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No significant wage increases on horizon

But 'notable experimentation' around incentive comp: Survey

BY SARAH DOBSON

THE CANADIAN economy did fairly well in 2018, and the unemployment rate hovered near a 40-year low with job creation staying strong.

And with an aging population moving into retirement, employers are looking to hire, with job vacancies hitting record highs, according to a Payscale report.

Yet most Canadian organizations have no plans to give workers significant wage increases, found its survey of 584 respondents.

The lower numbers could be influenced by slower economies in provinces such as Alberta, Saskatchewan and Newfoundland and Labrador — alongside economic uncertainty, said the report.

In 2018, 56 per cent of Canadian

organizations budgeted between two and three per cent for base pay increases.

However, eight per cent of organizations budgeted four to five per cent, and another seven per cent budgeted more than five per cent for increases, found Payscale.

The labour markets have become very competitive in the United States and Canada, but wages haven't necessarily gone up dramatically, said Tim Low, senior vice-president of marketing at Payscale in Seattle.

"We're still wondering if that is going to pop, or if there are structural changes that have actually happened behind the scenes that

VARIOUS > pg. 12

FACEBOOK ADS FACE LEGAL SCRUTINY

'Discriminatory intention is not what matters — it's all about the effect': Lawyer

BY MARCEL VANDER WIER

Recruitment options offered by Facebook could face legal action following accusations of age and gender discrimination.

In April, a Montreal law firm filed an application for a class-action lawsuit against Facebook and Facebook Canada, alleging the companies have allowed for discrimination by excluding specific people from employment and housing advertisements. The application also alleges the Menlo Park, Calif.-based social media company's algorithm framework has a discriminatory effect on the delivery of ads to users.

By allowing and facilitating such practices, Facebook has violated rights guaranteed in the Quebec Charter of Human Rights and Freedoms — and similar laws across the country, according to Audrey Bector, partner at IMK Avocats.

The plaintiff is 65-year-old Lyse Beaulieu, but the proposed lawsuit could eventually include many more Canadians, said Bector.

"Facebook has 20 million users in Canada, so this definitely — being conservative — impacts (people) in the hundreds of thousands."

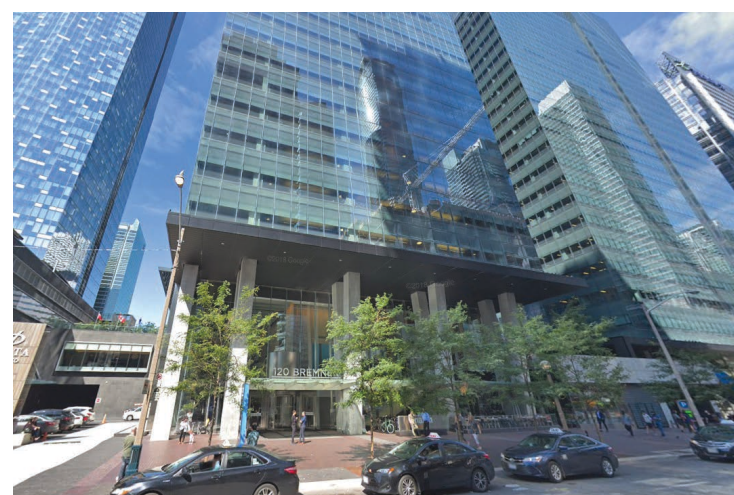
Beaulieu is an active Facebook user who has been job hunting for years, even as some employers have capped job ads at age 55, said Bector.

"It's already difficult to find a job at that stage," she said. "When you're just simply not even getting access to the same types of advertisements for employment that younger workers are, it creates an additional burden and it's discriminatory."

"You couldn't run an ad that says, 'People over 55 need not apply.' This is essentially the modern-day version of that, where you're simply excluding those people from even having access to the ad."

In April, federal Employment Minister Patty Hajdu called on the Canadian Human Rights Commission

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Canadian employers have to compete for tech talent with the likes of employers such as Amazon, with its Toronto headquarters seen here.

Focus on work-life balance with new certification in Quebec

Seal of recognition 'simpler' than standard launched in 2010

BY SARAH DOBSON

QUEBEC'S LABOUR shortages have become well-recognized, as the province struggles to find skilled and semi-skilled workers for a variety of sectors while immigration levels are lowered.

But a new initiative launching in September may help some companies when it comes to recruiting and retaining sought-after employees. The Réseau pour un Québec Famille (Network for a Quebec Family) will be granting seals of recognition to employers that adopt best practices in work-life balance.

The network's mandate is to propose public policies that support families, and this initiative is about best practices, and moving forward with the social norm around work-life balance, said Mathieu Gagné, adviser in communications, production and strategy at the Réseau.

Two years ago, the Ministère de la Famille surveyed 8,000 companies, and 90 per cent said they offered work-life balance measures to employees, he said.

"We were kind of surprised to see this number because all around us, and every time we hear families talking, it's always a big concern, a big problem, a big issue, so we felt there was a discrepancy between what was told by the families, and what businesspeople actually told us about the measures they put in place."

But a second survey of 3,006 workers with children in 2018 by Leger also found 82 per cent said they had access to work-life balance measures at their employer, said Gagné.

"Another finding from this survey was that almost half of them actually never use those measures. And one of the main reasons for that was because they either



Montreal employers should benefit from a new seal of recognition for work-life balance in Quebec.

Credit: mat277 (Shutterstock)

weren't aware of what measures were offered or what they could get, and when and how, or they felt that they should try as much as possible to avoid (asking for it) and, instead of that, use people in their surroundings or find other solutions on their own before eventually asking for the company to accommodate."

As a result, the network decided to launch the new seal. And while the initiative is similar to a standard introduced by the Bureau de Normalisation du Québec (BNQ) in 2010 — with only a handful of companies since then actually pursuing the qualification — this one is different, he said.

"We tried to come up with something that would be more useful, more manageable for companies, easier to put in place, but

still be effective in terms of having them move on and try things and do things with employees — start the discussion."

The previous standard launched by the government has proved too complicated, said Yves-Thomas Dorval, president and CEO of the Quebec Employers Council.

"It's costly, it is less flexible than what is now tabled by this organization... but, that being said, it's good, everything is good, because... we don't want to have exactly the same things, one with the other. But (employers) need to get an outside acknowledgement about the effort you do, you make to your employees in order to offer them better conditions, better balance between work and family."

The network's new certifications also makes sense if recent survey results are to be believed.

Ninety per cent of parents said they would be encouraged to apply for or stay longer with a company holding such a seal, according to a 2019 survey by Leger of 1,026 people, including 276 parents with children under 18.

And 55 per cent of Quebecers said they would be willing to change their jobs while 57 per cent would be willing to take a reduction in salary in exchange for better measures around "la conciliation famille-travail" (work-life balance), according to the 2018 survey by Leger.

A couple of years ago, work-life balance was largely about flexibility, and now it's probably the number 1 criteria with candidates, said Danielle Bragge, co-founder and president of the Headhunters Recruitment in Edmonton.

"We've actually got candidates saying, 'I'm willing to take a drop in salary if I can get an extra week of vacation or if I can work on a flexible schedule or if I can work from my house from time to time.'"

When millennials came into the workforce, they were looking for different things, she said.

"They work to play, whereas your gen X and boomers, we were a generation who just had to do what we had to, to get to where we needed to go. So, we look at careers as a ladder, where the millennials and the new generation coming in, they look at careers almost like a jungle gym. So, it's really much more as to 'What does my life dictate right now? Where do I need to go? Could it be a lateral move?' And a lot depends on their lifestyle, and what they need at that time."

Millennials brought up the issue of flexibility, and employers had to start thinking differently, said Bragge.

"That started to rub off on your mid-level managers which, at the time, were your gen-Xers and, slowly but surely, even the boomers are starting to look at it differently," she said. "I'm not measuring presence anymore, I'm managing productivity."

But overall, these kinds of work-life balance changes could take some getting used to, she said.

"If employers are willing to look at redesigning how they work, and looking at 'I'm going to manage an individual by tasks,' it takes a completely different manager and completely different management style to be trusting enough to say to the employee 'I don't need you hear from nine to five, but I need you to finish (your work)'. That's hard for an old-school manager... but I think from a retention standpoint, you're going to see a much, much higher level of output, you're going to have very different retention. And people feel valued, they'll see value for the work they did, not for the hours that they put in."

Requirements

To obtain the seal of recognition in Quebec, companies will first have to consult with employees, and then develop a series of measures that address their

ON THE WEB

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Benefits for all?

Employee benefits help with attraction and retention, but what's the deal for contractors and freelancers? We talk to Karam Tawfiq of Sun Life Financial and Rafael Gomez of the University of Toronto on this topic

BLOGS



Mixed messaging

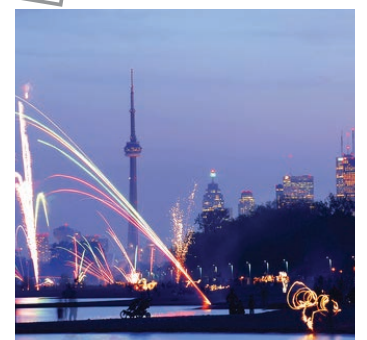
Do wellness programs really make sense if employees are offered pizza every week?

Pierced ears raise issues

Refusing an order to work may not be considered insubordination if it is unreasonable

The downsides to a longer maternity leave
Women's careers can suffer without employer support

BRIEFS



Complexity of statutory holiday pay challenges employers

'It's one of the top 5 non-compliance issues in Canada'

Six months later, is cannabis still a workplace concern?

Issues remain, but much of pre-legalization hype was overblown: Experts

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Legislative reversal in Ontario presents challenges for employers

Bill 47 does away with personal emergency leave, 'causes confusion': Expert

BY MARCEL VANDER WIER

THE ELIMINATION of two mandatory paid emergency leave (PEL) days through Bill 47 has Ontario employers facing a tough decision, according to experts.

In November 2018, the provincial Progressive Conservative government implemented legislation through the Making Ontario Open for Business Act, 2018, granting workers eight days of unpaid absence for sickness, family leave and bereavement leave.

Eleven months previous, the Liberal government had approved Bill 148, altering the Employment Standards Act (ESA) so Ontario workers were entitled to two paid PEL days off each year and a further eight unpaid PEL days, for which no medical documentation could be requested by employers.

The legislative reversal means employers must now choose to either continue offering two days of paid sick time, or revert to the new minimum standard.

George Brown College in Toronto, for example, is removing the benefit for non-union faculty, while Humber College, also in Toronto, chose to maintain paid sick days, according to a *Toronto Star* story in March looking at the different approaches colleges are taking.

The scenario has unveiled two very different schools of thought amongst employers, according to Ryan Wozniak, vice-president of legal at Peninsula Canada, an HR consultancy in Toronto.

One employer group simply wants to abide by legislative minimums due to budgetary concerns, while the other group offers paid sick leave as a morale booster and retention tool, he said.

"It really depends on the pulse of the particular workplace or the motivations of the particular employer," said Wozniak. "As a general practice, it's good to provide for some flexibility so that your employees can take care of themselves and your workplace is more productive... (but) it depends on your workplace and your operational makeup."

Unique business needs can see specific employers such as retailers or call centres highly affected by worker absence, while other organizations may have more workforce flexibility, he said.

Removing the benefit

The eight days of unpaid leave legislated through Bill 47 include three days for illness, three days for family responsibility and two days for bereavement.

Sick days are not pro-rated, meaning employees hired part-way through a calendar year are still entitled to the time away, said Wozniak.

And employers may once again ask for reasonable evidence in the form of doctor's notes to demonstrate employees are eligible for the leave, he said.

In Bill 148, Ontario employers had no choice but to fund two PEL days. Bill 47 allows them to

remove that benefit and revert to previous company policy, said Wozniak.

"The pendulum swing has caused some confusion for employers," he said. "It's hard enough to stay on top of your legislative obligations. And when you have a sudden shift like this, it can create additional confusion because the first shift often creates confusion."

For organizations that were offering more than two days of paid leave, it is very likely status quo going forward, said Michelle Ventrella, HR director at Pivotal HR Solutions in Scarborough, Ont.

"Many organizations were offering more than two paid, giving five paid," she said. "Those organizations are saying, 'Well, we're still going to pay for five because that's what we've always done.'"

"If you're a really big company and you're exceeding anyways, then you're not really impacted that much."

But for smaller companies that were mandated to offer PEL, reverting to no paid leave could have a detrimental impact on employees who may perceive it as a loss in compensation, said Ventrella.

"A company that was paying for two... needs to think about

the impact if they take away those two," she said. "As a general best practice, once an employee's been given a benefit of any kind, be very careful about taking that benefit away."

The removal of paid leave does not apply to union workers, who almost always have some amount of paid sick leave negotiated into

SICK > pg. 20



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107,000

Increase in number of Canadians working in April — with notable gains in part-time work for youth.

5.7%

Unemployment rate in April.

426,000

Rise in Canadian workers since April 2018.

1.3%

Increase in number of hours worked since April 2018.

47,000

Increase in employment in Ontario during the month of April, primarily due to gains in part-time work among people aged 15 to 24.

10.3%

Youth unemployment rate — its lowest mark since comparable data became available in 1976.

3,900

Decrease in jobs in New Brunswick through April.

3%

Increase in private-sector workers over past 12 months, the fastest pace of year-over-year growth since December 2010.

32,000

Increase in wholesale and retail trade jobs in April, driven by increases in Quebec and Alberta.

Source: Statistics Canada

Hiring new grads

There's good news for Canada's latest graduating class when it comes to entering the job market, according to a survey of 600 senior managers.

76% say they are likely to hire a recent college or university graduate.

The top benefits for hiring recent grads includes their enthusiasm for starting a career (**34%**) and fresh perspectives and ideas (**27%**).

Source: Robert Half Canada



Growing interest

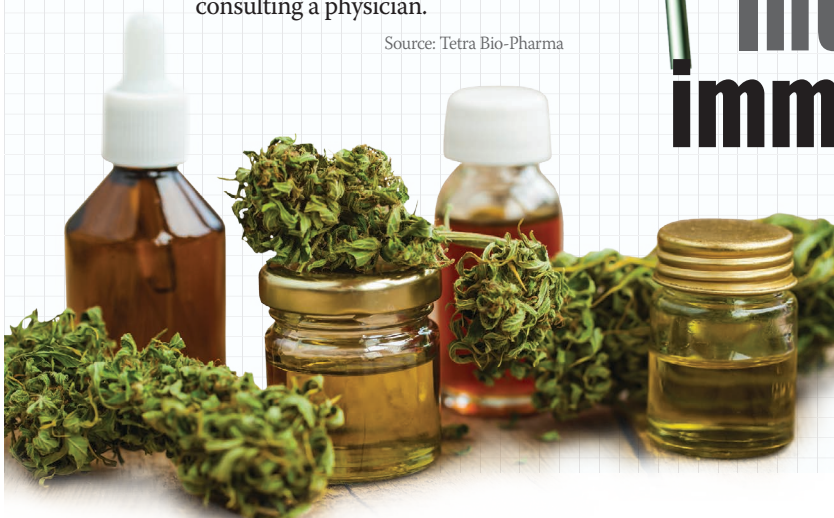
Two in three Canadians would use a drug containing cannabis — if prescribed by a doctor, according to a survey of 2,002 Canadian adults.

→ **68%** are willing to take cannabis to help manage chronic pain, insomnia, anxiety or depression.

→ **82%** believe the drug can reduce pain and other symptoms.

→ **88%** feel there is a risk in taking cannabis for health conditions without consulting a physician.

