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WINTER 2019 VOLUME 17, No. 1



Nathaly Pinchuk
RPR, CMP
Executive Director

Recruiting the Managers: Getting Hiring Managers to Participate

Keep the recruitment process on track

One of the difficulties that HR managers and recruiters face on a regular basis is getting buy-in and cooperation from their own line managers. Even though they are working with them and for them, many of these hiring managers can't or won't make time to talk about the hiring process or help develop questions for the interviews. Sometimes it's difficult to get them to commit to show up for the interviews at all.

In a recent survey by a major talent recruitment company, HR staff reported that getting managers to make time for interviews and then getting them to make a decision on a staffing action was almost as difficult as finding the right candidate for the job. They also said that this is having a huge impact on their ability to bring the right talent into the organization, and many believe that is one of the reasons for higher staff departures during their first year of employment.

Time is at a Premium

Managers and supervisors are exceptionally busy. They may in fact be working at the busiest and most intense levels in history. Many work evenings and weekends just to keep up with the hundreds of emails and text messages received on a daily basis. So when they are asked to participate in a hiring process, their first reaction may justifiably be that they are too busy. The problem is that when they defer or delay the approval of interview questions or are not available for interviews, the process grinds to a halt. They end up with staff shortages that cost them even more time and money in the longer run.

How HR Can Help Managers

A recruiter can't make more time for the hiring manager. Perhaps time is not the only issue here. Some managers simply don't like the hiring process and particularly don't like doing interviews. That was another of the results of the survey noted above. Half of the HR people said that their managers were poor interviewers and in large organizations that number increased. That's not really surprising. Line managers have likely had little or no interview training and limited experience. No wonder they can't make time for something they don't like to do or they aren't very good at!

The good news is that there are some things that HR can do to help their line managers become more comfortable with, and hopefully make time for, the recruiting and interview process. Here are three of them.

Research

Do all of your homework before you approach the hiring manager to get their feedback. Create a form or questionnaire that you can provide to the line manager that maximizes the use of their time and yours. Get their feedback and general direction and only come back to them if you need additional information. They will be more comfortable if you give them a timeline and show where they fit in. It will also become apparent to them that they can speed up the process or at least keep it on track if they play their part in a timely fashion. Give them as much advance notice as possible as to when interviews might be held. They will be more cooperative and freer with their time if they can build the interviews into their already packed work schedule.

Training

Some managers will want and need specific training in the interview process. This will not only help them feel more comfortable but will also contribute to better hiring. This training is readily available and affordable. The HR group can prepare some helpful notes to assist all line or hiring managers. Another thing that really helps is to have a standardized set of interview questions for the entire organization. This can be modified to suit any hiring process, but once again it creates a comfort and familiarity for everyone who may be involved in the recruitment process.

Support

The more support that HR can provide to their management team around hiring and interviews, the smoother and faster the process will be. In addition to formal training, there can be mock interviews carried out in-house in advance of the real thing. Interview scripts can be provided to managers well before the interview date so they can acquaint themselves with the questions and think about the answers they would like to hear. Helping them to practice active listening, where they listen, respond and then probe deeper will also make them feel more comfortable and qualified to carry out the interviews. They will then see the more positive results that good interviews can produce for the organization and their department or team.

Nathaly Pinchuk is Executive Director of IPM [Institute of Professional Management].

Perspective



Brian W. Pascal
RPR, CMP, RPT
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President's Message

Reimagining Management

Leadership traits for the future

I like to hear what business thinkers and futurists have to say about the workplace and the manager of the future. With the exception of new technology and shifting desks around, or getting rid of them all together, there's really not much new. It's kind of the same stuff that most business gurus have been saying for years. The challenge, as always, is to keep up with the pace of change and stay true to your core beliefs that have helped you achieve your current success.

So, having been around people management for quite a long time and being in the advice-giving business, here are my few tips for reimagining management in the future. Spoiler alert: You may have heard some of this before.

Be a leader and not just a manager

Leaders don't just move the furniture around — they create the environment to build new additions to the room. Leaders earn the trust and respect of their employees first and then they can direct them forward. A leader guides and inspires others and they clear the path so that employees can follow. They know that their success depends on making other people successful as well.

Don't be afraid to go first

A true leader is someone who is not afraid to go first. That might mean actively demonstrating a new behaviour, supporting a piece of technology or embracing new ideas. When you go first, you tell the others that it is okay to follow, to try it out for themselves. The modern manager cannot simply order and delegate. They have to lead from the front and show their employees that it really is safe to jump into the pool.

Use technology but don't let it become your master

We don't need to become experts at every new technology that comes along but we do have an obligation to be open to new ways of working. Some of us can remember days when there were no desktop computers, let alone laptops and tablets. The phone was securely anchored to your desk. Technology allows us to work faster and from anywhere we choose. Just don't let that new freedom become a trap where you are at work all the time. Learn to turn it off.

Be the feedback you want to see in the world

The great managers of tomorrow will be very similar to the great managers of today.

