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Yafa SAKKEJHA

Yafa Sakkejha is the general manager and partner at Beneplan Inc., which runs the Beneplan Co-operative, a non-profit, member-owned structure that provides group health benefits to small and medium employers in Canada. She has been published in *The Wall Street Journal*, *National Post*, *CBC*, *Toronto Star*, *Benefits Canada*, *Advisor's Edge* and was named a rising star in Toronto's entrepreneurial scene by *The Globe and Mail*. She helped launch the TEDxToronto event and a wellness vacation company. She most recently spoke at the HRPA annual conference on returning to work after a mood-related disability. She graduated with a B.Comm (Hons) from Queen's University. Sakkejha discusses how to handle benefits during disability and return-to-work, on [page 20](#).




JULIAN YATES

Julian Yates is vice-president, global consulting, for SIRVA Relocation, manages SIRVA Relocation's global consulting practice and leads the compensation administration services team. Yates provides strategic thought leadership to SIRVA's global services delivery and business development teams, leads a team of subject-matter experts to deliver best-practice policy analysis, benchmarking and policy development, and provides consulting support to clients in various areas of global mobility. Yates holds a bachelor's degree in business with a minor in human resources from the University of Hertfordshire. He is a chartered member of the U.K. Institute of Personnel and Development. He discusses developing domestic relocation policies, on [page 36](#).



BARBARA J. BOWES

Barbara Bowes, FCHRP, CMC, was born and raised in Sioux Lookout, ON, and has been a human resource professional and consultant for the past 25 years. She has worked with health-care facilities and a broad range of First Nation communities and agencies. Bowes is also a newspaper columnist, a radio show host and an author of several books related to human resources and careers. She is particularly well known for her innovative résumé style and her book, *Résumé Rescue: Essential Resume Saving Techniques*. She shares an inspiring story of aligning service and Aboriginal culture, on [page 42](#).



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BEYOND COMPLIANCE

This is *HR Professional's* annual Legal and Compliance issue—which we schedule to tie in with HRPAs annual HR Law Conference, this year on October 24. As you read through the articles, you'll find some great information about the legal and compliance issues relating to employee retention, domestic relocation and random alcohol and drug testing.

And yet, you may also be surprised at how many of the articles we've included in this issue focusing on areas such as diversity/workplace culture, health-care costs, motivating employees (particularly those skeptical Gen Ys), and more.

Good HR professionals need to know all about and understand compliance issues; but great, forward-thinking HR professionals know that their understanding of workplace issues needs to extend far beyond compliance. Successful professionals in leading-edge organizations need to be ahead of the rest, not only in the products and services they offer, but in how their workplaces are organized and their people chosen, engaged and trained and encouraged to be innovative.

Compliance with legislation is only the starting point on your, and your organization's, journey to success.

As always, you can contact me directly at lblake@naylor.com, or post on our Facebook page, at www.facebook.com/#!/HRProfessionalMag.

Cheers,



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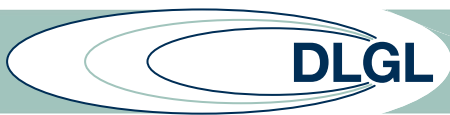
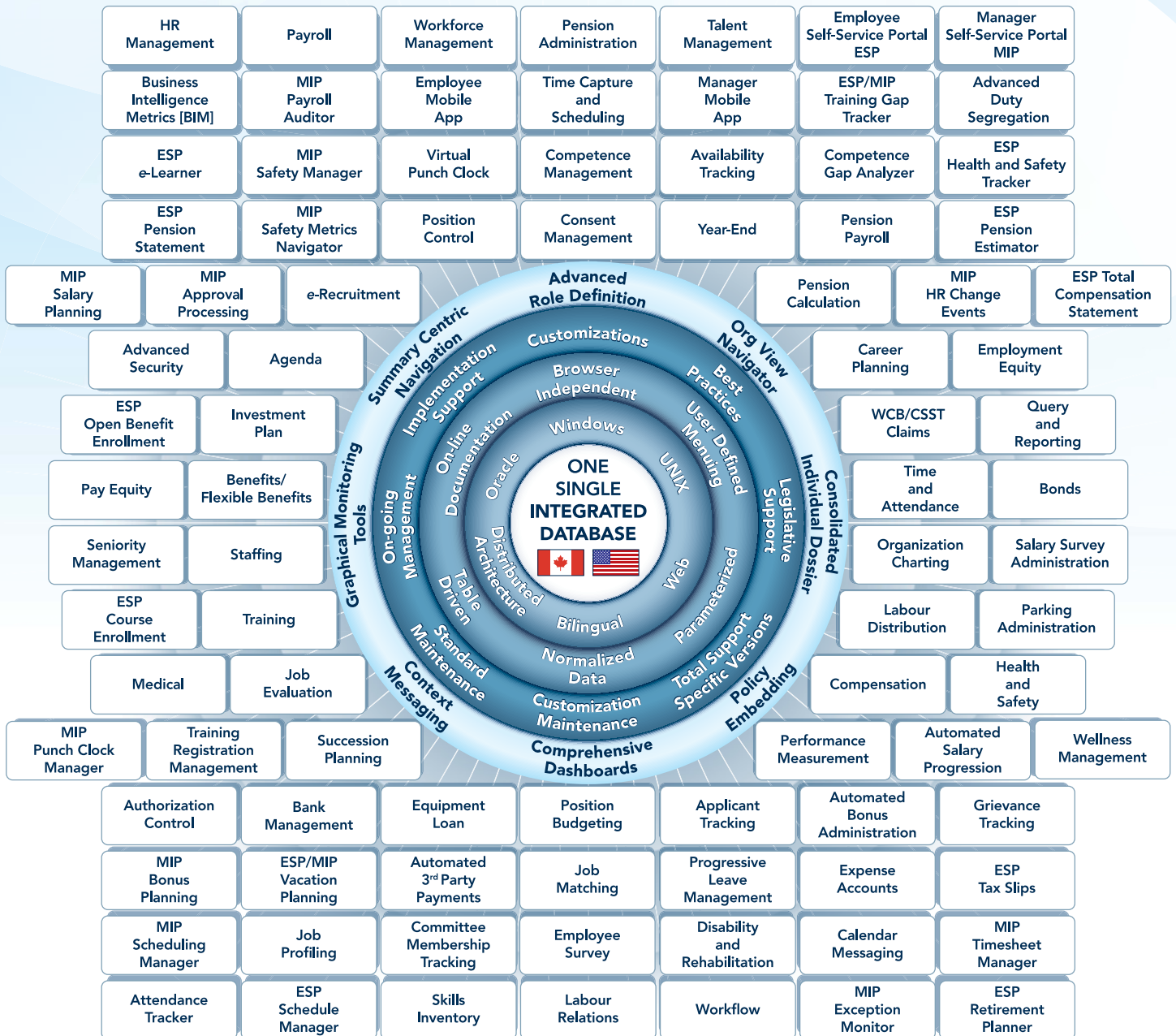


