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FALL 2025, VOLUME 23, No. 4



Sharlene Rollins
RPR
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Coaching versus Mentoring

Which is best for you?

We all need extra support at times whether we're starting a new job or we've been given that long overdue promotion. New managers can definitely use the assistance. That's where coaching or mentoring come in. Most organizations offer some version of this type of support to people moving into the management cadre, but what's the difference between coaching and mentoring?

At first glance they appear to be quite similar, but there are some fundamental differences. Leadership or executive coaching is usually focused on helping individuals understand their role and then providing feedback to help them improve and grow.

Coaching is usually offered for a limited period of time and most often provided by an outside resource.

Mentoring, on the other hand, can be described as more of a relationship between an experienced person helping a newbie learn not just the tasks, but also the culture of the organization. Mentoring tends to be longer term and, in many cases, involves someone from inside the organization who is guiding the new manager.

There are benefits to both mentoring and coaching.

Mentoring allows people to learn on the job in an everyday setting with someone who knows how everything works. That's how most of us learned our initial jobs and many of the ones that followed. Mentoring is also low cost since it can be provided in-house and that makes it easy to implement as well. Employees who are mentored often feel more engaged and connected

to the organization as that relationship grows. This in turn leads to improved performance and productivity.

Coaching has its benefits too. It offers the organization and those who are being coached specialized training and focused sessions that can often show significant and immediate improvements. Employees can be brought up to speed in specific areas very quickly and make immediate gains in knowledge and skills. We all know the value of coaching and appreciate that the organization will take the time and money to invest in them. Another benefit is that coaching can also help improve employee retention and increase employee loyalty.

Which option should your organization consider? That depends on certain factors. Who are you trying to upskill or develop? What would your organization like to gain from such a process and how much are you willing to commit financially? Some experts say that if your goal is to develop people and build strong ties across your organization, then mentoring is the best way to go. Others note that if you want to quickly upskill a select group of individuals to make changes or power growth, then coaching would be the better option. There's also the timing issue. If you're building for the long term and want stability and consistency, consider mentoring. If you need something to happen now or changes are coming soon, then coaching will help you weather the storm. It's actually not a bad decision to have to make. Everyone involved and the organization in particular will benefit from whatever choice you ultimately select.

Sharlene Rollins is Manager, Administration for IPM [Institute of Professional Management].



"Profits were down this year, so I have some bad news. I've sold each one of you to the black market where you'll be placed into slave labor."

Perspective



Nathaly Pascal
RPR, CMP, RPT
President

President's Message

What Employees Really Want from Their Boss:

What's Wrong Now?

We all believe that we know how to be good managers. Isn't that the truth? What about the employees we oversee? What do they really think? A consulting group recently surveyed 500 employees for the Society of Human Resource Management on just that issue. What feedback did the employees provide?

The employees surveyed had five major areas that they thought their managers should focus on. These included having a clear vision and strategy, two-way communications, supporting their career development, leading but not micromanaging, and being a good coach. Are there any surprises here for you? Personally, I think that this is a good list that I would give to any new manager and have them work on delivering these goods to their teams if they want to be successful.

Let's delve a bit deeper into these results.

Having a vision and a strategy to get there is crucial for any manager. No wonder it's # 1 on the employees' list. They want to be successful and productive at work. They also want to know that they are going somewhere and that you have a plan to help them get there.

Communication is the key. How often have we heard that? Yet how much time and energy do we put into communicating our vision and listening for feedback to make sure we are on the right track? Not enough, according to the group surveyed. In addition, they want you to listen more and talk less.

Supporting their career development is clearly self-interest. However, they want you as their manager to care about that too. Why does it matter so much? After compensation, employees talk about bad supervisors and lack of career mobility as the major reasons they change jobs. Employees want to grow and learn new things. Help them make that happen and they will not only be happier, they will stay.

No one likes to be micromanaged. It's the biggest complaint in the survey and the thing that drives all employees (good and bad) crazy. We don't do it on purpose and we instinctively know that it's not a good idea. Yet many of us at some point fall into that terrible trap. Not only does micromanaging irritate people, it gives them a signal that you don't trust them. That proves deadly in a work environment.