They will listen to their employees and they will give feedback and encouragement on a regular basis. We can do that through e-mails or text messages but the best feedback is always delivered personally. A smile, a thank you, a recognition for a job well done or even a suggestion to do better are best given in real time and not virtual reality. These types of actions and the managers who practice them will never go out of fashion.

Brian Pascal is President of IPM [Institute of Professional Management].

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Feature

UPDATE – Footing the Bill: Employee Benefits Plans and Medical Marijuana

Medical Marijuana not required to be covered by health plan

We had previously discussed the decision of Nova Scotia Human Rights Board of Inquiry in *Skinner v Board of Trustees of the Canadian Elevator Industry Welfare Trust Fund*, 2017 CanLII 3240 (NS HRC).

This decision raised concerns amongst employer and health plan administrators when the Nova Scotia Human Rights Board of Inquiry found that denial of coverage of medical marijuana was discriminatory.

In brief, Mr. Skinner was a unionized elevator mechanic with ThyssenKrupp when he was involved in a motor vehicle accident. As a result of the accident, he suffered both physical and mental disabilities, including chronic pain, anxiety and depression. Following unsuccessful treatment from narcotics and other conventional drugs, Skinner was prescribed medical marijuana. Initially the medical marijuana was covered by his employer's motor vehicle insurer until it reached the maximum coverage amount. Skinner then applied for coverage under both his employee benefits plan, administered by the Board of Trustees of the Canadian Elevator Industry Welfare Trust Fund (the "Trustees"), as well as workers' compensation. Mr. Skinner's multiple claims for coverage were all denied on the basis that marijuana was not approved by Health Canada under the *Food and Drugs Act*; does not have a drug identification number and is therefore not

an approved drug under the plan. Mr. Skinner filed a human rights complaint alleging discrimination in the provision of services on the basis of physical and mental disabilities.

The Nova Scotia Human Rights Board of Inquiry (the "Board") found that the Trustees violated the Nova Scotia *Human Rights Act* (the "Act") when it denied Mr. Skinner coverage for medical marijuana. The Board determined that while the plan's exclusion of medical marijuana was not designed to treat certain beneficiaries differently than others, it allowed some to have coverage for medically necessary drugs but not others, which resulted in a disadvantage to Mr. Skinner based on a prohibited ground.

In light of this decision, the Trustees appealed the decision to the Nova Scotia Court of Appeal. The Trustees argued there was no prima facie discrimination; the Board applied the wrong test for discrimination; and that there was no connection between the denial of Mr. Skinner's coverage and his disabilities.

The Court in its decision, *Canadian Elevator Industry Welfare Trust Fund v Skinner*, 2018 NSCA 31, found that the Board failed to apply the correct test for discrimination. The Court found that the benefit under the plan was prescription drugs approved by Health Canada, rather than medically necessary prescription drugs. The Board erred in finding that the plan provided for the broader benefit of medically

necessary prescription drugs and then relied on this in error to find that denial of coverage for medical marijuana due to lack of Health Canada approval was a distinction under the *Act*. Furthermore, the Court found that the Board incorrectly applied the test for discrimination outlined by the Supreme Court of Canada in *Battlefords and District Co-operative Ltd. v Gibbs*, [1996] 3 SCR 566, when it considered both the purpose and the services and in doing so, eliminated the requirement that the distinction be based on disability.

The Court of Appeal opined that in order to find discrimination, it is necessary to find a connection between the denial of coverage and the disability. The Court concluded that the Board's finding of a distinction based on the particular needs of Mr. Skinner resulted in an analysis that failed to require a connection between his disability and the adverse effect.

The Court further concluded that the existence of a protected characteristic is not sufficient to establish the connection required to prove *prima facie* discrimination. Ultimately, the Court of Appeal concluded that the Board's decision was unreasonable.

From a practical perspective, as noted by the Court of Appeal, if the analysis employed by the Board remained, employers and plan administrators would be

continued next page...



Kyle MacIsaac and Caroline Spindler will be presenting on:
Today's Critical Issues in Employment Law
at the IPM Halifax Half Day Workshop on May 1, 2019.

FOR DETAILS, GO TO www.workplace.ca (CLICK ON EVENTS).

Medical Marijuana

... concluded from page 4

required to justify every denial of medication coverage and all denials of coverage would be subject to a human rights complaint. Luckily, such an assessment is not required.

Mr. Skinner also sought coverage for medical marijuana under the workers' compensation scheme. He was denied coverage by the Workers'

Compensation Board and then again by the Workers' Compensation Appeals Tribunal. Mr. Skinner appealed the denial of coverage to the Nova Scotia Court of Appeal which dismissed his appeal in *Skinner v Nova Scotia (Workers' Compensation Appeals Tribunal)*, 2018 NSCA 23.

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Feature

The Highlight Reel: Year End Review of Employment Law in Ontario

Keeping employers on their toes

2018 has brought no shortage of interesting developments to the employment landscape in Ontario. Both legislators and the courts have kept employers on their toes with significant legislative changes and precedent-setting judicial decisions.

