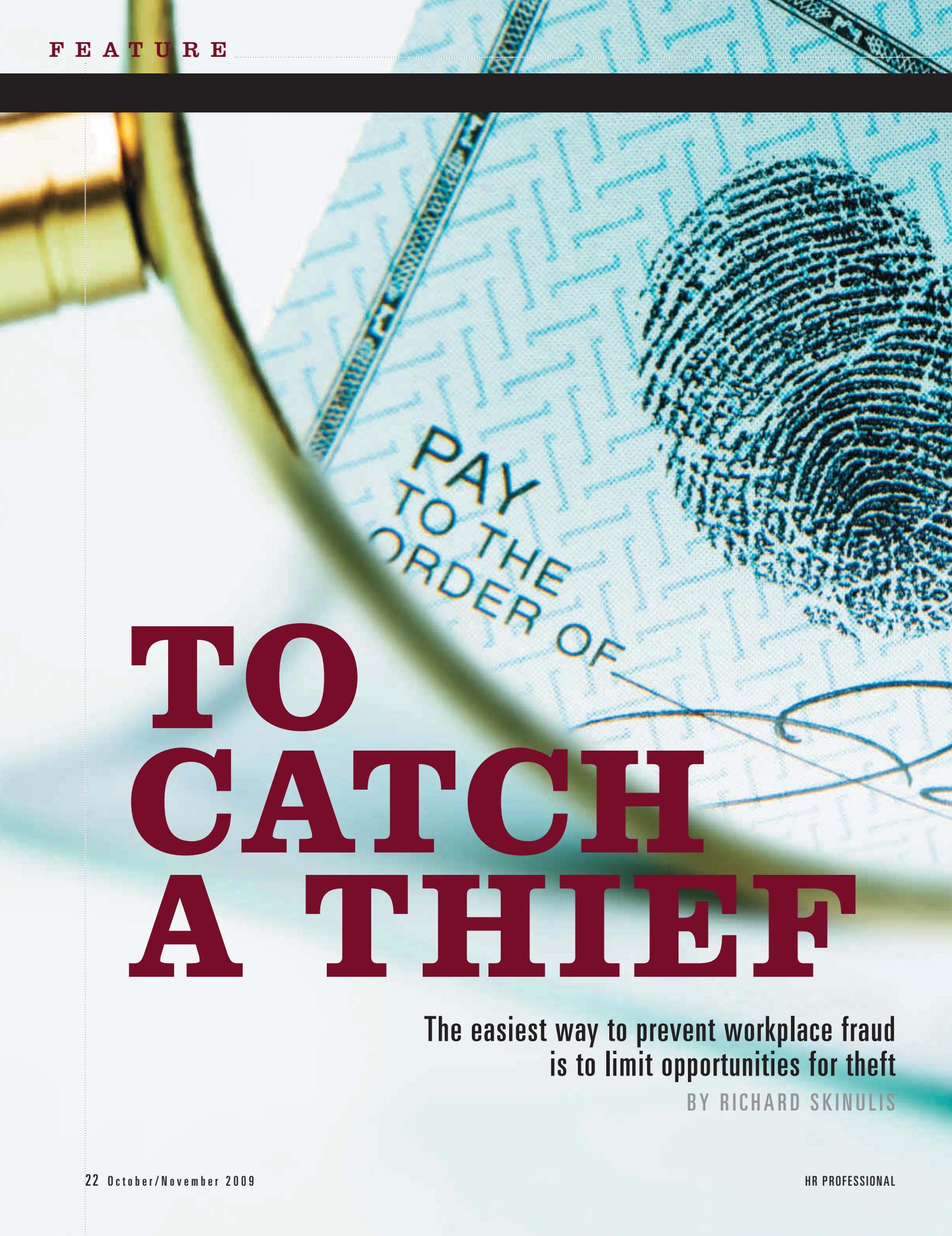
Additional award sponsorship and other sponsorship opportunities available, please contact Marta Rudyk mрудык@hrpa.ca for more information.

PRESENTED BY



Human Resources
Professionals
Association





TO CATCH A THIEF

The easiest way to prevent workplace fraud
is to limit opportunities for theft

BY RICHARD SKINULIS

BERNIE MADOFF, CONRAD BLACK, THE nefarious crew at Enron. Seemingly every week a shocking story makes headlines about corporate executives ripping off their companies and clients for millions of dollars. But while most frauds in Canada are small compared to these sensational examples, employee fraud is rising.

KPMG's annual fraud survey, *Profile of a Canadian Fraudster* released in March 2009, found 71 per cent of respondents reported losses of less than \$100,000. The report also revealed that almost three quarters of frauds were carried out by men between the ages of 30 to 49 with an average tenure of three to five years in positions below management. Twenty-two per cent of frauds were carried out by senior management.

What causes employees to steal from their companies? As the old adage goes, every crime needs two things: Motive and opportunity. And according to KPMG, 28 per cent of fraudsters reported personal need and 19 per cent cited opportunity as reasons behind their crimes. Greed was the driving force for 14 per cent of perpetrators.

Whatever the reason, a 2007 PricewaterhouseCoopers study of Canadian employee crime (*Economic Crime: People, Culture and Controls*) found slightly over half of Canadian companies surveyed were victims of economic crime.

THE MANY FACES OF FRAUD

Phony invoicing, kickback schemes, cheque and expense fraud—what these crimes have in common is the cost to employers.

In fact, a recent report by the Association of Certified Fraud Examiners estimates that U.S. organizations lose seven per cent of their annual revenues to fraud—roughly US\$994 billion.

Ross Hamilton, managing director of forensic investigative accounting firm Navigant Consulting, recalls a recent phony invoice case involving an IT manager who retained a contractor to help with off-site computer support. He initiated and signed the contract as well as approved the monthly invoices. The accounts payable clerk prepared

no policy or corporate code of conduct addressing fraud."

Kickbacks, or secret commissions, are among the hardest to uncover because the payments usually happen outside the company, often as cash or services.

HR and finance should be aware that the majority of kickbacks come from the purchasing side. Earl Basse, president of forensic investigation firm Basse & Associates Inc., worked on a case in which several trucking companies were kicking back to a purchasing manager.

The trucking companies claimed the cheques amounted to a "finder's fee from the company who arranged for them to get the work," says Basse.

“...the accounts payable clerk was suspicious for about a year but didn’t know what to do.”

the cheque, which was signed by someone else, and mailed it to the supplier's address—a P.O. box.

Other red flags? "The phone numbers on the invoices were fake and the numbering of the invoices was consecutive, which made it look like the only work the outsourcing company was doing was for our client," says Hamilton. Navigant then linked the bogus company back to the IT manager through his spouse, who was a company director.

"The interesting thing about this case," says Hamilton, "was that the accounts payable clerk was suspicious for about a year but didn't know what to do. The company had

Cheque fraud usually happens when someone with cheque-signing authority writes cheques to an unauthorized account or company, the electronic stamp is stolen or a cheque amount is tampered with once it's issued—for example, changing \$50 to \$500.

Grant Thornton Canada, a chartered accountancy, recently saw another type of cheque fraud involving a client who had its bank cheque stock and electronic signature stolen.

Jennifer Fiddian-Green, forensic partner, financial advisory services at Grant Thornton Canada recalls a different case involving expense



fraud where an employee used the “slice and dice” method. He took a credit card statement that had a clothing store line item, cut out the word “clothing” and put in the word “restaurant” (e.g., changing Danier Leather to Danier Restaurant).

Another case of expense fraud involved an executive who was submitting the same conference expenses to different parts of the organization—in effect getting paid twice for the same expenditure. Another common fraud is to buy tickets for a business trip, cancel it, get a refund and claim the tickets anyway.

PREVENTATIVE MEASURES

So how can you stop the dishonest from ripping you off?

Ending fraud could be as simple as requiring your employees to take their vacation time. “It’s common in employee embezzlement cases for employers to say, ‘She was my best employee, worked through her vacation and always stayed

Another measure of prevention is division of duties. “In terms of cheque schemes, for example, require a second signature to authorize an expense. Or to prevent the kickback scenario, have more than one person sourcing products

“...if you contact the police prematurely, your case might not get the attention it would if you’d done your homework...”

late,” says Jim Patterson, leader of Bennett Jones LLB fraud law practice group. “Little did they realize that she was working on hiding and maintaining the fraud.”

and services and have a rotation of duties. If one person is buying everything for the company and is the only person dealing with suppliers, it would be very easy



SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

The New Global Standard

The SHRM® GPHR Certification Preparation Course

Nov. 5-7, 2009
Toronto, Ontario

In Partnership
with



Human Resources
Professionals
Association



HR professionals earning a **GPHR** certification will be prepared to assume global responsibilities—and possess the capability to develop global HR policies.

This three-day comprehensive program highlights content areas which may appear on the **Global Professional in Human Resources (GPHR®)** exam.

By interacting in this intense environment with your peers and qualified instructor, and using the **SHRM Global Learning System®** as your guide, you are getting access to a highly successful educational tool.

Instructor: Lance J. Richards, GPHR, SPHR, Senior Director and Global Practice Leader, HR Consulting for Kelly Services, Inc.

Visit www.shrm.org/seminars for program details and to register.

09-0430

FRAUD PREVENTION CHECKLIST

- Establish a fraud policy and communicate it
- Create an anonymous fraud telephone (not an e-mail) hotline
- Split up financial (purchasing, accounts payable, cheque reconciliation, etc.) responsibilities among different people
- Require purchase orders and multiple signatures on cheques
- Insist on original documentation
- Chart expenses and investigate unexplained spikes
- Conduct regular audits
- Have a clear policy about what gifts your employees can and cannot receive
- Enforce a strict vacation policy and closely watch anyone who is reluctant to take time off
- Keep investigations confidential and don't confront an employee with an allegation until you have proof
- Lay criminal charges if they are warranted. Not only is it a deterrent, it says you won't stand for it

for them to profit illegally," says Patterson. "But their ability to do that would be completely frustrated if they weren't the only person dealing with that supplier."

To avoid expense fraud, Hamilton says to insist on seeing original documents like boarding passes and accept either a credit card statement or a receipt for expenses, but not both.

To prevent cheque fraud, Fiddian-Green recommends working with your bank to perform a cheque filter as well as establishing a bank reconciliation process and keeping it up to date.

"Many organizations get behind on this and most banks have time limits during which they will reimburse you—it could be 60 or 90 days. If you wait too late, you are out the money," says Fiddian-Green.

CALLING IN THE CAVALRY

The experts all agree that if you do suspect fraud, you should call in outside legal help.

But don't call the police right away. "You will abdicate control over the whole matter to someone else," says Patterson. "There are many other issues you want to manage before you call the police including internal and external public relations, the recovery process and limiting damage to employee morale."

In fact, if you contact the police prematurely, your case might not get the attention it would if you'd done your homework, gathered evidence, prepared your brief and then went to the police with a solid case.

Norman Groot, a director with Investigation Council PC (a firm

composed of lawyers who are ex-police officers), stresses to conduct a thorough investigation and collect as much evidence as possible. "Not collecting enough is the most common mistake in most investigations."

Patterson recommends following a three-step protocol once HR decides to start an investigation.

FIRST, consult your lawyer to ensure everything you do is cloaked with privilege. "If you don't, your entire investigation and resulting evidence will be open to public scrutiny and could be called into question," says Patterson.

The **SECOND** is developing a short need-to-know list. Limit it to the HR manager and/or the suspect's senior manager, legal counsel, risk manager and the CEO or senior HR executive. "You can't get to the bottom of the issue if there is gossip and innuendo circulating around the office," says Patterson.

The **THIRD** is to develop an action plan, which must include securing and collecting the evidence. Once all the electronic documentation is protected, the employee you are investigating can't contaminate or destroy the records.

BUILDING A CASE

There are different types of investigative techniques for collecting evidence, from video and physical surveillance to checking computer activity and company emails to forensic examination of documents.

Spector Soft Software (www.spectorssoft.com) offers a program to monitor computer activity, but Basse cautions that if this software is not installed in accordance with the *Personal Information Protection and Elec-*

BACKGROUND CHECKS

Why

"The best way to prevent employee fraud is to not hire thieves," says Earl Basse of Basse & Associates Inc.

Background checks identify high-risk people before you hire them. "On average, we find nine per cent of the people we screen have some level of criminal conviction," says Jeff Sutton, director of business development in background screening at Kroll.

Who

The general rule is the more responsibility the candidate has or the more exposure they provide the organization, the more essential a background check is.

"Three years ago the thought of doing background checks on retail employees was unheard of, but that's not the case anymore, especially with big organizations such as Walmart or Loblaw—they screen 100 per cent of their candidates," says Sutton.

What

The most comprehensive checks cover: criminal records, credit bureau, education, media files to ferret out personal or professional scandals and references.

"At the very least do a reference check," says Sutton. The things that are fudged most on resumes are the level of responsibility of a previous position and whether the person was terminated, both of which can say a lot toward someone's character. Sutton cautions against hiring managers doing reference checks. "It should fall to trained HR professionals or outside experts to avoid potential human rights violations."

Basse and Sutton agree the hardest background checks are those from other countries. Accuracy depends on having contacts in those countries or engaging a firm who does.

How Much

"It can get expensive. A full-blown background check conducted by professionals can cost \$1,000 or more," says Basse. "But a criminal record check only costs about \$25, and confirming education is around \$50. Licences for drivers should be verified on hire, and re-verified periodically." The cost is \$2 per verification on the Ministry of Transportation's website and \$2.50 via phone.

When

Sutton advises doing a background check following a conditional offer of employment but you must have the interviewee's written permission to make these enquiries.

tronics Documents Act (PIPEDA) there is potential liability for violations of privacy legislation.

Video surveillance, another good investigation and prevention technique, also has legal and privacy implications.

While it's not prohibited, it should either be overt—posted signs and employee awareness that the workplace is under surveillance—or there should be grounds, such as a complaint from another employee, says Groot. "An employer should not conduct covert video surveillance as a sort of fishing expedition." It's best to consult your legal counsel about your investigation action plan to make sure everything is above board.