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BY PHIL WILSON, SHRP

KILLING THE CANADIAN EXPERIENCE PARADOX

We've all heard the tale of the internationally trained doctor turned Canadian cab driver. It seems like the new Canadian immigrant story sees many highly educated newcomers arrive in this country only to be shut out of their chosen profession for want of "Canadian experience."

For many, getting accredited and finding work in their profession is a hurdle requiring as much effort as actually immigrating to this country. According to the recent HRP CanadaWorks 2025 whitepaper, *The Role of Immigration in Achieving a Prosperous Future*, on average, it takes 10 years for immigrants new to Canada to be hired in jobs for which they are qualified, and even then they are often not working at their optimal skill levels.

The reason? The Canadian experience "Catch 22": Getting accredited by professional regulatory bodies or getting hired by employers requires job experience in Canada. Getting Canadian job experience requires getting hired. In the meantime, professional newcomers take survival jobs, such as driving cabs or working in kitchens, to feed and house their families.

REMOVING THE CANADIAN EXPERIENCE BARRIER

In July, the Ontario Human Rights Commission took steps to remove

this Catch 22—a new policy that sets out the commission's position that a strict requirement for "Canadian experience" is discriminatory, and can only be used in rare circumstances. Employers and regulatory bodies need to ask about all of a job applicant's previous work, including global experience—where they got their experience does not matter. The policy also tells employers and regulatory bodies how to develop practices, policies and programs that do not result in discrimination.

(HRPA is ahead of the curve in recognizing the global experience of internationally educated HR professionals. The association doesn't require Canadian experience as part of the CHRP experience requirement—international experience is accepted as long as it meets the criteria of being professional-level HR experience. It is also a member of ACCES Employment's HR Connections program—a seven-week bridging program designed to integrate internationally trained human resources professionals.)

In an era where the McKinsey War for Talent is quickly coming to fruition—notably for high skill jobs in engineering, IT and accounting—and where fast-aging economies across the West are competing for international talent, Canadian organizations can't really afford to be asking

for Canuck experience anyway. Put up a stumbling block like that and word will get out among the best and brightest that maybe Canada's not the greatest place to build your dreams. In recruitment terms, Canada cannot afford to tarnish its "employment brand."

Removing the Canadian-experience barrier will also help propel us towards a Northern Tiger future, as envisioned in last year's CanadaWorks 2025 report—a coming decade in which industry is healthy, the economy is competitive, innovation is flourishing and education and immigration meets the demand for their employment.

As discussed in *The Role of Immigration in Achieving a Prosperous Future* whitepaper, "what we need is a 'real time' immigration system, in which it is literally a matter of weeks and months, instead of years, for a prospective immigrant to apply for admission to Canada, arrive and start work in his or her field."

The problem of skilled labour shortages has to be resolved through easier, quicker accreditation systems, faster application cycles and matching immigrant skills to the demand of the labour market at the time of selection—all of which necessitates the removal of any Canadian-experience barriers. ●

Phil Wilson, SHRP is a chair of the Human Resources Professionals Association (HRPA).

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CHRP VALUE

In September, HRP and compensation specialists PayScale Inc. released a report showing the correlation of the Certified Human Resources Professional (CHRP) designation on annual salaries, earning potential and career progression. The new report, *Fuel for HR Careers*, shows HR managers holding a CHRP typically have annual salaries that are 13 per cent higher than colleagues without the certification.