Finally, employees want to be coached. We know this instinctively as well. Employees respond positively when they are given feedback, both positively and negatively, on a regular basis. They become better performers when they practice. They are more motivated to do better work when they feel that their manager cares about them. So, get out there on the field and start coaching.

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



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Doubling the Discipline: Jeopardized Termination

Employees cannot be disciplined twice

The decision of the Alberta Labour Relations Board (the “**Board**”) in 2024531 ALBERTA LTD. o/a as Blakkloud Hair Studio v. HASSAN, 2024 ABESAB 12 (“**Blakkloud v Hassan**”) serves as an important reminder to employers that the choice of disciplinary action should be considered carefully and cannot be changed once a course of action has been undertaken. In this decision, the employer was unable to terminate for just cause, because it had already given a written warning for the same misconduct.

In *Blakkloud v Hassan*, the employer appealed an Order directing the employer to pay the employee termination pay in lieu of notice. The employer took the position that the employee’s employment was terminated for just cause, and therefore no termination pay was owed.

On February 26, 2023, the general manager approached the employee to discuss his failure to perform his opening duties that morning, the general manager testified that the employee’s response was, “F*** you. That’s not my job”.

The general manager subsequently wrote an “Employee Discussion Log” which stated in part:

“This is a final warning after multiple discussions. Brendan has

- issues with a negative attitude towards staff
- has been disrespectful towards management
- completing duties at opening and closing
- unable to control emotions.”

The general manager also wrote, “If Brendan’s attitude and work [does] not change, he will be terminated”. The general manager stated that the employee was provided with the Employee Discussion Log but refused to sign it. At the time of this incident, the owner of the employer was on vacation and she did not return until mid March 2023. The general manager met with the owner upon her return and explained what had occurred. The owner subsequently decided to terminate the employee’s employment for just cause, as a result of his behaviour on February 26, 2023.

Two Categories of Just Cause

The Board considered the two categories of just cause articulated in 409204 *Alberta Ltd. v Hertel*, 2001 CanLII 25652 (AB ESA) (“**Hertel**”):

I am satisfied that conduct of an employee sufficient to justify dismissal falls into two distinct categories. In the first category, the conduct is sufficiently egregious so as to justify immediate dismissal. Obvious examples are dishonesty, deliberate disobedience of lawful and reasonable instructions, or some conduct that indicates a repudiation of the contract of employment. These are illustrations only and not intended to be an exhaustive list of matters which might justify immediate dismissal.

There is, however, a second category consisting of conduct which is inconsistent with the duties of the employee but falls short of either being a repudiation of the contract of employment or being sufficiently serious to justify immediate dismissal. The law seems to be clear that in such cases an employer must warn, must specify the misconduct, which is considered unacceptable, and must indicate to the employee in some clear way that the employee’s job is in jeopardy if the conduct is repeated.

The Board acknowledged that the employee’s behaviour on February 26, 2023, which it considered to be insubordination and insolent, was sufficient to be considered termination for just cause under the first category discussed in *Hertel*. The Board stated that an employer is not required to tolerate an outburst from employees, especially when the employee does not apologize, demonstrate remorse or demonstrate an intention to improve. Therefore, the employer would have been justified in terminating the employee’s employment for just cause on February 26, 2023 or shortly thereafter. However, the Board determined that having chosen to issue a final warning instead of termination, the employer brought the case into the second category articulated in *Hertel*.

Employees Cannot be Disciplined Twice for the Same Misconduct

Court and tribunal decisions across Canada have clearly articulated that the concept of “double jeopardy” applies in the employment context. That is, an employee cannot be disciplined twice for the same misconduct.

continued next page...