And what do you do with the employee while you investigate? The experts are divided as it depends on how much evidence has been collected; but if you do dismiss the alleged fraudster while you investigate, Basse advises consulting your legal counsel to ensure you have enough evidence. Once you've collected enough evidence, then you can dismiss them with cause.

While employee fraud remains a relatively rare crime, it's definitely something to guard against. Most preventive measures—like requiring multiple signatures on cheques, having more than one person overseeing purchasing and requiring original documents to support expense claims—are simple and effective. Back up your prevention with an airtight fraud policy and you're covered. The bottom line is that most employees are honest, and that fact should be your first line of defense against the minority of employees who can't resist the temptation of easy money. **HR**

30 Management Strategies for a Tough Economy



Avoid the common mistakes managers make in a downturn and improve the morale, productivity and innovation of your company.

Request your free guide today at www.rhi.com/30Mistakes, or by calling 1.800.803.8367.

1.800.803.8367
accountemps.com

1.800.474.4253
roberthalf.com

1.888.400.7474
roberthalfmr.com



© 2009 Robert Half. 0309-10004

BAKER & MCKENZIE

Congratulations!

The Partners of the Baker & McKenzie Toronto office, would like to congratulate their colleague

Stewart Saxe, CHRP,

On being recognized as an Honourary Member of the Ontario Medical Association (OMA). Currently, there are 10 recipients of this honour, and Stewart is one of the few lawyers to have ever received this recognition.

Since December 2004, Mr. Saxe has assisted the OMA in planning and carrying out Physician Services Agreement negotiations with the Ontario Ministry of Health and Long-Term Care, as well as other assignments. In 2008, the OMA Board appointed Stewart as Lead Negotiator and Negotiations Adviser for the OMA Negotiations Committee.

www.bakernet.com





Double bull's eye.

Corporate & Litigation Lawyers Who's Who...
Stewart McKelvey leads.

2008 – 2009 Lexpert/American Lawyer Guide
to the Leading 500 Lawyers in Canada

STEWART MCKELVEY
When results count.

HUMAN RIGHTS TRIBUNAL

Ontario's new direct-access model poses fresh challenges for employers

BY PATRICIA MURRAY

LAST JUNE, THE ONTARIO HUMAN RIGHTS landscape radically changed after the complaints process under the *Ontario Human Rights Code* became a direct-access model.

The new process means anyone who feels their human rights have been infringed can bring an application directly to the Human Rights Tribunal of Ontario. Not only have the players in the process changed, their roles and responsibilities have been fundamentally altered as well. These changes have had a significant impact on how employers manage and respond to human rights challenges in the workplace.

The new system now involves three main bodies: the Human Rights Commission, the Human Rights Tribunal of Ontario and the Human Rights Legal Support Centre. Each organization has a distinct role in the new regime.

The Tribunal

The tribunal is the centrepiece of Ontario's new human rights system and is responsible for receiving, mediating, hearing and disposing of human rights applications. It has broad powers as part of its mandate to ensure disputes are dealt with in a just and expeditious fashion. Direct access means cases are processed quickly and scheduled for mediations and hearings. For employers, this means they must begin preparing for litigation immediately upon receipt of notice of an application.

With the elimination of the commission's role in handling complaints, the tribunal has inherited the commission's previous caseload. Complaints originally filed with the commission, but never dealt with, have been transitioned

over to the new tribunal—where complainants chose to do so. As a result of the number of these "transitional" cases, the tribunal has enacted special procedures to expedite matters through to a hearing or to resolution. More than a thousand transitional cases have been referred to the tribunal.

In an effort to deal with cases quickly and openly, the tribunal has enacted detailed Rules of Procedure, which give it greater flexibility. With its extraordinarily heavy caseload, these flexible procedures enable the tribunal to take a more interventionist approach and move quickly to get to the heart of disputes. The tribunal now routinely issues case directives to narrow the issues and direct the parties about both the scope of the case to be heard as well as the evidence and witnesses the tribunal deems appropriate.

In addition to the transitional caseload the tribunal has inherited, it also has an active caseload of new applications. As of March 2009, the tribunal had received almost 2,000 new applications.

The Commission

Under the new regime, many of the functions historically performed by the Ontario Human Rights Commission (such as receiving, processing, mediating and investigating human rights complaints) are no longer required.

But while the commission's new role is focused on policy development, public education and outreach, the amended *Ontario Human Rights Code* has given the commission some new powers that may prove significant. In particular, pursuant to section 29 (1) (e) of the code, the commission has the authority to "initiate reviews and

TIPS FOR EMPLOYERS

In the new Human Rights Tribunal of Ontario system, employers must be ready to immediately marshal their defences and quickly gather evidence to respond to an application. In order to be proactive, prudent employers should consider the following:

- Review return-to-work and accommodation policies and internal dispute resolution policies and procedures, including investigation procedures.
- Review documentation and record-keeping practices to ensure appropriate records of discussions are kept in order to respond to an application.
- Review organizational policies and practices to identify potential systemic barriers or other human rights issues.
- Provide additional training to individuals responsible for human rights in the organization to gain increased familiarity with policies and to facilitate a proactive approach to dealing with human rights issues in order to reduce the threat of a human rights application.

“Not only have the players in the process changed, their roles and responsibilities have been fundamentally altered as well. ”

inquiries into incidents of tension or conflict, or conditions that lead or may lead to incidents of tension or conflict, in a community, institution, industry or sector of the economy.” What this means, and how the commission plans to use this power, remains uncertain.

The commission also retains the authority to initiate its own applications at the tribunal, and has been given broad scope to intervene in applications filed at the tribunal. However, since the changes have come into effect there has been little indication of how the commission plans to exercise its new powers. It also remains to be seen whether the commission will receive the funding and staffing to actively pursue its new mandate.

More than a one night stand

Introducing the extended-stay program at Toronto's premier luxury hotel

Why settle for limited-service furnished apartments? Live in the ultra-hip SoHo Metropolitan for months on end and enjoy 24/7 hotel services with added comforts geared towards extended stays. Features like a 6-appliance kitchen, stocked fridge, in-suite laundry, and a fully-equipped office, now within a budget consistent with long-term visits.

**SOHO METROPOLITAN
HOTEL • RESIDENCES**

318 WELLINGTON STREET WEST TORONTO CANADA 416.979.4504 soho.metropolitan.com
prime downtown address • les clefs d'or concierge • celebrated restaurant • 24/7 hotel services • indoor pool • in-house spa • fitness centre

The Legal Support Centre

The third player in Ontario's new human rights regime is the Human Rights Legal Support Centre. The centre was established out of access-to-justice concerns within the human rights community regarding individuals filing applications who might require assistance, direction and counsel in navigating a direct access model. The centre provides publicly funded legal and related advice and assistance to applicants or individuals about human rights-related concerns but only applicants, not respondents, are eligible for assistance.

The new system does help move cases through the system quickly but the tribunal's challenge will be to continue to develop and implement strategies that allow it to effectively manage a very heavy caseload without the backlog and delays that plagued the old regime.

For employers, there is no question the new regime has had a significant impact on the dynamics of managing human rights issues, both internally and at the point of litigation. **HR**

Patricia Murray is a partner with Hicks Morley Hamilton Stewart Storie LLP in Toronto, specializing in grievance arbitration, Labour Board matters and human rights.



TWO GREAT EVENTS.
ONE DAY IN YOUR
BUSY SCHEDULE.

1 EASTERN ONTARIO HR CONFERENCE & TRADE SHOW

AND

2 EMPLOYEES' CHOICE AWARDS

October 22, 2009 at the Hampton Inn Conference Centre, Ottawa

REGISTER NOW!

For exhibit space and sponsorship opportunities, please contact easterncnf@hrpa.ca.
For Employees' Choice awards, visit www.employeeschoice.ca

AFTERNOON KEYNOTE BY:

Dr. BRIAN LITTLE

Personalities at Work during Economic Crisis: Free Traits and Third Natures

Individual personality differences play a vital role in the lives of professionals. These differences are often magnified during times of crisis.

In this humorous and provocative keynote, personality psychologist and Harvard professor, Dr. Brian Little explores how HR professionals can help employees find "restorative niches" to sustain them in challenging times. Using practical examples, he illustrates the effect personality has on communication, memory, learning styles and decision-making and argues that in our professional work, we are not always what we appear to be.

Produced in partnership by:

Ottawa Human Resources Professionals Association (OHRPA) and Human Resources Professionals Association (HRPA)

Media Sponsor



Human Resources
Professionals
Association
Ottawa
Chapter
TM

CLOSING TIME: CONTINGENCY PLANNING

For HR professionals, handling terminations is always a going concern. Even in normal business cycles, you can find yourself faced with letting staff go sooner than you think. And that can bring with it potential pitfalls, including production slowdowns, negative dealings with your suppliers or customers, sabotage and even wildcat strikes.

When it comes to mass layoffs, how your employees react depends on how you deal with the situation. Approached with forethought and careful planning, employees may leave with their dignity intact and positive feelings about how your company handled the situation. Handled impulsively, you may be faced with a full-on plant occupation, volatility—or even violence.

GM standoff

Frightening examples abound of layoffs gone awry. Take the General Motors standoff in Oshawa last year. Unionized employees barricaded the parking lot and occupied the executive building after the sudden announcement of the closure of four facilities. After two gruelling weeks during which business ground to a halt, the company got a court order to end the blockade.

Here, there was a 100 per cent failure to plan. No one was onsite to collect evidence in order to obtain a timely court injunction. Millions in damages and losses were incurred.

When it comes to closures, allow for at least a three to six month planning window to facilitate resource identification, business analysis and the development of an effective communications plan.

Plan for the worst

If long-term hardships are at stake, this can increase the volatility of response to layoff news. As an example, after being let go, a man in Alberta shot himself and his entire family because he wanted to spare them financial hardship. As tragic as this is, what if he

had decided instead to turn his gun on his employer? Preparing for shocking eventualities is your best defense against them.

Considerations for contingency planning

1. What does your company want out of the situation?
2. Do you want everyone to thank you or go away quietly? Once you identify what you want out of your closure announcement, you have a better chance of success.
3. Get the message out quickly. You need to secure the backing of your staff to minimize theft and negative feelings toward your executive team.
4. Identify critical processes. Isolate the most important areas where you need to focus your attention and have a priority list.
5. Identify your resources. You need to have some logistical backups, suppliers and replacement worker sources at hand.
6. Make sure your people are paid.

New obligations for HR

Occupational health and safety legislation has specific wording that speaks to the provision of a safe workplace and the protection of employees. Under Bill C-45, you and your executives are accountable—possibly with criminal penalties—if there is a failure to provide that safe work environment. At its core, contingency planning is your best protection to ensure things don't get out of control.

One final consideration: **Do not forget the people left behind.**

You might be closing one facility but have five more open and hundreds of employees continuing to work for you. Closures leave a residual effect on everyone from the mail clerk right up to your senior executives. Managing the morale of the people left behind allows you to move forward positively and profitably into 2010 and beyond. **HR**

Peter Martin is president of AFI International, a Canadian company specializing in crisis management, planning and response.

GROUP HOME AND AUTO INSURANCE

for members of the Human Resources Professionals Association



PROTECTION MADE EASY... GROUP RATES MADE EASIER!

As a member of the **Human Resources Professionals Association**, you can save on your home insurance through **preferred group rates**, while enjoying **high-quality insurance products and outstanding service**.

Insurance program presented
in partnership with



Human Resources
Professionals
Association

Request a quote and you could



MelocheMonnex.com/hrpao

1 866 269 1371

(Monday to Friday, 8 a.m. to 8 p.m.)



Insurance

Meloche Monnex

The TD Insurance Meloche Monnex home and auto insurance program is underwritten by SECURITY NATIONAL INSURANCE COMPANY and distributed by Meloche Monnex Insurance and Financial Services Inc. in Québec and by Meloche Monnex Financial Services Inc. in the rest of Canada.

Due to provincial legislation, our auto insurance program is not offered in British Columbia, Manitoba or Saskatchewan.

*No purchase required. Contest ends on January 16, 2010. Skill-testing question required. Odds of winning depend on number of entries received. Complete contest rules available at MelocheMonnex.com.

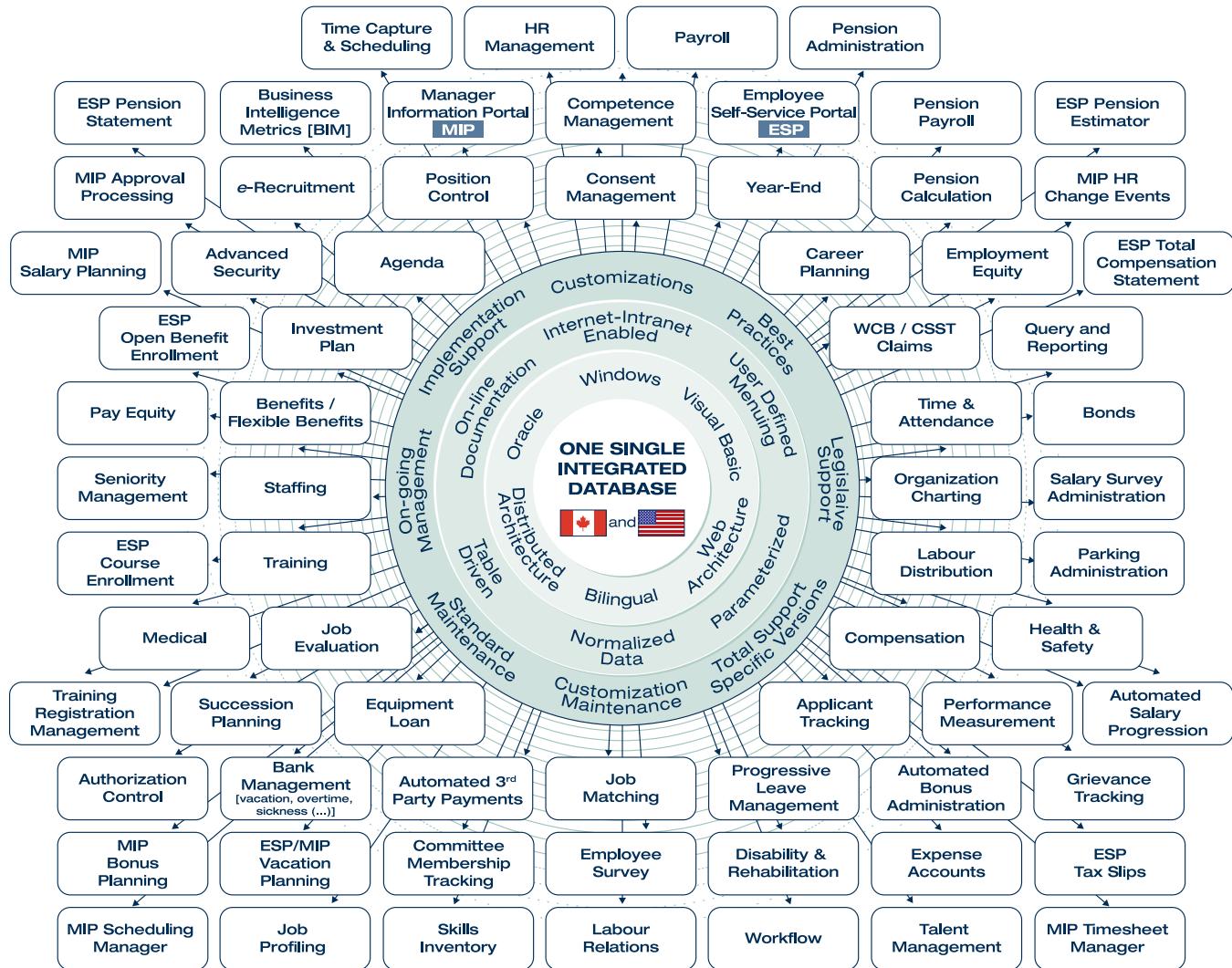
Meloche Monnex® is a trade-mark of Meloche Monnex Inc.