Source: Tetra Bio-Pharma



Problems PERSIST

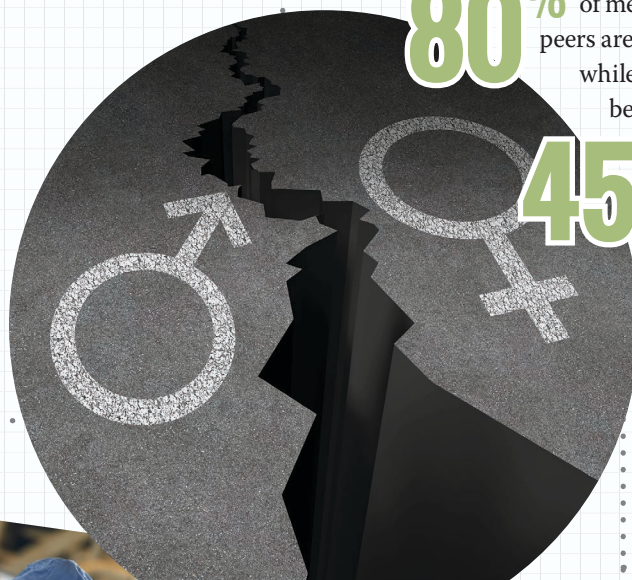
Compensation for working Canadians still favours men by 25%, according to a survey of 815 employees.

Men say they earn an average of \$66,504 annually, while women bring home \$49,721.

80% of men believe their female peers are compensated equally, while **62%** of women believe the same.

45% of all workers say they would leave their job if they found out a colleague received preferential treatment based on gender.

Source: ADP Canada



They earn WHAT? \$34.83

Hourly wage for a production associate at General Motors of Canada (CAMI Assembly) in Ingersoll, Ont. Based on a **40-hour schedule**, weekly earnings would total \$1,393.20 for an annual salary of **\$72,446.40**. Workers earn shift premiums of 5% for all hours worked on shifts beginning after 11 a.m., and 10% for all hours worked on shifts beginning after 7 p.m. and before 4:45 a.m.

Source: Canadian Labour Reporter/www.labour-reporter.com



Integrating immigrants

Eighty per cent of Quebec executives believe better integration of skilled immigrants would benefit the economy, according to a survey of 1,081 adult workers in the province, including 257 managers.

1 in 4 have a policy or program in place to encourage immigrant advancement.

33% say equivalency or recognition of degrees remains a major roadblock, while **25%** cite cultural barriers.

Source: Ordre des administrateurs agréés du Québec

Family status accommodation: Where do we stand?

Following the 2014 Federal Court of Appeal decision in *Johnstone v Canada*, employers across Canada were optimistic there would be some certainty regarding the appropriate test to establish family status discrimination.

Unfortunately, any such certainty was short-lived, as adjudicators in Ontario, Alberta and British Columbia have rejected the *Johnstone* approach. The result was — and remains — inconsistency among the various Canadian jurisdictions, despite statements from the Supreme Court of Canada that human rights jurisprudence is to be interpreted consistently.

So, where do we stand on the issue of family status accommodation? Let's recap.



Sundeep Gokhale and Thomas Gorsky
LEGAL VIEW

trivial or insubstantial.

Thereafter, the employer must determine if it is able to reasonably accommodate the employee's family status needs, to the point of undue hardship to the employer.

nation and accommodation." In other words, discrimination, if it exists, does so regardless of whether the employee can reasonably self-accommodate.

As such, the HRTO held that to establish discrimination on

Ontario, British Columbia and Alberta have rejected the *Johnstone* approach.

Ontario and Alberta reject *Johnstone*

On Sept. 20, 2016, the Human Rights Tribunal of Ontario (HRTO) released its decision in *Misetich v Value Village Stores Inc.* in which an employee who requested accommodation for eldercare was dismissed for refusing to work her scheduled shifts.

The HRTO disagreed with the third prong of the *Johnstone* test, namely that the employee must take reasonable steps to "self-accommodate."

According to the tribunal, requiring self-accommodation "conflated the test for discrimi-

the basis of family status, an employee must only establish three things:

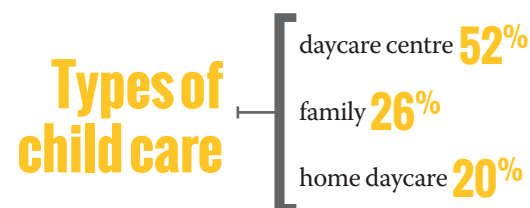
- membership in a protected group
- adverse treatment
- the protected ground of discrimination was a factor in the adverse treatment.

Significantly, the HRTO acknowledged that not all adverse treatment constitutes discrimination and, in the context of family status and employment, "the negative impact must result in real disadvantage to the

STANDARDS > pg.9



64 per cent of parents or guardians reported they had no difficulty finding an early learning and child care arrangement.



Accommodating children up to 5 years old

- 9% of parents changed their work schedule because they had difficulty finding child care
- 7% worked fewer hours
- 6% postponed their return to work

Source: Statistics Canada, 2019

Notable cases

Durikova v. BC Ministry of Justice, 2018 BCHRT 258

(B.C. Human Rights Trib.): Jana Durikova was a store clerk at the B.C. Liquor Distribution Branch (LDB) with a collective agreement that allowed extended childcare leave after parental leave. She went on maternity and parental leave for one year, then took extended childcare leave for another six months. Durikova applied for additional unpaid leave to take care of her daughter and teach her about her Slovakian heritage and language. The LDB determined this wasn't sufficiently family-related and denied the request. The union claimed discrimination on the basis of family status. The tribunal found none of Durikova's reasons qualified as special circumstances versus personal choice, and the LDB's objection didn't cause any disadvantage or adverse impact on her parental responsibilities. The complaint was dismissed.

Guilbault c. Conseil du Trésor (Ministère de la Défense nationale), 2017 PSLREB 1 (Can. Pub. Service Lab. Rel. & Emp. Bd.): Pascal Guilbault, a Department of National Defence (DND) employee, asked for accommodation to take care of his family — two of his children had developmental difficulties — by taking two 15-minute breaks at the end of the day so he could leave early. However, he refused other options such as a compressed workweek, variable schedule or starting earlier. The manager said he couldn't take the breaks at the end of the day as the collective agreement considered them rest periods for occupational health and safety reasons. The two parties eventually agreed to move his lunch break to the end of the day and leave 30 minutes early. However, this solution wasn't initially adopted and led to months of acrimony. The board found the reason for Guilbault's request wasn't necessarily childcare, but rather his spouse's health issues, and there was no evidence he looked at the idea of outside help. DND's initial refusal to grant Guilbault's request didn't hinder his ability to meet his legal obligations toward his family so the board said there was no discrimination.



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Do wellness investments pay off?

Large, randomized study shows mixed results, highlighting challenges of programs

BY SARAH DOBSON

ARE WELLNESS programs really worth the investment? It's a broad question for a broad issue, but one study has found the gains might not be as hoped. And that could have a lot to do with the objectives of such a program.

"If employers were implementing these programs in the hopes that they would save money over the first year or two, we don't find any evidence to support that. If they were implementing these programs in the hopes of improving employee health behaviours and providing a benefit that employees value, we do find evidence to support it," said Katherine Baicker, co-author of the study and adjunct professor of health policy and economics in the Department of Health Policy and Management at the Harvard T.H. Chan School of Public Health in Boston.

The issue of wellness and return on investment (ROI) is complex, said Farrell Cahill, post-doctoral fellow at Medisys Health Group and Horizon Occupational Health Solutions in St. John's.

"A lot of the papers that come out saying that wellness is of no use means just that that wellness approach... wasn't specific enough, wasn't tailored enough," he said. "We need to really, really understand that we can't just create a standardized or generic wellness program. Maybe we can look at what are the minimum components — physical activity, nutrition, stress reduction, all of those are important — but to just assume that they're going to

change the KPI (key performance indicators), they're going to help with an ROI, they're going to make a reduction in health, and they're going to have people get healthier — you don't even know how many people participate."

Randomized trial

The randomized trial involved 32,974 employees at a large U.S. warehouse retail company, with randomly selected treatment worksites and control worksites that received no wellness programming. The 2016 program comprised eight modules focused on nutrition, physical activity, stress reduction, and related topics implemented by registered dietitians.

"If an employer values behaviour change, without the need to have a return on investment in health-care spending, these results might be encouraging."

The study looked at self-reported health and behaviours through surveys, while clinical measures of health were done through screenings. It also looked at health-care spending and utilization, and employment outcomes from administrative data.

After 18 months, the rates for two self-reported outcomes were higher in the intervention group than in the control group: engaging in regular exercise (69.8 per cent versus 61.9 per cent) and ac-

tively managing weight (69.2 per cent versus 54.7 per cent).

However, the program had no significant effects in other areas: health outcomes and behaviours (including health, sleep quality and food choices), clinical markers of health (including cholesterol, blood pressure and body mass index), medical and pharmaceutical spending and utilization measures, and employment outcomes (absenteeism, job tenure and job performance).

"We were not able to detect any improvements in health outcomes, like blood pressure or obesity. Nor in health-care spending, we didn't see any statistically significant reduction... nor improvements in employment outcomes,

like reductions in the number of absentee days or increases in tenure at the workplace," said Baicker.

"It's possible that those effects would manifest after a longer time period, and we've continued to study this population."

Different measurements

For employers keen to jump on the wellness bandwagon, these results may give them pause, said Zirui Song, co-author and assistant professor of health-care

policy and medicine at Harvard Medical School.

"It encourages them to ask the question: 'Do we know what the return on investment on our investment will be? Do we have evidence of what the effects of the program we are about to purchase are?'" he said. "These results ought to provide some caution that perhaps in the short run, the changes and the outcomes that they desire may not be realized as easily as they may have hoped."

It can really depend on the employer's objectives, said Song.

"If an employer values behaviour change, for example, without necessarily the need to have a return on investment in health-care spending in the short run, then these results might be encouraging. Whereas an employer who values savings on health-care costs beyond other potential outcomes may find these results less encouraging."

But there are many different types and designs of wellness programs, he said.

"(This study is) certainly not a final verdict on wellness programs that might be more targeted towards a specific subpopulation or disease condition or outcome... they could certainly lead to different results when they are designed differently and vary in intensity and implementation."

It is hard to know what wellness programs are really accomplishing without a randomized controlled trial like this, said Baicker.

"The type of person who volunteers to participate in a wellness program may look different — in lots of ways — from the type of person who chooses not to participate. For example, if you just looked at a company that offers a wellness program, and saw the health of people who participated in, say, the free gym membership compared to people who didn't, and found that the people who participated in the free gym membership are more physically fit, it would be tempting to say, 'Look, the wellness program increased physical fitness,'" she said.

"But the type of person who's more likely to take up your offer of a free gym membership is probably the type of person who was more interested in exercising in the first place, and might have been going to the gym anyway. And so a lot of prior studies of the return on investment were forced to compare participants to non-participants, and get that potentially biased conclusion."

One of the problems with wellness programs is that no one bothers to measure adherence, because most people who fill out surveys are early adopters and already physically fit, said Cahill.

"We're not after them, we're not trying to move the needle with them — they're already healthy. We're trying to find a way to see if we can get everybody to participate. And we should be more worried about the fact that we're getting below 90 or 95 per cent participation than being happy with 30 per cent participation."

Tips for employers

Employers need to be clear on what the goal of the program is, said Baicker.

"Is the goal to save money by reducing health-care spending and reducing absenteeism? Or is the goal to offer a benefit that employees value? Those would lead to very different conclusions."

Employers also have to be patient, according to Cahill.

"There has to be a realistic approach of what the culture will adopt... you have to take baby steps, if you will, to try to understand what you actually need. You have to try to find a way to customize your wellness to acceptable components that you think will actually help you, and then try to increase more and more of it as it becomes more applicable to your workforce, and the more you understand it."

If, for example, there's a problem around ergonomics, then that's a place to start, he said.

"We're going to look at those workers that are experiencing those types of injuries and build wellness specifically around that to reduce the injuries, to reduce the cost that's actually coming out of your pocket. And then we'll have made a shift where wellness will be useful, it will help prevent injuries, and will help to be able to mitigate the injuries that are taking place," said Cahill.

"If it's specific in that way, wellness works. But if wellness is going to be something that you're just going to try to sell a large company, and the company is basically buying it because they think, 'Well, it's good, you're going to destroy what wellness really can be.'"

The program needs to factor in the work environment, said Cahill. "People who work in the offshore oil and gas industry cannot be treated the same way as people that work in a warehouse, or people who work for companies like Tim Hortons... they all have to be treated specifically based on their occupation."

Connecting with participants is also key. The wellness program used in the study had a lot of outreach, said Baicker, including emails, physical posters and on-site registered dietitians. The latter is an important component in having great people employees can talk with, she said.

"There was a nice in-person component that I think was probably very important to encouraging participation and helping implement the programming."

Having people on site is critical, said Cahill.

"One-on-one is the best approach... there's a more meaningful interaction going on. And they're able to make sure that they're getting help rather than trying to read the material."

And if that's not possible, a virtual portal can help in having human beings to coach and support employees, he said.

"If we can virtually communicate with them, we get a lot further than me giving them a website to maybe look at."

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Collaboration key to Indigenous recruitment, retention, says report

Cultural awareness, education, training also identified as success factors

BY JOHN DUJAY

FOR AGNICO EAGLE MINES, a gold mining company headquartered in Toronto with operations in northern Canada, finding qualified workers has been tough.

"The biggest challenge is our capacity to train people. On average, we are spending approximately \$20,000 per year per Inuit to train," said Dominique Girard, vice-president of Nunavut operations at Agnico.

"Where we're investing, we look, for 2019, to put \$8 million into training, which represents 21 per cent of the Inuit payroll."

Agnico has implemented two main training programs to bring local Indigenous workers up to speed for its mining operation: work-readiness training and a career-path program, which saw about 160 people trained in 2018, 112 of whom went on to become employees of Agnico or one of its contractors, said Girard.

"The overall vision is to have our mine managed by Inuit. This is what is ongoing right now in Mexico, Finland and in Quebec; the only area where we're not there is in Nunavut," he said.

"That's going to take time; that won't happen overnight. But I was on-site this week and when I see happy faces, I see Inuit (who) are with us over the last 10 years and proud, proud people of what they are doing."

Partnerships important

In partnering more with communities in northern Canada, employers stand the best chance of success with both the recruitment and retention of Indigenous workers, along with focusing on education, training and cultural awareness, according to a Conference Board of Canada report.

"Companies and public sector organizations — almost without fail — the more they tend to collaborate and work with local communities and local organizations and agencies, particularly Indigenous organizations, communities and agencies, the more they are able to effectively engage in outreach and recruitment strategies that make sense at the local level that are actually reaching the right individuals," said Stefan Fournier, associate director of northern and Aboriginal policy at the Conference Board of Canada in Ottawa.

Working Together: Indigenous Recruitment and Retention in Remote Canada is based on input from an expert advisory committee, interviews with subject matter experts, case illustrations of best practices, a review of relevant policy and research — along with a survey of 176 private, government and not-for-profit groups that operate in Canada's territories and northern provincial areas.

It also provides 12 recommendations for employers around successful recruitment and retention.

Potential barriers

Numerous factors were identified as barriers to recruiting

Indigenous employees, the top three being a lack of education or training credentials among Indigenous candidates; a lack of technical, job-related skills; and finding Indigenous candidates to interview or recruit (meaning challenges in outreach).

"Organizations say they have trouble identifying suitable candidates and that their outreach efforts aren't actually reaching their intended targeted audiences," said Fournier.

This is true, but what's first missing is attraction, according to Kelly Lendsay, president and CEO of Indigenous Works, a Saskatoon-based employment and engagement social enterprise.

"Attraction comes ahead of recruitment. What's your brand? How are you viewed? How are you perceived? It doesn't matter if you're native or non-native, do your values align with the organization? Are you OK working in mining? Are you OK working in a non-profit?"

It is up to northern employers to partner with local agencies to achieve this goal of attracting candidates, he said.

"For example, the way to address lack of interviewing, you

"Indigenous people are leaving (workplaces) and one of the key reasons is there is a lack of cultural competence."

can actually collaborate and work with Indigenous employment centres and get them to help identify, screen, bring in and introduce people to interview," said Lendsay.

But there is a general lack of funding for these types of efforts, he said.

"There's a capacity challenge on the Indigenous side. We just don't have enough feet on the ground."

"There's not enough people out there doing this active outreach and so on, so it really comes back to who is actually out there marching (out) these messages, bringing these together. And I know this first-hand, because the government's not giving us federal funding to go around and do this and every province and territory — all those have been cut back. And in some ways, the collaboration, the engagement process, has to happen before you even get a job. No one wants to pay for that anymore, people are saying, 'Just develop the skills and get a job,'" said Lendsay.