As these developments continue to impact employers in Ontario, what follows is a highlight reel of some of the key developments to date, with a view of what we will be watching for in 2019.

Changes to the Employment Standards Act

The year started off with significant changes to Ontario's labour and employment legislation. Some of the key issues employers have been facing since the amendments came into force have included:

- The equal pay for equal work provisions came into effect on April 1, 2018 and have had a particularly significant impact on the cost of business to employers who rely significantly on temporary and part-time employees. These provisions require employers pay temporary help agency employees and part-time employees at the same rate of pay for permanent, full-time employees performing substantially the same kind of work.
- The formula for public holiday pay was amended on January 1, 2018, and resulted in employers paying significantly more public holiday pay to part-time and casual employees than before. As such, on May 7, 2018, the Ministry of Labour announced a new regulation that reverted to pre-Bill 148 public holiday pay. The

reinstated formula came into effect as of July 1, 2018. Employers consequently had to adjust their payroll systems twice in six months.

- Employers continue to adjust to the two paid days of personal emergency leave, particularly as it relates to benefits in a collective agreement such as sick pay or floater/flex days. The debate now centers on whether collective agreements or employer policies provide a greater right or benefit than the legislation, or whether they can be offset against the minimum statutory entitlements. Judicial guidance remains minimal. However, a number of decisions are expected from labour arbitrators on the issue in the coming months.

Counting Down to Pay Transparency

On April 26, 2018, Ontario became the first province in Canada to pass legislation aimed at increasing transparency in hiring and compensation.

The *Pay Transparency Act*, 2018 places a number of new obligations on the shoulders of employers in this province. The key requirements include:

- Employers must include a salary rate or range on all publicly advertised job postings;
- Employers with more than 100 employees (or otherwise, as prescribed) must prepare and submit an annual Pay Transparency Report to the Ministry of Labour;
- Employers are prohibited from seeking information regarding past compensation history from a candidate, either directly or through an agent;

- Reprisals are prohibited against employees who inquire about compensation, disclose their compensation, and/or provide information with respect to their employer's compliance with the legislation.

The new obligations under the *Pay Transparency Act*, 2018 will come into force on January 1, 2019, with the exception of Pay Transparency Reports, which will be phased in according to the size of an employer's workforce. Employers with 250 or more employees should diarize May 15, 2020 as the deadline for their first Pay Transparency Report, while employers with 100 to 250 employees will be required to submit their first report by May 15, 2021.

Workplace Harassment

With the arrival of the #MeToo era, employers across the country have revisited their policies and procedures with respect to workplace harassment. In Ontario, employers have been cautiously reviewing their obligations pursuant to Ontario's *Occupational Health and Safety Act* to ensure that they have policies, programs and investigation practices in place to deal with such complaints.

The #MeToo movement is also driving legislative reform. Changes for federally regulated workplace are on the horizon, as the federal government is currently consulting on its proposed Bill C-65, *An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1*.

The legislation intends to implement a regulatory framework around its pending

continued next page...

Employment Law in Ontario

... concluded from page 6

workplace harassment and violence legislation. The federal government has signalled that it intends to bring the proposed legislation into force within two years following Royal Assent, and as early as Fall 2019.

Cannabis is (Officially) Here

The Federal government announced that recreational marijuana will be legalized in Canada as of October 17, 2018. While employers have known this was coming for some time, a firm date from the government has prompted many employers to ramp up their preparations, namely updating drug and alcohol policies.

Yet there are still issues – namely random drug and alcohol testing, which remains in flux and without legislative guidance.

The most recent decision on the issue is from the Alberta Court of Appeal. *Unifor, Local 707A v Suncor Energy Inc.* deals with random drug testing in a safety sensitive workplace. While the Union was initially successful in grieving the testing policy on privacy grounds, the Court of Appeal rendered a positive decision for employers by indicating random testing may be allowed in some circumstances. However, the matter is far from over. The Supreme Court of Canada has ruled that it will not hear the matter; it will be sent back to a new arbitration hearing before a different panel.

While employers continue to await much needed clarity from the courts, the federal government has signalled that they may revisit the cannabis

legislation to include provisions on mandatory drug testing for safety-sensitive positions. That said, it is unlikely that they will do so prior to October 17, 2018.

These are just a few of the issues that have been keeping employers busy in 2018. We have no doubt that there are more interesting legal issues to come in the months to follow, so stay tuned for further updates and articles.

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Managing the Patterned Absent Employee

Success with that difficult conversation

Managing the employee you suspect deals with some of life's challenges through regular and predictable absence from work can be frustrating, expensive and tiring. There's an impact on colleagues, clients, your team's productivity and profitability and to insurance agencies like WCB and LTD providers.

Patterned absence is usually defined considering: unscheduled absences the day before or after a scheduled holiday, vacation or personal day; on a specific day of the week, week-end, or a specific or unique work day; on desirable days off when the employee might otherwise be scheduled to work such a religious holiday; or as sick leave or other paid time off is accrued.