TD Insurance is a trade-mark of The Toronto-Dominion Bank, used under license.



INTEGRATED SYSTEM

- Human Resources
- Payroll
- Time Capture & Scheduling
- Pension



THE SOLUTION FOR LARGE CORPORATIONS!

Call Richard Rousseau at (450) 979-4646 www.dlgl.com



Since 1980...
“We do nothing else...”



PAUSE AND EFFECT

One of the simplest measures of successful communication is how well the audience remembers your message. Against this benchmark, most of us are great conversationalists but lousy public speakers.

In a casual conversation, the listener makes subtle movements with their eyes, cheeks and head. These signals show the speaker that the listener is engaged in the conversation. The listener is really the one who controls the pace of the conversation. Subconsciously, the speaker is reacting to the feedback given from the listener. A smile or a nod will encourage the speaker to keep talking but a blank stare or look of puzzlement will prompt the speaker to stop and inquire if they can go on or provide clarification.

“In reality, the most important time to engage the audience is when you are not talking.”

Receiver driven

This phenomenon is referred to as “receiver driven” communication and is one of the most important principles of speaking.

So what has this got to do with successful public speaking?

The audience.

If you watch most public speakers, especially those using a script or notes, they hardly ever hesitate or pause between ideas. They may take a breath now and then, but no conscious effort is made to notice whether the audience understands the idea they have just delivered.

During a conversation, the speaker always hesitates after each idea to watch the listener’s

face for signs of recognition, agreement or confusion. This pause is a nonverbal way of saying, “Did you get that?”

Many speakers who use scripts make a critical error. They will look straight back down at their notes as they finish an idea, without pausing. The effect on the audience is disastrous—essentially the speaker is dismissing what they just said and, instinctively, the audience will not give any more thought to the idea that was communicated.

Getting the message across

Furthermore, human beings will only remember what they have consciously thought about. So if they don’t actually think about an idea, it won’t resonate with them. This is the reason audiences remember virtually nothing from a public speaker.

They are never encouraged to think about anything that is said and therefore there is no connection between the speaker and the audience. The way to get them to think about an idea is to pause and cue them nonverbally.

Speakers are commonly advised to look at their audiences as they speak in order to engage them. But in reality, the most important time to engage the audience is when you are not talking. You must look at them *after* each idea—essentially asking them “Did you get that?” by pausing for a moment.

If your audience is not engaged because you are not giving them “did you get that?” pauses as you speak, you will sense them drift away. Next time that happens, add the pauses. You will be surprised how much more engaged your audience is. **HR**

John Miers is a public speaking consultant whose clients include senior international executives, top politicians and Olympic athletes. He is also the author of Hit Me Again... I Can Still Hear Him.

TODAY'S IP CHALLENGE IS TOMORROW'S SUCCESS

The emergence of today's knowledge economy brings new HR challenges regarding intellectual property (IP)—the non-tangible assets that are the direct result of creativity, such as patents or copyrights. IP is now the primary source of sustainable advantage for all businesses in all industries.

This fundamental shift affects every part of the HR lifecycle, but before HR executives can implement solutions, they need the right lens to accurately see today's strategic playing field:

- o In decades past, business strategy focused on building **The Cheap Company**, using low-cost production and mass-market dominance. Companies competed with huge fixed-asset investments and production capacity commitments.
- o Next came the era of **The Fast Company**, built on a strategic foundation of process economics, reengineering and "best practices"—i.e., the temporary advantage of doing something a little better or faster, at least until competitors caught up.
- o Now comes the era of **The Smart Company**, whose main source of advantage is IP—the ownership of the specific traits and features that make its products unique.

Traditional advantages are gone: scale can be purchased or rented and "best practices" are easily copied. IP ownership is the only way to fend off competitors and commercialize ideas. Every company must recognize the importance of IP, whether it makes razor blades, golf balls, cars or software.

Thus, HR professionals face two crucial issues: How do you guard the company's knowledge assets, and balance this goal with the needs of employees? and how do you retain and motivate the innovators who will become the company's future leaders, and may already be its **primary value creators**?

Here are some of the key areas that HR professionals must focus on:

Tapping talent pools: Use patent filings to find and recruit inventors. If you can't recruit them, consider targeting their co-inventors. Also consider using talented contract labour for

solving specific or narrow problems or enlisting motivated volunteers to create content for free.

Crafting contracts: Proper assignment of inventions is critical and not just for research and development staff—sales and service employees need them, too. Often they are first to observe a market need and propose a solution—becoming *de facto* inventors. It's also critical to understand global legal variation in inventor rights. Courts in the U.K. and Japan have recently thrown out contracts that did not provide employees enough compensation for inventions.

Retaining talent: Sticky knowledge (skills ingrained in an organizational culture) provides competitive advantage, but talented inventors are often more motivated by problem solving than by money. Different incentives are required for inventive talent, such as the freedom to pursue new ideas, having control of their environment (e.g., more lab time and more staff) and status and recognition for their innovations.

Integrating the innovation functions: The legal and scientific specialists so critical to innovation are often isolated in functional silos, but R&D and legal staff need commercial exposure to discipline their work. Similarly, business line managers can better appreciate the impact of IP when a close team member is helping them secure an invention and achieve success in the marketplace.

Training and development: Make sure IP is in the management-training curriculum and included in any executive-development rotation programs. Executives need a fundamental understanding of how IP drives value creation.

Outplacement: In The Smart Company, managing knowledge assets means preventing leaks, raising once again the critical issues of contracts, retention, incentives and organizational structure.

IP management is now the essential factor in building sustainable competitive advantage. For HR professionals, achieving this goal requires a delicate balance between ownership of knowledge and the recruitment, retention and motivation of inventive talent. **HR**

Mark Blaxill and Ralph Eckardt are managing partners of JLP Advisors, an investment advisory firm focused on intellectual property transactions. They are coauthors of The Invisible Edge: Taking Your Strategy to the Next Level Using Intellectual Property (Portfolio Press, 2009).



With the right support
we can do *anything*.



Awareness



Accessibility



Accommodation



Ability



Action



www.businesstakesaction.ca

*A project of CME, funded by the
Ministry of Community &
Social Services*



**Eliminate barriers.
Connect with us.**

Business Takes Action is a government-funded initiative created for employers in all sectors to assist in sourcing, accommodating and hiring employees with disabilities. Our program is unique in Canada because we operate within a business association and are driven by *employers like you*.

Contact us today to find out what we can do for you:
business.takesaction@cme-mec.ca
905 672 3466



SmartFlowTM

Document Management Services

What's behind this door?

A short time ago, design plans for this room included five new cubicles for people that the company **was going to hire** to handle growing volumes of HR paperwork.

But sometimes plans change...

Now, all you'll find behind the door is a boardroom where great ideas come from—not more operational expenses, and certainly not more paperwork. That's because this company chose **SmartFlow™ Send** from Canada Post.



SmartFlow Send is a unique and economical, one-stop document and communications management service that can help your human resources department accelerate critical paper and digital communications—such as payroll and tax form distribution—securely, cost-effectively and efficiently. The service also enables you to instantly retrieve these documents for up to seven years.

Intelligent and virtually seamless, **SmartFlow Send** can streamline your workflows so you can get back to focusing on the “human” in human resources. **Smart, isn’t it?**

Is **SmartFlow Send** right for you? Find out by calling 1-866-282-7167 or by visiting canadapost.ca/smartflow/hrprofessional today.

SmartFlow™ is a trademark of Canada Post Corporation.



From anywhere... to anyone

JUST CAUSE DISMISSAL

Think you've got your soon-to-be ex-employee bang to rights for dismissal with cause? A sober second look may save you a lot of grief and court costs. We talk to two employment lawyers on the complexities of just cause dismissal.

So you've caught Johnny X pilfering stationery from the stockroom. Before you tell him to clear out his locker and hit the bricks—and forget about notice—stop and consider the case of *McKinley vs. BC Tel, 2001*.

Prior to this groundbreaking bit of case law, employees fired for cause—theft, incompetence, fraud, insolence, etc.—were basically S-O-L. If the allegations were proven, they could forget about getting any kind of notice as they were shown to the door.

After McKinley, things got a little fuzzier. This case involved a 16-year BC Tel employee who took a medical leave. While away, he failed to tell his employer that he could take a certain drug that would enable him to return to work. The employer found out and eventually used it to assert cause and terminate employment.

The Supreme Court of Canada found that yes, McKinley was dishonest; but he wasn't sufficiently dishonest to justify dismissal without cause—especially considering he'd been a good employee with 16 years' experience.

"After McKinley, the top thing an employer or HR has to consider in cause is proportionality—does the punishment fit the crime? You must take a contextual approach and this requires a case to be considered on its own particular facts and one that considers the nature and seriousness of the misconduct in order to assess whether the employment relationship can be sustained," says Jordan Finch, a Toronto employment lawyer with Ogilvy Renault LLP.

That's not to say you can forget about firing someone for cause. It just means there are more hoops to jump through to satisfy the courts (if the employee disputes and the case goes to trial).

Judges look at cause dismissal the same way as capital punishment, says

Toronto employment lawyer Peter Israel. "Just like a death penalty case,

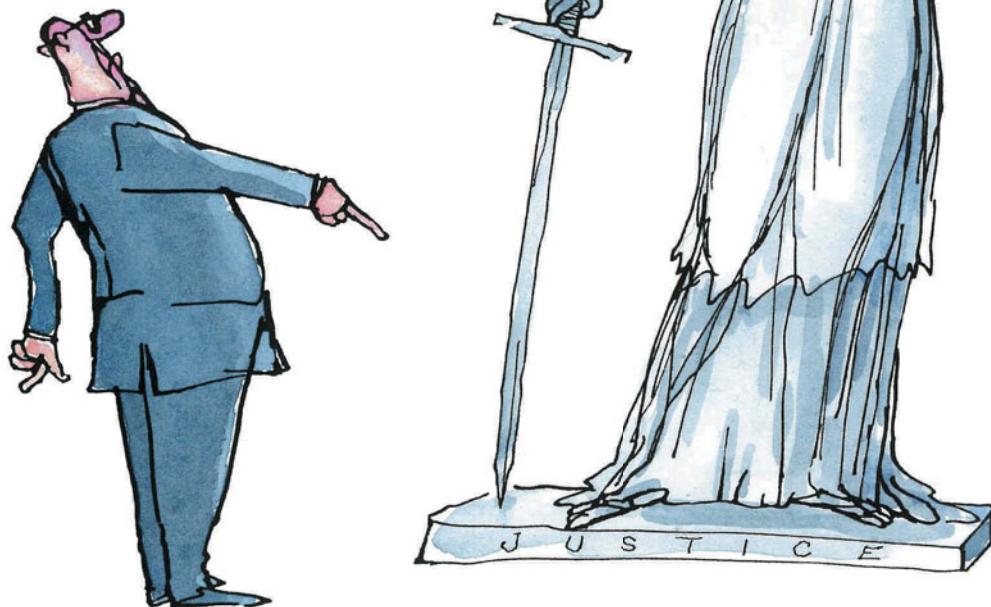


ILLUSTRATION: MICHAEL EDDENDEN



SEIZE THE DAY

EARLY BIRD REGISTRATION*
ENDS OCTOBER 15, 2009

Don't miss out. Register Now.

Brilliant Speakers. Fascinating Exhibits. And a Dazzling Soirée.
www.hrpa.ca/conf2010

Write your own legacy in 20X
HRPA 2010 Annual Conference & Trade Show

January 27-29, 2010
Metro Toronto Convention Centre
South Building



Human Resources
Professionals
Association
TM

*Take advantage of 2009 conference prices—prices go up after October 15, 2009.

the courts in a cause case want to ensure the person gets all the due process to which they're entitled. And the more the alleged conduct is criminal, the higher the standard of proof the courts require. The court has to conclude that the conduct of the employee renders it impossible to continue the relationship, that it totally destroys the trust."

Slam dunks

You hit someone in the workplace? You're out. You're caught moonlighting for the competition? Good bye. Got a child porn conviction and work in a daycare? See ya. In serious cause cases like these—conduct or an event which renders continued employment untenable—as long as you've conducted a proper investigation and given the employee a chance to respond, odds are good you'll convince a court that cause is justified.

And recent judgments are adding new indiscretions to the list of easy cause wins, according to Israel. "Recent successful cause cases have dealt with things like sexual harassment, sexual misconduct, porn surfing at work, badmouthing an employer via online social networks—those are cause 'growth' areas," he says.