For retaining employees, many challenges come down to a lack of understanding, said the report.

The survey showed that over 50 per cent of respondents did not think that biases or cultural insensitivity of employees, biases in recruitment or hiring tests and assessments, agreements on work hours, or agreements on competitive pay were significant barriers to Indigenous recruitment.



Gold is poured at Agnico Eagle's Meadowbank mine near Baker Lake, Nunavut, in 2011.

Credit: REUTERS/Chris Wattie

However, "employees' lack of awareness of Indigenous culture" was selected as the third most-common reason Indigenous employees voluntarily leave their

Benefits to Indigenous hiring

Despite the challenges, there are definite benefits to recruiting Indigenous employees, said the experts.

"It just makes good business sense to be hiring at the local level, as opposed to relocating folks from down south and other parts of the country; it's a lot more costly and you don't enjoy the same level of loyalty on the part of your workforce when you're bringing them in from distant locations," said Fournier.

For companies that want to invest in corporate social responsibility (CSR), hiring Indigenous workers in one of the best ways to accomplish that, said Lendsay.

"They're addressing the Truth and Reconciliation Commission calls to action, so they can actu-

ally say, 'I'm committed, I'm actually responding and dealing with the truth' and they can say, 'I'm educating my employees.' Companies are investing in CSR because there is a business case. If you can show that you're addressing socioeconomic priorities, you're going to win over those dollars."

At Agnico, the training efforts are paying off, said Girard.

"We have a really good success story. Natasha (an Indigenous employee) started as a dishwasher and she's now driving our biggest shovel, which the value is over \$4 million. She's the first Inuk driving those types of equipment so that's a very interesting success," he said.

"Those career path (programs have) been the anchor of what we're doing: We've trained over 500 Inuit."

12 recommendations for success

Recruitment:

- Build trust and genuine understanding with Indigenous communities and leaders.
- Partner with Indigenous communities on recruitment campaigns and to design job opportunities.
- Adjust the hiring process to meet Indigenous realities.
- Offer pre-employment training.
- Identify and, where possible, address underlying barriers.
- Partner with educational institutions.
- Offer youth development programs.

Retention:

- Implement effective and meaningful inclusion practices.
- Mandate cultural awareness training.
- Accommodate traditional practices and community or family obligations.
- Clarify career paths and provide professional development opportunities.
- Offer mentorship, coaching or cohort programs.

Source: Conference Board of Canada

Standards differ depending on jurisdiction

FAMILY STATUS < pg. 5

parent-child relationship and the responsibilities that flow from that relationship, and/or to the employee's work."

In evaluating the negative impact, the HRTO held that it was appropriate to consider other supports available to the employee.

While this sounds a lot like the third step in *Johnstone* (meaning the obligation to try to self-accommodate), the HRTO was clear that this did not mean an employee is required to exhaust self-accommodation. Rather, the availability of other supports should only be considered.

Once discrimination is established, the onus shifts to the employer to reasonably accommodate the employee.

In this context, the HRTO noted an employee's attempts to minimize the work-family conflict may again be relevant:

"It is then that one considers whether the applicant cooperated in the accommodation process. The obligation to cooperate includes providing the respondent with sufficient information relating to the family-related needs and working with the respondent in identifying possible solutions to resolve the family/work conflict."

In Alberta, adjudicators similarly have rejected the *Johnstone*

test on the basis the requirement to self-accommodate sets a higher threshold to establish family status discrimination than other forms of discrimination.

In the 2015 *SMS Equipment v. C.E.P. Local 707*, the Alberta

as discussed, *obiter* and, therefore, not outright binding on the Board, the Supreme Court of Canada's rulings are binding on the Board... In my view, taken together, the Supreme Court of Canada jurisprudence leaves no

discrimination.

In the 2004 decision of *Health Sciences Association of British Columbia v. Campbell River and North Island Transition Society*, the British Columbia Court of Appeal expressed concern about the potential "mischief" that could result in the workplace if a broad test for family status discrimination applied.

Instead, the court held discrimination should only be found only if there is a change in an employee's existing terms and conditions of employment which results in serious interference with the discharge of a substantial parental obligation.

In the 2019 *Envirocon Environmental Services, ULC v. Suen*, the issue before the British Columbia Court of Appeal was whether it was discriminatory to terminate an employee after he refused a temporary assignment out of province for family reasons.

The British Columbia Human Rights Tribunal applied the test in *Campbell River* but it questioned whether it remained "good law." On appeal, Brian Suen argued that the test was too restrictive and a lesser standard should be applied.

The Court of Appeal held it was not necessary to address this argument because the court was bound by *Campbell River*. Suen has sought leave to appeal to the

Supreme Court of Canada and the matter is still pending.

Tips for employers

Unless and until this issue is resolved by the Supreme Court of Canada, any employer that operates in more than one Canadian jurisdiction may have to comply with differing standards for family status accommodation depending on the jurisdiction.

In British Columbia, the *Campbell River* test applies. For federally regulated employers, the *Johnstone* test applies, including the requirement the employee take reasonable steps to self-accommodate before there can be a finding of discrimination. In Ontario, the availability of "other supports" may be relevant in assessing whether the employee was adversely impacted by the employer's actions.

And in both Ontario and Alberta, the steps an employee may take to reduce or eliminate the need for accommodation may be considered but only as part of the accommodation analysis — not as part of the analysis of whether there has been discrimination in the first place.

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In Ontario, the availability of "other supports" may be relevant in assessing whether the employee was adversely impacted by the employer's actions.

Court of Queen's Bench stated in *obiter*: "A flexible and contextual application... does not justify the application of an entirely different test of *prima facie* discrimination, and, particularly, does not justify including within that test a self-accommodation element that is not required with respect to other prohibited grounds of discrimination. This is unnecessary and contrary to the objects of human rights law."

More recently, in the 2019 *United Nurses of Alberta v. Alberta Health Services*, the Alberta Court of Queen's Bench affirmed its position that self-accommodation plays no role in the test to establish discrimination:

"While Justice Ross's comments (in *SMS Equipment*) were,

room for an articulation of the *prima facie* discrimination test that imports or adds an additional evidentiary requirement on a complainant. The analysis of self-accommodation is not irrelevant — it just belongs elsewhere."

Thus, in Alberta and Ontario, the steps an employee may take to self-accommodate are a relevant consideration — but only when evaluating reasonable accommodation — not when determining whether there is discrimination in the first place.

British Columbia confirms *Johnstone* not binding

Even prior to *Johnstone*, adjudicators in British Columbia had adopted a separate, and more rigorous, test to establish family status

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ASSESSMENTS

Alberta, Ontario focus on payroll

Provinces pledge to reduce red tape, undo employment standards amendments

BY SHEILA BRAWN

Payroll issues are on the minds of government policymakers in at least two provinces.

In Alberta, a newly elected government has pledged to undo a number of the previous government's payroll-related employment standards amendments.

In Ontario, the government is proposing to work with employer and industry groups to find ways to reduce payroll-related red tape for businesses.

The proposals in both jurisdictions suggest changes may be ahead for payroll professionals.

Alberta's UCP looks to cut red tape

During the recent Alberta election campaign, the United Conservative Party (UCP) said it would cut red tape by one-third over its mandate. It also committed to implementing a "one-in/one-out" rule, requiring ministries to identify at least one offsetting regulation for every new regulation they create.

The UCP also said one of its first actions in government would be to table legislation to amend the province's employment standards and labour relations laws.

"Bill 2 under a UCP government would be the Open for Business Act, which would reverse job-killing NDP policies, restore workplace democracy, bring balance to Alberta labour laws, and incentivize the creation of youth employment," said UCP campaign documents.

Proposed employment standard amendments introduced in May include changes to general holiday pay rules. The UCP has proposed returning to prior employment standards rules that required employees to work for their employer for at least 30 days in the 12 months before a general holiday to qualify for holiday pay.

The previous NDP government eliminated the 30-day requirement in 2018.

The UCP has also promised a return to a regular/irregular work-day distinction for calculating general holiday pay.

Since 2018, the Employment Standards Code has required employers to pay employees for general holidays on which they do not work, regardless of whether the holiday falls on a regular workday.

With the 2018 amendments, employers must now pay employees who work on a holiday their average daily wages for the day,

plus 1.5 times their regular wage rate for each hour worked, or pay them their regular wage rate for the day and give them a day off with pay before their next annual vacation.

This applies regardless of whether the holiday falls on a regular workday.

The UCP is also aiming to reverse another 2018 amendment that requires employers with overtime banking agreements to provide employees with 1.5 hours of time off with pay for each hour of overtime worked.

Previously, employees could only bank one hour for each overtime hour worked.

Minimum wage is another area that may see changes. While the new government said it would keep the province's general minimum wage rate at \$15 an hour, it added that it might allow for other minimum wage rates for certain workers.

It has proposed a \$13-an-hour minimum wage rate for workers under 18 years old and the creation of a minimum wage expert panel to assess whether workers in the hospitality industry who serve alcohol should have a lower minimum wage rate.

For some employers, the proposals are welcome.

"Alberta's move to a \$15 minimum wage rate has taken its toll on businesses who are also faced with higher costs for overtime, holidays and restrictions on how they schedule workers," said the Alberta Chamber of Commerce.

However, labour advocates warned that the proposed changes, especially those affecting overtime pay, would be bad for workers.

"The NDP brought Alberta in line with all the other provinces by guaranteeing all banked overtime would be calculated on a time-and-a-half basis."

"The NDP brought Alberta in line with all other provinces by guaranteeing that all banked overtime would be calculated on a time-and-a-half basis instead of a straight-time basis, whether it was taken as cash or time off," said Gil McGowan, president of the Alberta Federation of Labour.

"The change proposed by the UCP would make Alberta an outlier among Canadian provinces



Jason Kenney, Alberta's recently elected premier and leader of the United Conservative Party (UCP), speaks at the legislature in Edmonton on April 17.

and it would provide a big financial incentive for employers to use banked overtime to deal with overtime rather than paying it out," he said.

"Employers that don't currently have a banked overtime policy will almost certainly introduce them in order to avoid paying time-and-a-half."

Ontario looks to ensure 'efficient administration'
Meanwhile, Ontario's announcement was included in the provincial budget, tabled by Finance Minister Vic Fedeli on April 11.

ing its term in office, in addition to tabling other bills to lessen regulatory requirements.

"Once fully implemented, these changes are expected to provide Ontario businesses with over \$400 million in ongoing savings on their compliance costs," said the budget.

The CPA said it was pleased to hear the government might set up a payroll advisory council, adding that the province needs to be more in line with other jurisdictions when it comes to regulating businesses.

"(Ontario) currently has the most onerous payroll compliance regulatory framework in Canada, outside of Quebec," said the CPA. "Ontario has more payroll-specific regulatory requirements than British Columbia, Alberta and Manitoba combined."

Remittances from personal income tax, health premiums, employer health tax contributions, and Workplace Safety and Insurance Board (WSIB) premiums account for about \$50.5 billion, or 40 per cent, of the province's total annual revenues, according to CPA president Peter Tzanetakis.

"We are pleased that the budget recognizes payroll's essential role in the economy and the work done by payroll professionals on the government's behalf to manage employee and employer revenue contributions efficiently and effectively," he said.

Other payroll-related measures in the budget included proposals for the Ministry of Labour to use more digital tools in employment standards administration to reduce duplication and red tape for employers.

The proposal builds on a recent announcement that the ministry has developed a new online self-audit tool for employers to replace paper audits that employment standards officers used to do.

The budget also proposed

amendments to pension plan legislation to allow plan sponsors to use electronic communication as the default method for communicating with plan members.

It also reiterated previous announcements that the government would freeze the minimum wage at \$14 an hour until October 2020 and conduct an operational review of the WSIB, focusing on financial oversight, effectiveness and efficiency.

Changes in P.E.I., Newfoundland and Labrador
Employers and payroll professionals in Newfoundland and Labrador and Prince Edward Island may also see payroll-related changes in their jurisdictions.

Shortly after delivering the budget on April 16, the Newfoundland and Labrador government called a provincial election. New mandates generally bring legislative amendments.

One likely change payroll professionals can expect is the elimination of the province's Temporary Deficit Reduction Levy by the end of the year.

The levy applies to individuals with an annual taxable income above \$50,000. Employers collect it from employees with their income tax source deductions.

The provincial Liberal party — which implemented the levy in 2016 — has said it would only apply until the end of 2019.

Meanwhile, P.E.I.'s new minority Progressive Conservative government has pledged to raise the basic personal amount claimed on a provincial TD1 (currently \$9,160) to \$12,000 and to index future increases to inflation.

The Official Opposition Green Party has said it wants to see the P.E.I. minimum wage reach \$15 an hour by 2023. It is currently \$12.25.

Sheila Brawn is a freelance writer based in Toronto.

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Ontario workplace safety tribunal looks into claim around medical marijuana

Police officer suffering from PTSD years after fatal shooting finds relief in drug for symptoms considered 'constant and debilitating'

BY JEFFREY R. SMITH

A former Ontario police officer has won his appeal for the reimbursement of costs related to a medical marijuana prescription to treat his work-related post-traumatic stress disorder (PTSD).

The 55-year-old was involved in the fatal shooting of a suspect in 1996. The worker developed PTSD stemming from the incident and had to take time off work, for which the province's Workplace Safety and Insurance Board (WSIB) granted him entitlement to benefits while he was off work.

Eventually, the individual returned to work as a police officer with the help of ongoing counselling. However, in 2006, his PTSD symptoms were exacerbated and worsened to the point where he had to go off work again for more than two years.

In 2009, the worker's treating physician believed his PTSD was in remission so the worker returned to work, and continued with his counselling sessions.

But his PTSD symptoms became serious enough to cause the worker to miss work in 2013 and he began seeing a psychologist; he would continue to do so for several years.

The worker suffered a serious recurrence of his PTSD in late 2014 and his psychologist determined it was so severe the worker could not work in any capacity. The WSIB referred the worker for a psychological assessment at the Centre for Addiction and Mental Health (CAMH) in Toronto.

The assessment determined the traumatic incident the worker suffered while on duty was a significant contributor to the latest recurrence of his PTSD and he had not reached the maximum medical recovery.

In the first several years after the 1996 on-duty incident, the worker was prescribed a number of medications.

However, some were only meant for short-term use and had adverse side effects. By 2009, the worker stopped taking most of the drugs he had been prescribed and, by the time of the CAMH assessment, he was relying on counselling sessions, prescribed medical medications, and trauma therapy from his treating physician.

In 2015, the worker consulted another doctor who wasn't his regular treating physician. This doctor provided him with a prescription for a small amount of medical marijuana — one gram per day for 90 days, which the worker was still using at the time of his CAMH assessment.

The assessing psychiatrist was aware of the worker's medical marijuana prescription and didn't indicate any concerns. The psychiatrist noted the worker was no longer taking any psychiatric medications, was relying on

counselling, and "it is possible (the worker) may be benefitting from continued access to medical marijuana" as the worker's symptoms seemed to be improving.

The worker claimed entitlement to cover the costs of his medical marijuana, but the WSIB denied his claim because the drug wasn't on the list of medications paid for by the board. A WSIB appeals resolution officer agreed and upheld the denial.

The worker appealed to the Ontario Workplace Safety and Insurance Appeals Tribunal, arguing that the CAMH assessment supported his use of medical marijuana as a treatment for his PTSD, the prescription allowed him to manage the symptoms without having to use other drugs, and his PTSD symptoms were "constant and debilitating."

He also argued that Veterans Affairs Canada covered the costs of medical marijuana for veterans.

Tribunal weighs in

The tribunal noted that the Ontario Workplace Safety and Insurance Act, 1997, states that

The worker made a concerted effort to wean himself off psychiatric drugs, which had side effects and didn't always help.

"every worker who sustains a compensable injury is entitled to such health care as may be necessary" and the WSIB policy document on health-care entitlement defines health care as including prescription drugs.