Doubling the Discipline: Jeopardized Termination *concluded from page 4*

The Board considered that the general manager provided the employee with a clear written warning that he was at risk of termination if his behaviour did not improve, but the employer was not able to present evidence of improper conduct following the February 26 incident, other than to state the employee's behaviour had not changed. The Board concluded that having provided the employee with a written warning, and no further incident had occurred, the employer could not then terminate the employee's employment for the same conduct for which he had already been disciplined.

The Board therefore concluded the employee's employment was not properly terminated for just cause, and therefore was owed termination pay.

Takeaway for Employers

Employers should take time to decide on disciplinary action. Employees cannot be disciplined twice for the same offence. If a disciplinary or corrective action has been taken, employers cannot change the type of discipline and subsequently terminate the employee for the same offence. If in doubt about how to deal with employee discipline, take time to consider the options available and seek legal guidance if necessary. Once a course of discipline is selected and put into action, the employer will be stuck with it.

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Robyn Berman
MBA

Beyond Statements

Discrimination at work in the age of DEI cancel culture

Shock. Fear. Embarrassment. Shame.

Your heart is pounding and you are lost for words that will have any meaning in this totally unexpected moment.

This is what it feels like to experience discrimination in the workplace.

What's even more surprising is that many organizations do not have policies, procedures or frameworks for managing this excruciating level of harm and pain that is caused when racism at work has leadership teams running around in circles trying to do the right thing resulting in, more often than not, the issue being mishandled or even worse, swept under the rug.

DEI, or diversity, equity and inclusion, came into sharp focus in the early 2020's when George Floyd was murdered and the Black Lives Matter movement took over our social media channels. In Canada, national and organizational DEI initiatives started to include land acknowledgments, changes to hiring practices and new governance ground rules. But is all this simply perfunctory?

If we lead with curiosity and ask ourselves if these DEI initiatives truly protect people from racism, discrimination and bias, the answer is clearly NO. Regardless of statements on websites, standard operating procedures in HR handbooks or mandatory self-guided online training, people are still experiencing harm caused by unsafe workplace culture, rooted in hope that complacency will buy time. In addition, with this gift of time will come watered down and mishandled yet accepted versions of: "This is how we deal with this problem in our workplace." This fragility of systems only perpetuates the problem. Erasure by omission allows the undercurrent of racial tropes, blood libel and double standards to fester.

The good news is that this part of the problem can be fixed. Acknowledging that some discrimination and bias are inherent in a person, organizations can and should develop a sensitive, respectful and safe culture whereupon

a shared responsibility for education, cultural and racial tolerance, and co-developed incident management protocols reduce the risk of harm while simultaneously building a communal sense of openness and acceptance of difference where the organization's people choose to show up and do their best work every day.

There are many initiatives that organizations can explore. The possibilities are endless for how leaders choose to build safe workplaces that have a zero-tolerance policy that is thoughtful and protective while simultaneously demonstrating allyship and sensitivity toward all people who come to work every day. Because, at the end of the day, people want to be seen. People want to be valued. In addition, people want to be authentic and work in place that aligns with their personal values. When this harmony exists in workplaces, organizations flourish!

The framework for best practices that reduce racial discrimination and bias within organizations must include tools to assess readiness of the leadership to thoughtfully engage in this work, as well as the readiness of the teams to peel back the layers of racism that are inherent in all of us. This work demands vulnerability and there must be a foundation of trust within the organization. Even if that trust has come into question because of an incident involving racial discrimination, it must be reaffirmed before the organization can safely move forward. This may involve hiring a consultant who specializes in performing these assessments.

Culture in organizations is established at the top and has a trickle-down effect, for better or for worse. Leaders must step into hard conversations with humility and be prepared to ask for guidance in areas that are unknown to them. This can be a barrier for executives who've spent a lifetime climbing the corporate ladder. Additionally, leaders must be prepared to invite

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Beyond Statements

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in the people who have lived experience but who perhaps fall short on being professionally polished – it is this type of person who is most likely to have experienced discrimination and bias in the workplace who can offer insights and a frame of reference that can and should guide the work ahead. Notably, a trauma informed workplace will be sensitive to the needs and expectations of those who've been harmed. Trauma informed workplace training is another area of professional development available for organizations to consider.