Of course, all of the above is contingent on a thorough investigation before termination. This means putting the allegations to the employee and getting their side of the story and talking to everyone relevant to the case. Depending on the nature of the misconduct (e.g., sexual harassment) this likely means bringing in a third party to investigate.

Proceed with caution

There are other areas of cause in which employers should tread carefully—especially performance-related issues like incompetence, chronic lateness or absence, or insubordination.

"If you're going to allege cause using performance-related grounds, an employer really needs to have a well documented case and show that: you had an objective policy [related to the performance problem]; the policy was communicated to the employee; the employer told the employee he was not meeting the policy objectives; the employer gave him a reasonable attempt to rehabilitate himself; the employee was advised of the consequences if he did not comply; and the employer gave him a final notice for improvement before terminating employment," says Israel.

"It's imperative that you look at the employee's entire employment record, not just the now," says Finch. "Consider things like seniority and performance appraisals. One of my pet peeves is when employers want to terminate for poor performance; we go through the performance records and it turns out they've been given performance bonuses year after year. That doesn't jibe."

And document everything. When you end up in court many years after the fact, it's nice to have a thorough, accurate record that refreshes everyone's memories. **HR**



Looks can be deceiving

Completed Masters in Computer Science (with honors) ✓

Clear Criminal Record ✓

Promoted to a higher position with his employer (in record time) ✓

Don't let looks deceive you – get the whole story ✓

What we do:

criminal records . credit reports . ID verification
international security . education verification
professional accreditation . employment history
driving abstract . references . immigration
exit interviews . bankruptcy

GARDA
gardaglobal.com

416.915.9500 ext. 3777 | 800.353.2049 ext. 3777
preemployment@garda.ca



**Give your employees
access to great value...
simply PARTNER
with The Personal**

The Personal has the knowledge and expertise to bring exceptional benefits to each one of your employees. They'll love the privilege of extraordinary service and savings on their home and auto insurance.

Our proven program is hassle free and no cost to you. Over 560 of Canada's leading organizations agree. It's rewarding to partner with The Personal. To find out how, give us a call now. It will be our privilege to show you how we can give your employees access to great value

1 888 246-6614

www.thepersonal.com



thePersonal

Home and Auto Group Insurance

HR IN THE OILPATCH

BY DUFF MCCUTCHEON

Back when gas prices hovered around \$1.30 per litre, Alberta energy companies were falling over themselves to hire experienced, trained bodies to get oil out of the ground, refined and distributed to energy-hungry consumers around the world. While the current recession has seen energy prices—and oilpatch labour demands—fall, HR professionals across the energy sector are quietly planning for the inevitable turnaround. We talk to two Alberta HR professionals about HR in the oilpatch.

A geographic quirk of the Alberta oil business is something known in the industry as spring breakup. It's that time of the year when the frozen earth of northern Alberta—home to the second-largest hydrocarbon deposits on the planet—starts to thaw. Trucks get mired in the resulting muck and very little gets accomplished until the ground dries out.

Obviously it has big implications for HR professionals at Canadian energy companies. "Spring breakup always means a downturn in the second quarter," says Rosalee Cobb, Canadian HR lead with Halliburton Group Canada—a global engineering services giant that provides products and services to the energy industry. "It's challenging for staffing—coming up with innovative ways to balance growth while maintaining a core group of individuals that are available when the upturn returns."

For Halliburton, it means sending idle work crews and equipment to support operations in the United States, or even projects around the world—Africa, Asia, South America. "Wherever there's a need," says Cobb. And then they bring them back once production picks up again.

This year's economic downturn has also had big effects on staffing Canada's oilpatch. Oil prices have dropped to US\$47/barrel in 2009 from an average of US\$100/barrel in 2008, Alberta oil exports are projected to drop 35 per cent in

2009, and there's been a corresponding drop in labour demand. That's a big turnaround from the scramble for skilled, well-developed talent that characterized HR during Alberta's recent oil boom.

But no one's projecting energy prices to stay low for long. Once the global economy recovers, demand for oil will surge again—especially from emerging industrialized nations like China and India. And those are the days that HR professionals are planning for now.

Recruiting

"We've slowed down, but we're still hiring and moving forward because we have people moving around, changing jobs and retiring; and we still have plans for workforce renewal," says Doug Dickson, HR manager at BP Canada—a major natural gas producer and distributor that also has investment banking and manufacturing (Castrol oil) divisions. "Our workforce is generally highly skilled and you need adequate time to train people. You need to keep renewing yourself, bringing in new people and training them so they're ready for those critical jobs."

Dickson and his team laid the groundwork for future growth during the boom, which will serve them well when things turn around.

"We threw a lot of effort into revamping our HR policies and practices to ensure we're competitive," he says. "We're competitive with wages and salaries, our variable pay plan is one of the better ones and we're working to improve our benefits. We've brought in a perk allowance and we're providing education on things like making wise financial choices"—a benefit that's especially important for oil workers that can make six-figure salaries by the time they're 25. "Having savvy investors helps productivity because they're less concerned about their money and more focused on their jobs," says Dickson.

BP Canada is also big on in-house training, sponsoring apprenticeships for





young people entering the skilled trades and partnering with the Southern Alberta Institute of Technology to provide specific training on BP processes, procedures and safety.

"Through both, we're able to develop our operators and help them move up in the organization," Dickson says.

Over at Halliburton, Cobb and her team partner with technical schools and universities

on co-op placements and summer jobs to lure recent engineering and technical students. "We market heavily as an employer of choice on campus," says Cobb. "Through co-ops, we offer students opportunities to gain real-life skills while building relationships with them." For top students, the company also offers to pay for their final year of school as a further incentive.

The company also goes on recruiting tours, targeting Canadian regions with high unemployment to find potential recruits. "Last year we set up recruiting fairs in areas across the country and invited people to check out Halliburton," says Cobb. "We look for people with similar, transferable skills. Halliburton is unique in that what we do isn't necessarily taught in a classroom. We tend to look for transferable skills that relate to our industry. A good fit would be someone with experience driving heavy trucks, operating heavy machinery or hands-on outdoor work."

Once hired, recruits go through extensive Halliburton-specific training at the Northern Alberta Institute of Technology to get them job-ready.

Labour relations

While BP Canada is not unionized, much of its operational staff is represented by joint industrial councils (JICs). And at one time, relations between the two were poor. "We went through a period of tension," says Dickson. "There wasn't a lot of trust between management and staff."

With the help of a sports psychologist who acted as mediator, Dickson and his team met with JICs across the organization to build relationships and trust between the two parties.

STRINGER BRISBIN HUMPHREY

SUCH A LONG NAME...

After 43 years, we thought:

TIME FOR A CHANGE!

Our expert employment and labour law service stays the same.

Our effective, creative and efficient approach will not change.

JUST THE NAME!



Visit our new web site: www.sbhlawyers.com

Toronto: 416.862.1616 • Barrie: 705.727.0808

An HRPA membership saves you money



workopolis.com

Post on Canada's biggest job site, and **save over \$113** on every National single job posting*

plus	save
Ontario	\$109 **
Western Canada	\$105 †
Quebec	\$75 ‡
Atlantic Canada	\$50 §

No pre-payment. No Minimum order. Off retail price.

\$750, \$725**, \$695†, \$495‡, \$325§

All you need is your member ID and password.
Start saving at www.hrpa.ca/membersavings

For questions regarding the Workopolis discount program
please contact Venngo at 1.866.383.6646 ext. 231.



Human Resources
Professionals
Association

INDUSTRY INSIDER



"A person gets angry because they're not getting something, but all the other party sees is someone who's angry," says Dickson. "Our teambuilding efforts allowed us to get past that anger to understand what's causing it and come up with solutions. Now we have regular meetings and memorandums of understanding of how things will work between management and the JICs. We also deal

with issues at public meetings so people feel comfortable raising concerns. It eliminates tension and contributes to our goal of safe and reliable operations because people aren't worrying about getting an issue raised and dealt with."

Using downturn

Halliburton has been using the recent downturn to restructure its HR strategy and prepare the organization for future growth—specifically the development and implementation of a One Halliburton strategy.

Prior to this, regional HR staff was tied to specific Halliburton product service lines. "Now we're reorganizing HR so it's supporting all Halliburton staff in a given district as opposed to staff in a particular business," says Cobb. The move is part of a broader integration of management teams and product service lines for a One Halliburton strategy. "It just makes sense—together we can benefit each other," she says. "And from an HR perspective, it means there's consistency throughout all areas and levels within the organization."

Cobb and her team have also used the downturn to renew their focus on training, especially among frontline supervisors. Halliburton has developed a three-day leadership course—Training for the Frontline Supervisor—that it's rolling out to frontline managers to ensure they have the leadership skills to succeed in the role.

"The course addresses turnover issues and empowers leaders to make decisions at the frontline level," says Cobb. "It gets people thinking about cost control, service quality and safety and the importance of having positive, engaged crews." **HR**

From the name you know and trust:

BackCheck™

Know Who You're Hiring!

Canada's largest background checking company providing:



Criminal Record Checks



Identity Cross-Checks



Employment Verifications



Education & Credential Verifications



Reference Interviews



Credit Bureau Inquiries

Introducing: myBackCheck.com

Order • Store • Manage & Share your background check

Online background checks

As easy as it sounds!

**Paperless • Convenient
Simple**

www.backcheck.ca | Phone: 1.877.308.4663 | Email: info@backcheck.ca

Looking for a way to give your employees more for less?



Treat them to exceptional group auto and home coverage.

With group auto and home insurance from The Co-operators, you can offer your employees additional benefits at no additional cost to you. Your employees will enjoy The Co-operators outstanding service first hand from our 200 highly trained Licensed Insurance Representatives, and our claims service advisors are available to help 24/7. Plus, our policies come complete with features you won't find anywhere else, like Group Home Assist, automatic coverage for most insurable items, and our any day payment deduction.

Call us today at 1-800-880-6588 or visit us online at www.cooperatorsgroupinsurance.ca.

Group Auto* and Home

 **the co-operators®**
A Better Place For You®

*Auto insurance not available in MB, SK and BC.

even super- heroes need allies.

Join HRPA
today. Then
you can
become an
HR super-
hero, too.



About HRPA

The Human Resources Professionals Association (HRPA) is Canada's HR thought leader with more than 18,000 members in 28 chapters in Ontario and other locations across Canada and around the world. HRPA is internationally recognized for its knowledge, innovation and leadership. It connects its membership to an unmatched range of HR information resources, events, professional development and networking opportunities and it annually hosts the world's second largest HR conference. In Ontario, HRPA issues the Certified Human Resources Professional (CHRP) designation, the national standard for excellence in human resources management and the Senior Human Resources Professional (SHRP) designation for high impact HR leaders.



Human Resources
Professionals
Association
TM

PRE-EMINENT EMPLOYER LAWYER JOHN WEST TALKS ABOUT PRECEDENT-SETTING CASES AND IMPENDING GAME-CHANGING LEGISLATION

Called to the bar in 1978, John West has been on the forefront of Canadian employment law for more than 30 years. The managing partner of the Toronto office and former national chair of the employment and labour law group of Ogilvy Renault LLP, West has represented major employers for more than 25 years in important labour and employment cases. *HR Professional* sat down with him to discuss what's on the employment law horizon in the coming decade.

HRP: In the 20-plus years since *Wallace vs. United Grain Growers Ltd.*, the courts have favoured the rights of the employee over the rights of the employer. With the Supreme Court's decision in *Keays vs. Honda Canada Inc.*, do you see favour coming back to employers?

JW: The decision in *Keays* clarified *Wallace* and set the threshold very high for awarding punitive damages and damages for manner of dismissal. Has that been a rebalancing in favour of employers? To a certain extent, but you have to look at *Keays* in the context of the trilogy of other important employment law cases that arose in 2008.

IN A NUTSHELL

Personal credo: "Never despair or be defeated"

First job: Cutting neighbour's lawn for less than minimum wage

Childhood ambition: Pro hockey player (a totally unrealistic dream for a kid who couldn't skate)

Best boss and why: The current national managing partner of my firm (to say anything else is a formula for big trouble!)

Next move: From active lawyer to senior advisor in the firm

Ideal retirement destination: France on the Cote d'Azur

Ideal vacation destination: Europe, with a special love for France and Italy

Stress reliever: Long walks

Favourite author or book and why: Not one favourite but enjoy nonfiction

Most recently read *Angler*, the unauthorized bio of Dick Cheney

Source of current inspiration/motivation: My wife

The best piece of advice I ever got: From my father, "nothing is too big"



PHOTOGRAPH: ROBIN WONG

In *Evans vs. Teamsters Local Union No. 31*, the court concluded that employees who are dismissed, whether actually or constructively, have a duty to mitigate. A lot of people view that decision as further evidence that the court is heading in the employer's direction. The third case was *Hydro-Québec (Hydro-Québec vs. Syndicat des employé-e-s de techniques professionnelles et de bureau d'Hydro-Québec, section locale)*, which dealt specifically with an employer's duty to accommodate. Before that the precedent was *British Columbia (Public Service Employee Relations Commission) vs. BCGSEU*, often referred to as the *Meiorin* case, in B.C., which said the threshold for accommodation was an impossibility—is it impossible for the employer to accommodate? The *Hydro-Québec* case redefined the standard for accommodation from impossible to something less rigorous, perhaps whether it is unreasonable for the employer to accommodate.

INTERVIEW

The Canadian specialized job board network.

3 EASY STEPS!

- Choose **01**
- Post **02**
- Done **03**

Post your job **in minutes**, on the **most appropriate job board** for the profile you are seeking!

One account for different job boards and different job boards with **the same bundle**.

HRjob.ca
Human Resources

jobWings
Finance Accounting

ACCTjob.ca
Accounting & Bookkeeping

sale\$rep.ca
Sales

itjob.ca
Computer Science

Retailjob.ca
Retail

recruTech.ca
Engineering

adminJob.ca
Administrative Support

CallCenterjob.ca
Call Centers & Customer Services

pmjob.ca
Project Management

BAn(o)b.ca****
Business Analysis

Pharma JOB.ca
Pharmaceutical

HealthCare job.ca
Healthcare

Legal JOB.CA
Legal

Paralegal JOB.CA
Paralegal

1 - 888 - JOBWINGS

The Supreme Court has sent the message that it favours a level playing field. It's too early to tell whether trial judges will ultimately go along with that in their interpretation of individual cases.