One must determine if the absence is innocent or blameworthy. Innocent means non-blameworthy and for reasons usually beyond the employee's control. Blameworthy or culpable includes absences within the employee's control for which discipline might be required. And while termination might be the result of either, the pathway to termination is different depending on the circumstances.

The goal is successful, regular and predictable attendance at work. Employers can expect employees to come to work, must accommodate as required under the *Human Rights Act* and have the right to be informed of the basis for an inability to work including the limitations or accommodations required. Employees in turn are expected to fulfill their duties under employment contracts, mitigate absence, provide information about the absence, expected return to work dates and

requirements. Employees must also fully cooperate with the employer's efforts to reasonably accommodate.

So how DO you manage absence? What can you say? How do you address it? What if you are accused of bullying? What will the union say? What happens if you are wrong?

Start with a conversation.

Avoiding the hard conversation at the beginning makes for a harder conversation later on. It needs to be a head and heart conversation about all elements of the situation. Why head and heart? Because people cannot truly hear us until there is a connection and feeling of trust. Your work is in establishing trust and dealing with facts.

Choose how you show up.

Before speaking with the employee, examine your attitude and beliefs about this person or the situation. How might your feelings influence your approach? Which of your values are affected by this employee's behaviour? What's your perspective? What emotion do you have around it? What are your assumptions? Unless you can hold an open mind and be prepared to listen and work with the employee, the conversation is at risk of failure.

Host the conversation considering both **what** you have to say and **how** you say it. Use your presence and skill to be honest, open, transparent and authentic. Be curious. Ask open-ended questions and explore what's going on for this employee. If the employee does not answer quickly, use silence rather than rush to rescue as the employee is thinking about the response.

Share the data and facts you have as that data and fact

— rather than assumption and accusation. Tell the employee about the patterns you see and provide examples. Alternatively you could share the data and ask them what they see. Review the strategies tried so far and be curious about why something has or has not worked. Be prepared to name your suspicions. Ask what might be going on for this person.

Name the impact of the absence on you, colleagues, clients and the organization. Take care in how you do this. Aim to speak candidly without blame or accusation. Create the tone where the employee can see that you care about his or her wellbeing, not just about the work or bottom line.

Reinforce the desired outcome. If this employee is to continue working with the organization, they need to feel like they can come to work in a psychologically safe and supportive environment. The employer needs to be able to count on the employee to do what he or she was hired to do. Ideally the goal is a mutually satisfying and productive working relationship.

Structure the conversation. It helps if you can structure the conversation to flow through five phases. These are: Introduction, Intentions and Data, Acknowledgement and Exploration, Expectations of Action and Summary.

During the introduction, you could start with "Thank you for meeting with me. I'd like to talk about your absence from work." Then share your intentions and the data. Statements could include: "I want to be clear about my intention to work with you on finding a way to help you be

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New OHS Legislation in Alberta: More Obligations for Employers

Time to update your Harassment Policy

As previously reported, Alberta's new OHS legislation places new obligations upon employers. One of the more significant changes affecting all employers is the express recognition of "harassment" as a workplace hazard, and the requirement for employers to protect their employees from harassment under OHS legislation. While employers have always been the primary party responsible for ensuring the health and safety of workers, this now specifically includes the requirement to protect not only their physical, but also their psychological and social well-being.

In general terms, this means that employers and supervisors must ensure workers are not subject to, and do not participate in, violence or harassment at the work site. More specifically, Part 27 of the OHS Code has now been revamped to require employers to take the following steps to prevent workplace violence and harassment:

Address both violence and harassment as potential "hazards" when carrying out hazard assessments and implementing measures to eliminate or control those hazards, as required by Part 2 of the OHS Code;

Develop and implement violence and harassment prevention plans (consisting of prevention policies and procedures) in consultation with their joint work site health and safety committee, health and safety representative or affected workers, as applicable;

Ensure that their violence and harassment prevention policies include, among other things, statements outlining that the employer:

- is committed to eliminating (where reasonably practicable) and controlling these hazards;
- will investigate and take corrective action to address any incidents of violence and harassment; and
- will not disclose personal information relating to incidents of violence and harassment (except where necessary to investigate, take corrective action or inform the parties involved of the results of the investigation into an incident, or to inform workers of a threat of violence or potential violence);

Ensure that their violence and harassment prevention procedures include, among other things:

- measures the employer will take to eliminate or control the hazard of violence;
- information about the nature and extent of the hazard of violence (including information related to threats of violence or potential violence), and the procedures to be followed by the employer when disclosing this information;
- the procedure to be followed by workers to obtain immediate assistance when an incident of violence occurs;
- the procedure to be followed by workers when reporting violence or harassment;
- the procedure to be followed by the employer when documenting, investigating and implementing corrective measures to address incidents of violence or harassment;
- the procedure to be followed by the employer when informing the parties involved

of the results of an investigation and any corrective action taken;

Provide training to workers with respect to recognizing, preventing and responding to violence and harassment;

Review (in consultation with their joint work site health and safety committee, health and safety representative or affected workers, as applicable) and update their violence and harassment prevention plans:

- each time an incident occurs;
- when their joint work site health and safety committee or health and safety representative (if applicable) recommends a review; and
- at a minimum, once every three years;

Advise workers who have reported an injury or adverse symptom resulting from an incident of violence or harassment to consult with a health professional (of the worker's choosing) for treatment or referral, and if necessary provide workers with paid time off to attend such a consultation session; and

Take reasonable precautions to protect persons at the worksite against domestic violence (if aware that a worker is or is likely to be exposed to domestic violence at a work site).