Measuring outcomes of this work is not standardized and requires careful consideration. Unlike traditional KPI's, measuring qualitative (and quantitative) outcomes that involve race-based data collection remains under studied. Organizations are encouraged to consult specialized thought leaders on how to execute this work safely so that the information is held and used responsibly, and in some cases as per industry standards.

Courage. Consistency. Calling in rather than pointing out. This is what's required to name racism and discrimination at work. Addressing race and bias at work is a moral obligation that is critical for organizational health and wellbeing. If executed properly, this will drastically improve the overall culture of the workplace resulting in optimized productivity and happiness for the people who come to work each day.

Robyn Berman brings over 20 years of experience in healthcare and community sectors to her work as a consultant with The Delfi Group. Her consulting practice focuses on leadership development, organizational growth, strategic and emergent planning and workplace culture.

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Health and Safety Meets Reductions in Force

Navigating the Impacts of U.S. Tariffs

With the imposition of tariffs by the current U.S. Administration, Canadian employers are being faced with difficult decisions regarding how best to manage the financial strain. Some are necessarily assessing the need for workforce reductions or temporary layoffs – and so often those discussions start and end with who shall be impacted and when, to minimize risks and maintain maximum flexibility for growth. Then what happens to employees who continue to work after the reduction in force adds pressure to continue operations with less personnel? Savvy employers know they have an ongoing obligation to ensure the health and safety of their workplace and workforce under applicable occupational health and safety legislation. Ensuring workplace health and safety must remain top of mind, when fatigue and burnout are more likely to become commonplace, particularly when operationally, employees may need to do more with less and societally, the world is once again adjusting to yet more “unprecedented times”. Equally important is the impact of employers suddenly having new technology or production demands, often requiring urgent hiring, and not always having adequate training in place, increasing the risk of workplace incidents for both new hires and their existing teams.

Considering the above, we have compiled a list of best practices to help mitigate workplace health and safety risks in respect of reduced workforces.

1. Refresh the Workplace Health and Safety Policy

People need to know where to bring issues that inevitably arise. Employers should ensure they have a Workplace Health and Safety Policy and Program that is current, and make sure employees are getting refresher training so they are both aware of it and able to understand the policy and program. Consideration should also be given to upgrading these policies and programs to clearly set out complaint procedures, and a specific contact person in charge of receiving and responding to employee questions or concerns.

2. Assess Current Workplace Hazards

Assess the new normal. Employers should ensure that a recent assessment of workplace hazards

has been conducted in the context of a reduced workforce, particularly where it constitutes a significant change in the workplace. There may be hazards that only become hazards with a reduced workforce (e.g., someone newly working alone).

3. Update Employee Records (Hours of Work)

Know who is currently working and when, and then update your record keeping accordingly. With a reduced workforce, hours of work and, specifically, excessive working hours and time off between shifts, will be some of the biggest concerns in the transition as people take on more. Employers need to ensure they know who is triaging the work of their former colleagues, and keep accurate records of who ends up working what hours. Remember maximum hours of work still apply, and employees have increasing rights to disconnect. For example, in Ontario, employers with 25 or more employees must have their Right to Disconnect Policy in place, as prescribed by the Ontario *Employment Standards Act, 2000*, and should take steps to ensure employees are aware of their limits on work.

4. Explain Employee Resources

Now is a good time for a refresher on the good tools you have already put in place to provide real support to your team when they need it. Whether or not psychological safety is explicitly recognized as a health and safety requirement in your province, ensuring employees are reminded of the availability of assistance in transitions is paramount to helping them stay healthy. Make sure your team knows what supports are available and how to access same. Do they know they have access to internal help, external virtual programs or an EAP line? Maybe. Do they know what exactly that means? Maybe not. For example, are they aware an EAP line can typically offer specific types of pragmatic support, like same-day counselling, tailored career planning, professional coaching/advisors, and direct local community resources for eldercare or childcare, etc.?