Though the WSIB released a policy on cannabis for medical purposes on March 1, 2019, the worker's claim predated this policy.

The tribunal also noted that previous tribunal decisions had established that while there was a lack of "high-quality studies" on the efficacy of marijuana treating pain, and it was also a common recreational drug, reimbursement of medical marijuana could be granted if:

- the worker's pain is constant and debilitating
- other methods of pain management have proven to be ineffective and medical marijuana has helped in the elimination or reduction of the worker's use of narcotic medication
- there is reliable evidence that the worker's treating physicians believe medical marijuana has been effective in dealing with the impairment
- the worker has authorization to possess and use medical marijuana from Health Canada (more recent tribunal decisions have removed this requirement).



An Ontario police officer suffering from PTSD was entitled to reimbursement of costs associated with using medical marijuana, according to the Ontario Workplace Safety and Insurance Appeals Tribunal.

The tribunal found the worker's case was unique in that his disability did not include physical pain.

However, that didn't mean the pain wasn't constant and debilitating. Medical evidence indicated it could take years to recover from PTSD, and up to 25 per cent of people fail to recover for many years, with some recurrence episodes lasting as long as seven years.

In the police officer's case, while he was able to go back to work at times, when he experienced a PTSD episode, "his functioning essentially results in marked impairment," said the tribunal.

And with his increase in symptoms in late 2014 and early 2015, his psychiatrist found he could not longer work in any way — a significant impairment, said the tribunal.

In addition, though the worker's functioning fluctuated, his symptoms could be considered constant after the late 2014 recurrence after which he was unable to work, it said.

The tribunal also found that the worker made a concerted effort to wean himself off psychiatric drugs, which had side effects and didn't always help.

The CAMH assessment didn't find he needed to go back on any of the drugs and there weren't any concerns about his use of medical marijuana and regular counselling as treatment — no additional plan was recommended, so it was reasonable to conclude prior

methods of treatment had been less effective.

"After an extensive assessment, CAMH was satisfied that psychiatric medications were not necessary and medical marijuana was possibly beneficial," said the tribunal.

The physician who prescribed the marijuana was not the worker's regular treating physician and only consulted with him once, found the tribunal, but the rest of the medical evidence was sufficient to outweigh this.

Both CAMH and the worker's psychiatrist thought the worker was improving while he used medical marijuana and there was no medical opinion suggesting the worker shouldn't be using it.

Finally, the tribunal noted in *Decision No. 685/19, 2019 ONSWIAT 972 (Ont. Workplace Safety & Ins. Appeals Trib.)* that in addition to the Health Canada approval being no longer necessary, Health Canada had recently stated that cannabis has "potential therapeutic benefits for PTSD."

The tribunal determined the police officer was entitled to reimbursement of costs associated with his use of medical marijuana to treat his PTSD for the duration of his 90-day prescription.

Additional proof of ongoing prescriptions would be needed for ongoing entitlement, said the tribunal.

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Various options available to reward employees

COMPENSATION < pg. 1

are keeping wages from popping back up," he said. "(Employers) are concerned about turnover — about losing employees — but it hasn't yet been reflected in raises necessarily across the board."

"Companies are experimenting a lot with different perks and benefits, as well as really leaning into and emphasizing their career development opportunities and learning and development-type benefits... which employees do very much appreciate. But there does seem to be a resistance to give broad-based raises."

On one hand, the next decade means retirements are set to escalate. On the other, the economy in Canada has been somewhat difficult to get a handle on, said Liz Wright, managing director at HR and compensation consultancy Gallagher McDowall Associates in Toronto.

"That plays out in terms of what you're seeing in terms of salary increases — businesses are just taking their time to really determine what they need going forward and what sustains them."

Employers are getting smarter about how they spend their dollars, said Domenico D'Alessandro, also a managing director at Gallagher McDowall in Toronto.

"The budgets aren't getting bigger but they do realize there is a war for talent so they're identifying strategic positions with the organization... and maybe they forego an increase at lower levels or positions that are not instrumental to their business."

Employers are waking up to market dynamics around pay, and starting to comprehend the fact that different jobs have different

competitive positions in the market, said Low.

"Companies that are not actually tech companies are increasingly competing for tech talent, because everything is becoming software-enabled; you're seeing these changing dynamics around the competitive nature of those types of positions... so (they're) now competing for some of the very same talent that Microsoft and Google and Amazon and Facebook (are)," he said.

"Maybe you'll have to pay them at 70 or 80 per cent of market compared to a usual 50 or 55 per cent of market for target compen-

sation. Then you're going to have to figure out: Is it possible to hire accountants, maybe in a more local market and maybe get away without... paying them at 55 per cent of the market or 60 per cent of the market? So the idea is not to peanut butter your dollars evenly across all of the employees, but to understand where you have to apply a little bit more strategic dollars in order to win the talent that you're trying to acquire."

"The idea is not to peanut butter your dollars evenly across all of the employees, but to understand where you have to apply a little bit more strategic dollars."

There's tremendous competition in terms of offerings from organizations, said Anthony Ariganello, president and CEO of CPHR (Chartered Professionals in Human Resources) British Columbia & Yukon in Vancouver.

"It's not only about dollars and cents, it's about time off, it's about

work flexibility, it's about giving time to an employee to do things that they care about, for the community... and that's all part of your compensation scheme."

They're using cash, but not indiscriminately. They're using a defined merit-based pay plan that connects performance with pay to retain the high-performing people. And they're turning to market data to ensure they pay fairly and competitively, said the report.

In 2018, most organizations provided some form of variable pay (77 per cent). Roughly 65 per cent were paying out bonuses on an annual basis, while some gave out variable pay on a quarterly basis (13 per cent) or monthly (seven per cent) basis, found the survey.

By far, the most typical form of variable pay is an individual incentive bonus (65 per cent).

An employee referral bonus took second place, at 40 per cent, followed by spot bonuses and other discretionary bonuses (30 per cent).

There's been experimentation around various types of incentive compensation, said Low.

"Companies may be — for multiple reasons — conservative about giving salary increases, but there may be less-conservative experimenting with different types of one-time rewards," he said. "We've seen an interesting uptick in companies applying some sort of team bonuses, for example."

"Bonuses and results-based incentives end up having that explicit kind of validation of a company strategy that says, 'We share in the success of the organization.'"

The most prevalent reward, which cascades from the executive level, is a target-based plan, said Wright.

"It's an annual incentive, it's typically linking corporate results with individual performance, and there could be divisional or unit-based as part of that... Of course, there's profit sharing and goal sharing as well."

Comp philosophy, strategy

While the type of plan is important, the calibration and metrics used are equally important, said D'Alessandro.

"Make sure the metrics you're using, or the individual goals you're setting, are the ones that are aligned to your business. If you set a bonus plan and you just keep running it for 10 years, I have not seen a business that has not changed focus or direction in 10 years... even if you're doing the same thing, oftentimes you go through business cycles where you go from more customer focus to service focus, so as you change your focus, you need to change those metrics and those levers to make sure you get the right behaviours out of employees."

Just 29 per cent of Canadian organizations have developed a formal compensation philosophy or strategy and are sharing it with employees, according to Payscale. Forty-six per cent said they are working on one, but another 20 per cent said they do not have one.

It's more about having a strategic discussion with the senior leadership and executive team about what everybody else is doing, said D'Alessandro.

"It comes down to the social responsibility of organizations, the attraction and retention of talent through values, the focus on getting compensation right, and making sure (you) have a good balance from a total rewards perspective, not only from a cash perspective but also (for) benefits and retirement," he said.

"Throwing money at the problem isn't going to fix it; throwing cash at something — when you know there's a benefits cost built on top of it and retirement cost built on top of it — could be more costly than doing the right thing and looking at the intangibles that you have as levers."

Focusing on communications

When you have a strategy, then you actually have to speak to it, said Ariganello.

"It's part of your selling tool to employees to stay, keep them motivated, as opposed to 'Well, we don't know what will happen, and depending on our performance, it could be everyone gets the same amount.' If they have a strategy, then they can speak to that (so) employees feel, 'Oh, there's a commitment there from the organization; they've looked at the long term; they understand that this is an important piece for us as an employee.' So I think it lends itself very well to getting a lot of a buy-in from employees."

With a comp philosophy, it's about stating that you as an employer are committed to pay people fairly and equitably, said Wright.

"Remind the employee; in essence, be transparent and position it so the employee feels good and is aware and understands what they're getting, as opposed to it just being a dollar that ends up in their bank account," she said.

"If companies today can change their perspective from compensation being a cost, to compensation being an investment in the future of their work, that in itself philosophically would really drive a different way of looking at reward systems."

But when it comes to sharing, only 24 per cent of employees and employers said they are transparent about how pay is determined. Last year, 36 per cent of employers shared pay ranges with employees for their position, while 39 per cent said employees know where they fall within the range. But 30 per cent of organizations never share pay ranges with prospective employees, found the survey.

Employees often feel underpaid, even if they're paid at or above market, said Low.

"One of the macro-level things that all organizations can do to change that impression is to actually communicate more effectively... about their overall compensation program, including benefits, including development opportunities, and all the elements that go into compensation, not just base salary," he said.

"(It's about) sharing with your employees some of the contextual information about not just the what — what's the number — but also the why — why does your company value the things that they value and why are they willing to pay for that, as well as the how — for example, where do you even get your benchmark information? How fresh or old is it; is the vendor that you're getting that data from reliable?"

But most organizations don't trust managers to talk about pay, found Payscale. Only 41 per cent said they are confident in their managers' abilities to explain rationale behind pay increases.

Part of the problem? Most organizations (62 per cent) don't train managers on how to talk to employees about compensation.

"Think not just about your precision and your accuracy and about understanding the data and the market dynamics about all of the positions in your company, but also figure out how to contextualize that for your employees," said Low. "That boils down to better communication and better manager training."



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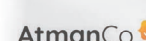


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Fine line between discrimination and targeting

FACEBOOK < pg. 1

to examine employers' usage of Facebook recruitment strategies, specifically in terms of targeting job ads to specific age ranges.

"From my perspective, it's behaviour that is breaking the law," she said, following a CBC investigation that found about 100 employers had posted job ads targeting specific ages or genders.

Facebook will cease the usage of microtargeted job ads in the United States by year's end, and is examining extending these requirements globally, according to a Facebook spokesperson.

"There is no place for discrimination on Facebook. It's strictly prohibited in our policies... Over the past year, we've strengthened our systems to further protect against misuse."

Targeting or discrimination?

Facebook recruitment options allow employers to limit ages, gender and choice of university to target specific recruits. And it's appropriate in some circumstances, according to Shahid Wazed, founder of Top Talent Summit in Edmonton.

If an employer is adamant a new recruit has five years' experience in the field, it could target people age 25 and up to trim the amount of applications and lower costs, he said.

"That is not discrimination based on who we're trying to hire... That's where the fine line is."

But when a hiring manager decides to target specific recruits without justification, that is discrimination, said Wazed.

"It's about 'Is it really legit? Is (targeting) tied to the job posting, the actual core job?' Because if it's

not transparent on the job posting, that's where we get into this grey area," he said.

While targeted ads may have historically flown under the radar, the rise in online recruitment has inadvertently aggregated recruitment data and opened it up to potential examination, according to Amanda Boyce, associate at Stringer law firm in Toronto.

"When they do it on Facebook or on another platform and they click a box that says, 'Show this to 20-year-olds only'... it draws more attention to the strategy," she said. "The data is aggregated in one place — be that Facebook or another platform — and it's examinable in a way that it previously probably wouldn't have been."

Employers that use Facebook's targeted recruitment tactics need to have explicit reasoning for doing so, said Boyce.

Broad recruitment strategies could strengthen an employer's case while simultaneously lessening the possibility of discrimination allegations, she said.

Even targeted job ads created with the best of intentions could

employers' usage of this platform is relatively new, according to Sarah Molyneaux, employment and human rights lawyer at Molyneaux Law in Hamilton, Ont.

"I'm not surprised that it's happening," she said. "But I am surprised to see certain government employers among the list of people that are targeting their ads in this way."

"There is proper use of targeting — like youth employment programs, affirmative action programs, hiring where gender is a relevant consideration," said Molyneaux.

"Placing an ad on a church bulletin board or in a magazine that targets a specific cultural group has been going on for a long time and I don't think there's anything improper with that," she said. "Anyone can pick up an ad that was posted on a bulletin board in a church; anyone might open a magazine targeted at a cultural group they don't belong to."

The same is not possible with Facebook, said Molyneaux.

"We don't use other people's Facebook (accounts) by accident

"Employers who think that this is a black box they can put whatever they want into are wrong — employees can very easily find out why they're being targeted."

be discriminatory, said Boyce.

"Discriminatory intention is not what matters — it's all about effect," she said.

'Proper use' of targeting

The reaction to Facebook's job targeting tools is "a big deal" because

very often, so the chances of someone that's not targeted seeing one of these ads becomes really miniscule, unless the ads are also being posted to other mediums," she said. "That's one reason why large employers often already have a job posting policy in place

Why am I seeing this ad?

Facebook's help centre explains how the company decides which ads to show individual users. Examples include:

- Facebook activity (liking a page or post, or clicking on ads you see)
- other information gleaned from an account (age, gender, location, devices used)
- personal information shared by advertisers (email address)
- activity on websites and apps outside of Facebook (this function can be turned off)

To see why Facebook is showing you an ad:

- Click on the three dots in the top right corner of the ad.
- Click 'Why am I seeing this ad?' (there are different reasons, such as the person visiting a website by the advertiser)
- If available, click > next to the reason to view more information.

designed to get a broad swath of candidates applying."

Public employers will advertise in a certain number of nationally distributed publications or websites to avoid discrimination, nepotism or bad hiring practices, said Molyneaux.

The same isn't true for private employers, however.

"Unfortunately, we still see blatant discrimination in job ads constantly in Canada," she said.

"If you were to go on Craigslist job ads today, for example, you would probably see a lot of job ads that cross the line — people looking for a man to do heavy lifting, a woman for child care, a waitress that has certain physical attributes."

Tips for employers

Evidence of discrimination comes when potential recruits are denied an interview opportunity and then find out targeted job ads were used, said Molyneaux.

"That's what employers have to be careful of," she said. "Look at the whole picture of your recruitment practices and ask yourself 'Is this something that is discriminatory or potentially discriminatory?'"

"Using a targeted ad won't always be wrong. But if that's all you're using, you may be treading on very dangerous territory."

Avoiding discrimination in recruitment practices is everyone's responsibility, according to Wazed.

"With every technology tool, there's pros and cons," he said. "It's just like a knife — you can use it to chop up your vegetables and cook a nice meal and, also, you can use the same knife to do harm."

"It really all comes down to the person who's running the ad. The person needs to be just cognizant (that) if they don't use it properly, then it may kind of go into that grey area of age discrimination and all that."

Employers considering Facebook for recruitment should first seek legal advice and conduct a review of recruitment policy, said Molyneaux.

Responsibility ultimately falls with the employer, and proper policy and advance discussion on appropriate ways to use social

media can reduce mistakes and unnecessary costs, she said.

"Facebook could improve the platform to make this harder to do, but the duty not to discriminate in employment is a duty that the employer has, so they need to be careful about what boxes they're ticking," said Molyneaux.

"If you're solely posting on Facebook, and you're doing so in a way that is highly targeted on protected grounds, you're going to run into trouble, unless an exception to the general rules of non-discrimination applies to you, unless there's a really good reason for your discrimination on the basis of those factors."

Those who recruit through LinkedIn could also face potential charges of discrimination if an employer can view a photograph, ethnicity, age or gender — information a recruiter typically cannot ask for, she said.

And while a total ban on targeted job ads is not expected, human rights tribunals will likely continue to investigate on a case-by-case basis, said Molyneaux.

"Employers who think that this is a black box they can put whatever they want into are wrong — employees can very easily find out why they're being targeted," she said.

"If you have anything to be embarrassed about, it's time to rethink your strategy, because as the public becomes more aware of the practice and of the tools they can use to find out why they're being targeted, employers are going to be facing some difficult questions."

While many employers have a business presence on Facebook, the extent of their usage typically ends at branding, said Wazed.