HRP: What has been the biggest change you've seen in employment law since you started practising?

JW: The panoply of employee rights isn't anything anyone would have foreseen 20 years ago. The level of employee empowerment that has taken hold is striking. What you've seen through legislative changes and court decisions is the message that workplaces should be places where people feel valued, can work safely, and can realize their ambitions for growth, development and personal initiative—places where they can thrive.

There is a side issue that's arisen from all that and it's whether unions are still as relevant as they once were. While I still think they are, with all the legislative and court imposed changes, we may not need unions in the same context as we did several decades ago. Look at the rights employees have now with respect to discrimination, accommodation, pay equity—the courts and the legislature have elevated workplace rights almost to the level of constitutionally protected rights.

WRONGFUL DISMISSAL

HRP: Due to the current economic reality, the courts seem to be taking "judicial notice" of increased layoffs and longer periods of unemployment in their wrongful dismissal decisions (see *Aucoin vs. Liturgical Publications of Canada*, *Yiu vs. Canac Kitchens Ltd.*, *Zaitsoff vs. Zellstof Celgar Limited Partnership*). Now that the precedent has been set, do you see this continuing after the economy recovers?

JW: I think we've seen it before. In the early '90s, judges took note of the economy and notice periods began to reflect that, but these longer notice periods continued even when the economy improved. The 24-month notice period barrier arose during a downturned economy but has remained for the most part as the high watermark, even when times got better. So whether those longer notice periods will continue even if it's not warranted in the future is still an open question.

BILL 168

HRP: What will be the impact on employers if Bill 168, the act to amend the *Occupational Health and Safety Act* with respect to violence and harassment in the workplace, passes?

JW: The bill is well intentioned but may put unrealistic expectations on employers.

Specifically, the bill includes a positive obligation for employers to provide information, including personal information, to employees if there is a potential risk of workplace violence from a person with a history of violent behaviour in that organization. It's a very challenging obligation for employers to meet, especially in terms of what an employer can practically do.

Take, for example, an employee who was in a bar fight 20 years ago. Does that person really have a history of violent behaviour when there hasn't been an incident since? Maybe, maybe not. If



I'VE HEARD THAT
70%
OF CANADIAN
EMPLOYERS WANT TO
MAINTAIN OR IMPROVE
EMPLOYEE BENEFITS.*

WE CAN HELP YOU CROSS THAT BRIDGE, EVEN IN DIFFICULT TIMES.

Our employee benefits experts can help you build a solid foundation for your employees. So they can keep you on the side of success. Because, like you, we understand that employee benefits can benefit us all.

To find out how you can benefit from giving your employees better benefits, call Desjardins Financial Security, one of Canada's leading insurance companies with over 100 years of experience.

Desjardins Financial Security is a member of the Desjardins Group, which has nearly \$160 billion in assets.

desjardinsfinancialsecurity.com/solutions

Group Insurance

1-800-263-9641

Group Retirement Savings

1-866-565-3145

* 70% of Canadian companies intend to maintain or improve their employee benefits, especially during a recession.
Source: Health is Cool! A 2009 survey by Desjardins Financial Security.

 **Desjardins**
Financial Security®

Money working for people

Life, health, retirement

INTERVIEW

employees are going to encounter this person in the workplace, does the employer have an obligation to let other employees know this person has a history of violent behaviour?

Or what if you are a service provider and have employees working in the field at people's residences? Do employers have an obligation to do due diligence regarding potentially violent customers to ensure employees aren't at risk?

It's going to be very challenging. However, if the net consequence of the bill means employers

are obliged to have specific policies in place dealing with the physical protection of employees in their workplace, I think that's a plus. Hopefully this legislation will bring a new mindset that prompts employers to put policies in place, educate their employees about violence and be proactive about security by implementing effective security devices like secure areas, cameras or security guards where appropriate.

But the question that remains is whether Bill 168 has gone too far in imposing some obligations that may be unrealistic in terms of disclosure.

HRP: What does the inclusion of the domestic violence provision in Bill 168 mean for HR departments?

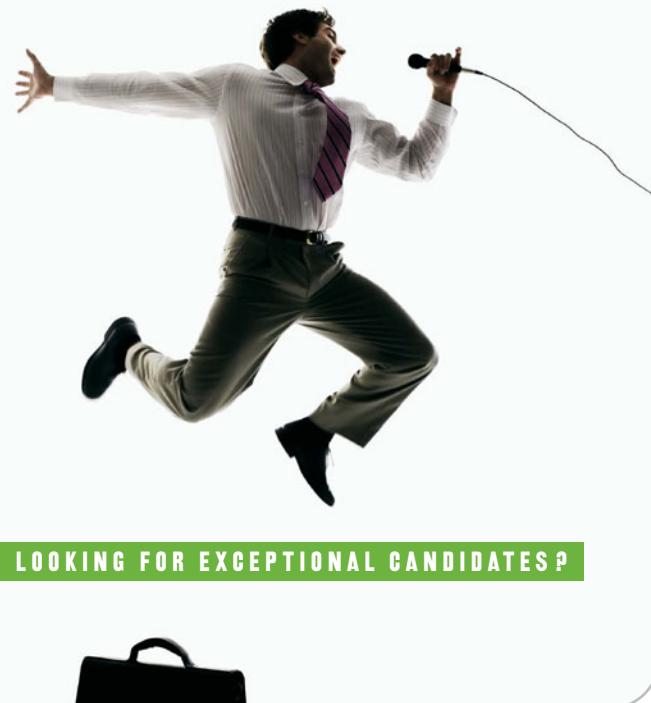
JW: I think that is positive as well. It's been a longtime issue, particularly for female employees working in the retail sector as they can be quite vulnerable to estranged spouses showing up in the workplace.

Bill 168 means employers must have workplace policies to ensure they have employee assistance plans, and support lines with counsellors who can provide advice and referral. If an employer is aware of a risk, they need to take precautions, such as hiring security guards and using cameras or providing safe transit to and from work if necessary and reasonable to do so.

The employer liabilities of this bill can be significant. Not only do they need to protect employees but they also need to provide a supportive environment to encourage employees to come forward to make [the employer] aware of these risks. But employers are going to have a challenge convincing employees to speak up about domestic abuse.

CELLPHONES AND LIABILITY

HRP: As the law banning handheld cellphone use while driving



Globe Careers delivers leading candidates to Canada's leading employers.

Globe Careers is the most trusted and comprehensive career resource in Canada. We match our influential, well-educated and career-oriented readers with the country's top employers through all the touch points of The Globe and Mail's multi-platform media brand. Globe Careers helps you start the right conversation with the right candidates.

To advertise call 1 800 387 9012 or email recruitment@globeandmail.com

To learn more about advertising opportunities in The Globe and Mail,
go to globelink.ca

THE GLOBE AND MAIL®

ESSENTIAL FOR ADVERTISERS

• THE GLOBE AND MAIL • REPORT ON BUSINESS MAGAZINE • REPORT ON [SMALL] BUSINESS MAGAZINE •
• GLOBEANDMAIL.COM • GLOBE INVESTOR MAGAZINE • REPORTONBUSINESS.COM •

From the day-to-day, to HR Strategy

We've got you covered in

**CANADIAN
HR Reporter**

THE NATIONAL JOURNAL OF HUMAN RESOURCE MANAGEMENT www.hrreporter.com

Published by Thomson Reuters Canada Ltd.



Receive 22 issues filled with the latest HR news, plus helpful tips, new trends, and the ever-informative HR Guide, full of HR-related vendors and contacts.

Visit www.hrreporter.com

2009-05-14-b

Subscribe now for only \$99* Call 1-800-387-5164
or visit www.hrreporter.com/subscribe

(*offer valid to new subscribers only)

**From here,
grabbing the
best candidate
is easy.**

The Star provides a number of opportunities to get your recruitment ad in the right place. And our sheer volume of readers ensures a large pool of talent – from entry level to executives – for easy pickings.



CAREERS:
Appears in Business every Tuesday, Thursday and Saturday helping you reach both active and passive job seekers.

SPECIAL SECTIONS:
The Star's special sections provide excellent opportunities for targeted recruitment advertising.

WORKOPOLIS.COM:
Canada's Biggest Job Site, where more than 3.7 million candidates visit every month.



TORONTO STAR
thestar.com

For more information contact a recruitment specialist at
416-869-0600 or email recruit@thestar.ca

Continuous Employee Feedback

By Checkwell, Canada's HR Interviewing Service & Technology Leader

Pinpoint Areas for Action by correlating and comparing the results of your employee surveys by MoraleCheck, anonymous tips by ConcernCheck, and exit interviews by ExitCheck.



MoraleCheck Onboarding Surveys



MoraleCheck Focused Interviews



MoraleCheck Engagement Surveys



ConcernCheck 24-7 Employee Tip Line



ExitCheck Exit Interview



ExitCheck Post Exit Interview

MoraleCheck™

ConcernCheck™

ExitCheck™

Phone: 1.888.394.8245

Email: info@checkwell.com

www.continuousemployeefeedback.com

Why use IABC/Toronto's CareerLine?



- **Targeted job board** – To reach more than 1,650 IABC/Toronto communicators with varied expertise, such as corporate/employee communications, marketing communications, public/media relations, social responsibility, public affairs, social media/internet strategy and multimedia.
- **Special low price for employers/hiring managers** – Until November 30, pay a flat fee of only \$230 for members and \$280 for non-members (plus GST) for a single job posting and take advantage of an unlimited word count.
- **High demand** – CareerLine receives more than 1,500 web hits per week (and at no additional charge, job postings are e-mailed directly to members who opt for this service).
- **Easy to use** – Activated within 24 hours (excluding weekends), after you've completed two simple online forms. Pre-pay by credit card or have an invoice mailed to you.

To learn more or to post a job with IABC/Toronto,
contact us by phone, e-mail or internet:

416-968-0264 | toronto-info@iabc.com | http://toronto.iabc.com

IABC INTERNATIONAL ASSOCIATION
OF BUSINESS COMMUNICATORS

TORONTO

INTERVIEW

came into effect this fall, are employers facing more risk?

JW: There has always been the risk of vicarious liability whether an employee is in a company-owned vehicle or using their own vehicle on company time and they're involved in a motor-vehicle accident. I don't think there is a greater risk now with the cellphone ban, but the real question is how employers handle the ban. You have to bear in mind that once the law is proclaimed, individuals can no longer use any handheld devices while operating their vehicles.

Employers should have policies that reinforce that they expect their employees to comply with the new law.

The new law does not prohibit people from using hands-free cellphones while driving—so if you have voice-dialing and a Bluetooth connection you won't be acting unlawfully. Some companies have policies that prohibit all use of cellphones while operating a motor vehicle on company time because whether you are dialing or simply just talking, the distraction element is the same. This is the most conservative approach an employer can take and it goes further than the legislation. But employers have to make a choice as to what their business needs are. If, as an employer, your minimal expectation is that your employees comply with the law, then you have to weigh that with the risk that you may have some liability if there is an accident.

ACCESSIBILITY

HRP: Several standards of the *Accessibility for Ontarians with Disabilities Act*, which comes into force next year, directly affect employers. What are the most critical issues and how can employers protect themselves from future litigation?

JW: This legislation has really been under the radar and I don't think many employers are aware

of the upcoming standards. It will catch a lot of people by surprise.

The customer-service regulations are coming into effect for the public sector in 2010 and the private sector in 2012. They aren't terribly onerous, but they do cover every workplace that has more than 20 employees. Organizations are going to have to train employees how to communicate to special-needs customers and the appropriate way of dealing with people who require support persons or service dogs, etc. It may require building



Knowledge.
It's a worthwhile investment.

When you need to know the facts about SMART alcohol service and strategies on how to protect yourself, your staff and your guests visit,
www.smartserv.ca.

Because it's the SMART thing to do!

1-877-620-6082

SMART SERVE[®]
ONTARIO

Perspective patronale en droit de l'emploi et relations de travail
Labour and Employment Law for Employers

Emond Harnden SRL LLP

LABOUR AND EMPLOYMENT LAW'S BEST PRACTICE



Glebe Chambers
707 Bank Street
Ottawa, Ontario
K1S 3V1

- wrongful dismissal
- restructuring
- employment contracts
- workplace policies
- labour board proceedings
- collective bargaining
- human rights
- labour arbitration
- occupational health and safety
- workplace safety and insurance
- privacy compliance

advice for unionized and non-unionized employers

www.emondharnden.com

Services dans les deux langues officielles

Telephone: (613) 563-7660
info@emondharnden.com

WHEW!

HR Manager's typical response after
we found a skilled receptionist, fast.

Try us and see why 9 out of 10 of our clients and candidates would
recommend OfficeTeam to colleagues. Contact the leader in
specialized administrative staffing today.

1.800.804.8367
officeteam.com

OFFICE TEAM®
Specialized Administrative Staffing

© OfficeTeam. A Robert Half International Company. 0606-3008

Earn CHRP credits

Myers-Briggs Type Indicator®

GET CERTIFIED. BE IN DEMAND.

Learn to use the MBTI® tool to:

IMPROVE TEAMS
RESOLVE CONFLICT
COACH OTHERS



2009 CERTIFICATION PROGRAM

Calgary Oct 19-22 • **Toronto** Nov 16-19

2009 ADVANCED WORKSHOPS

Building Teams with Type
Calgary Oct 23

MBTI® Step II Certification
Calgary Oct 22
Toronto Nov 19

Visit www.psychometrics.com
for information on our upcoming 2010
training dates and locations.

REGISTER TODAY:
1.800.661.5158 X227
WWW.PSYCHOMETRICS.COM

 **Psychometrics**

6147
Myers-Briggs Type Indicator, MBTI, the MBTI logo, and Introduction to Type
are trademarks or registered trademarks of the MBTI Trust, Inc., in the United
States and other countries. The MBTI Certification Program is officially recognized
by CPP as a qualifying program to administer and interpret the MBTI instrument.