5. Communicate Transparently

During the COVID-19 pandemic, employers saw first-hand that when there is uncertainty,

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Health and Safety Meets Reductions in Force ... concluded from page 8

employees suffer from all kinds of physical and mental health crises and general overwhelm; change - especially "unprecedented social and economic change" - is hard. Therefore, as everyone attempts to address varying tariffs and the potential impacts on business, careful attention needs to be paid to assist employees. Here are steps that can help:

Be up front: Share a reasonable amount of information about the business. While not all information can be shared, be transparent about both the state of the business and the plans in place to address business challenges to the extent possible. This can ease employee anxiety by letting them know that management is watching events, has a plan for dealing with the future, and that the transition is being effectively managed. Silence is ominous at best and decidedly dangerous at worst.

Be clear about new tasks, priorities, reporting lines and responsibilities in light of the reduction in force. Recognize the transition period you are in and that supporting the team during this period is a top priority.

Work with employees to develop realistic project goals and work plans to create manageable workloads in light of new operation setups. This means taking into account timelines and capacity on an ongoing basis to triage effectively, which itself requires encouraging a feedback loop from the employees to make changes as they identify issues and adjust.

Make sure employees are actually using their vacation time. Everyone will need time to adjust to the new normal, and societal changes take a toll - even if work is going well. Encourage your team to book their vacations in order to build in health and balance in the transition.

Encourage feedback. This may mean you bolster or implement a mentor program or add in more informal 1:1 check-ins without a fixed timetable. Create the space to get the information you need, and to listen to where the pain points are so you can address them. Use these moments to recognize individual contributions.

Take Aways for Employers

The fear of job insecurity weighs heavily on employees as notifications of still more tariffs, headlines about global workforce reductions and dramatic stock markets ping in across their devices. In this climate, being prepared with real strategic planning, open dialogue, and pragmatic support can create an employer's greatest asset: a healthy and productive workforce.

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Learn to Speak Up

It actually hurts the business if you remain silent

It is tough at times to speak up for yourself, especially at work. Many times, employees bite their tongue when they know they should be saying the quiet part out loud. How many bosses have we encountered in the past who threw a tantrum when we suggested an alternate way of doing things? We actually got into trouble for trying to improve the process. There's no longer a place for that attitude or behaviour in today's workplace. The suggestion from the experts now is that failure to speak up is not only hurting the employees, but also the company or organization they work for.

Why are we afraid of speaking up?

That's a good question. There seems to be a built-in anxiety about speaking up and a healthy amount of fear, both real and imagined. The real fear is that maybe our colleagues or even the boss may not like us if we speak an uncomfortable truth. The imagined part is that we feel there may be repercussions or consequences when we speak up at work. That should never be the case, unless of course we are repeating gossip, innuendo or some false version of a story about someone else.

Some people have literally taken the old adage that we shouldn't be seen or heard to heart. It's hard to shake old messages or family dynamics, even though we are no longer children. Others have been taunted or bullied whenever they've chosen to speak up. Some have been ridiculed or verbally abused when they have given an incorrect answer. Women, in general and not as a rule, often have difficulty in speaking up at work. 45 percent of women in a recent study said that they found this difficult.

When should we speak up at work?

There is another good question. There are actually many situations where it is better to speak up than to hold your peace. They include when someone else is in trouble. It is sometimes easier to speak on another's behalf and that might help you become more comfortable when you need to do it for yourself. Another time might be if someone or something is clearly against the rules or norms of your workplace. We have norms because we have agreed to them, but we only get to keep them if we are willing to stand up for them.

Speaking up when you are in a supervisory or leadership role should be mandatory. You will have to speak for your department when difficult discussions are being made about things like the budget

or workforce allocation—definitely not a time to sit back and be quiet. In this leadership role, you will also be asked to speak up on behalf of your team or individual employees if they come under attack or become vulnerable. That's your job and don't shrink away from it. One more time when you should likely speak up is when no one else is prepared to do it. That's the time to be brave and speak the truth. Your employer needs you to speak for the benefit of success.