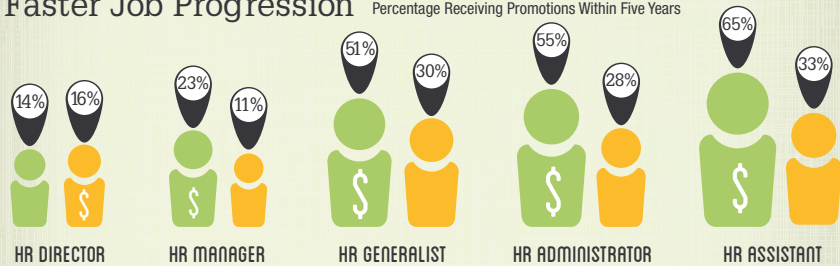
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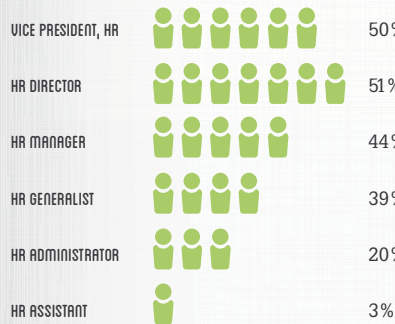
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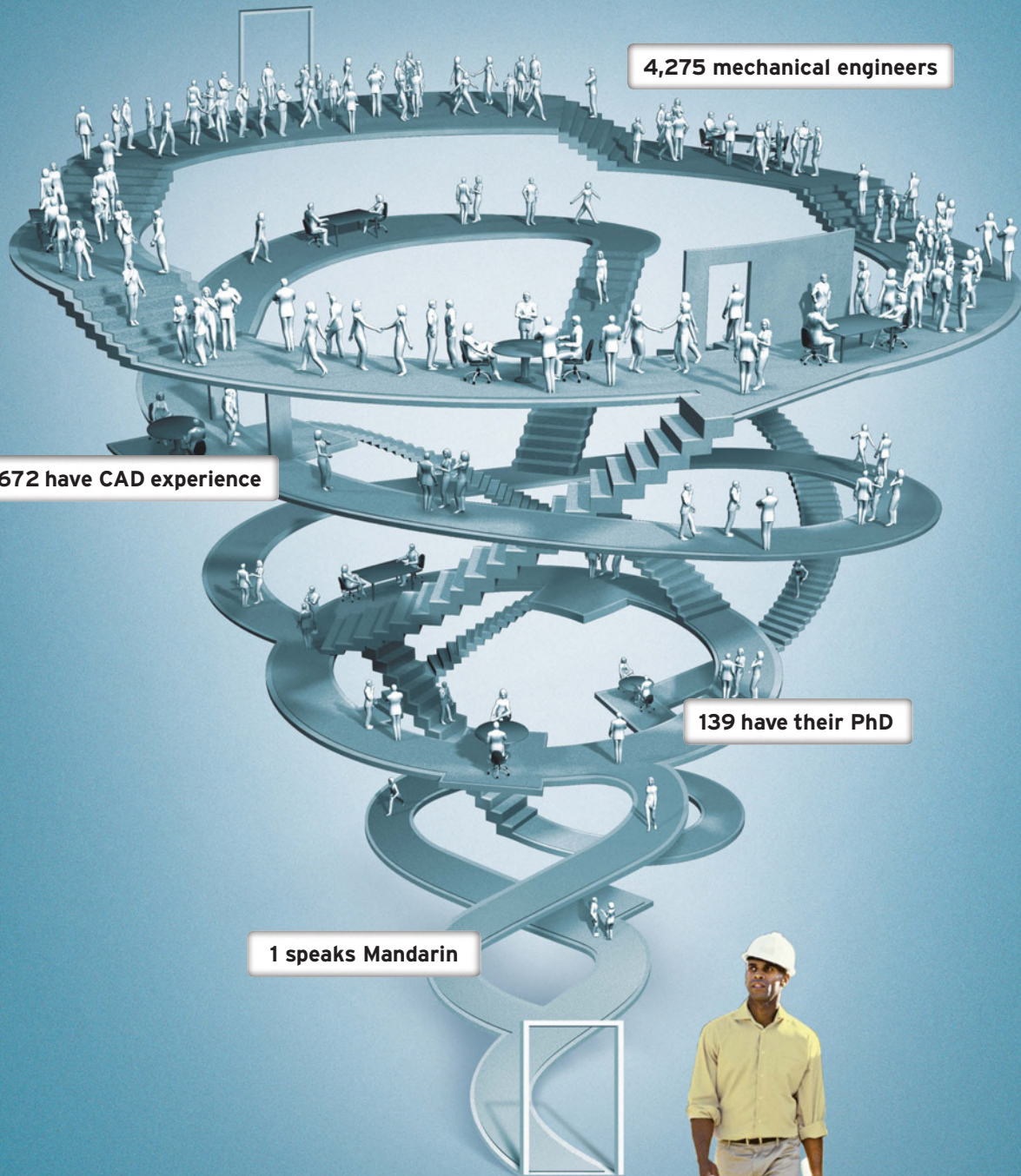


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BY LAURIE JESSOME AND KRISTIN TAYLOR

RETAINING EMPLOYEES BEFORE, DURING AND AFTER A SALE OF A BUSINESS—PART 2

This article concludes our series on the topic of employee retention in the context of the sale of a business. Last month's article addressed the structure of the transaction and pre-sale implications, including retention and change in control bonuses. This article picks up once a binding letter of intent has been signed and addresses the impact of the sale on employees and post-closing considerations.

THE SALE IS HAPPENING— HOW ARE EMPLOYEES IMPACTED?

While a sale of shares does not interrupt an employment relationship, a sale of assets has the potential to do so. This is because at common law, the closing of an asset sale terminates the employment of the vendor's employees. If, however, the vendor's employees accept employment with the purchaser immediately following the sale, employment standards legislation ensures that their employment will continue as though their service had not been interrupted. This legislative requirement has very different implications for vendors and purchasers.

VENDOR'S PERSPECTIVE

Leaving aside many vendor's desire to ensure that its employees are treated well post-closing, from a pure financial standpoint, most vendors will want to minimize their termination liability on the closing of the sale. The more the vendor can avoid paying out termination and severance costs, the more it will realize by way of profit. There are two strategies for the vendor to consider utilizing to achieve its goal.

The first strategy is to provide employees with written notice of termination of employment, conditional on the closing of the sale. If employees are provided with at least eight-weeks' written notice of termination, they will work out their maximum individual



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entitlement to notice or pay in lieu of notice, as mandated by employment standards legislation. This is an important strategy if the vendor is certain that either the purchaser will not be offering the employee employment post-closing or that the purchaser's offer will not be as good as the terms and conditions under which the employee is currently employed.

Even where the vendor expects employees to ultimately continue on with the purchaser, providing employees with a written notice of termination can be destructive to employee morale and retention rates. It is far more desirable to coordinate with the purchaser to ensure that employees receive both the termination notice and the offer of employment

simultaneously. From the vendor's perspective, simultaneous delivery of these two documents to employees is ideal, as it permits the employees to see how their employment will continue uninterrupted post-closing. It also serves to dispel the considerable anxiety that may otherwise be building up as employees seek to understand the implications of the sale.

Prescribing how many employees the purchaser will offer employment to and the terms and conditions of that offer is the vendor's second strategy to minimize termination and severance costs. If the vendor can negotiate the purchaser's commitment to offer employment to all employees on terms and conditions that are the same as or either comparable or substantially similar in the aggregate post-closing as they were pre-closing, it will restrict its liability to minimum employment standards entitlements. Common-law liability will be avoided because, if an employee refused the purchaser's offer in these circumstances, the employee will have failed to mitigate his or her damages.

It is important to note that employment standards minimums are not subject to mitigation. If, however, the vendor has provided written notice of termination prior to the sale equal to or greater than the employee's employment standards' notice entitlement, it will have eliminated this entitlement entirely. (We note that Ontario employers cannot avoid their statutory severance pay obligation through working notice.)