The vast majority of job ads on Facebook are the product of recruitment agencies, he said.

"You need to have some sort of training to run Facebook ads," said Wazed. "It's not like a, b), c), you just open the system and you run ads."

Still, the social media platform remains a quality recruitment option, and employers should not be afraid to use it, he said.

"You can hire a lot of folks on Facebook — good quality people. You have to strike a balance."

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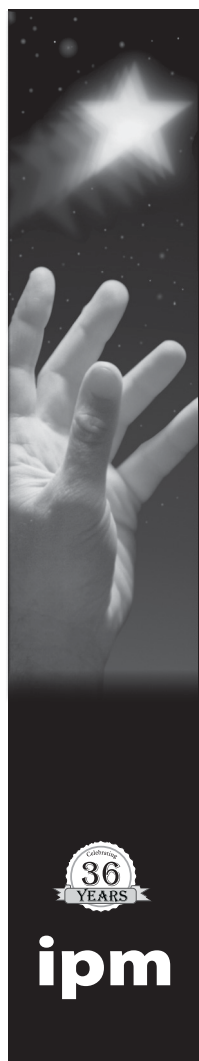
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Reinvention with a human focus

Deloitte's human capital trends report outlines latest industry trends for HR

BY MARCEL VANDER WIER

Successfully transitioning into the future of work will require employers to reinvent with a human focus, according to Jodi Baker Calamai, human capital partner at Deloitte Canada.

"It's not about tinkering at the edges; it's not about making small changes; it's about transformation," she said at a recent SCNetwork event in Toronto.

"To actually reinvent with a human focus, we need to look at the future of the workforce, the future of the organization and the future of HR."

The rise of the social enterprise — organizations whose mission combines revenue growth with the need to respect the environment and stakeholder network — means employers are now being held accountable for their impact on communities alongside financial performance, said Baker Calamai.

"Corporate social responsibilities — they're good, but they're not enough," she said. "It's about the human element and bringing meaning back into work."

"To be a social enterprise, to have influence in the communities in which we operate, we need to have our people feel that sense of meaning."

Three influences continue to propel the social enterprise forward, said Baker Calamai, citing statistics from Deloitte's annual human capital trends report, *Leading the Social Enterprise: Reinvent With a Human Focus*, which surveyed nearly 10,000 workers across the world.

The rise of the individual, influx of technology and decline in trust of governments are combining

to transform the world of work, with more concern being given to employer reputation and societal influence, she said.

"Individuals place more trust in the businesses in which they operate than they do in government," said Baker Calamai.

"We haven't thought enough about the human element of work. We've changed jobs, we've introduced automation, but we haven't really thought about how our employees — our workforce — will adapt to that, what roles they'll take on in the future and how we're embedding this new capability to be successful."

For employers seeking to bring meaning back into work, focus needs to be put squarely on employee belonging, esteem and self-actualization, she said, citing Abraham Maslow's hierarchy of needs.

Building belonging

The alternative workforce continues to grow across the globe, with 100 million workers currently undertaking gig or "side-hustle" opportunities, said Baker Calamai.

Yet, just eight per cent of employers said they have the processes and tools to leverage this workplace segment, she said, citing survey results.

"If we're going to create a sense of belonging and bond our people to our organizations — regardless if they work for us full-time, part-time on a project — we want

to create a feeling like they want to stay."

Additionally, 80 per cent of respondents expect increased usage of automation in the coming years, while only 13 per cent expect mass layoffs as a result, said Baker Calamai.

"Superjobs" — a combination of two roles after workload is reduced by automation — may result, she said.

"It's about leaders who are focused as much on the outcome they're delivering as they are on the way they get to that outcome."

Developing effective digital leaders is also a part of the way forward, said Baker Calamai.

"A digital leader is someone who thinks about their role differently. They think about a global workforce, they think about leveraging tools and people to get a task done. They think about flipping a problem on its head," she said. "It's a mindset shift. A digital leader is someone who thinks about their day differently and doesn't stop at inertia, or doesn't stop at the way we've always done."

"This concept of 21st-century leadership is key, because it's not only about having digital leaders or a new breed of leader, but it's about leaders who are focused as much on the outcome they're delivering as they are on the way they get to that outcome."

Encouraging esteem

The recent focus on "employee experience" needs to broaden to a fuller human experience if employee productivity and esteem are to improve, with only 50 per cent of workers indicating they are engaged at work, said Baker Calamai.

The future of the organization is experience-focused, team-oriented and personalized. The

organization by evaluating value in society over salary expectations, said Baker Calamai.

"There's a huge linkage between the social enterprise and rewards, and this concept of making everyone feel like they have their role to play."

Activating self-actualization

For employee self-actualization to be activated, HR professionals need to step up by assessing capabilities, shifting learning towards lifelong models, promoting internal mobility and encouraging technological usage, according to Baker Calamai.

Assessing talent in recruitment is critical at a time when "there are more jobs sitting available inside organizations, and there is talent on the street to do it, and the workforce is alternative," she said.

Shifting learning away from cumbersome courses to more palatable options such as YouTube videos is another opportunity, said Baker Calamai, noting survey results indicated 86 per cent of workers support a redirection of learning processes.

Today's workforce learns through rich media, experientially and from peers, she said.

And with workers having an average of 24 minutes per week for learning, organizations need to adapt, said Baker Calamai.

"We need to rethink the concept of learning and create experiences that cultivate growth multiple times throughout the day."

concept of operating in teams will continue to grow in importance, with social enterprises operating less like silos and more like symphonies, she said.

Reward strategies need to be aligned to business strategies, and employers need to understand what rewards employees actually desire, said Baker Calamai.

If the rewards are inappropriate, workers may choose to side hustle, rather than remain loyal to their organization, she said.

"If you're not feeling the value from your contribution in your job — if you don't get the choice you want in terms of... vacation or money or education — then we're not going to have that opportunity with that workforce going forward."

Eighty-six per cent of millennials choose to work for a specific

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What's old is new again – with a twist

Four SCNetwork members discuss the presentation by Deloitte

Paul Pittman: During this presentation, I had concerns for the first 20 minutes as we seemed to be focused on Deloitte's self-confessed invention of the social enterprise.

But then we got into the survey and other perceived trends, and the presenters did a fine job with a liberal dose of interpretation.

In a nutshell, we don't use enough technology and we are not being nice enough to people, including helping them move on.

Funnily enough, these are the same results seen in the last survey I conducted a few years ago, but with different jargon.

It is fantastically difficult to draw meaningful conclusions from a standard set of questions asked of a global audience with differing cultural and literal interpretations and (in some cases) concepts that are alien to the local leadership. Nonetheless, some interesting, common threads appear to unite leadership and the HR community.

There's a mighty leap to technology, which there has to be in the pursuit of increased productivity, but great dissatisfaction was noted too — which makes sense. Think about how many apps you use in business or personally that actually do what they are supposed to. Not many? Ninety-four per cent of participants pretty much agreed — with only six per cent satisfied with their HR technology (probably spreadsheets).

When dealing with people's careers, development, engagement and productivity, less-than-full functionality will likely do more damage than good.

Before leaping to action on the results of this global survey, it would be wise to consider for a moment its likely participants, who are likely at larger international employers, and have the wherewithal to experiment and invest in employee-centric organizations.

The presenters identified the numbers of employees with "side gigs" — second jobs they had taken in pursuit of self-fulfillment.

Employee-centric social enterprises are no doubt going to thrive but the employees are going to need one or more side hustles to grow or get by. There doesn't seem

much that is sociable or employee-centric about that.

David Creelman: While reporting on the latest trends is fun and perhaps merits reflection once a year, most things don't change that quickly and some trends are mere blips that will swing back in a few years. As a result, there is pressure to tart up the presentation with more drama and newer words than are really useful.

However, I liked the emphasis on alternative work and side hustles because technology enables this in a way that wasn't possible in the past. Furthermore, it provides a great way for people and organizations to be more adaptable.

I'd go even further to say that side hustles are the best mechanism for Canadians and the Canadian economy to thrive in an era of extreme technological change. This is a trend we should encourage.

But I didn't like the notion of "superjobs" or "the human experience." These new terms are unnecessary inventions. In particular, in a world where HR is just coming to grips with the concept of "employee experience," changing the label to human experience is counterproductive.

What I really would like is a report by a historian who could put things into a broader perspective. Is the world moving towards the social enterprise? Perhaps it is, perhaps not.

If I am serious about this affecting my strategy, then I want a historian's point of view.

Sandi Channing: When Jodi began to speak about Maslow's hierarchy of needs, I was intrigued. I liked the way she tied current trends into three buckets based on the top three levels of the hierarchy — future of workforce (belonging), future of organization (esteem) and future of HR (self-actualization).

It was no surprise then that people were the centre of all the trends,



Paul Pittman

David Creelman

Sandi Channing

Jan van der Hoop

PANELLISTS:

- Paul Pittman, founder and president of the Human Well in Toronto
- David Creelman, CEO of Creelman Research in Toronto
- Sandi Channing, senior director of total rewards at Compass Group Canada in Mississauga, Ont.
- Jan G. van der Hoop, president of Fit First Technologies in Toronto

and it looks like everyone is winning. AI is no longer seen as the monster that is taking away jobs. Now the focus is using the time saved by AI to inspire employees to take on new responsibilities and embark on a varied career path contributing to business success.

Organizations are embracing the millennial and gen-Z approach to work-life balance. The definition of learning has expanded from the flow of work to the flow of life by recognizing that life outside of work can teach skills and knowledge applicable to a person's life as a whole — including work. An alternative workforce is being viewed in a different light, using it to benefit both the business and the workers.

Leadership continues to be a major force, and will now be measured on both outcomes and the journey to reaching these outcomes. Inspiring people, providing different career paths and coaching employees throughout is equally important.

This requires managers to share talent throughout the organization, encouraging participation on cross-functional teams and to support lateral or promotional movement.

Of interest will be how organizations grapple with managers who have stellar outcomes and less-than-stellar people practices.

We are in the midst of the fourth Industrial Revolution and

these are exciting times. To quote professor Klaus Schwab, success will require that leaders and people "together shape a future that works for all by putting people first, empowering them and constantly reminding ourselves that all of these new technologies are, first and foremost, tools made by people for people." It looks like we're on the right track.

Jan van der Hoop: Sandi, I am so glad you are one of us. Your view is always so much more refreshing than ours. When I read your comments, I sometimes wonder if we saw the same presentation. Truth is, we saw the same content through different filters.

Yes, I think Deloitte has identified the main themes and opportunities facing organizations in terms of how they organize, engage and create value with their people.

But I agree with Paul and David — it's hard (and unhelpful) to keep coming up with new jargon

to sell consulting. For the most part, there isn't much new under the sun. These trends have been in place for a long time; they may become nuanced or tinged by technology, economic forces, or the demands of a younger workforce raised with different expectations, but, at the core, the same underlying issues remain.

David, I was tickled by your desire for a historian's perspective. All things seem new when a person sees or experiences them for the first time — and that "newness" can stimulate an energy or a passion that can overinflate significance or importance.

I think Paul and I are the closest things you'll get to "historians" in this group, and Paul is eminently more qualified than I. But your question is an important one: Is "X" (in your example, the social enterprise trend) a movement that requires strategic focus, or a blip that will pass?

Career mobility a concern

REINVENTION < pg. 14

Career mobility within organizations is likely the easiest place for employers to begin making changes, she said.

"Fifty per cent of respondents said they were more likely to get a new job outside their organization than they were to get a new job inside their organization. We're losing people just around the inability to move them around in-

ternally. And when we can't bring in the right talent from externally, and we can't develop fast enough, talent mobility is actually the biggest lever we can pull to make it happen."

"(Often), there's no tools and visibility to make this happen, but there's also this protectiveness of line managers to not think about talent as organizational talent, but their domain," said Baker Calamai.

Finally, a shift towards cloud-based computing is expected to continue as organizations embrace technologies designed to make things easier, she said.

"Many organizations globally and in Canada have invested significantly in HR technology... We need to look deeper (at) the tools we're using, and how we're positioning people to be productive and effective in their job with the right learning to be successful."

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INSPIRING PROFESSIONALISM: Interview with HRP CEO Louise Taylor Green, CHRP, CHRL, CHRE

How would you characterize the year?

I was appointed to the role of HRP Chief Executive Officer in June 2018, five years after a very important milestone—the passing of the Registered Human Resources Professionals Act, 2013. My entrance was at a time of transition, a time to reflect upon how far HRP has come and where we need to go.

Since the Act was passed, the Office of the Registrar has been working to realize the regulatory mandates set forth in the Act. They have developed five high-performing statutory committees comprised of volunteers with a passion for professional regulation. In 2018, the Registrar presented a GAPS report to both the Governance and Nominating Committee (GNC) and the Board of Directors identifying priority areas of focus to fulfill our regulatory obligations in the Act. They hosted a mock hearing to deepen committee members' familiarity with statutory rules of procedure as well as 13 webinars to educate members about regulatory affairs.

There were numerous opportunities in 2018 for our members to improve their knowledge base, skill sets and networks thanks to the work of our Chapters, Professional Development department and Annual Conference team. Chapters deliver

so much value to members and students by providing a community arena for professional development, mentoring and networking. Between our 27 Chapters there were nearly 500 of these events in 2018. HRP's Professional Development team offered 120 workshops, webinars, seminars, executive programs and certificate programs over the year. The topics of these programs—cannabis in the workplace, legislative compliance and many others—were relevant to HR practitioners in a broad range of industries. Our flagship Annual Conference & Tradeshow—themed The Intelligence Revolution—offered a record number of sessions and had over 4500 visitors during the three-day event.

What are you most proud of?

As a profession, our impact and influence are growing. As a major voice for the HR profession, HRP has the opportunity to influence the reputation of the profession among policy makers, businesses, educators and the public in general. In 2018, HRP laid the groundwork to renew relationships with peer associations across Canada and in the United States. As a unified voice for the profession, we can explore how to work together in service of the profession.

Who are HRP's stakeholders and how did you serve them this year?

HRP's regulatory mandate is to govern and regulate the practice of members by setting and enforcing the standards for professional practice. We do this through education, certification standards, our Rules of Professional Conduct and professional development supports and programming. By doing this we not only advance the profession but strive to ensure the public experiences the highest standards of HR practice from our members. So, our stakeholders are not just human resources professionals, but also the organizations where they work, the people they serve and the broader public.

The greatest thing we did for our stakeholders this year was to lay out an improved and refreshed strategic plan for 2019–2021. Rather than developing strategy with a top down approach, we engaged stakeholders in a highly collaborative process. Through member survey analysis, chapter insights, staff engagement working sessions and board insights, we were able to put together a defined plan that will help us achieve and maintain our vision of HR flourishing as a valued profession.

The theme of our new strategic plan is 'Inspiring Professionalism.' We say this with two specific communities in mind. The public looks to regulated HR professionals for the highest standards of professional practice. These HR professionals rely on their regulatory association to be a leader, innovator and dedicated thought leader. By focusing on our core values—Respect, Integrity, Transparency and Accountability—we can guide our people and volunteers to communicate with and engage these stakeholders with clarity and purpose. Igniting a collective aspiration for our profession starts from within. We aim to inspire others with our professionalism.

How do you see the organization evolving beyond 2018–2019?

Transformation is happening inside and out. Our four key goal themes over the next few years are: Regulatory Excellence, Operational Effectiveness, Exemplary People Practices and Service Leadership. By focusing on Regulatory Excellence, we will champion and elevate professionalism for the HR profession. With renewed Operational Effectiveness we will maintain financial and operational wellbeing that enables our member value proposition. We will employ Exemplary People Practices by designing and deploying modern, effective and progressive approaches to human capital management. And, finally, we will demonstrate Service Leadership with delivery of quality services and resources to our network of members, students and volunteers.

This is an ambitious journey that extends beyond two or three years. By committing to this plan, our members and the public can look forward to a continuously rising bar of HR expertise.

'The measures must be discussed with employees'

QUEBEC < pg. 2

expectations and needs.

"You have to know what the profile of your employee is. Depending on the industry sector, or the type of workers you have, the needs will not always be the same," said Gagné.