Tips about speaking up

Here are a few more suggestions about speaking up.

Don't go on and on and on and don't overexplain your position. You will lose your audience. You may notice that some people talk too much because they're nervous. Don't be that person. Do your homework and come prepared to speak and then wait for a response before talking again.

Know what you would like to achieve before you start the conversation. Have an ideal outcome in your mind and ask for it directly and clearly. If the response is no, or not right now, you can determine your next steps. Also, come prepared to negotiate. You may not get everything you want right now, but can you move your issue forward. Take a partial yes as a victory. Be gracious and live to fight for more on another day.

Be considerate of others. This applies to ALL parties engaged in the conversation, including the boss and senior management—no one is exempt! Don't be the person who sucks all of the oxygen out of the room. Give others time and air space to share their ideas too. Be kind and compassionate to others in the discussion. Treat them the way that you would want to be treated yourself. And as much as possible, contain your emotions. Passion is good, anger is not. If you find yourself getting upset, call a timeout or reschedule the discussion. If the other party in the conversation is the one who is getting upset, suggest that this may not be the perfect time for the discussion, bring it to an end and reschedule it.

Remember that you will have to deal with these people no matter what position they hold when you show up for work tomorrow. The best time to start is now—practice makes perfect.

Members Quarterly Staff Writer



Arshad
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Tariffs, Trade Wars and Temporary Relief

How Work-Sharing Saved Canadian Jobs

In the wake of the ever-escalating “trade war” between the United States and Canada, Canadian industries are facing mounting economic pressures. This is largely due to the tariffs that were imposed by the Trump administration in early 2025. The imposition of these tariffs highlights the vulnerability of Canadian workers to trade policy and the direct impact of these tariffs on everyday working Canadians. As a response, one of the countermeasures imposed by the Canadian government was an expansion of the federal Work-Sharing Program (the “Program”) under the Employment Insurance Act, which is aimed at avoiding layoffs, while finding the balance between employer needs and employee rights.

Work-Sharing as a Legal Alternative to Layoffs

The Work-Sharing Program provides employers and employees with a mechanism to avoid layoffs when the decrease in the normal level of business activity is beyond their control. For context, the Work-Sharing Program has historically been used during wildfires and COVID-19.

Specifically, the Work-Sharing Program offers employers with a lawful means of reducing working hours across their workforce without the need of terminating employment contracts, while allowing for employees that experience a temporarily reduced work week to receive income support through Employment Insurance.

For employees to be eligible for income support, they must have experienced a minimum 10% reduction to their normal weekly earnings under a Work-Sharing Agreement (“Agreement”). Employees that are party to an Agreement must agree to a reduced schedule of work, and to share the available work equally over the term of the Agreement. Employers, employees and unions (if applicable) who want to be part of the Program must apply to Service Canada at least ten days prior to the start of the Agreement.

Employers are eligible to implement a Work-Sharing Program if they are operating in Canada for a minimum of one year, and have a minimum of two Employment Insurance eligible employees who agree to the reduction in hours and to share any available work.

Work-Sharing Program Benefit Payment

Under the Work-Sharing Program, the employer pays the employee their regular wages for the hours worked, while Employment Insurance covers all or part of the lost wages due to reduced hours. For example, if an employee works four days instead of their usual five, Employment Insurance may cover the shortfall. The formula used by Service Canada to determine how much the Employment Insurance benefit amount is depends on:

- i. The number of hours worked by the employee;
- ii. The employee’s standard Employment Insurance insurable weekly earnings, up to a maximum of \$695/week); and
- iii. The number of hours the employee would have worked if not in the Work-Sharing Program.

Special Measures Announced by Canadian Federal Government

On March 7, 2025, in response to the Trump tariffs, the federal government amended the Work-Sharing Program.