PURCHASER'S PERSPECTIVE

The purchaser's interests are very different from those of the vendor insofar as employees are concerned. Most purchasers wish to avoid inheriting all of the existing liabilities associated with the vendor's employees, particularly where there is a large group of long-service employees, or where the vendor did not make prudent use of employment agreements. The



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purchaser may also want to pick and choose which employees to retain.

Where this is the case, the purchaser must be careful to avoid any discriminatory considerations in its decision-making, especially if there are employees on parental leave or long-term disability leave. Purchasers are often reluctant to offer employment to employees of a vendor who are absent from the workplace due to some kind of leave of absence. Some purchasers seek to make any offer to an employee on leave conditional on the employees' ability to return to work. The purchaser also may be dissatisfied with the terms and conditions of employment offered by the vendor and seek to restrict its liability and/or make those terms and conditions more consistent with those offered to existing employees. Where this is the case, the purchaser must balance its

desire to retain employees and to get off on the "right foot" with its desire to integrate those employees into an existing workforce and minimize inherited liabilities.

The earlier the purchaser is able to offer employment to the employees and the more similar those terms and conditions of employment are to existing terms, the greater the likelihood that employees will be retained post-closing. The purchaser should also consider whether there are critical employees who should be dealt with differently and perhaps offered enhanced terms to convince them to ride out the uncertainty associated with the sale. As part of these enhanced terms, the purchaser may also seek restrictive covenants: confidentiality, non-solicitation and, in appropriate cases, non-competition clauses to provide greater protection. The clauses proposed in post-closing

employment agreements should be designed to grow with the business and should not be static as the business existed at the time of closing. They should also be specifically tailored to the employee in question and should appropriately address the actual threat posed by that employee in the event of a departure to a competitor.

If the purchaser intends to make substantial changes to the vendor's operation post-closing, it should take great care in its communication to the employees pre-closing. Not only will it not want to make commitments it cannot keep, but it will want to consider the timing of its announcements to avoid panicking those employees it has identified as "keepers." Ideally, large-scale changes should only be announced after the purchaser has assumed control of the workplace and has the freedom to

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communicate and negotiate directly with key employees.

AFTER CLOSING—WHO IS LEFT AND HOW LONG ARE THEY STAYING?

Retaining employees post-closing will be an exercise in change management. Communication and establishing credibility and trust will be critical. It is common for purchasers to use fixed-term employment agreements to attempt to guarantee that key employees remain in the workplace post-closing and assist with the transition. It is advisable to include a “stay bonus” as part of that contractual arrangement, thus ensuring that key employees have the proper incentive to remain with the new owner through any transition period.

If the purchaser is retaining new employees on a permanent basis, it will be important to keep those employees engaged despite their natural tendency to resist the transition and adjust to a new culture. It is very common for there to be significant differences in reporting structures, bonus arrangements, titles, hours of work and office environments. Employees will often struggle to adjust to new expectations and may perceive all changes as a threat to their job security or as a sign that the new owner does not value their contribution. It is advisable to be transparent about the reasons that certain changes are being implemented and, wherever possible, to avoid targeting individual employees for significant job changes. Any such modifications should be part of an overall integration strategy or clearly communicated restructuring.

Many transactions involve a hold back of funds to permit the purchaser to identify and exit poor performers and those employees who are unable to adapt and are not, therefore, “keepers.” Where this is the case, the purchaser will need to make its decisions within the time permitted under the agreement in order to set off the

termination costs against the funds held back.

Financial incentives, new benefits programs and new opportunities for advancement all can create loyalty and engagement once a sale transaction has closed. How the purchaser handles the challenge of integration and transition will be critical not only

to retaining employees, but also to optimizing the benefits of the sale. ●

Laurie Jessome and Kristin Taylor are partners in Cassels Brock's employment and labour law group regularly advising and representing employers in all aspects of employment law. Laurie can be reached at 416-642-7474 / ljessome@casselsbrock.com. Kristin can be reached at 416-860-2973 / ktaylor@casselsbrock.com.



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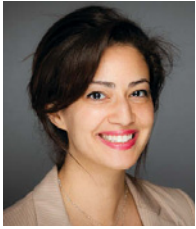
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WELCOME BACK: HOW TO HANDLE BENEFITS DURING DISABILITY LEAVE AND RETURN-TO-WORK

BY Yafa SAKKEJHA

If your company has long-term disability (LTD) benefits, failing to create written policies about employee-on-leave employment and benefits could result in headaches and/or lawsuits.

Here are some tips in the event of an LTD claimant returning to work.

ALWAYS MAINTAIN THEIR POSITION DURING THE LEAVE

It's practically gospel that a sick employee cannot be terminated. However, they can be, if they have frustrated their contract.

Frustration of contract refers to when "both parties are relieved of their contractual obligation to perform when there is an unforeseen change in circumstances that renders further performance impossible, impracticable or radically different," according to Malcolm MacKillop from Shields O'Donnell MacKillop LLP.

In the first few years of sick leave, before the employee frustrates his or her contract, here is when an employer is at risk:

- The employer eliminated or significantly changed the job.
- The employer gave the job to someone else.

According to common law, below are the criteria to decide whether it is reasonable that the employee has frustrated the contract, and can therefore be terminated:

- The employee has been on sick leave for two to three years.
- The employee is likely never returning due to permanent disability.
- The employer offered to accommodate, but the employee declined.

- The employer accommodated the individual employee to the point of undue hardship.
- The employee refused to provide sufficient medical information to the LTD claim adjudicator.
- The insurer and/or CPP disability have rejected the disability claim, yet the employee still refuses to return to work.

In these cases, the courts have found that it is reasonable for the employer to terminate the employee's employment and benefits. Note that you must provide severance upon termination, depending upon your payroll and jurisdiction.

HAVE A POLICY STATING HOW LONG BENEFITS LAST DURING SICK LEAVE

Many employers do not have a written benefits policy for employees who are on LTD. It is not unheard of to have a company with an employee who is on LTD, hasn't worked in years, but is still on the benefit plan. This affects the company's premiums, since a sick employee might claim a large amount in drug costs.

If an employee is on an expensive drug, and the employer wishes to terminate them due to their impact on premiums, it could invite a constructive dismissal lawsuit. However, there is no law mandating that benefits must be provided.