These are only some of the key responsibilities of employers in addressing workplace violence and harassment under Alberta's newly revised OHS legislation. Employers will need to carefully review their existing policies and procedures (in consultation with their joint

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Feature



David Perry
Managing Partner
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Recruiting Winners in 2019

The search for passive candidates

Research shows that companies adept at recruiting deliver more than three times the revenue growth and twice the earnings before interest, taxes, depreciation and amortization (EBITDA) as those which are not.

Because companies with great leaders significantly outperform others, the competition for the *Best Talent* is fierce. Recruiting has become strategically critical to an organization's ability to thrive and prosper in today's hyper-competitive environment.

The goal in an executive search isn't to find the best talent currently looking for work; it's to find the *Best Talent* period. And herein lies the recruiting challenge: your *Best Talent* isn't looking for work. They already have jobs — good ones.

Here's insight that your competition may not have. Hiring the *Best* isn't about money — it never was. Some may find this shocking, but it's true. The *Best* will join you not to make more money, but because of what your organization stands for — what you're trying to achieve. So, the key to recruiting successfully now means going after talent that isn't looking for work.

To accomplish this, you need a systematic approach to find passive candidates, engage their interest and assess their alignment with your organization's goals. This often requires a full-time effort led by an executive search consultant.

Embrace these five *Best Practices* to maximize your value.

Treat it as a Partnership

Your recruiting partner needs to acquire a deep understanding of your organization, where it wants to go and the hurdles it will have to clear to get there.

This is the foundation for success which allows them to represent your firm credibly to prospective executive candidates. Diane Johnson, IPM Associations Ottawa Regional Executive member and former search consultant at Halogen Software explains, "An executive search company becomes part of your management team until that person is on the job. HR needs to understand that they just don't hand over the requirement and brush it off. They need to stay involved."

Proactively Market Your Opportunity to Every Qualified Prospect

"Anytime I've ever selected a recruiter, I wanted somebody who was prepared to develop their own marketing materials based on the qualifications that I'm looking for and could explain to me how they would market my opportunity. I want to understand those details", said Bob Koblovsky, Inpixon Country Manager for Canada. Mandate your recruiter to create a standalone marketing piece for the role. Its mission: to ignite the interest of the *Best* and connect them to your joint destiny. At the same time, remove 'THE' major barrier preventing passive prospects from talking to you. DO NOT require a resume. Use a Confidential Candidate Brief instead to surface the experience most relevant to the role.

Follow a Rigorous Process Together

Create a *Hiring Blueprint* which makes everyone's role on the search committee clear by articulating the strategy and process that will be used to attract, evaluate and convert the *Best* prospects into Tier-1 Candidates. "Picking the low-hanging fruit by advertising on Google and Facebook is not

recruiting," said veteran recruiter and Big Biller, Bill Vick. Vick added, "The really smart HR person is looking for a partnership relationship where they know they're not simply driving the bus. They have a co-driver."

Nail the Fit First

Executive interviews need to be different from non-executive interviews because there's more at stake. It's fit that leads to a productive resonance between the candidate and the rest of the executive team. Try selecting a benchmark candidate and conducting a trial interview with the search chair and recruiter to ensure an accurate understanding of the ideal candidate before recruiting in earnest. Reeshma Jassani, Director of HR at CN Rail and IPM Associations Toronto Chapter Co-Chair, expects the consultant to "have evaluated the candidate's personality, their background, what they're aspiring to do in their future 5-10 years from now and what makes them a good fit."

Invite Your Candidates to Audition

CEO of Numerix, Steve O'Hanlon has a very specific process, "First, we want to talk to them on the phone. We get a sense of what kind of personality they may have because if they can sell me over the phone, then they're more apt to be dynamic when they meet you in person." To see how a candidate might act on the job, have your chosen finalist make a formal presentation to the full search committee outlining their understanding of the role and their plans for the first 100 days in the position. This ensures you have a candidate who shares your organization's vision and sensibility.

continued on page 15...

Feature



Michelle Lane

Leadership
Development Coach
& Facilitator,
Vibrant Leaders

ASK the EXPERT

Enabling Success: Bring Out the Best in Those You Lead

Your organization's performance depends on it

Question: What's the best way to lead your employees?

When it comes to leadership priorities, enabling the success of others really matters. Those you lead are hungry for growth and development and your organization's performance depends on it. The good news is that there are many ways to do it. Here are a few of my favorites — practical and proven practices to help you become better at enabling the success of others.

What does it mean to 'enable' those you lead?