There are no mandatory measures to the certification.

"The whole thing, we want to keep it as simple as possible. Our position really is we're there to help companies to innovate, and move forward and (reach) those best practices," he said. "But we want to ensure, of course, that adding the seal has meaning. So, we have to put some controls as to how."

The network realized it could not just come up with a list of detailed measures that everybody had to put in place, said Gagné.

"There are too many variations in the realities of the different sectors. So, at the very basis, these measures have to be discussed with employees, and have to correspond to the specific needs of your employee group."

There is no one size fits all to the certification, said Dorval.

"You have to do and to show and to put in place measures, but not necessarily the same from one employer to the other. But you have to have several measures that are between different categories. Some of them will be related to

leaves (paid or unpaid) for family responsibilities that exceed the minimum standards; and adaptability of work organization (such as having replacement workers when needed).

As for the last area, quite frequently, cross-training is being offered by employers, said Bragge.

"From a retention standpoint, you're going to see a higher level of output."

days off for balanced work, and some others will have to also implement better communication, compensation. Some others will offer services such as kindergarten, so they are different things... because every (workplace) has their own situation."

Employers would have to offer family-work reconciliation measures in at least four areas: the organization of time and the workplace (such as remote work or flexible schedules); support for employees (such as daycare);

"Where before individuals used to just get a specific job and an HR manager put out a job description, it was for one particular skill set, and one particular role. Now, we're starting to see, particularly in the smaller to mid-size companies... companies who say, 'OK, I need somebody who can do x), y), z). But I need somebody who has the aptitude to do something else.' So, you're seeing... a little bit more of that lateral movement within organizations — it helps the turnover and helps manage the work-

Variety of options

Sample measures for work-life balance:

- flexible hours
- shared work
- flexible vacations
- on-site daycare
- virtual health care
- replacement workers
- group discounts
- compressed workweeks

Source: Réseau pour un Québec Famille

flow... so that the morale is higher, and people are getting an opportunity to try different things."

But when it comes to employers offering more than the minimum required by employment standards, there has not been much movement around issues such as elder care or adoption, she said. However, more employers are starting to be more flexible around vacation.

"Negotiating on an extra week of vacation is becoming quite popular," said Bragge.

Employers looking to be granted the Quebec seal must also des-

ignate an administrator to take charge of the program, and create a chart showing the different measures they have taken around work-life balance.

Companies that qualify under these criteria will be granted permission to use the seal of recognition for one year, which will be renewable. The annual fees range from \$200 to \$3,000 depending on the size of the employer.

Those that do not qualify or need some help to get started on the initiative can consider a training and support program offered by the network this fall.

Sick pay can be 'onerous to administer, adjudicate'

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their contract, said Ed Canning, employment lawyer and partner at Ross & McBride in Hamilton, Ont.

"Until (Bill 148) came in... there had never been anything requiring employers to pay sick days to non-unionized employees in the province of Ontario," he said.

"(Now) we're back to the world as we knew it."

Culture matters

Prior to making a decision, employers must examine company culture and determine what expected norms are — they may vary widely between office workers and machine shop staff, said Ventrella.

"You need to know your workforce and know what will fly. If you're simply just changing with the law, just turning a blind eye to what employees want... you'll still have a problem."

"You have to know your culture," she said. "Everything clicks together puzzle-style. You want the pieces to all fit together, such that you're always going towards your strategic goals as an organization. Never just look at that one piece in isolation of other things."

Corporate or salaried environments likely have some type of paid sick leave policy in place for retention purposes, but it always depends on what the employer can afford, said Ventrella.

And since Bill 148 wasn't around long, some workers may understand if the PEL benefit is removed by their employer — though it could be a good opportunity for a simultaneous wage increase, she said.

For employers that are able to continue offering paid sick leave, flaunting those additional benefits is perfectly acceptable, said Ventrella.

"This is not the time to be a silent hero," she said.

"If you're doing more than you have to, make sure employees know that. You need people to feel good about where they work because that affects their attendance, their intentions to stay, their quality of work."

Mid-size employers often have a formal policy that gives staff five to 10 paid sick days annually — a recommended period for office environments, according to Canning.

Some even choose to offer sick pay for up to three months, until long-term disability activates, he said.

"If five or 10 days are abused, you're not going to lose a lot of sleep over it. If three months is abused, that's an expensive enterprise."

Small employers may not have a sick-leave policy, choosing to offer paid leave to longtime employees on a case-by-case basis, said Canning.

"As part of employee management and morale, pulling back on two sick days a year is certainly going to make the employer look cheap," he said.

"I would tell them to take that money they might have put into sick pay and put it into increased wages for their employees, because I think it's better for their business to do so."

"Having a decent sick pay plan can give comfort to employees and is part of their consideration in resisting jumping ship."

Advice for HR

Sick pay is most effective when it is not "overly generous" as it can be "onerous to administer and adjudicate, and is subject to abuse," said Canning.

"Its about retaining employees. Having a decent sick pay plan can give comfort to employees and is



Upon taking office, Ontario Premier Doug Ford quickly moved to reverse legislation affecting employers in the province.

part of their consideration in resisting jumping ship."

For those employers that do remove paid sick leave from staff compensation packages, correspondence could be as simple as an all-employee memo highlighting the recent changes to provincial legislation, he said.

For employers considering shifting policy because of one particular employee's abuses, it is better to address that worker than disengage others as a result, said Ventrella.

Complying with legislation should be every employer's default policy — but then every business has different needs, said Wozniak.

"It's a best practice to analyze your specific business environment and your operational needs and implement a policy that adequately reflects the reality," he said. "It takes some care and thought, and sometimes you may determine as an employer that you should offer more than the statutory minimums."

"You may find that the minimums are either all you can afford or all that you need. Not every decision is popular, but you do your best as a business to try and

make all the parts of the enterprise work."

Employers should always have a detailed process in place to track employee absences and statutory leave entitlements, said Wozniak.

Building in allowances for unavoidable employee absences helps workers maintain work-life balance, he said.

"These things happen, and more and more people have dual-income earners and kids and it becomes very difficult to juggle your work life with your family life," said Wozniak. "The ESA tries to strike a balance. Obviously, people are going to disagree about what that balance should look like."

"The act recognizes that you have to build in a certain number of days or build in a contingency for illness because it happens and it's unavoidable. Every year, people get sick. It's just a fact of life."

PUTTING SAFETY FIRST

3 vital considerations when implementing a medical screening program

By Ken Jenkins

Hiring right the first time is a common goal for all HR departments, but for roles in safety-sensitive environments, the hiring process can pose particularly high stakes. Fortunately, employers can mitigate risk and liability during candidate selection through effective and timely pre-employment medical screening.

When implementing such programs, however, candidates' privacy and even their human rights can hang in a delicate position — meaning organizations must tread carefully.

While it is unacceptable during the hiring process to ask questions about candidates' physical or mental health, appearance or medical history, it is permissible to require a job-related medical examination — a pre-employment medical screening — after an applicant has accepted an employment offer. This will ensure she can meet the demands of the job physically and mentally, and help the employer gain awareness of any accommodations that will need to be made.

A pre-employment medical screening typically includes health questionnaires, a physical exam and testing based on industry or employer requirements. Given the frequency of musculoskeletal and mental health issues in the workplace, the screening process should include assessments of physical health and issues related to mental health and addictions.

Due to the sensitive nature of this screening, many organizations outsource the process to unbiased, third-party organizations. But how do you ensure the provider relationship is successful? It is essential that the medical screening service provider is familiar with your workforce, has a track record of respecting candidates' rights and co-operative relationships with your HR department.

There are three vital considerations for employers to consider when implementing a pre-employment medical screening program:

Protect employee privacy

The medical service provider should provide consent forms to confirm the new hires' privacy and confidentiality will be respected, and only essential information will be shared. The employer should request copies of these and all other medical document templates that will be used during the screening process ahead of time — and ask questions about anything that seems unclear.

Then, the employer should test drive the medical screening process. This will provide a thorough understanding of the evaluation from the new hires' perspective and ensure the screening is thorough enough to meet hiring requirements.

The goal is to obtain all essential information that could impact a person's ability to safely meet the demands of his job. This will often prompt additional testing such as psychological analysis to better form an opinion regarding a new employee's fitness.

Once testing is complete, employers are entitled to know whether individuals are fit, unfit, or fit with limitations to proceed with the job — a determination that is communicated by the medical provider through a fitness certificate, which will also note any identified limitations. This description must be precise to allow for a well-informed decision about necessary accommodations for the employee.

Employers do not, however, have the right to know about a worker's medical diagnosis, prognosis or treatment plan.

Once a medical service provider shares the fitness status of the employee, the privacy and confidentiality of medical information is of utmost importance. When communicating, both the employer and medical provider must exercise caution to avoid breaching the candidates' privacy.

Handle red flags with care

If a new employee's test is deemed unfit or fit with limitations, the medical service provider will recommend which actions should be taken depending on whether it is a chronic condition or an ailment that can be resolved over a set period. The health provider serves as a trusted mediating partner to both the employer and employee, keeping both parties' interests in mind.

If the outcome is fit with limitations, the employee can successfully start working with adjustments that are made based on the recommendations of the health provider. Ongoing care will be important to mitigate any further damage and maintain a high level of productivity.

To avoid situations like these, however, job applications that reference a job demands analysis (JDA) and a bona fide occupational requirement (BFOR) allow employers to require medical screening before hiring.

A JDA provides a list of all the physical and cognitive demands of the job, while a BFOR tests the essential tasks for a particular job that, if not passed, are deemed a safety hazard to the employee and workplace.

In the event of an unfit outcome when a JDA and BFOR are not in place:

- ensure that the employee understands the reasons why she is unfit
- ensure that the employee understands what actions she should take to deal with her health issue
- confirm that the medical services provider has given any relevant documentation to the employee for followup with her primary care provider.

Plan for ongoing screening

Even when an employee has completed a pre-employment screening and has been working successfully, the health and safety risks associated with the job are still present. It is every employer's responsibility to assess them on an ongoing basis, so periodic health surveillance of employees is vital to prioritize the health and safety of any safety-sensitive workforce.

Professional, ongoing surveillance can identify any changes to the health of workers. Whether working on a construction site with hazardous chemicals or driving, surveillance programs can measure respiratory disease exposure, hearing loss and change in vision, to name a few. Testing semi-annually or annually provides employers with information that can mitigate injuries, disability cases and even death.

All companies should invest in the health and safety of their workforce.

Effective medical screening programs reduce liability for the employer, enhance safety in the workplace, optimize workforce productivity and increase employee satisfaction.

Ken Jenkins is national medical director at Horizon Occupational Health Solutions in St. John's. For more information, visit www.horizonohs.com.

IN FOCUS: HR TECHNOLOGY

Exploring the latest in HRMS technology

From chatbots to blockchain to virtual reality, there's plenty for HR to learn

By Ian Turnbull

Vendors of HR, payroll and time management regularly promote the latest technology on offer. And while these tools all sound very interesting, some employers are still unsure about the benefits. Here's a rundown of the latest offerings:

Artificial intelligence (AI): This is what makes a robot vacuum smarter than us. Imagine robotic thinking. It can be applied in many situations, especially those that are more administrative. Not only can it be more efficient and effective than people, it can also remove bias, intended or not. At this stage, it is suggested AI be used to augment human input rather than replace it.

To use AI, you must be able to clearly define your processes, decision options, and any criteria that needs to be considered.

Biometrics: This ranges from finger or palm prints, retina scans, or RFID (radio frequency identification) chips embedded under the skin. Used primarily as security tests for access to buildings or systems, they are expensive and in limited use, and have experienced challenges based on religious beliefs.

Bitcoin and blockchain: Bitcoin is the first of many cryptocurrencies that exist only in the digital world. Bitcoin is known as the favoured currency of criminals because it completely avoids the banking system with its audit trails and links to policing agencies.

Blockchain is a digital ledger of transactions, such as those when people buy or sell bitcoin. Blockchain can unlink processes and create cross-platform architecture that makes volume processing more effective and efficient.

Bitcoin can be bought or sold by individuals or organizations, but because cryptocurrencies are not part of the banking system, they also do not offer traditional safeguards. At this early stage, blockchain is probably best left to very large firms.

Bring your own device (BYOD): Organizations are unable to stop employees from bringing personal devices (such as laptops, tablets and smartphones) to their workplace and using those devices to access privileged company information, applications and databases.

Three-fourths (77 per cent) of the respondents to a 2016 survey by Syntonic said they expect personal smartphone use for work purposes to increase in the next six to 12 months. And 87 per cent



Credit: everything possible (Shutterstock)

to maintain security and privacy. Meanwhile, research is divided on the pros and cons of BYOD. It's a

combine data and provide analysis across an entire organization. It includes the concept of "big data" — data from across an organization that is too voluminous or complex to be analyzed by a single system like a human resources management system (HRMS). Neither concept works unless the core data is complete and accurate.

Chatbots: We have all experienced a chatbot when we skim shopping websites. That use models how chatbots could be used by HR — as part of a website, perhaps providing information to workers about employee benefits or organization events, for example. They could also be used to provide employer information to potential workers. Unlike several other technologies on this list, the chatbot concept is ready for use by an organization.

The cloud: This means the servers where an HRMS could reside — not inside an office. It also implies a system that is essentially one-size-fits-all. IT may like it because it reduces direct investment in IT equipment inside an organization and can simplify system management. It can also make mobile access easier.

Gamification: These are activities and processes to solve problems by using or applying the characteristics of game elements. In HR, it can be used to improve recruitment and evaluation and learning, and it is generally considered to be an effective tool.

Virtual reality: VR, and its companion, augmented reality (AR), use ski-style goggles (and sometimes earphones and avatars) to simulate and immerse users in environments that can be fantasy or reality. The concept goes back at least to the 1950s and is still experiencing development.

Various militaries have used the technology for training purposes and there have been training developments in health care, as well. As exciting and useful as it may seem, it is expensive and a long way from being a proven and affordable technology.

Workflow: The term may mean different things to different people (and software vendors) but is essentially process mapping gone wild. Imagine a performance management form that is sent from HR to workers and supervisors where it bounces back and forth before eventually returning to HR — hopefully completed and signed. Now imagine the same scenario in an electronic form — that's it. Properly implemented, it can significantly increase process efficiency and effectiveness while reducing the demand for paper and filing cabinets.

Social media: When it comes to the likes of Facebook, Snapchat, Twitter, Instagram, YouTube or Pinterest, along with texting and email, there are three key issues HR needs to be concerned about:

First, a documented trail. Using any of these tools except email may leave trails around the digital universe, but not in a linked, traceable manner. Unless everything is printed and filed — which sort of negates the idea of digital communication — any communication to or from workers will not form part of a worker's record. That's bad.

Second (and third), are the co-joined issues of privacy and security of personal data. Even if IT has wonderful security measures in place, none of these tools offer reliable security (and, therefore, privacy) — as seen with the recent flurry of concerns about Facebook.

Many of these technological offerings sound exciting, and they are. The breadth and depth of technological innovation is inspiring. But these offerings are distractions from a key task for HR: To have a fully functional HRMS that contains complete and accurate data.

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To use AI, you must be able to clearly define your processes.

of companies are dependent to some extent on employees' ability to access mobile business apps from their personal devices.

The challenge for organizations is how to control access and how

good idea to work with IT to establish a policy and the means of enforcement.

Business intelligence: This is a business approach (and sometimes involves specialized systems) to

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IN FOCUS: HR TECHNOLOGY

Why health insurance carriers are betting on tech to improve service

Digital tools, artificial intelligence, analytics help employers and employees

By Julie Bevacqua

With the health insurance sector facing shifting market dynamics, business as usual is no longer an acceptable strategy for insurance carriers in 2019.

Among multiple complicating factors, government policy has the power to impact insurance providers' revenue strategies and employers' group benefits plans. On the federal front, the NDP has promised to institute a universal and comprehensive national pharmacare program in 2020 if they win the election.

Insurance carriers and employers face additional challenges as the baby boomer generation ages and chronic disease incidence increases, often with comorbidities or polymorbidities such as depression in conjunction with chronic pain, or diabetes coupled with high blood pressure and cholesterol.