Employers should write a policy that they will allow participation on the plan for a set amount of time while on LTD—one year is reasonable—after which, the employee's health and dental benefits will be discontinued.

If you don't have one, write one immediately and circulate it to all employees. Send a separate letter to any employee who is on LTD notifying them of the policy.

If your plan has an employee contribution portion, your letter can inform them that they have accidentally been receiving benefits at no cost, and to please pay what they owe retroactive to their last day worked. If they refuse, notify them that benefits will end in 30 days. If your plan has no contributions, send a letter indicating that the policy provides benefits for one year post-disability, and that they have exceeded this timeframe. Educate them on their options to convert their benefits to an individual plan.

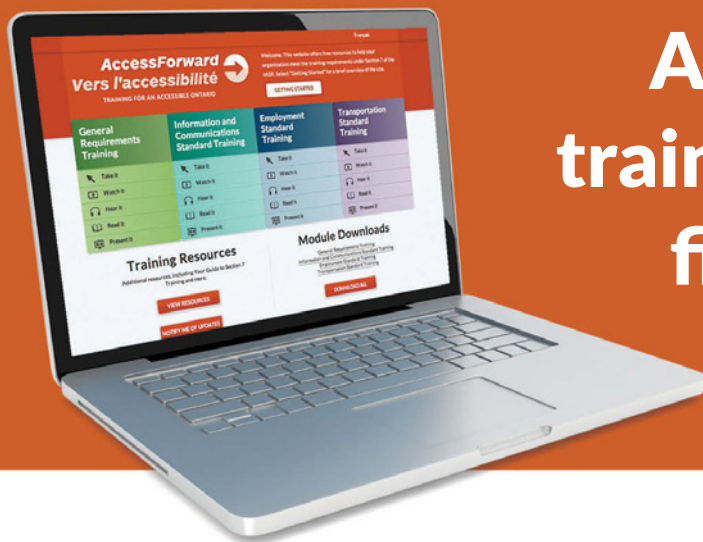
If they have a large drug claim, educate them on their options for drug subsidies: their provincial drug plan, drug manufacturer assistance or hospital subsidies.

The risk of lawsuit here is low, since the maximum loss would be a few thousand dollars.

RESPECT THEIR PRIVACY

Privacy laws prevent employers from releasing medical information to an insurer if the employee has not provided written consent. However, privacy laws do not prevent employers or insurers from conducting video surveillance on an employee without consent to determine if their disability claim is genuine.

Keith Edwards, SVP of SCM Insurance Services, advises that "there is an exception to PIPEDA where collection without consent is



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allowed if there is reason to believe that a law is or may be breached. Fraud would qualify.”

Further, Shane Swinson, VP of Forensic Investigators Canada, says, “PIPEDA regulates the commercial collection of personal information in the private sector. An employer-employee relationship is not a commercial relationship.”

However, note that one insurer was reprimanded when they submitted 140 hours of surveillance that ended up being dismissible (see *Fernandes v. Penncorp*).

BE WELCOMING ON THE FIRST DAY BACK

Rebecca McAfee, manager of Rehab Services in Disability Claims with

The Co-operators Life, encourages employers to co-operate with the insurer. If the carrier asks for information, supply it—they are trying to assess what the employee’s baseline performance was before the disability, so they know how much rehabilitation is required.

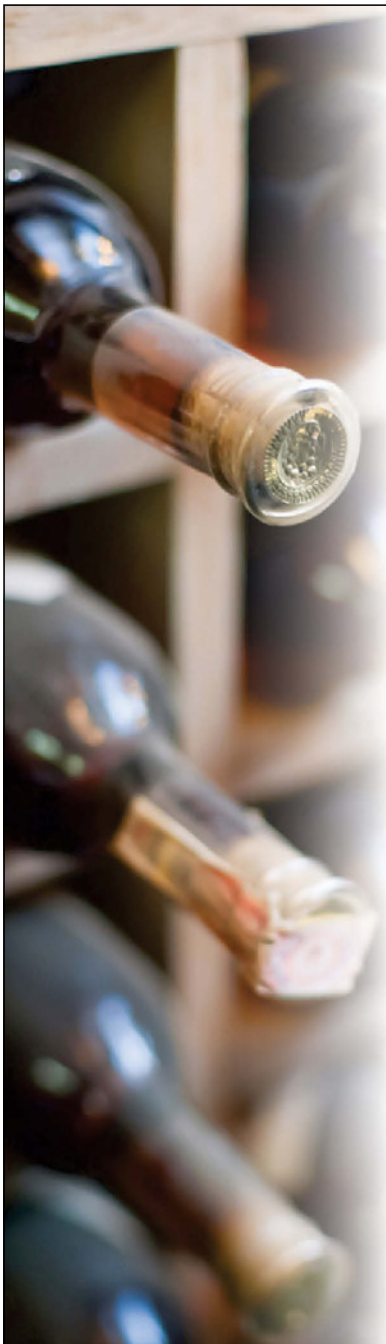
“The employers who allow us to intervene earlier get a swifter return-to-work date,” says McAfee. She suggests having strong communication between all parties, having no surprises and providing a positive atmosphere when they welcome them back.

“We recommend that they have a loved one drive them to work on their first day back. Treat them like you would treat a brand-new employee: pair them with a mentor, don’t have too many expectations and allow them time to ramp-up. Create a welcome as you would someone who was on maternity,” she advises.

TAKE-AWAYS

1. Write a policy stating the amount of time off your company considers to be frustration of contract.
2. Put a reminder in your calendar when the employee has reached this date.
3. Continue to communicate with employees on sick leave to determine what accommodation is needed for their return.
4. Write a policy stating the amount of time an employee is allowed benefits while on disability. If any monetary contributions are required, share it with the employee.
5. Discuss the status of the “life waiver” with your insurer.
6. Do not share medical information unless you have written consent.
7. If you are going to conduct surveillance, be reasonable.
8. Always act in good faith. ●

Yafa Sakkejha is the general manager at the Beneplan Co-operative, a buying group for employee benefits. yafa@beneplan.net 1-800-387-1670, ex. 252. Read more tips from Yafa Sakkejha at www.hrpromag.com.