First up is the question of 'mindset'. When leaders begin to define themselves as people 'developers' rather than 'managers', they bring a powerful mindset to supporting their employees. It definitely shows. Developers actively look for opportunities to provide the right degree of challenge, encouragement and support to those they lead. Two simple examples? They help employees focus on their strengths rather than their limitations and they recognize employees for their efforts as well as their outcomes.

What leadership qualities are key to developing others?

The essential leadership qualities associated with being a people developer are the ways of 'being' a leader that shape your ultimate actions — your 'doing.' Your leadership 'being and doing' are constantly influencing you and those you lead, so it's key to consider both starting with your 'being'.

Two key leadership qualities for a developer are your presence and your compassion. Each helps you connect fully and deeply with those you lead and lay the foundation for

effective relationships that can lead to mutual understanding, integrity and trust.

What leadership behaviours bring out the best in those you lead?

Presence, compassion and an openness to failure are three of the behaviours that come up frequently as we help leaders work on their effectiveness:

Be Present — Being fully present to those you lead may seem like an easy undertaking. However, we know from employees that being (or feeling) seen and heard by leaders is often a challenge. What do you notice about your own habits and the ways in which you are present (or not) to your employees? Two concrete places to look are the ways you focus your attention with your employees and your listening practices. Challenge yourself to be fully present to your employees, listening with all your attention and see what happens.

Lead with heart — When it comes to leading others, your competence as a leader plays a role. However, that's not enough. Employees also want to know you care about them and are willing to put your heart in it. They want to know you're prepared to get to know them and what they're good at, as well as support their growth. They also want to know that you will be open, honest and real with them — and invite the same in return. This is a process that over time can help to build mutual respect and trust. The work to be done matters but your relationships with the people you lead matter more.

Celebrate failure and success — When it's safe to fail, employees are far more likely to

Developers actively look for opportunities to provide the right degree of challenge, encouragement and support to those they lead.

try a new approach or something they've not previously tackled. Either way, there's an opportunity for the stretch that leads to learning followed by increased capacity, confidence and growth. Leaders who celebrate failure as well as success foster a climate of safety and trust, a condition guaranteed to bring out the best in all.

What does it all add up to?

Whether you are just starting out, growing as a leader or ready to accelerate your leadership difference, the work you do bringing out the best in those you lead can pay huge dividends. Give yourself a head start with a development mindset. When you follow through by leading in ways that enable the success of those you lead, watch your employees soar. The more you do it, the more you may discover what many accomplished leaders have already learned. It becomes some of the most satisfying work you will ever do as well as the most effective! A winning strategy for all.

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Cannabis at Work: Your New Drug and Alcohol Policy

Employers strike the perfect balance

As of October 17, 2018, recreational use of cannabis was legal in Canada. To prepare for the legalization, the Government of Ontario has passed the *Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act*. This legislation addresses how, where and who can buy, possess and consume cannabis in the province. In particular, this legislation explicitly prohibits consumption of non-medical cannabis in workplaces, vehicles and boats or any public places.

While it is imminent that these changes will impact our workplaces, employers will continue to have the right to prohibit an employee's attendance at work while under the use of cannabis and prohibit its use at work. Consuming recreational cannabis at work will continue to be illegal after the legalization on October 17, 2018. Even after the legalization, marijuana and other cannabis products will continue to be controlled substances under Canadian and provincial laws.

Medical vs. Recreational Cannabis

Employers should be cautious not to confuse medical cannabis with recreational use. Medical cannabis has been legal since 2001. In Ontario, the duty to accommodate under the *Human Rights Code* ("Code") extends to disabled employees who are prescribed medical cannabis. An accommodation request for medical cannabis must be treated like any other accommodation. This means that employees with a prescription for medical cannabis must be accommodated up to a point of undue hardship. In assessing undue hardship, the employer

should canvass cost considerations, availability of external funding and whether the accommodation poses any safety concerns. To assess safety concerns, employers must consider the employee's position and nature of work. In this regard, up-to-date job descriptions are critical, especially if an employee is working in a safety-sensitive position.

When employees request accommodations for medical cannabis, employers should remind them that the accommodation process is meant for workplace parties to work together to find solutions. As part of that process, the employee will be required to provide medical reports outlining their prognosis and limitations/restrictions to safely carry out their duties. Similarly, the person seeking accommodation for medical cannabis should be reminded that they are responsible for letting their employer know if their condition or treatment for the condition may affect their judgement or ability to properly perform their job.

Occupational Health and Safety Act

Impairment at the workplace has been a longstanding occupational health and safety concern. In Ontario, employers have a duty to "take every precaution reasonable in the circumstances for protecting employees in the workplace". This obligation extends to protecting employees from an unsafe working environment caused by impairment. To meet its obligations, employers should routinely assess the workplace and identify potential hazards. Once the hazard has been identified, the employer must protect its workers by

taking every precaution reasonable in the circumstances. The actions that will be deemed "reasonable in the circumstances" will depend on the nature of the workplace as well as the role/actions of the worker who may be impaired.