Key changes include:

- **Extended Duration:** The maximum length of a Work-Sharing Agreement was doubled from 38 to 76 weeks. Under the special measures, the Agreement must be a minimum duration of six weeks.
- **Broadened Eligibility of Employers:** Eligible employers have been updated to now include non-profit and charitable organizations that are experiencing a reduction in revenue due to the tariffs, cyclical/seasonal employers, and employers experiencing a decrease in work activity in the last six months less than 10% (which is a change from the general eligibility requirement mentioned above of at least 10% in the last six months).
- **Broadened Eligibility of Employees:** The special measures remove the requirement that employees be year-round, permanent, full-time, or part-time employees to participate in a Work-Sharing Program. Cyclical and seasonal employees are now included, as well as employees assisting the employer recovery efforts (i.e., senior management, sales employees, etc.)

The special measures have been announced to be in place until at least March 6, 2026.

Unionized Workplaces and Collective Agreements:

For employers in a unionized environment, it is important to note that a Work-Sharing Agreement must be consistent with the collective agreement. Employers cannot unilaterally alter hours of work and/or wages without union consent. The union plays a key role in shaping the terms of any application to Service Canada for the Work-Sharing Program.

Conclusion

Given the uncertainty regarding the tariffs, the expansion of the Work-Sharing Program provides a sound legal alternative to layoffs, while promoting job preservation and workforce stability.

Arshad Auckbarallee is an Associate with Goulart Workplace Lawyers and can be reached via email at aauckbarallee@goulartlawyers.ca.



Eleanor Kibrick

MSc

The Power of Words

Language patterns and emotions

We all get 'upset' from time to time. The word 'upset' is a very generalized term. Are we angry, fearful, sad or apathetic? Our word patterns give us valuable information to know what emotions we're dealing with. We can also use this awareness to empathize with our colleagues and friends. Our professional and personal lives will benefit from this understanding.

"The names of things matter because the images shape our thoughts and feelings, which in turn affect our bodies. Expectation plays a major role. For example – placing the label "heartbroken" on an emotional response can cause actual physical distress," as Barbara Hoberan Levine quotes in "Your Body Believes Every Word You Say".

Anger

Common word patterns that describe anger are often words of denial. For examples, "I'm not angry, I'm just frustrated." or "I'm not angry, I'm just irritated" or "I'm not angry, I'm just annoyed." Frustration, irritation and annoyance are all expressions of anger.

Once we identify the emotion expressed in those words, we can explore ways to de-escalate the intensity. Expressing anger is human. Staying in a state of habitual anger is hard on our mental, emotional and physical health.

So, what can we do? First of all, it's important to pull back and give ourselves time – time to have compassion for ourselves, to forgive and accept ourselves.

Then, we can wait for a time to address the anger by connecting with the person or situation causing the anger. We can say, for example, "I apologize for being angry with you. I do want to hear what you have to say and understand where you're coming from. Let's begin again and work together."

Fear

We can also recognize fear by our language patterns. We can think/say, for example, "what if it doesn't work" or "what if I fail" or "I feel nervous/shaky." These express fear. Or we can deny our fear with statements like "I want to go for it, I'm not afraid" or "let's talk about something else" or "what you're saying is making me nervous."

What can we do as a practice to calm ourselves, to encourage a positive outcome?

If possible, we can take the time to be alone and — in our imagination — experience being happy and victorious at overcoming our fear. We can choose to be courageous and imagine overcoming the obstacles. This may take a number of repetitions — a worthwhile practice.

Sadness

The language of sadness is often expressed through the words 'always' and 'never.' When we hear ourselves saying "you never call me," this tells us we are sad. Another expression would be "I always have to call you." This may sound like blame and, underneath, this tells us we're sad.

Once we understand that we're feeling sad, we can dive deeper and find out what we regret or what has disappointed or dissatisfied us.

One major antidote is to remember what we're grateful for. Another is to remember and do what makes us happy. We can meet a friend for dinner, or we can join a group of like-minded people or call someone and invite them over.

Apathy

The language of apathy includes thinking/saying things like "I can't" or 'it's too hard' or "I don't care" or "it doesn't matter."

These word patterns sap energy, leaving us feeling helpless or hopeless. It's hard to get up in the morning and face a new day. The antidote to those feelings is using words of action like "I can," "I will" or "I choose."