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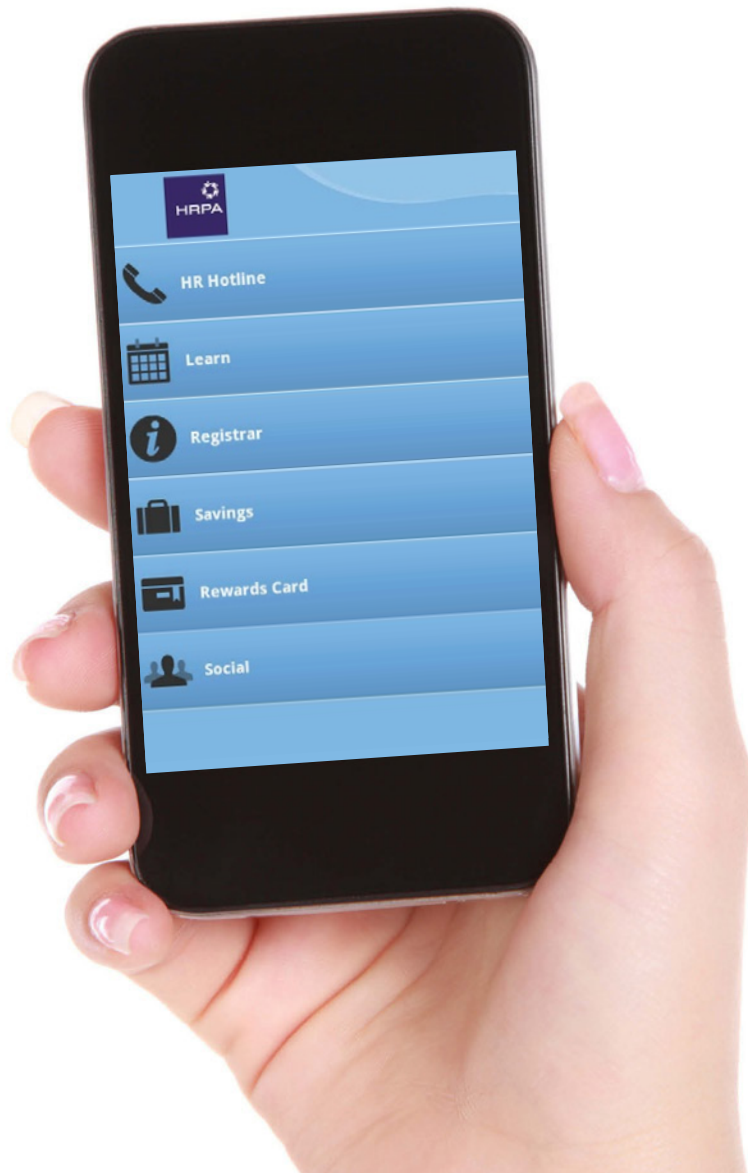
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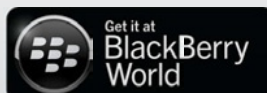
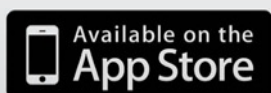
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Supreme Court Rejects Random Alcohol Testing Policy in Dangerous Workplaces

Recent decision establishes that random alcohol and drug testing is generally not allowed in Canada

BY KYLA STOTT-JESS AND KATIE CLAYTON

Canada's highest court has ruled that random drug and alcohol testing in the workplace may violate privacy rights. In *Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper Ltd.*, the Supreme Court of Canada (SCC) considered the validity of a random alcohol testing policy in a unionized workplace. Although the SCC recognized that random testing may be imposed where it is a "proportionate response" to safety and privacy interests, six of the nine judges agreed with the original arbitration board—there was insufficient evidence of an alcohol-related problem at the workplace. On the facts

of this case, the impact of random testing on employee privacy was not justified.

BACKGROUND

Irving operates a paper mill in Saint John, NB. In 2006, it unilaterally adopted a drug and alcohol policy under the management rights clause of the collective agreement. This policy imposed random alcohol testing for employees in "safety sensitive" positions. Under the policy, 10 per cent of the employees in safety sensitive positions were randomly selected for breathalyser testing over the course of a year. A positive test attracted significant disciplinary action, including dismissal. Failure to submit to testing was grounds for immediate dismissal.

Perley Day, a member of the union, was tested under this policy. Although he passed, his union filed a grievance on his behalf to challenge the legitimacy of the policy. The union alleged that, in the absence of an alcohol-related incident at the workplace, there were no reasonable grounds to randomly test employees for alcohol.

ARBITRATION BOARD SIDES WITH UNION

The arbitration board that heard the union's case allowed the grievance. Crucial to its decision was the absence of evidence to indicate any real risk associated with alcohol. There were only eight documented incidents of alcohol consumption or impairment at the mill in the 15 years prior to the implementation of the policy. And there were no accidents or injuries associated with alcohol use at all. Further,



by the time the arbitration was heard in December 2008, not one employee had tested positive under the policy.

The arbitration board also emphasized the importance of protecting employee privacy. It said that alcohol testing involves bodily intrusion and public embarrassment. In its opinion, the gains likely to result to Irving from random alcohol testing were minimal at best, and the inroads into

employee privacy were out of proportion to any benefit. As a result, the policy was unreasonable and set aside.

ARBITRATION BOARD'S DECISION INITIALLY OVERTURNED

Irving applied for judicial review of the board's decision. On review, the decision was set aside as unreasonable because of the inherent dangerousness of the workplace.

HOW FAR-REACHING WILL THE IRVING PULP & PAPER DECISION BE?

BY CLAYTON JONES

The implications of the Irving decision will undoubtedly be far-reaching, including on two prominent cases currently being heard by arbitrators in Alberta and British Columbia, which deal with random drug testing—Suncor Energy and Teck (Coal).

SUNCOR ENERGY CASE

Suncor signed on to a “pilot project” intended to allow for random drug and alcohol testing of oilsands workers in safety sensitive positions. In July 2012, the CEP, the union representing affected workers, filed a grievance challenging Suncor's plans to implement random drug testing. When Suncor subsequently advised that it intended to proceed with the testing in the face of the grievance, the union headed off to court to obtain a temporary injunction. The union was successful in getting its injunction, which Suncor appealed.