Not surprisingly, the cost of drug plans is escalating, especially for specialty medications.

Mental health claims are also on the rise, as 60 per cent of U.S. and Canadian organizations are noticing an uptick in mental illness and substance abuse issues compared to two years ago, according to a 2019 survey released by the International Foundation of Employee Benefit Plans.

Embracing technology

How are health insurance carriers responding to the evolving landscape to meet customer expectations, while minimizing healthcare costs? They are "leveraging digital tools, artificial intelligence (AI) and analytics to gradually move toward an efficient, digitally integrated ecosystem," according to a 2018 report from global digital consultancy Capgemini.

Although the insurance industry is often perceived as trending towards the highly conservative end of the business and technology innovation scale, change is in the air. The sector outspends 12 other major industries when it comes to investing in AI, according to the *Global Trends Survey 2017* of 835 executives by Tata Consultancy Services.

Sophisticated consumers

Consumers have more complex needs than ever before and are more knowledgeable about their choices, demanding personalized insurance offerings and tailored communications.

They are at home on mobile devices and accustomed to moving effortlessly between devices and platforms in their daily activities. Moving forward, insurance companies must focus on providing a frictionless customer experience across multiple touchpoints.

Insurance carriers are shifting from a multichannel strategy to an omnichannel strategy to help customers move swiftly and

seamlessly between devices without disrupting their experience, according to a 2018 report from market intelligence agency Mintel Comperemedia.

Forward-thinking insurance carriers are using technologies that can personalize the customer experience through tailored messaging, target audiences and pricing. Plus, more accurate risk pricing will become a reality, according to Mintel Comperemedia, as carriers collect and analyze vast amounts of consumer data to create hyper-personalized policies.

Insurers are also providing employers with reporting tools, helping them to analyze data to deliver more personalized employee experiences while better managing workplace health costs.

In addition, predictive and behaviour analytics are enabling predictive diagnosis and personalized care across the customer-care continuum, according to analysis from Capgemini.

Group benefits go digital

With the workplace in flux — from the influx of millennials and retiring baby boomers to the heightened talent war — companies are implementing digital technologies to build their employer brand and develop an engaging culture.

Similarly, HR organizations are embracing technology to create personalized employee experiences as they guide the employee journey.

One of the challenges insurance carriers face is how to simplify the administration of group health insurance for employers. With HR facing a dynamic work landscape of potentially rapid company growth, transforming workforces, and a constant flow of regulatory changes, group benefits management becomes a complex process — especially as benefits plans expand and innovate to meet evolving consumer needs.

The recent introduction of digital group benefits administration systems in the Canadian market is helping to simplify the process. With an automated workflow — from onboarding through to benefits enrolment — these digital solutions are designed to sync across systems, reducing data entry to a single point and ensuring employee data is shared seamlessly across human resources, group benefits and payroll.

This type of approach mitigates the risk of error and enables a personalized employee benefits experience.

Insurance companies also recognize it's a time-consuming task for HR to chase down employees to collect their personal information for the purpose of group benefits administration. To help lessen the burden, forward-thinking insurance carriers are moving towards employee self-enrolment.



Credit: Brian A Jackson (Shutterstock)

With access to personal data at any time, employees can manage their benefits plans from the convenience of their smartphones and personal devices, eliminating both the paper trail and reliance on HR.

No more auditing nightmares

Auditing and manual reconciliations can be a continuous,

never-ending loop between the insurance carrier bill and payroll reconciliation.

With an automated solution, the time-consuming cycle of adjustments and reconciliations between employees' benefits premiums and pay is eliminated.

By ensuring there are no costly discrepancies between health insurance bills and payroll, a digital

solution decreases overall risk, ensuring benefits compliance and accurate reporting for life insurance claims, disability claims and workers' compensation.

Julie Bevacqua is the chief revenue officer at Rise People in Vancouver, which provides personalized, all-in-one HR software. For more information, visit www.benefitsmadeeasy.ca.

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IN FOCUS: HR TECHNOLOGY

Leveraging tech to build diversity

Variety of tools help remove bias in recruitment, boost collaboration and growth

By Avery Francis

Prim Minister Justin Trudeau often tells us “diversity is our strength.”

Yet while racially and ethnically diverse companies are said to outperform industry norms, and jobseekers say a diverse workforce is important when considering work offers, we are still failing at diversity.

Diversity is something companies across all industries struggle with. Interview style, job candidates, how teams are trained, and the onboarding process are all considerations that need to be thought through and implemented strategically.

Diversity starts with inclusion. It’s about developing equitable hiring systems, building inclusive cultures and designing spaces that meet the unique needs of a diverse team. This is how HR can foster a diverse workplace so all people feel comfortable bringing their authentic selves to work.

So, how does a company become inclusive? A combination of the right people and the right technology.

The first area of focus should be on building inclusive cultures, systems and spaces where everyone can succeed. This will effectively attract a diverse set of people to the company and help promote retention amongst underrepresented groups.

Without focusing on building an inclusive culture first, every effort to become more diverse will fall flat.

Using a “build-it-when-they-come” approach on gender-neutral washrooms, for example, is not considered best practice when it comes to building inclusive workspaces. To be truly committed to building diverse teams, employers should be inclusive without question.

The technology industry has come a long way in terms of improving the workplaces of the future. Technology empowers people to become more intentional with employee experiences to ensure everyone feels included.

There are so many opportunities to operate with inclusivity top of mind and many opportunities to fail at it.

Still, how can tech be leveraged to build a more inclusive workplace?

Recruitment

Recruitment is where it all starts, with a variety of tools.

A good rule of thumb is to start with ensuring all job descriptions use gender-neutral pronouns like “he or she” or “they.” Tools such as Textio software can be used for building out job descriptions with inclusive language and “augmented writing.”

Another option is Gender Decoder, which offers a quick way to check whether a job ad has any subtle linguistic gender-coding that can discourage potential applicants — using masculine- or feminine-coded words such as “driven” or “loyal.”



Employers can’t rely on job boards alone to attract great candidates. There has recently been a huge shift in outbound activity from recruiters, which can be fantastic for reaching out to a more diverse candidate pool strategically. However, outbound activity may leave room for bias in the selection process, too.

A tool like Unbiasify can help remove bias from the sourcing process — it hides names and profile photos on social networks

so recruiters focus on a person’s skill, credibility and career history.

And when new employees start, have them complete a working styles test to understand their work and communication styles. For example, the Insights Discovery psychometric tool can help employers better understand and appreciate candidate differences.

Collaboration and growth

Collaboration is key at any company and with internal communication tools such as Slack, it’s important to ensure people are being friendly and inclusive. For example, Alex — an open-source, text-editing installation that works in Chrome and Slack — will catch potentially hurtful language, profanity and even gendered terms. Then, the bot will recommend different (and more mindful) alternatives for employees to type instead.

Growth is top of mind for top talent and often the reason why good people leave to go elsewhere. A great way to keep them is to support their growth.

Prosper is a recommended tool for employers that want to offer coaching on a small budget. It is an app that helps people achieve their career goals faster, with guidance and accountability. It can serve as a career guide and help employees navigate salary negotiations, building confidence before a big pitch or asking for a sabbatical.

Training

To build an inclusive company, it’s important to train people on the issue.

As an example, Crescendo is a diversity and inclusion education platform that sends personalized learning paths weekly to employees to help them empathize with people who are not like themselves. The learning path is personalized over time. Employees see real stories from real people sharing their experiences.

Each “crescendo moment” is packaged as a two- to four-minute video or article, and is associated with an actionable tip. An example is talking or learning about privilege. Crescendo provides specific content to help leaders support people in their diversity and inclusion learning journey.

Implicit associations can get in the way of inclusive hiring decisions. Resumes with “white-sounding” names (such as Emily or Greg) often receive more callbacks than “black-sounding” names (such as Lakisha or Jamal) — even though the resumes are identical.

Rejecting someone for a role she could do based on unconscious bias is problematic but fixable.

Harvard University in Cambridge, Mass., has developed a free online tool called the implicit-association test (IAT) to help the unconscious become more conscious. It measures the strength of associations between concepts and evaluations or stereotypes, and is a positive step towards building self-awareness and starting the conversation.

In conclusion, a lack of gender, ethnic and racial diversity can influence an employer detrimentally in company culture, profitability and diversity of thought.

Creating an environment where people of all ages, races, classes, ethnicities, gender identities or expressions, sexual identities, abilities, sizes, nationalities, cultures, faiths, neurotypes and backgrounds can feel welcome and experience a sense of belonging is important for any growing business — and it starts with inclusion.

Avery Francis is the founder of Bloom in Toronto, which helps companies build diverse teams, equitable hiring systems and inclusive recruiting practices. She can be reached at (647) 822-3777 or avery@buildwithbloom.com. For more information, visit www.buildwithbloom.com.

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RECOGNITION

5 trends in social recognition

Bots, apps, gamification, analytics all play a part in peer-to-peer rewards

By Muni Boga

Peer-to-peer social recognition is a concept that grew out of newer social technologies, diminishing hierarchy at work, and the increasing diversity of today's organizations which are comprised of up to five generations.

Employees have varying values, beliefs, drivers and work styles. But they all share one common element — they are all human, so they are motivated and inspired by recognition.

The key to social recognition is the fact that it is “social.” It involves everyone and it is transparent.

The visibility that is created by a social feed allows every employee to see who is being recognized, and what people are being recognized for, and it enables others to endorse and comment on the messages.

The old top-down, reward-focused recognition models and “Employee of the Month” posters pinned to a bulletin board are being revolutionized and decentralized at a rapid pace with a solution that touches people in the moment, makes a meaningful impact, and can unite any group of people.

This engagement technology and philosophy can lead to reductions in turnover and absenteeism, and improvements in performance at both the individual and organizational level.

When selecting a peer-to-peer social recognition solution, the decision-making process can often be overwhelming.

So, what constitutes a great recognition program, and what are the top trends to look for in a peer-to-peer social recognition solution? Let's take a look.

Bots and apps for instant recognition

To initiate a successful recognition program and empower employees to give recognition easily, it's about making recognition available everywhere.

Web applications, mobile applications and browser extensions — supplemented by bots and integrations into collaboration and communication tools such as Slack, MS Teams, Outlook and Gmail — will enable this strategy.

These social recognition applications and integrations all have varying degrees of connectivity with employees' workflow, ensuring the messages of recognition are both timely and connected to the work at hand.

Non-monetary recognition for intrinsic motivation

Traditional recognition typically involved rewards programs aligned with compensation and benefits — do blenders and pens sound familiar?

However, rewards are not recognition. They can be part of a recognition equation — but they motivate people differently. Not all solutions were designed with a “recognition-first” philosophy.

Are you trying to motivate intrinsically, based on people connecting to culture and their work? Or are you trying to motivate extrinsically with a carrot?

It's important to ask solution providers about their recognition and reward philosophy.

Cultural values and behaviours

What can be done to reinforce an employer's values and promote individuals to live those behaviours? Align them with the social recognition program. Behaviours can provide valuable indicators on the health of an organization and its people at any point in time.

Social recognition is still an area of HR technology due to see much more innovation and added value.

Identifying the value and behaviour profiles for individuals, departments and locations can provide interesting insights into the cultural ambassadors and top performers.

Gamification, behavioural incentives for motivation

Gamification can mean point scoring, creating competition and providing rules of play. And while gamification can encourage certain behaviours, some forms can motivate the wrong behaviours and actually be detrimental to corporate culture.

For example, in a rewards-centric culture, people sometimes ask for recognition from their friends so they can buy a reward for themselves. Recognition shouldn't be demanded or requested. Recognition software that enables too much gamification with a strong focus on rewards can create this type of environment.

One of the newest trends for social recognition solutions is called behavioural bonusing or behavioural incentives.

This is the concept of creating incentives or bonuses for individuals who complete certain activities either inside or outside the workplace, such as donating blood, getting a flu shot or being a brand ambassador.

Bonusing can be used effectively when tied to a stretch goal, but bonusing for everyday work can lead to a very slippery slope.

While it's about encouraging the right behaviours, it's also about staying objective about how the activities being encouraged are interpreted by employees — we don't want to cross any ethical boundaries and we don't want people to feel like they are being manipulated or controlled. If this happens, employees can feel like their employer is a villain in disguise and are left with feelings of stress and anxiety.

So, while behavioural modification may have worked for Pavlov and his dog, it's not likely to build trust with employees.

Analytics and insights for ROI

Most social recognition solutions provide analytics that show which messages are trending or considered more meaningful by their peers. This way, you know what is important to employees.

Some of the more advanced social recognition solutions have leveraged new technologies such as machine learning and are pushing the boundaries on delivering more meaningful insights into the performance of employees and the organization itself, as well as recommendations for turnover with some predictive elements. While the analytics and insights are still in their early days, they

add great value and an ROI.

We live and work in exciting times. The value proposition derived from social recognition is being pushed to new heights, where recognition is no longer a nice-to-have, but a need-to-have. The time required to run a successful program is continually decreasing and the ROI and value of analytics are increasing.

There are many flavours of social recognition to pick from and it can be difficult to choose which one. The key is to define what is important for your organization



Credit: Max Gribocov (Shutterstock)

and to ask the right questions.

At present, social recognition is still an area of HR technology due to see much more innovation and added value.

Muni Boga is the Calgary-based founder and CEO of Kudos, an online employee experience and culture platform. For more information, visit www.kudosnow.com.

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Getting the temperature just right

Complaining about the temperature at the office sometimes feels like a part-time job for many at my workplace. It's either too hot or too cold, and rarely just right, and it's a topic commonly discussed.

Part of the problem? It's an imperfect science, judging by conversations with maintenance staff at our building. The location of a person's desk relative to heating or cooling vents, hallways and windows can all make a difference — along with a person's internal temperature.

Sitting in a corner with windows for walls, my cubicle has always been cooler. And I have managed to ward off the chill with sweaters, scarves or a floor heater (which, sadly, had to be removed after a health and safety inspection).

I don't like to complain as I really like the location, but it would be nice to comfortably wear summer attire in the summer, and avoid wearing a wool scarf during the winter.

So, what's the best temperature for comfort? The optimum is 24.5 C, with an acceptable range between 23 C to 26 C, according to the Canadian Centre for Occupational Health and Safety, citing 2018 recommendations from the Canadian Standards Association.

For winter, the optimum temperature is 22 C, with an accept-



Sarah Dobson

EDITOR'S NOTES

able range of 20 C to 23.5 C.

But the challenge of finding the optimal temperature is widespread — and differs considerably by gender.

A 2015 survey out of the United Kingdom, for example, found 29 per cent of workers felt they lost between 10 and 30 minutes each workday not working due to an uncomfortable office temperature.

Seventy per cent of women (and 44 per cent of men) said they bring in additional clothing while 50 per cent of women (and 28 per cent of men) "resorted to excessive cups of tea," found the survey of 2,000 people by HVAC specialists Andrew-Sykes.

That's backed up by a 2018 survey by Career Builder of 1,012 American workers that found 46 per cent felt their office was either too hot or too cold, while 15 per

cent have argued with a co-worker about the temperature.

In that same vein, twice as many women as men in the survey said they are too cold.

Part of the problem? Apparently, the typical thermostat was set at a time when men made up the majority of the workforce — and their metabolic rate runs higher than women.

And it's not just about comfort. Back in 2004, a small study out of Cornell University found women were significantly more productive, making fewer errors and working more quickly, when their office was kept at a warmer temperature. The optimal temperature? 25 C.

Recently, the topic made headlines yet again when a study in *PLOS One* — a scientific journal published by the Public Library of Science in San Francisco — also found colder temperatures can make women less productive:

"At higher temperatures, women perform better on math and verbal task(s) while the reverse effect is observed for men. The increase in female performance in response to higher temperatures is significantly larger and more precisely estimated than the corresponding decrease in male performance. In contrast to math and verbal tasks, temperature has no impact on a measure of cognitive reflection for either gender."

So, if you're looking for better

results, set the thermostat "higher than current standards."

While HR and management may be tempted to consider complaints about the heat or cold as more of a maintenance issue, it's hard to ignore the findings around reduced productivity. This is an area where Canada has struggled for years, as worker output per hours worked has never been our strong point.