INTERVIEW

and facility modifications to make it accessible to people with disabilities, which for small businesses will be burdensome.

So the bill is challenging to deal with. The fact that it is hitting the public sector first may be a wakeup call for the private sector when they see how the public sector obligations are being dealt with.

HUMAN RIGHTS

HRP: It has been a year since the Ontario Human Rights Tribunal changed to a direct access model. How has this affected employers and what will be the impact going forward?

JW: It's still too early to tell. There is no longer a filter for complaints. In my view, there have been a large number of complaints heading to the tribunal that don't have merit. It is also very cumbersome dealing with the procedural side of the process. My clients feel there is a lot of detailed information that has to be provided for frivolous complaints.

On the positive side, hearings are happening within the year-long time period and the mediation process is more balanced than the old one. We don't yet have a sense if the tribunal is going to be

more of an adjudicator, with a balanced approach to decision-making, or more of an advocate. The former Human Rights Commission had become an advocate. I'm optimistic that the tribunal can effect change but I am concerned by the lack of filters. Time will tell.

FUTURE ISSUES

HRP: What other labour and employment law issues do you think employers will encounter in the future?

JW: It's hard to predict where we are going. Twenty years ago I didn't see where we would be now.

My own sense is that along with all the opportunities technology brings, there are also a lot of challenges. With the widespread use of BlackBerrys, for example, does the workday ever end? Will employers be able to impose ongoing, after-hours obligations on employees as a result of technology enabling them to work longer? What will employees' rights be in those circumstances?

We are still waiting to see how these are going to play out and the system is still trying to catch up. **HR**

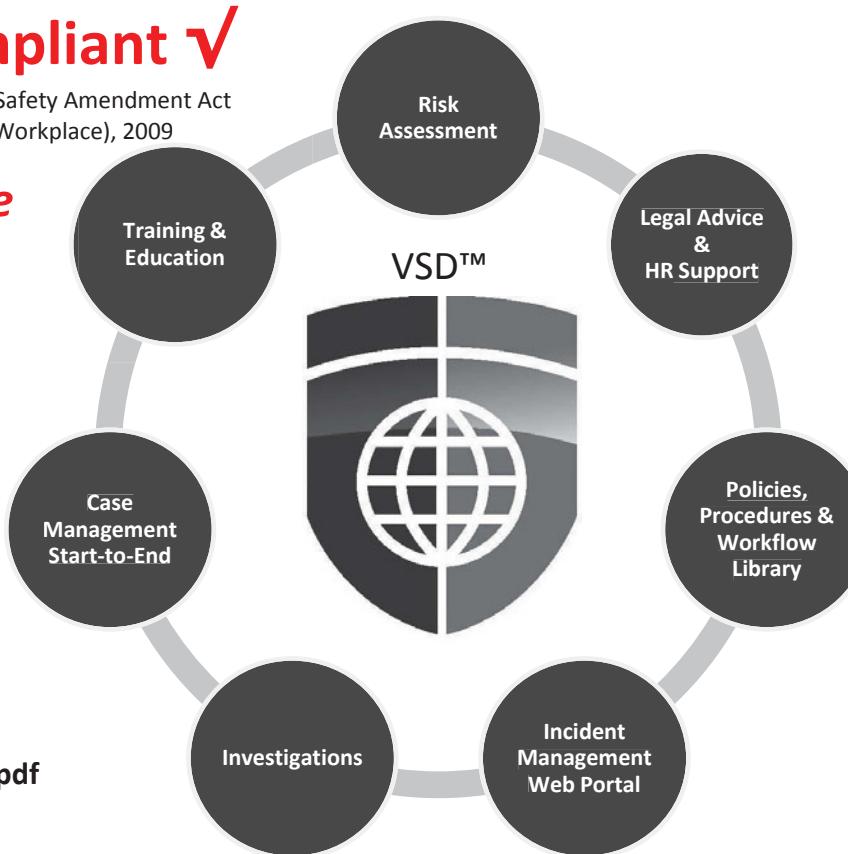
Get Bill 168 Compliant ✓

Bill 168: the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009

Translate *Legislative Requirements* into Active Compliance!

SECURaGLOBE uses a unique business model, VSD™ to deliver customized security and investigative solutions that are infinitely scalable in size and scope to protect your people, property and information at a fraction of the cost of comparable in-house resources.

www.securaglobe.com/vsd.pdf
866-767-4111





BRINGING THE BEST PAYROLL JOBS & THE BEST CANDIDATES TOGETHER

Visit today and see why CPA's JobConnect™ is the authoritative career resource for the Canadian payroll profession.



JOBCONNECT™

For more information, visit
www.payroll.ca, under **JobConnect**.

THE CANADIAN
PAYROLL
ASSOCIATION

CPA
ACP

L'ASSOCIATION
CANADIENNE
DE LA PAIE

ADVANCED PROGRAM IN HUMAN RESOURCES MANAGEMENT



How do you leverage your human capital to sustain success in an unpredictable and changing market?

The Advanced Program in Human Resources Management (APHRM), offered by Executive Programs at the Rotman School of Management, is centered on the cutting-edge themes HR professionals need to know in today's changing business environment. These key themes lay the foundation for Canada's leading HR Certificate Program:

- **Business Leadership:** providing a foundation in core business principles and leadership.
- **Strategic Focus:** equipping HR professionals with key concepts and frameworks in strategy and strategic management.
- **Human Capital:** attracting, retaining and getting the most out of your company's most important asset—the employees.

THE NEXT OFFERING OF APHRM STARTS MARCH 22, 2010

FOR INFORMATION OR TO APPLY, CONTACT:

Jannat Hamid

Email: Jannat.hamid@rotman.utoronto.ca

Website: www.rotmanexecutive.com/humanresources

Telephone: 416.946.3027

 **Rotman**
UNIVERSITY OF TORONTO



Human Resources
Professionals
Association

OFF THE SHELF

BY JAY SOMERSET

WHAT'S WORTH READING

The Practice of Adaptive Leadership: Tools and Tactics for Changing Your Organization and the World

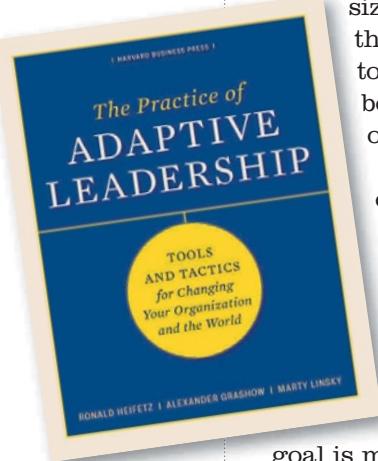
By Ronald Heifetz, Alexander Grashow and Marty Linsky
Harvard Business Press, 2009

Every once in a while a big book—big in both scope and size—comes along that's invaluable to every business bookshelf. This is one of those books.

The authors offer collective knowledge from 60-odd years spent advising companies and teaching at Ivy League schools.

Here, their main

goal is mobilizing people to tackle tough problems in a continually shifting world. It sounds grand, and it is, which is why they've chosen a systematic approach that begins with self-assessment and shifts into how to take action—not through rigid business-school prescriptions, but by adapting to the situation at hand. In other words, you don't treat an adaptive challenge with a technical solution.



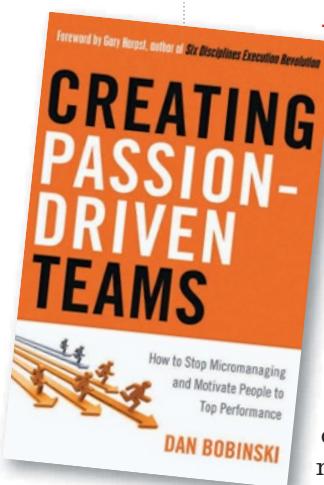
This is a field manual, designed for day-to-day use. Most chapters begin by explaining an approach to problem solving, and move on to examples from real companies to show the system in action. The authors also provide questions to ask yourself “on the balcony” when you’re reflecting on the problem, and finally, an actionable plan for “the practice field.”

Promoting change through small, thought-out experiments rids managers of rote practices that can stagnate a company when what’s needed is a new way, a new approach. Challenging the status quo isn’t a matter of blind testing; rather, it’s the deployment of action through systems-based decision-making. Like philosophy, the aim here is to teach how to think, not what to think.

Creating Passion-driven Teams: How To Stop Micromanaging and Motivate People to Top Performance

By Dan Bobinski
Career Press, 2009

The skills required to manage people are special; building teams that are driven to succeed is not similar to the individual goals and aspirations of a career climber. With this in mind, Dan Bobinski



Integrated Learning Solutions
that produce
Results-Oriented Management

In-house training
Public workshops
Assessments
Coaching
Content-expert Speakers
e-learning options

Contact a Learning Strategist to discuss how to make your employees more competitive

GUARANTEED

1-800-265-9726
www.watmec.com



ZeroQuest®
GUIDING CONTINUOUS IMPROVEMENT

Today's business leaders understand the need for an integrated health and safety program. They know that prevention planning and risk management reduces cost and builds competitive advantage.

Developing a health and safety plan and using a systems approach takes the guesswork out of safety. ZeroQuest® offers third party evaluation and customized recommendations for change. It also establishes a new industry benchmark.

At E&USA we believe in zero injuries. Getting there means pulling together as an interdependent community. Your involvement in ZeroQuest® is the first step.

To learn more visit www.eusa.on.ca

Human Solutions™
is celebrating 30 years!

Are you satisfied you're getting value from your current provider? With 30 years of experience, we have the solutions.

EFAP • Mental Health Promotion • Disability Management
Selection & Succession • Psychological Fitness-To-Work Assessments

Human Solutions
Humaines

1.888.689.8604 www.humansolutions.ca

Want access to highly qualified investment professionals?

Looking to hire? Toronto CFA Society's employment posting service gives you access to over 6,000 investment professionals.

Our career centre has become the job source for investment employers. Why not join us?

For more information, see our contact info below.

TORONTO CFA SOCIETY
Setting a higher standard for the Toronto investment community

Tel: (416) 366-5755 option 4
Email: jobs@torontocfa.ca
Website: www.torontocfa.ca

We Practise At the CUTTING EDGE

You are a human resources professional. You have an important matter which requires representation you will be confident with.

Kuretzky Vassos Henderson LLP is widely recognized as one of Canada's leading employment and labour law boutiques. We practise at the cutting edge assisting a wide spectrum of clients ranging from major corporate employers through to individual plaintiffs. Our practice includes employment contracts, wrongful dismissal, collective bargaining, labour board applications, arbitrations, adjudications, employment standards, health & safety, human rights and ADR.

To discuss what we can do for you or your client, call Kuretzky Vassos Henderson LLP at (416) 865-0504.

KURETZKY VASSOS HENDERSON LLP
Suite 1404, Yonge Richmond Centre
151 Yonge Street, Toronto, Ontario M5C 2W7
Telephone (416) 865-0504 Facsimile (416) 865-9567
www.kuretzkyvassos.com

OFF THE SHELF

sets forth a course of action for building passion-driven teams—teams that flourish not just because they want to succeed, but because they are set up to do so.

With 20-plus years coaching and training managers, Bobinski has advised big-name companies, including Clear Channel Communications, Century 21 and McCain Foods, how to motivate and equip teams.

With a light tone and a mix of real and illustrative examples, Bobinski's short, concise book does a good job of laying forth a course for managers, beginning with a thorough explanation of micromanagement: why it occurs and how to cure it.

Part of any HR professional's role is to place people in management positions, roles that are often ill-defined. By defining the job description and its duties, you're well on the way to establishing a team leader; as well, you've also created a valuable tool for hiring, training, managing and measuring performance.

From here, much of the book goes on to explain the hows and whys of human behaviour, including a well-needed chapter on the dos and don'ts of delegation.

This book won't change your life. But in less than 200 pages, it might help direct you, or at least remind you how and why teams thrive. **HR**



FIRSTAdvantage

Canadian Employer Solutions

First Advantage Employer Services. Our knowledge and focused approach to providing employment screening, recruiting solutions and more to leading Canadian businesses is what makes us the leader. With an experienced management team and offices in Canada, First Advantage delivers the solutions to help you make smarter hiring decisions every day. To find out more, visit us at www.FADV.ca, email sales@fadv.ca, or call **800.833.7511**

FIRST ADVANTAGE'S CANADIAN SERVICES:

- > Recruiting Solutions
- > Hiring Management Systems
- > Automated Skills and Behavioral Assessments
- > Criminal Records
- > Professional References
- > Education Verifications
- > Employment Verifications
- > Credit Checks
- > Driver Record Searches
- > International Background Checks
- > Exit Interviews

SIMPLIFY WORKPLACE INJURY/DISEASE REPORTING with new eForms

eForm 7 is a fast, effective solution for reporting workplace injuries/diseases online.

- Reduce the time you spend submitting reports
- Get quicker, more consistent responses
- Receive electronic receipt confirmation

Visit

www.wsib.on.ca

to learn more

eServices Support Centre

1-866-542-9742



Workplace Safety &
Insurance Board
Ontario
CSPAAT
Commission de la sécurité
professionnelle et de l'assurance
contre les accidents du travail

Immigration and Cross-Border Legal Services

- * Employment (temporary/permanent)
- * Border and entry issues
- * Intra-company transfers * Family immigration



Magavem Magavem Grimm LLP

Rosa S. Svisco, Esq

1100 Rand Building 14 Lafayette Square Buffalo, New York 14203
Toll-free (800) 366-2603

*Prior results do not guarantee a similar outcome.
Attorney Advertising*

Create new possibilities for the future

Experience our Leadership Development programs



What's your leadership challenge?

Explore creative ideas and innovative solutions in an inspiring setting

About Leadership Development at The Banff Centre

We offer public programs and custom solutions for emerging to senior-level leaders and decision makers in the corporate, government, Aboriginal, arts, and non-profit sectors.

For more information or to register:
1.800.590.9799 or leadership@banffcentre.ca
www.banffleadership.com

 The Banff Centre
inspiring creativity

Employment Equity Compliance

You need to comply with
Employment Equity Legislation.
Now what?