Health and Safety in the workplace is a shared responsibility. In this regard, it would be useful to train and remind employees, supervisors and managers about their OHS obligations regarding workplace hazards which may include impairment from medical and non-medical cannabis.

Balancing Act

Employers must strike a balance between maintaining a safe workplace and its duty to accommodate under the *Code*. Employers should review and update their Drug and Alcohol Policy to address use, possession and distribution of non-medical cannabis at work. The policy should explicitly prohibit recreational use of cannabis or products that contain cannabis. However, employers should exercise caution when implementing a blanket Zero-Tolerance Policy against use of all cannabis.

Particular attention should be paid to the definition section of the policy. For example, the policy should define concepts such as "recreational use", "medical use", "impairment", "workplace", "fitness to work", "safety sensitive positions", etc.

Similar to other seminal workplace policies, the revised Drug and Alcohol Policy should explicitly communicate that a violation of the policy may lead to discipline, up to and

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Feature



Paula Morand
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*Keynote Speaker,
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ASK the EXPERT

Can Feedback Apps Replace Annual Performance Reviews?

Support for the ritual of the annual performance review is becoming as rare as embracing a high-sugar diet or deep-fried anything. Its popularity as a useful exercise is fading fast.

Netflix, Microsoft, GE and Adobe, MGM Resorts International and Booking.com simply did away with it, a trend which many small firms are following.

Employees aren't complaining since their yearly round of praise or complaints rarely meant much to them. Complaints rarely led to change and praise was often shrugged off as too little, too late.

Despite this, a method is needed to assess and offer feedback to employees to help them learn and grow in their roles and responsibilities. Instant reviews mean problems can be addressed faster and not allowed to fester.

Human resources professionals charged with finding a new way to get feedback to employees are increasingly engaging with modern technology.

Feedback apps are finding their way into organizations around the world as employers struggle to deal with employee engagement issues and to provide feedback in a more timely and useful fashion.

If you are looking for options to your annual performance review, here are some of the growing number of apps to consider. Before you download any of them, take some time to first decide what your company's goals are with their feedback efforts. With the growing number of feedback apps on the market, this will make it easier for you to select one that can align with your organization's goals and vision.

Keep in mind as well that whatever app you suggest, it will only be as good as the managers using it. Feedback works best when it is well-timed and well-intended. Too much feedback can be over-powering for employees, making them feel like their every step is being watched and recorded. Too little feedback leaves the employee wondering if anyone is aware of their efforts or what is going on overall in the company.

One feedback app, Impraise (www.impraise.com) meets a lot of the issues by offering 360 degree feedback and real-time feedback. The 360 degree is a feedback system where the employee gets feedback not just from his or her manager, but also from all the people around them, often including their peers, their team members, their direct reports and even their suppliers or vendors in a project.

Impraise can be used in any environment, but it is particularly effective in organizations where teams are used to complete projects and then changed again for other projects. It encourages peer coaching and gives managers clear insight into team overviews. It can be customized to virtually any situation.

Workday (www.workday.com) is out of California like Impraise. This Cloud-based program adds finance to its human resources functions.

EchoSpan (www.echospan.com) offers a full suite of web-based review tools including performance reviews and 360 degree feedback as well. Available in more than 60 languages, it is used by more than 3,000 small and medium-sized businesses all over the world.

What is great about EchoSpan is that you don't have to invest in any expensive software. You

just need your web browser. It works with all major browsers, tablet devices and mobile platforms.

The app lets you customize it to suit your individual needs as an organization. You can add or delete or change sections. There is room for unlimited reports and no additional course to run those reports.

Rypple Feedback (<https://www.crunchbase.com/organization/rypple>) out of Toronto is another feedback app, this time using social media. It has a simple interface to encourage the collection of anonymous feedback about job performance and other things. It has a "kudos" tool and even offers employees motivational badges.

Through it managers can track the improvements and accomplishments of their workers. Its user-friendliness makes it popular with employees.

Could a feedback app work in your company? Those who like it approve its immediacy and acceptance by younger employees in particular.

But like any other convenience, it comes with its downside. Some HR directors and managers worry that inappropriate feedback can be sent and tensions can rise if rules of use are not determined and maintained.

The goal is feedback tied to the organization's goals and vision. It is important to implement such feedback apps with that in mind.

Paula Morand is a keynote speaker, author and leadership expert who helps high potential visionaries and organizations take their brand and their business to the next level. She can be reached via email at bookings@paulamorand.com.



Charmaine Hammond
CSP, MA

President, Hammond International Inc.

Compassion Fatigue: Another Epidemic in Today's Workplace

Faster recovery when recognized and treated early

Tired, fatigued and stressed, Sarah, an HR leader in a health care facility, has felt this way for much of her 15 year career. She spent countless hours staring blankly at her computer screen, numb and too tired to focus on the flood of emails from unhappy employees and managers dealing with workplace challenges, grievances and harassment investigations.

What is the cost of caring?