On appeal, the Alberta Court of Appeal ruled against Suncor. In upholding the injunction, the Alberta Court noted that just three of the seven fatalities at Suncor's operations in Alberta since 2000 involved workers under the influence of drugs and/or alcohol. In addition, only six per cent of employees who were tested post-incident had turned up positive for drugs or alcohol.

The arbitration hearing dealing with the merits of the union's grievance began the first week in January and is continuing.

TECK (COAL) CASE

In 2012, Teck implemented a new drug and alcohol testing policy applying to workers at its mines located in the Elk Valley in southeast BC. It provided for random drug testing in addition to the testing regime Teck already had in place. The Steelworkers, the union that represents affected workers, initially responded by filing a grievance. However, when the union could not persuade Teck to hold off on implementation of random drug testing until the outcome of the arbitration process, it took further action including applying to the arbitrator for an interim order prohibiting Teck from continuing to implement the testing.

Arbitrator Taylor rendered his decision in the matter on May 9, 2013, ruling in favour of Teck. In his decision,

after finding that both parties had established irreparable harm, the arbitrator turned to balancing the degrees of irreparable harm. He concluded based on the evidence presented that the interest with the greatest degree of irreparable harm was Teck's interest in safety. Both sides presented expert evidence at the hearing pertaining to the issue of the effectiveness of random drug and alcohol testing on the prevention of industrial accidents. While not factoring into the arbitrator's decision, Teck also submitted that over the past five years there were approximately 50 post-incident tests that came back positive for drugs, which the union argued was low in the context of the number of post-incident tests overall.

The arbitration hearing into the merits of the grievance has yet to begin.

IMPLICATIONS OF THE IRVING PULP & PAPER CASE

The Supreme Court of Canada in the *Irving Pulp & Paper* case indicated that an employer will normally need to demonstrate evidence of an enhanced safety risk in the workplace such as evidence of a general workplace problem as it relates to drugs and/or alcohol before it can implement a policy of random testing. While there was no discussion of the level of evidence needed to tip the scales in favour of random testing, the Court sided with the decision of the arbitrator where the evidence was that there was only a small number of alcohol-related incidents at the mill in the 15 years prior.

As a result, the employers in the *Suncor Energy* and *Teck (Coal)* cases may find themselves needing to gather better evidence than they currently have to bolster their cases. Otherwise, they will be required to show that, despite the absence of a demonstrated problem with drug or alcohol use in the workplace, random testing nevertheless represents a proportionate response in the circumstances of the case taking into account both safety and privacy interests. In the wake of *Irving Pulp & Paper*, this may be difficult.

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The union appealed, but the New Brunswick Court of Appeal, dismissed the appeal. It said that employers are allowed to unilaterally impose alcohol testing in dangerous workplaces, unionized or not, without having to provide evidence of an existing problem with alcohol use.

SUPREME COURT ALLOWS APPEAL

A majority of the Supreme Court disagreed with the Court of Appeal and remarked that a substantial body of arbitral jurisprudence provided a valuable benchmark for assessing the arbitration board's decision. The SCC determined that the Court of Appeal had relied too heavily on the "dangerousness" of the workplace. Rather, random testing requires "reasonable cause," such as evidence of a general problem of substance abuse. Safety risks, it said, are only the beginning of the inquiry.

The majority of the SCC found that the arbitration board had rightly determined that there was insufficient evidence of an alcohol-related problem at the mill. In its view, then, the impact of random testing on employee privacy was not justified. The expected safety gains to the employer were found to range from uncertain to minimal, while the impact on an employee's privacy was severe. The arbitration board's decision was within the range of reasonable outcomes and was not disturbed.

The three dissenting SCC judges would have agreed with the Court of Appeal's decision. Although they agreed that there must be some evidence of alcohol use in the workplace to justify random testing, they argued that evidence of a "serious" or "significant" problem is not necessary. Unfortunately for employers, their decision did not rule the day.

TAKEAWAY FOR EMPLOYERS

Irving establishes that random alcohol and drug testing is generally not allowed in Canada. This decision will have a significant effect on any employers who have been randomly testing employees for drug and alcohol use. Although the court recognized that random testing may be imposed where it is a "proportionate response" to safety and privacy interests, this case leaves employers with a much higher bar to clear. ●