 EMPLOYMENT MATTERS

We Help Business Profit From Diversity

Find out why many of
Canada's leading companies
choose us.

Visit employmentmatters.ca or
Call 905-829-9061

Book a no obligation
consultation today!

RECOGNIZE • REWARD • RETAIN™



A little thanks goes a long way ...

- Custom programs
- Quality gifts with a wide selection
- User friendly internet programs
- Unmatched customer service
- Long term service awards
- On the spot recognition
- Six Sigma programs



For more information contact us

P: 905.886.5022
F: 905.886.5025
rembrandtawards.com
info@rembrandtawards.com
Proudly Canadian owned and operated


Rembrandt
Awards Mfg. Ltd.

111 Granton Drive, Unit 302 Richmond Hill, ON L4B 1L5



conflict

Rage. Blame. Resentment.

Overcome them all with Mediation by Creative Outcomes

- Mediation • Training
- Investigation • Coaching

Call Sarah at
416-656-7524
www.creativeoutcomes.ca



 **britton**
Management Profiles Inc.

www.brittonmanagement.com

OVER 30 YEARS OF PROFESSIONAL
REFERENCE CHECKING EXPERIENCE

Our services include:
Employment References
Education & Professional
designation verification
Credit Checks
Criminal Checks
Driver's Abstracts
Exit Interviews

We can custom design a reference
checking process to meet your needs

416-286-6668
bprofiles@idirect.com



Looking for a professional speaker or trainer
for your next meeting? We can help!

HARNESS THE POWER OF MY FELLOW CAPS SPEAKERS TODAY!

www.AlbertaSpeakers.com

www.VancouverSpeakers.com
www.TorontoSpeakers.com

Visit www.ideaman.net
www.FoundationalSuccess.com

Bob 'Idea Man' Hooey



Board of Canadian Registered Safety Professionals
Conseil canadien des professionnels en sécurité agréés

Looking to hire an OH&S professional?
See "Careers" page at www.bcrsp.ca

6519-B Mississauga Road, Mississauga, ON L5N 1A6
905-567-7198; 1-888-279-2777 Fax: 905-567-7191
info@bcrsp.ca
www.bcrsp.ca

INDEX TO ADVERTISERS

ACCOMMODATIONS	
SoHo Metropolitan Residences.....	30
ACCOUNTANTS	
Smart Serve	55
ADMINISTRATIVE STAFFING	
Robert Half International	56
Toronto CFA Society	60
AFFINITY SOLUTIONS	
Venngo	17, 45
ASSESSMENT	
WATMEC.....	59
ASSOCIATIONS	
IABC Toronto.....	54
BACKGROUND CHECKS & EXIT INTERVIEWS	
First Advantage Canada Inc.....	61
Garda.....	41
Kroll	18
BARRISTERS & SOLICITORS	
Fraser Milner Casgrain LLP/FMC	65
Garfinkle, Biderman LLP	65
Magavern Magavern Grimm LLP	61
Stewart McKelvey Stirling Scales	28
BENEFITS	
Desjardins Financial Security.....	51
Green Shield Canada..... Outside Back Cover	
PlanDirect Insurance	4
Special Benefits Insurance Services	15
COMPENSATION BENEFITS	
The Co-operators	47
COMPENSATION TRENDS	
Robert Half International	27
CONFLICT MANAGEMENT SERVICES/ PROGRAMS	
Creative Outcomes Mediation Services	62
Stitt Feld Handy Group	64
CORPORATE EDUCATION	
Stitt Feld Handy Group	64
DISABILITY MANAGEMENT	
Canadian Manufacturers and Exporters - Business takes Action.....	37
Workplace Safety & Insurance Board.....	61
EDUCATION/TRAINING	
University Of Toronto - Executive Programs	58
EMPLOYMENT EQUITY & DIVERSITY	
Employment Matters	62
EMPLOYMENT VERIFICATION & SCREENING	
Kroll	18
EXECUTIVE RECRUITMENT	
Financial Resource Partners Inc.....	64
Lannick Group Inc..... Inside Back Cover	
EXECUTIVE/MANAGEMENT SEARCH	
Meloche Monnex Financial Services Incorporated	33
HEALTH & WELLNESS	
Human Solutions	60
HR SOFTWARE	
D.L.G.L. Ltd.....	34
The Ultimate Software Group	9
INCENTIVE/RECOGNITION/AWARDS	
HBC Gift Cards.....	10
INSURANCE	
The Personal Insurance.....	42
INVESTIGATIVE SERVICES	
Garda.....	41
SECURA GLOBE Solutions Inc.....	57
LABOUR & EMPLOYMENT LAW	
Aird & Berlis, LLP	64
Stringer Brisbin Humphrey, Management Lawyers	44
LEADERSHIP DEVELOPMENT/RETENTION/ MENTORING	
The Banff Centre	62
LEGAL SERVICES	
Baker & McKenzie.....	27
Emond Harnden LLP	56
Kuretsky Vassos Henderson, LLP	60
Shields O'Donnell MacKillop LLP	3
MANAGEMENT TRAINING & DEVELOPMENT	
IPM - Institute of Professional Management.....	10
NEWSPAPERS	
The Globe and Mail.....	52
Toronto Star Newspapers Ltd.....	53
ONLINE RECRUITMENT	
Canadian Institute of Chartered Accountants	65
Workopolis.com	7
OUTSOURCING	
Canada Post.....	38
PAYROLL/HR SOLUTIONS	
The Canadian Payroll Association	58
D.L.G.L. Ltd.....	34
PRE-EMPLOYMENT SCREENING	
BackCheck.....	46
Kroll	18

HRPA ONE-DAY CONFERENCES FALL '09

HRPA's Annual HR Law Conference is the employment law conference of the year. Some of Canada's most respected employment lawyers provide valuable commentary and advice on Canada's evolving legal and economic climate.

2009 HR Law Conference

Wednesday, October 28, 2009



For more information on our conferences, visit www.hrpa.ca/ODC

Thursday, November 25, 2009



This one-day event will provide you with the insight and motivation to take diversity strategy to the next level in your organization. Learn how to build a culture of inclusiveness that goes beyond multiculturalism. Be prepared for the new regulations of the *Ontarians with Disabilities Act* to ensure your workplace is accessible.

About HRPA

The Human Resources Professionals Association (HRPA) is Canada's HR thought leader with more than 18,000 members in 28 chapters in Ontario and other locations across Canada and around the world. HRPA is internationally recognized for its knowledge, innovation and leadership. It connects its membership to an unmatched range of HR information resources, events, professional development and networking opportunities and it annually hosts the world's second largest HR conference. In Ontario, HRPA grants the Certified Human Resources Professional (CHRP) designation, the national standard for excellence in human resources management.



Human Resources
Professionals
Association
TM

INDEX TO ADVERTISERS

Legal counsel from a business perspective

From wrongful dismissal claims and employment contracts to labour arbitrations and occupational health and safety matters, you can count on us.

We provide cost-effective legal advice on a wide range of workplace issues.

Eldon Bennett
416.865.7704
ebennett@airdberlis.com

AIRD & BERLIS LLP

Barristers and Solicitors

Brookfield Place
181 Bay Street, Suite 1800
Toronto, ON M5J 2T9



Agree to Disagree

Better relationships.
better results.

How can you:

- deal with emotional people?
- mediate tough problems?
- handle difficult issues effectively and still preserve relationships?

Acquire the tools to manage conflict constructively.

4-day Alternative Dispute Resolution Workshops in Toronto and Ottawa

40 CHRP
recertification
points by HRPATM



sfhgroup.com
800.318.9741

**STITT
FELD
HANDY
GROUP**
EXPECT
SUCCESS

PUBLICATIONS

Thomson Carswell 53

RECOGNITION/PROMOTIONS

Rembrandt Awards Mfg Ltd 62

RECRUITMENT - FINANCIAL

Financial Resource Partners Inc. 64

Hays Specialist Recruitment (Canada) Inc. 65

RECRUITMENT/PLACEMENT

Hays Specialist Recruitment (Canada) Inc. 65

REFERENCE CHECKS

BackCheck 46

Britton Management Profiles Inc. 62

RETENTION

Checkwell 54

SAFETY RESOURCES

Board of Canadian Registered Safety Professionals 62

SOFTWARE

D.L.G.L. Ltd. 34

SPEAKERS

Ideas at Work 62

STAFFING & EMPLOYMENT SERVICES

jobWings Careers 50

SURVEYS

Employment Matters 62

TRAINING & DEVELOPMENT

Electrical & Utilities Safety Association 60

TRAINING PROGRAMS - DESIGN & DELIVERY

Psychometrics Canada Ltd. 56

TRAINING/COACHING/CONSULTING

WATMEC 59

UNIVERSITY EDUCATION/TRAINING

Athabasca University - Centre for Innovative Management.....Inside Front Cover

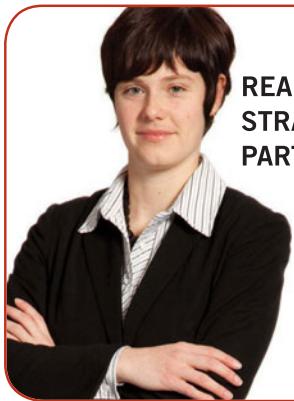
Full time or contract?
The right talent. Guaranteed.



**FINANCIAL RESOURCE
PARTNERS**

Knowledgeable & Affordable
Finance & Accounting Recruitment

416-218-1115 • FinancialResourcePartners.com



**REAL PEOPLE.
STRATEGIC POSITIONING.
PART-TIME SHUTTERBUG.**

Whether she's shooting a portrait or a landscape, Naomi Horrox looks for creative angles and maintains her focus in order to capture the desired perspective in her photography. Naomi takes the same focused approach when handling human rights disputes and employment litigation for her clients. For her, the greatest reward is building a body of work that she can proudly display. Just one of the many services offered by Fraser Milner Casgrain's National Employment and Labour Group – a multi-faceted team providing responsive, effective, practical advice to HR professionals across the country.



MONTRÉAL • OTTAWA • TORONTO • EDMONTON • CALGARY • VANCOUVER

www.fmc-law.com/employment_labour



Looking to recruit Chartered Accountants?

Advertise your positions to over 79,000 CAs

For more information
visit www.casource.com/advertising



**SPECIALISTS IN
OPENING THE RIGHT DOORS
FOR THE RIGHT PEOPLE**

As a global leader in specialist recruitment, Hays has the in-depth expertise, with local, regional and national networks, to make connections between the right candidates, the right employers and the right opportunities. We serve industries such as:

- Accounting & Finance
- Construction & Property
- Human Resources
- Information Technology
- Manufacturing & Logistics
- Office Support
- Oil & Gas
- Pharma
- Sales & Marketing

Each year we successfully place thousands of people in permanent, temporary and contract roles with thousands of employers. Each placement is made possible by our specialist consultants, who build enduring relationships with clients and candidates alike.

To find the right people, visit hays.ca, call **1-866-420-HAYS (4297)**, or contact your local office:

- Calgary (403) 269-HAYS
- Edmonton (780) 469-HAYS
- Kitchener (519) 772-1000
- Mississauga (905) 848-HAYS
- Montreal (514) 788-HAYS
- North York (416) 223-HAYS
- Ottawa (613) 288-HAYS
- Toronto (416) 367-HAYS
- Vancouver (604) 648-HAYS

Specialist Recruitment hays.ca

**Tired of
guessing
when it
comes to
Employment
Law?**

**Let us
provide the
answers!**

Garfinkle, Biderman

Barristers & Solicitors

Earl Altman

Tel: (416) 869-7614

Email: ealtman@garfinkle.com

**1 Adelaide Street East, Suite 801
Dundee Place, Toronto, ON M5C 2V9**

Tel: (416) 869-1234 Fax: (416) 869-0547

www.garfinkle.com

MOVING FROM MANAGER TO SUCCESSFUL COACH

Most managers were placed in their roles because they were excellent performers. But with more than 45 per cent of managers failing in their first 18 months, most are struggling with how to get their teams functioning. When it comes to people skills, many simply don't know where to start. Whether you have been a manager for one year or 10, your day-to-day should be less about your own productivity and more about coaching your team to work better together and deliver results.

It takes time. Google spent nearly five years perfecting its gmail program—by soliciting user feedback and making adjustments—before releasing it to the public. Coaching your team is just like a beta test; it takes time to get it right, and you need to listen to advice.

Shift your mindset. Your job is no longer the tasks themselves, but instead making sure everyone else's tasks get done. If your team works harder, faster, smarter—it reflects on your ability as an effective manager and shouldn't challenge your confidence.

Set achievable goals. Focus on a few valuable changes—two to three big wins—that will make a noticeable impact and motivate your team.

Clarify your roles. A team falls apart when no one understands what they are accountable for, the importance of their work and what their value is to the team. Set up meetings to talk to each member of your team one-on-one about your expectations and their goals and what they need from you to be successful.

Build on strengths. Stop helping people develop skills in their areas of weakness. They were hired into their positions because of their strengths. Your job is to find ways to help them grow and flourish. You don't need a well-rounded team (or team member); you need the right people doing the right things.

Follow different paths. An important part of leadership is letting team members find their



ILLUSTRATION: BRIAN FRAY

own way—not your way—to accomplish tasks. Constantly telling people what to do and how to do it inhibits their growth and independence.

Ask questions. Your team will tell you everything you need to know (and even solve their own dilemmas) if you simply ask them questions. What do you think we should do? Why are we doing it this way? How can we improve our approach?

Challenge them. If employees aren't challenged, their heart won't be in it. Ask them what they'd like to do and how they want to work with you. Give them a chance to lead.

Keep your emotions in check. If you are frustrated with your team and their lack of success, the worst thing you can do is show your emotions. If they aren't measuring up, it's ultimately a reflection on you. Go back and think about why you hired them, and build on those strengths.

Coaching takes time, energy and willingness on both sides to experience both the challenges and the success. **HR**

Cecile Peterkin is founder of ProMentoring and Cosmic Coaching Centre.



“How do I know that a potential hire is going to fit our culture?”

Unfortunately, you can't know for sure. But there are ways to greatly increase your chances of finding the right fit. One is to work with a recruiter who truly understands the importance of corporate culture.