Understanding the language of emotions can enhance and sustain us in our personal and professional well-being.

"The world we see that seems so insane is the result of a belief system that is not working. To perceive the world differently, we must be willing to change our belief systems, let the past slip away, expand our sense of now, and dissolve the fear in our minds," as stated by Gerald Jampolsky, M.D. in "Love is Letting Go of Fear".

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The Mutually Agreeable Departure

How to end the employment relationship on amicable terms

While there are several ways to go about concluding an employment relationship, one method that is often overlooked is an agreement to mutually conclude employment. Whether the reason for termination is performance based, restructuring or overall fit in the workplace, a mutual agreement to end employment can provide a dignified exit for the employee, while limiting exposure and costs to the employer that might otherwise arise from termination.

More specifically, a mutual agreement allows the employee to participate in crafting the terms of their departure without the animosity and hurt feelings that can result from a unilateral termination. For employers, a mutual agreement allows for necessary changes to the workforce while avoiding the cost of litigation arising from wrongful dismissal allegations.

Generally speaking, a mutual agreement may be appropriate in the following circumstances:

- The employer does not have just cause to terminate;
- The employment contract does not contain a termination clause that already outlines the severance owed for a without cause termination; and
- The employer and employee are on good enough terms that such an agreement would be genuinely considered by the employee.

Other factors that may weigh in favour of attempting a mutual agreement include the employee's years of service and whether the reasons for concluding employment require that action be taken sooner than later.

Employers will, generally speaking, face more exposure and uncertainty in litigation with long-term employees and therefore a mutual agreement offers certainty and finality. Further, a mutual agreement allows employers to recognize the contributions and service of long-term employees, even though moving in a new direction is necessary.

Further, the reasons for concluding employment may motivate an expedited departure. For example, an employee who is consistently underperforming will eventually be at risk for termination for cause, however, if the nature of the performance concerns is negatively impacting operations and/or workplace culture, an employer may prefer to end the relationship earlier via mutual agreement rather than continue with performance management measures.

If proposing a mutual conclusion to employment seems like it could be a viable option, employers must take care to approach the discussion with the Employee in a manner that is respectful and allows for the Employee to fully consider their options. Moreover, the employee must understand that their participation is completely voluntary and if they refuse the proposal, their employment will continue. To do otherwise, would risk allegations of constructive dismissal.

Where appropriate, we recommend the following practical tips for approaching this discussion with the employee:

- The discussion should proceed on a completely "without prejudice" basis. Employers should explain to the employee that "without prejudice" means that the contents of the discussion cannot be held against either party. It should be further explained to the employee that the proposal itself is also "without prejudice".
- Depending on the precise circumstances, it may be helpful to have the agreement prepared ahead of the meeting so that the employee is clear on the terms being offered.
- Explain the reasons for considering conclusion of employment to the employee.
- Offer the opportunity to characterize, or communicate, the employee's end of employment as a resignation so that the employee's reputation remains intact.
- Allow the employee to ask questions and/or propose revisions to the terms proposed, which

continued next page...

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can be taken back for consideration after the meeting.

- Allow the employee ample time to seek independent legal advice on the agreement and keep in mind that the employee will remain employed during this period.

While a mutual conclusion of employment can offer a unique approach to ending the employment relationship, we caution that there are risks that must also be considered. In particular, given the employee remains employed while they consider the terms offered to them, should negotiations become protracted and/or contentious, this may negatively impact the employee's performance/attitude in the workplace. Additionally, when faced with the potential of termination, some employees may respond by taking a stress/sick leave, which can delay the process.

Accordingly, employers should be sure to assess whether the employee would be likely to consider a reasonable deal. If an employer expects that an employee may not be receptive to the proposal, they may be better served to terminate and address any necessary negotiations after the fact. Ultimately, each circumstance must be evaluated on a case-by-case basis and we encourage employers to seek legal advice on the appropriate options for ending an employee's employment prior to proceeding.

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