So maybe this is a good opportunity for leaders to step up. How? While we can't be expected to adjust the thermostat every time an employee grumbles, we can at least listen, express concern and offer suggestions, such as working from home one or two days a week, or offering an alternate location at work.

Providing free coffee or tea is always a popular perk, even for those not challenged by thermal discomfort.

Of course, there's also the option of giving out fleece jackets with the company logo on them, as part of an employer branding exercise... but that might not go over so well.

Canada does not have an easy climate — we all know that, from coast to coast — and it seems to be getting more difficult with each season. While it's not a simple issue to control, surely we can make some attempts to improve people's comfort — and productivity — indoors.

THE WEIRD WORKPLACE

FIGHTING WORDS

KENORA, ONT. — While battling a wildfire in British Columbia in 2017, an Ontario firefighter alleges his human rights were violated when he was not provided sufficient vegan food, according to the Canadian Press. Adam Knauff filed a complaint with the Human Rights Tribunal of Ontario over his treatment and subsequent suspension: "The Ministry of Natural Resources and Forestry discriminated against me and failed to accommodate my sincerely held ethical beliefs (creed) when it failed to provide me with food that accommodated my personal commitment to ethical veganism, and then disciplined me and suspended me because I attempted to assert my right to accommodation of that sincerely held ethical belief." But the ministry denied the allegations and said Knauff was sent home and suspended for three days without pay because of his "inappropriate, insubordinate, unprofessional and aggressive behaviour." He was also banned from fighting fires outside the province for the rest of 2017 and all of 2018. The government also said Knauff's "vegan status is a sincerely held lifestyle choice, but does not meet the legal definition of creed."

TAKING THAT EXTRA STEP

CEDARTOWN, GA. — Home Depot employees went beyond the call of duty recently when they

PESTY IN PARIS

PARIS — A police station in Paris was evacuated recently, but not because of any bomb threat or structural issues. The problem? A siege of fleas, according to a tweet sent out by the Alliance police union. The pests had "made working conditions intolerable," they said, according to CNN, and some officers sought medical treatment for multiple flea bites: "Worst still, some of these pests are likely to be brought back home, contaminating officers' families." Attempts at disinfection were "close to useless," said Yvan Assioma, the union's Paris regional secretary. "What is needed in order to control a flea invasion is to disinfect the whole building and even the cars of the people who work there. The higher authorities are putting Band-Aids on a wooden leg." In 2017, the same station had to be evacuated because of an invasion of lice and fleas.



Credit: Cosmin Mancu (Shutterstock)

pitched in to help a family at one of their stores. Christian and Justin Moore have a two-year-old son, Logan, who has hypotonia, which impacts his motor skills. So Christian watched a YouTube video tutorial on how to make a gait trainer to help him walk, in case insurance wouldn't cover it, according to CNN. The family then went to a local Home Depot store and asked for help finding the parts. But instead of showing the way, employees suggested they leave — and go and have an ice cream while they put together the device, free of charge. When the family returned, the PVC walker was all ready, complete with Logan's name on it. "I couldn't believe they were willing to do that. It took everything I had not to cry because it hasn't been an easy road for my son. He has had a hard time doing things that would be easy for most children his age," said Christian. Home Depot em-

ployee Jeff Anderson later posted about the experience on Facebook: "Everyone was crying to see Logan walk around with the biggest smile on his face."

'JUST HAVING FUN'

LOS ANGELES — Not quite getting the message when it comes to sexual harassment — or not really concerned — billionaire Alki David admitted he used to walk around the offices without pants, along with playing adult movies for staff. David, whose family fortune comes from Coca-Cola, is an entrepreneur who runs several companies including FilmOn. TV Networks. Former employee Chastity Jones claimed she was fired for refusing to engage in sexual acts with David, and was recently awarded US\$3.1 million in compensatory damages and US\$8 million in punitive damages for sexual battery, according

to the *Sun*. But David claimed he was "just having fun" at work, and would not pay. "I never ever, ever have ever touched an employee of mine inappropriately."

RIG RESCUE

HAT YAI, THAILAND — Located 220 kilometres from mainland, workers on an oil rig don't often see many unexpected visitors. But recently they spotted a distressed "castaway" — a dog floating helplessly in the ocean. Photos taken by the oil rig workers show the hungry, dehydrated pup being hauled up to the rig by a rope and given food and water by the workers, according to Reuters. The pooch was later named Boonrod — a Thai word that translates to "the saved one" — and then transported to a boat that brought him to the port of Hat Yai. He was greeted at the dock by people showering him with pats and a garland.

Reader feedback on topical issues

Cannabis, immigration, talent shortages and bullying prompt online commentary

We get a lot of reader responses online to our content — whether it's news posts, blogs from our columnists or articles from the magazine. We love to hear from people "in the know" to get their take on the latest trends and issues facing human resources.

Here's a sampling of the commentary we've had recently:

Re: Despite cannabis legalization, impairment testing still hazy

"Employers that deem themselves 'safety-sensitive' will always punish recreational cannabis users. It's absolutely crazy the amount of employers that have implemented zero tolerance cannabis use since January of this year. They don't care about impairment at all, just presence in your system. The opioid use is just going to ramp up again, if it hasn't already.

"Yes, it is still the rights of employers to write their own drug and alcohol policy. Zero tolerance and random testing isn't going anywhere unless changes to the labour laws are brought forward. I recently failed a pre-screen due to 'trace amounts of THC in the urinalysis within the last 90 days.' I used cannabis oil (for stomach issues) five weeks before, but still failed urinalysis.

"The testing method is absolutely arbitrary. It's like northern Alberta has taken legalization personally and there is now a vendetta against personal off-shift use." — *Anonymous*

Re: Talent shortage threatens growth

"The fact that more people from Quebec leave for other provinces is not a surprise to me as we are the most taxed province or state in North America. If you are single or mobile, why not relocate to where your buying power is bet-

ter?" — *Sylvain Nolin*

Re: Don't make election about immigration, corporate Canada tells political leaders

"Why bring immigrants when their credentials are not recognized, they cannot contribute their skills to the economy and they are getting minimum wage jobs?

"Even locally educated people cannot get jobs, because the companies ask for experience (when people just graduated). So most people aged 22 to 30 work minimum wage jobs unless they know someone who can get them a job.

"It's not what you have or know, it's who you know that lands you a job in Canada. Sad. Look at the Swiss model and train the workforce instead of asking for experience." — *Anonymous*

Re: Builders Code hopes to combat harassment, bullying in construction

"Bullying is an ongoing problem on many construction sites in B.C., which is why many women just don't stick around on construction sites. And the issue of bullying isn't being taken seriously enough when reported, from the powers that be on construction sites, to the higher-ups at the companies, to WorksafeBC, to the various tribunals. Workers on construction sites know that nobody will take complaints seriously and we either move on or move out.

"I'm a female worker on con-

struction sites, have spoken to other female workers on sites, and we've all had our experiences with bullies which have affected our jobs — and there's literally nowhere to go for help to alleviate the problems with that." — *Anonymous*

Re: Five behavioural economics theories to nudge employees to better health

"Subscribing to already prepared meals is the worst advice ever. How is that healthy? It is the same as eating out. If you want to be healthy and love your body, the only way to keep it that way is to cook at home as much as you can. Look at baby boomers' health compared to the millennials — who is healthier?" — *Kristaps Kuplais*

Re: Halifax mayor asks employers to excuse late workers after 'ultimate sports day'

"Really? Now we are suggesting it is OK to over-indulge and be fit for duty? From a mayor? I would have expected more from a politician to lead our society correctly. I am happy for the teams and the fans who support them, but really?" — *Anonymous*

Re: Ontario public service employees sue province, unions over alleged racism

"Systemic racism will always exist, and we can't change racists, but we can learn how to act around them. I, too, experienced harassment from a person in a position of power and a close-minded colleague. As a black woman, they were threatened by my high level of education. Thank God, I managed to move into a different division where we have employees

from different races and highly educated people. It took them almost a year to replace me." — *Anonymous*

Re: Name-blind recruitment pilot sees mixed results

"I am not sure why the Public Service Commission of Canada (PSC) reported that the name-blind recruitment process had no effect on the screening decisions of managers when it came to applications from visible minority groups.

"From the data that they provided, it is obvious that name-blind recruitment did have a significant impact on the screening decisions of managers when it came to applications from visible minority groups. The data clearly shows that, in general, the name-blind recruitment study allowed fewer people to get through to the next stage than traditional methods.

"However, while in general the percentage of applicants approved is less, you would expect the same rate of reduction no matter if there's a visible minority or not. In actual fact, the number of candidates screened out was significantly less if they were not a visible minority, whereas if they were a visible minority, the numbers didn't change much." — *Audrey Foo*

Re: Quebec to ban public workers from wearing religious symbols

"This is very disturbing and unacceptable, all in the name of protecting a province's 'secular' image? This is blatant discrimination and the mere fact the Quebec government is activating the rarely used clause indicates that

they know what they're doing is not right. We are going backwards in time rather than moving forward, becoming like the United States more and more each day." — *Anonymous*

Re: Ontario reforms police record checks

"I believe this will be a good change for the people who experience barriers when trying to gain meaningful employment, especially those that are considered non-criminal and non-conviction interactions. The hiring process in some companies happens very fast and hiring managers only give a few moments to each applicant they have to process. Helping that process by cutting out all the unnecessary information before it reaches the employer will be a big step." — *Summer Reilly*

Re: Reaping the benefits of delayed retirement

"This plan is so out of step with reality. Employers are standing in line to push older workers out the door. Perhaps for the pension contribution savings? And, yes, employers are reluctant to hire older workers.

"So, while this actuarial financial plan makes smart financial and economic sense, until government pushes employers to stop putting older workers on ice floes and pushing them out to sea, or telling them they are 'overqualified' for work, this plan will simply increase poverty and hardship for people in their vintage years." — *Alexis Leclair*

If you'd like to have your say, visit www.hrreporter.com and click "Add Comment" at the end of the article or blog.

Parental leave requested by worker who may not be involved with child

Does employer have to provide leave if employee is not primary caregiver?

Question: Does an employer have to provide parental leave to an employee who is the biological father of a baby but it knows the employee isn't really involved with the care of the child (for example, the mother has a new partner and is estranged from the employee)?

Answer: Human rights legislation generally prohibits employers from discriminating against employees on the basis of protected grounds with respect to the terms and conditions of employment. Depending on the applicable human rights legislation, the protected grounds of family status and gender would likely be engaged.

As such, an employer that refuses an employee's request for leave on the basis of these protected grounds will likely find itself on the receiving end of a human rights complaint.

Whether or not the employee is



Leah Schatz
TOUGHEST HR QUESTION

successful is another question and will depend on the unique circumstances of the case.

First, it is reasonable for an employer to expect that this employee is taking the leave for purposes related to parenting the newborn child.

Certainly, an employee who is taking his statutory parental leave should not be using that time to go backpacking across Europe for a few months.

However, an employer should avoid making any assumptions about the employee's circumstances based on that employee's gender and family status. Just because an employee is not the primary caregiver does not mean she is not entitled to take parental leave.

Employers will want to reference the applicable employment standards legislation. Most jurisdictions do not impose the condition that the employee be the "primary caregiver."

In Manitoba, for example, an employee must have simply become "a" parent of a newborn child.

The entitlement to leave begins once the child is born, adopted, or

comes into the care and custody of the employee.

Federally regulated employees are subject to more specific requirements.

Section 206.1 of the Canada Labour Code states that employees are entitled to parental leave "to care for a newborn child of the employee" or "a child who is in the care of the employee for the purpose of adoption."

Thus, if the employee in this scenario is a federally regulated employee, she will need to be involved with the care of the child.

Based on the law in each respective jurisdiction, as long as the employee works for the required length of time (if any), the employee is generally entitled to the statutorily prescribed parental leave.

The qualification period between the provinces varies. For example, in Saskatchewan and

Ontario, the qualification period is 13 weeks' service.

In Manitoba, the employee must have worked at least seven consecutive months with the employer.

Federally regulated employees must have six consecutive months' employment with the employer.

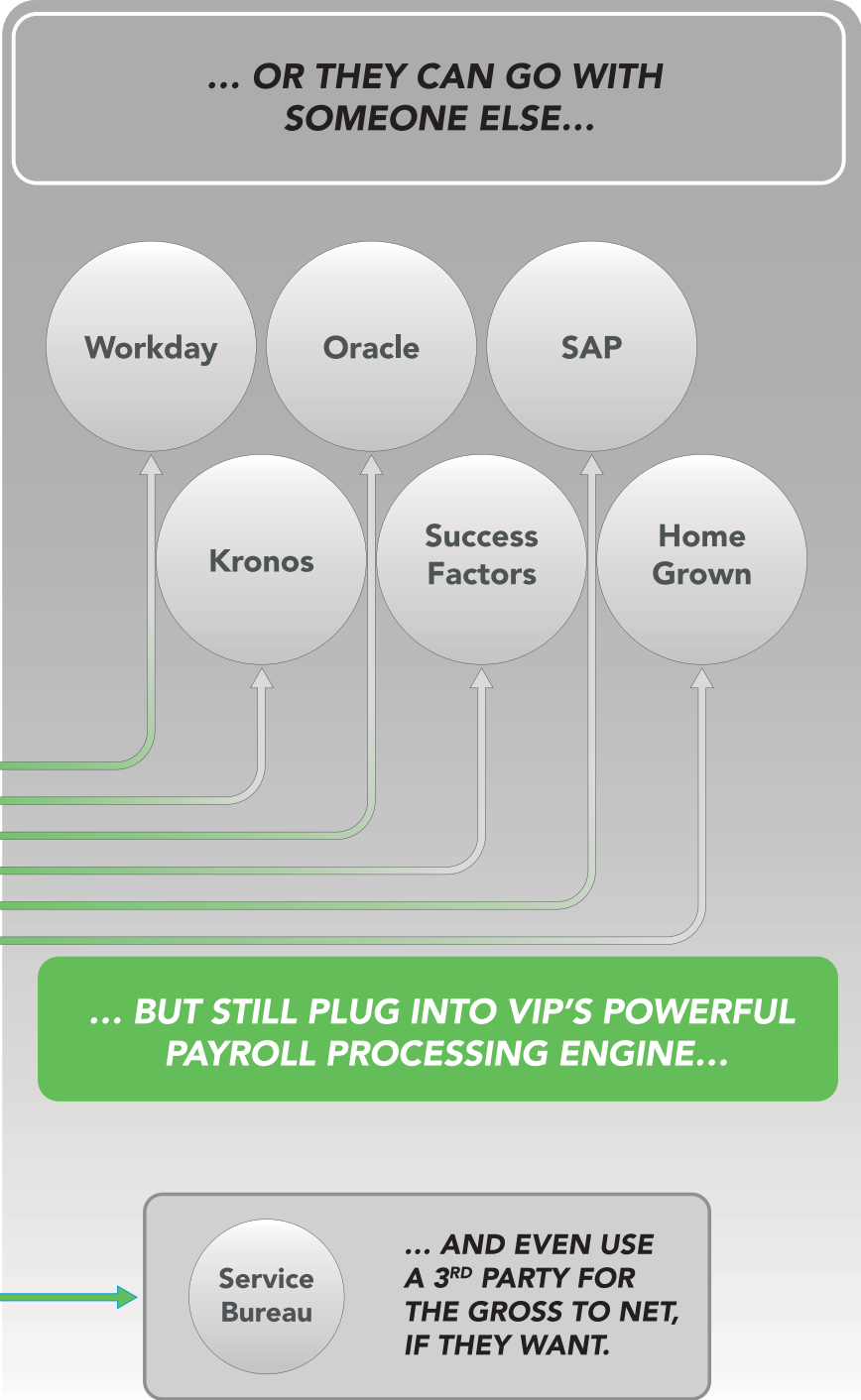
Although this employee's parental leave needs to be legitimately connected to parenting, the employer will want to avoid making any assumptions based on this employee's perceived family status.

Parenting arrangements between estranged spouses can take many forms and human rights legislation recognizes this.

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