Also called "vicarious traumatization" or secondary traumatization (Figley, 1995), compassion fatigue can be understood as the "emotional residue or strain of exposure to working with those suffering from the consequences of traumatic events. It differs from burnout, but can coexist. Compassion fatigue can occur due to exposure on one case or can be due to a "cumulative" level of trauma. Burnout (while it might look and feel somewhat similar) is the emotional exhaustion and withdrawal associated with increased workload and institutional stress. Burnout is not trauma-related or the result of caring for others.

Some of the similarities of burnout and compassion fatigue include:

- Emotional and physical exhaustion and feeling of being completely run down
- Reduced sense of personal accomplishment or meaning in work
- Depersonalization and isolation
- Reduced coping skills to handle daily stress and challenges

Compassion fatigue can occur due to exposure on one case or can be due to a "cumulative" level of trauma.

The clear difference between burnout and compassion fatigue is that compassion fatigue has a more rapid onset while burnout emerges over a longer period of time. Also, compassion fatigue has a faster recovery and is typically less severe, when recognized and addressed early.

Some of the symptoms of compassion fatigue with Sarah included:

- Decline in her overall well-being
- Isolating herself (not taking breaks with her colleagues, taking breaks alone in her office)
- Insomnia — Difficulties falling asleep and staying asleep
- Her emotional state was more pronounced and intense
- Solving problems became challenging (felt like brain fog)
- Her self-esteem had declined and she frequently questioned her decisions and actions
- Increased feelings of anger and frustration in workplace situations

As Sarah looked back over the past few years, she began to see that compassion fatigue had developed over time — the past several years. Her experience may be different from others affected by compassion fatigue. Over time and as compassion fatigue develops, your ability to feel and care for others

becomes eroded through over-use of your skills of compassion. You also might experience an emotional blunting where you react to situations differently than one would normally expect.

So how do you ward off compassion fatigue and stay resilient? The Landstuhl Regional Medical Center offers the following suggestions:

- Find someone to talk to.
- Consider taking some time off work.
- Understand that the pain you feel is normal.
- Exercise and eat properly, drink lots of water and ensure you get enough sleep.

Sarah took a well deserved 3-week vacation, joined her local book club as she loves to read and reduced the amount of time she stayed late at work. She and her colleagues formed a lunch walking club at work. These daily walks had a significant impact on her energy level and she no longer felt isolated and alone. The break from work and the healthy changes to her lifestyle certainly helped her overcome the compassion fatigue and get back to working productively which she had not experienced for a long time.

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Feature

Patterned Absent Employee

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at work on a more regular basis." When sharing the facts, one could say "I want to draw your attention to what I've noticed regarding your time away from work." You can also say "The record shows X days missed over X period." It's important to state that you "value the employee's contribution and want him/her to be there."

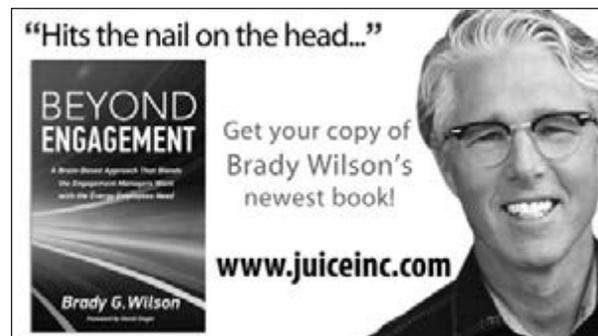
Statements and questions to help you explore could include: "I'm curious about the factors contributing to the absence pattern and what we might be able to do to help." "What resources can you access that help you address the issues contributing to the absence?" It's important to stay curious and ask open-ended questions to get at the root of what is really going on for the employee.

The last phases provide an opportunity to be exceptionally clear about the go forward. State your expectation of regular attendance. Work with the employee to generate options and a plan. Ask, "What steps can you take to ensure a more regular attendance?" "What support do you need from us to help you be successful?" Finally, have the employee state their view of the conversation, expectations and the plan. You might say, "I just want to make sure we are on the same page so I'd like to hear your view of

what we've talked about." End by thanking the employee and offering to assist as necessary.

Managing patterned absence is not easy. When a manager addresses it early and with good intent, the goal of continued and successful regular employment can be achieved. Everyone wins.

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OHS Legislation in Alberta

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work site health and safety committee, health and safety representative or affected workers, as applicable) and make the necessary revisions to ensure compliance with Alberta's new OHS Act and revised OHS Code. Where appropriate, legal guidance should be considered in this process.

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Recruiting Winners

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The Final Word

Great executive recruiters don't just fill in a box on your organization chart. They will create value by turning your recruitment process into an engine for building competitive advantage.

David Perry is Managing Partner of Perry-Martel International Inc. and author of "Hiring Greatness: How to Recruit Your Dream Team and Crush the Competition" and "Executive Recruiting for Dummies". He can be reached via email at dperry@perrymartel.com.

Cannabis at Work

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including termination for just cause or wilful misconduct. The policy should also recognize that the proper use of medical cannabis is not grounds for disciplinary action but may necessitate an accommodation including modified duties for the duration of the treatment.

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