So how do you find that mythical recruiter? Those people who have actually demonstrated that they get it? Not just for their clients, but for themselves?

Well, you can start with Lannick.

Our commitment to developing the right corporate culture is more than just talk. We've recently been recognized as one of the Best Workplaces in Canada. For the second time.



“Our core purpose is to help quality people and quality companies find the right fit,” says Lannick CEO Peter Jeewan, “and that applies to our internal team, too. We hire great people and we work hard to provide them with a great environment.”

Very simply, we know how important it is to get the right fit. How important it is to find, not just the candidate who delivers all the appropriate skill sets and experience, but one who will fit in with and make a real contribution to your business.

We've done it for ourselves, and we do it for our clients every day. If you'd like to find out how we can do it for you, just give us a call at (416) 340-1500.

With deep expertise in accounting, finance and legal recruitment, Lannick Group of Companies specializes in placing qualified professionals in contract, permanent and temporary roles. Our singular focus on getting the right fit quickly and professionally has helped our clients and candidates succeed for close to 25 years.



LANNICK
GROUP of COMPANIES
The Right Fit. The First Time.™

Money may not buy
happiness. But with a
well designed benefit
plan it can buy better
vision, proper posture
and a great smile.

greenshield.ca ▼ 1-800-268-6613

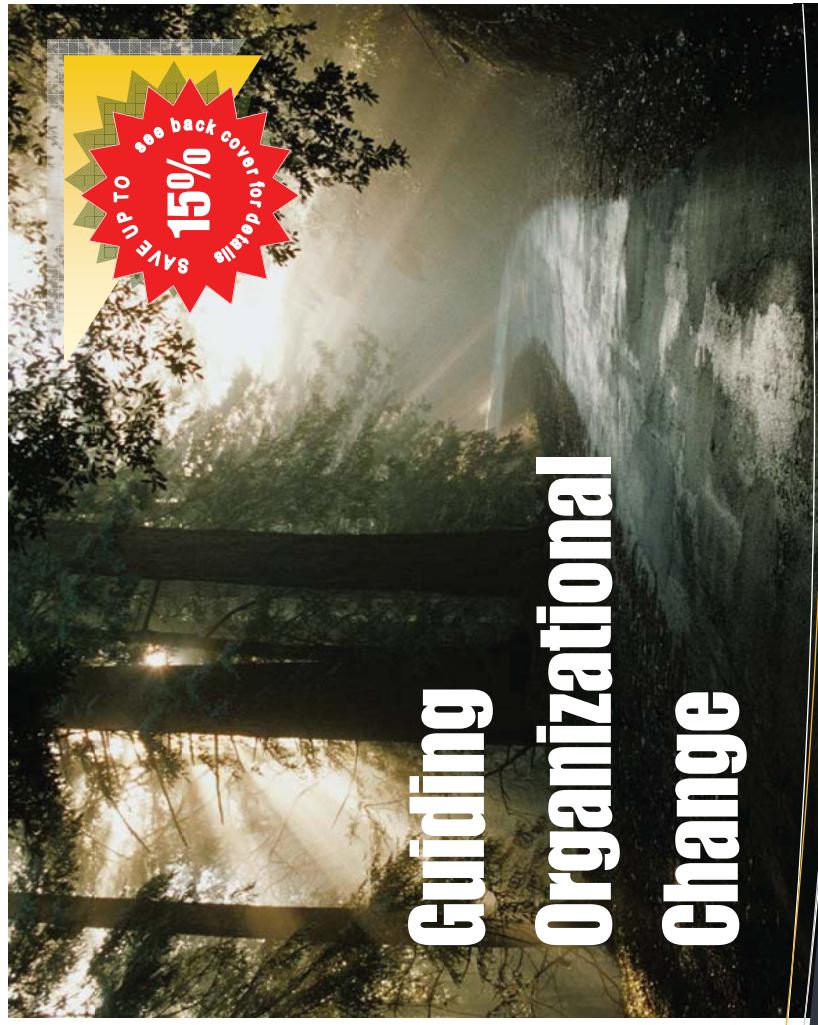
GREEN SHIELD
CANADA



Inserts
Outserts



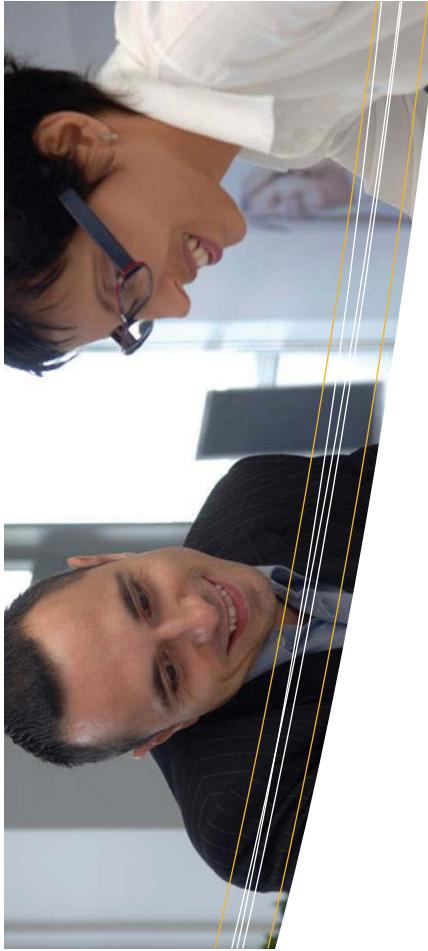
Inserts
Outserts



Guiding Organizational Change

BECOME A QUALIFIED PROFESSIONAL.

This qualification program enables you to conduct workshops and consult with your client groups using our extensive library of materials. These resources are only available to the **Qualified Professionals** who successfully complete the program.



WHO SHOULD ATTEND?

This program is essential for professionals who are involved in initiating, implementing and facilitating change. People who benefit most by attending our professional qualification program are:

- HR, OD and T&D Professionals
- Key Senior Leaders
- Project and Change Leaders

PROGRAM SPACE IS LIMITED.

We limit program registrations for an optimum learning environment. Register now!

Register Now!

SAVE 10% on a single registration | **SAVE 15%** on 3 or more registrations from same organization

November 17-20, 2009 | Toronto, ON

1.888.944.8383

inquiries@sundance.ca

www.sundance.ca

Professional Qualification Program

Forever improve
your ability to successfully
guide change in your
organization.

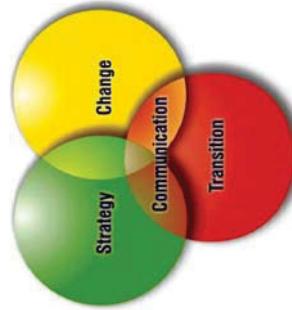


Sundance Consulting Inc.
HELPING ORGANIZATIONS CHANGE

Improve your ability to change.

REGISTER FOR OUR NEXT GUIDING ORGANIZATIONAL CHANGE
PROFESSIONAL QUALIFICATION PROGRAM TODAY!

We help organizations
change.



The Integrated Approach to Leading Change™

THE INTEGRATED APPROACH
The only way organizations can achieve the successful outcomes they seek is through **The Integrated Approach to Leading Change™**, connecting:

- Strategy
- Change
- Transition
- Communication

The integrated approach works — and is easily applied throughout any organization to all levels — executives to employees.



REGISTER FOR OUR NEXT GUIDING ORGANIZATIONAL CHANGE
PROFESSIONAL QUALIFICATION PROGRAM TODAY!

DAY 1 Consulting and Guiding Change Introduction • Our Case Studies • The Systems Views • Exploring Organizational Character.



DAY 2 Consulting and Guiding Change Continued • Applying the Integrated Approach • Engaging Leaders At All Levels.



DAY 3 Supporting Employees • Consulting and Guiding Change Conclusion • Exploring the Essence of Being Helpful.



DAY 4 (1/2 DAY) An Ideal Intervention • 3 Typical Approaches • Integrating Change Leadership in Your Organization • Case Study Review • Action Planning.



leadership solutions for your changing organization

SUNDANCE CONSULTING

Sundance Consulting — founded by **Chris Edgelow** — helps people and organizations change, creating workplaces that provide dignity and meaning for the human spirit.

GUIDING PRINCIPLES

- Competency Building Approach
- Clear Accountability
- Honesty and Integrity
- Exceptional Customer Service



WE'VE WORKED WITH A DIVERSE RANGE OF ORGANIZATIONS. WE CAN HELP YOURS.

We also offer consulting and coaching services, presentations, seminars and workshops. Contact us at 1.888.944.8383 to learn more.

GROWING @ THE SPEED OF CHANGE

Are you overwhelmed by continuous changes in leadership, direction, and priorities? Are you stressed out by constant reorganizing and restructuring? Are customers, other departments, or your boss demanding more of you than you know how to give? Are the pressures of life squeezing the joy from your day?

YOU'RE NOT ALONE.

You may be suffering from change fatigue. It's not possible to predict where all this change is taking us. But one thing is certain – the pace of change is going to keep accelerating. To thrive in turbulent times, we must learn to change perceptions and behaviors in order to change results.

We all make subtle choices that determine whether we wallow, follow, or lead. Change isn't going to stop. Either we ride the wave of change, or drown fighting the undercurrents.

Jim Clemmer's *Growing @ the Speed of Change* is both timely and timeless, providing concrete how-to solutions that combine inspiration with action plans - "inspi-action!" This entertaining, practical guide provides powerful tools for personal growth and development so individuals and teams can deal with, and thrive in, a world of accelerating change.

Read and contemplate or flip through and browse. Easy to digest chapters, sidebars, and tips make this a book you can come back to again and again for practical inspiration and direction that will help you lead yourself and others through life's constant changes.

About the Author

Jim Clemmer is a leading international practitioner of improving personal, team, and organizational performance. A popular keynote speaker, management workshop/retreat leader, and consultant, he has delivered thousands of presentations on leadership and organizational effectiveness. His international bestsellers include Moose on the Table, The Leader's Digest, Growing the Distance, Pathways to Performance, Firing on All Cylinders, and The VIP Strategy.

Keep Growing with Jim Online!

www.jimclemmer.com
Free E-newsletter, Blog, Dozens of Videos, Hundreds
of Articles

Your **Inspir-actional**
How-To Guide
for Leading Yourself
and Others through
Constant Change

Jim Clemmer

Author of:

- The VIP Strategy
- Firing on All Cylinders
- Pathways to Performance
- Growing the Distance
- The Leader's Digest
- Moose on the Table



Make Constant Change Your Catalyst for Positive Growth

When everyone in your organization accepts, expects, and acknowledges constant change you'll see immediate benefits

Change isn't news. But the dramatically accelerating pace of organizational change is. People feel inundated, overwhelmed, and stressed. Adaptive organizations provide inspiration and practical tools to everyone in order to help deal with the rapid pace of change and uncertainty.

Turbulent times have created a tsunami of fear, frustration, and uncertainty. When these negative forces flood through the workplace, they often wash away morale and motivation. This can create "change fatigue" as organizations deal with:

- Continuous changes in leadership, direction, and priorities
- Constant re-organizing and restructuring
- Relentless pressure to do more with less
- Ever increasing customer demands
- Accelerating cycles of new technologies, methods, and approaches
- An endless stream of new processes and procedures
- Unpredictable markets, economies, and public mood swings
- A rapidly shifting workforce with a new generation of employees bringing different expectations
- Perpetual reshaping of major sectors through mergers, acquisitions or bankruptcies
- Increasing pressure to continuously innovate and grow in response to global competition
- Increasing pressure to keep accelerating. And to thrive in turbulent times, organizations must change perceptions and behaviors to change results.

If's impossible to predict where all this change is taking us. But one thing is certain – the pace of change is going to keep accelerating. And to thrive in turbulent times, organizations must change perceptions and behaviors to change results.

That's why Jim Clemmer's latest book, *Growing @ the Speed of Change: Your Inspi-actional How-To Guide for Leading Yourself & Others Through Constant Change* is a key change tool as organizations come to grips with rapid and relentless change. Jim provides concrete how-to solutions that combine inspiration with practical action plans – something he calls "inspir-action." This practical guide, takes the tools of personal growth and development and applies them, so individuals and teams can deal with, and thrive in, a culture of constant change.

The magazine format consists of bite-size chapters, sidebars, quotes and tips that can be browsed through and quickly digested by even the most harried of people – exactly who it was written for.

Replace fear and cynicism with re-focused perspective and inspired action

With so many factors beyond the control of supervisors, managers and executives, it's easy to forget the one thing we do control is our reaction to change. Growing @ the Speed of Change will help everyone in your organization accept, and adapt to, a culture of constant change.

Today everyone must be a leader

The book's key theme is leadership is an action not a position. When developed across an organization, leader behavior reverses the draining forces of change fatigue, de-motivation, and slipping morale. Growing @ the Speed of Change is written, and priced, for broad distribution to frontline, as well as, supervisory and management staff who need to accept change, and adapt to the challenges and opportunities it brings.

Now more than ever we need leaders at all levels and all roles. This book develops organization-wide leadership behaviors and fosters a new appreciation for the opportunities, constant change brings.

Bring order to chaotic change

Living in fear of the next change or wallowing in frustration doesn't foster creativity, productivity, or focus on the immediate task at hand. Growing @ the Speed of Change will:

- Help staff at all levels deal with change, uncertainty, and turbulence
- Provide practical approaches to improve morale, increase engagement, and boost energy
- Foster personal growth and development within an "edutraining" and highly accessible book – written for people who often don't read this type of material
- Increase shared leadership throughout your entire organization
- Reinforce organizational values and culture with key messages and approaches that encourage positivity, team work and a "can-do" spirit
- Strengthen buy-in and personal commitment to organizational change and improvement efforts
- Supplement learning and development programs with an inspir-actional resource providing practical tips and techniques to capitalize on constant change.

Complimentary Review Copies Available

We're so confident that Growing @ the Speed of Change will become a key resource for your organization, we'll send you a complimentary copy to evaluate.

Visit www.Growingatthespeedofchange.com/Review and tell us a bit about yourself and your organization and we'll send you a complimentary copy for review.