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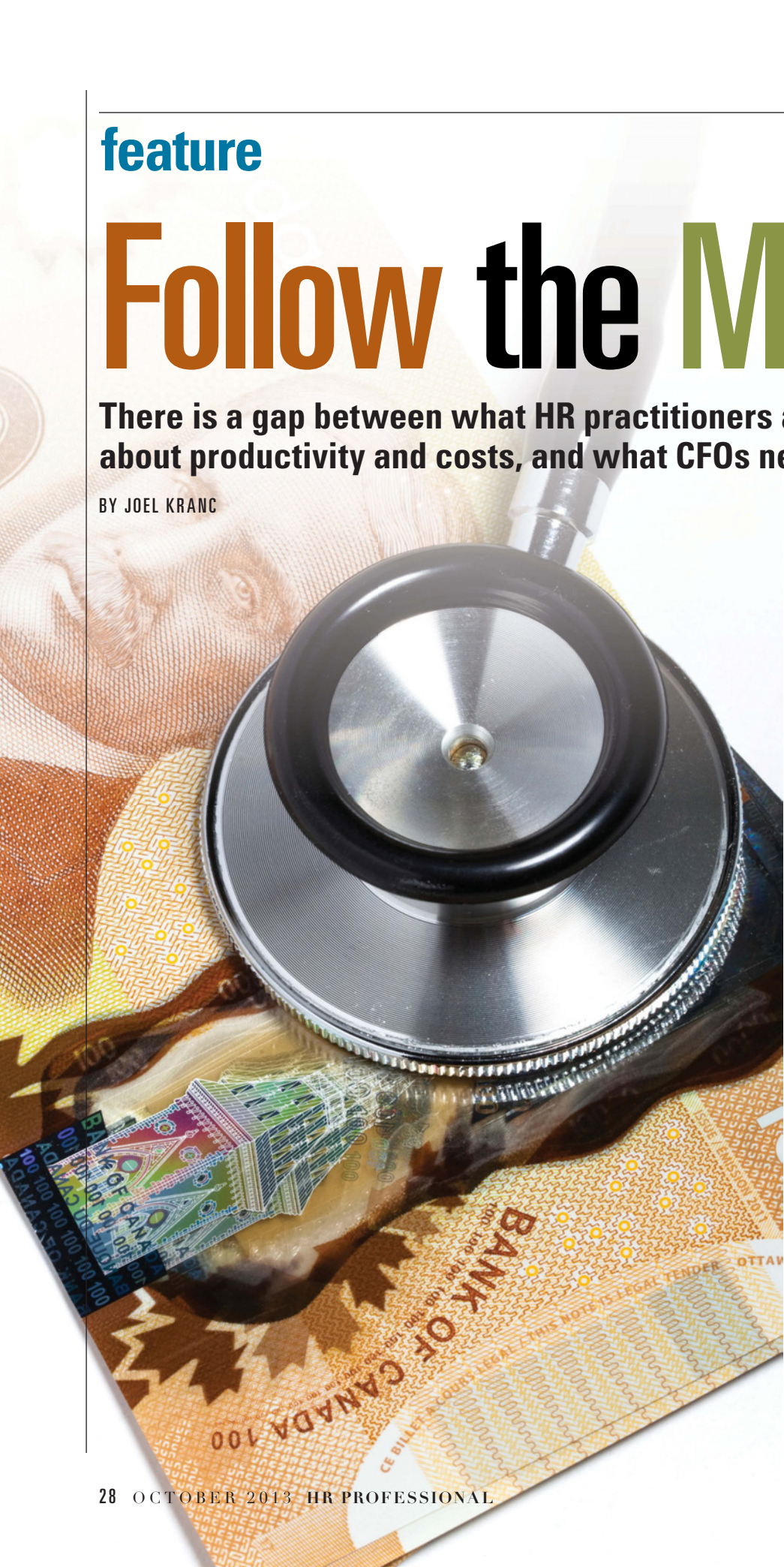


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Follow the Money

There is a gap between what HR practitioners already know about productivity and costs, and what CFOs need to learn

BY JOEL KRANC



Everything in the workplace is tied to the bottom line. While managing the levers of profit and revenue is paramount, managing costs plays an important part of any company's strategy. HR professionals have an important role in that scenario, in that people management, their health, well-being, engagement and overall work morale is directly tied to their productivity and, ultimately, company success.

It's hard, however, to mention costs without considering the financial leaders of companies, usually the chief financial officers (CFOs). Their task, alongside the goals of other senior leaders, is to ensure costs are kept to a minimum so that the business can operate efficiently and productively.

One such cost, tied to productivity, is that of healthcare and benefits. As the population ages, as better and more expensive drugs are produced (such as biologics) and as more catastrophic drug coverage becomes part of the workplace benefits plan, CFOs need to ensure worker demands

can be met within certain financial realities.

Perhaps one of the more shocking statistics within this topic comes from a recent Financial Executives International and Morneau Shepell study entitled *Banking on Productivity: Managing Employee Health Costs*, which shows more than 50 per cent of Canadian financial leaders say employee health, drug and disability costs have increased or are expected to increase. However, only 15 per cent of them have considered a funding strategy to address the impact of those future cost drivers.

"Everything we brought to the table were future issues," says Paula Allen, vice-president, research and integrative solutions with Morneau Shepell. "They're talking about trends in terms of mental health, legislation, trends in terms of compensable injuries under Workers' Compensation related to mental health, trends in terms of biologic medication in terms of where future costs are going to go. So, I really think we are at the starting point of employers taking action in all of these areas," she explains.

Allen says that particular statistic is important because it sets a baseline for HR and CFOs. The expectation is that it would increase over time as they become more aware of issues and as they realize they have to have a multi-faceted approach of a funding and mitigation strategy.

And while the trends are at the beginning stages and employers are starting to look at the costs, the numbers still appear low. Seemingly, leaders should have been looking at these costs a long time ago.

Roger Rees is CFO with SCI Group in Toronto. He says that sometimes, siloed departments can often miss important issues. "A lot of the responsibility in terms of healthcare costs and pension benefits etc., in a lot of companies, is with HR," explains Rees. "You could argue, why isn't the CFO more involved with that, and in reality we should be. I think [the numbers] are so low because [health costs] have not been the number-one primary focus of a CFO in the traditional sense."

Rees says that SCI has worked out an arrangement, by using the services of one of its own clients, that allows for home delivery of prescription drugs to its employees. This brings down the cost and provides a less stressful delivery method for workers, he says, and is one tangible way to deal with future rising costs.

FUNDING STRATEGIES

In terms of actually looking at the costs and deciding the best strategies for one's organization, Allen says employers will need to look at the demographics of the organization and get information from workers about what's important to them.

Also, efficiency in how programs are run is important. Much like when companies

merge or are acquired, one of the first exercises is to look at where overlap occurs and where efficiencies can be found. Allen suggests that similar exercises should occur across the board with health and program management.

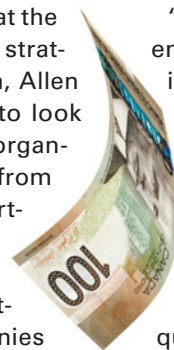
The report mentions other methods such as negotiating cost reductions/ changing providers (51 per cent say that is effective), using case management to reduce the duration of disability claims (52 per cent say that is effective) and reduce the amount paid for benefits and/or increase the amount paid by employees (44 per cent say that is effective).

One of the problems for companies in addressing health costs is that the survey shows many of them lack analytic tools that can help them meet their goals. For example, the survey points out that 12 per cent of CFOs say they did not have any analytic tools to help them with projecting, planning or tracking costs. Three per cent say their tools are insufficient and another 12 per cent say their tools provided an understanding of current cost drivers yet lacked projection capabilities.

"I think this is not an issue for employers but is an issue for the industry," notes Allen. "Employers should stop accepting the fact that those tools are not readily available and push the industry to provide better analytics so they can make better decisions."

On the positive side, says the report, 47 per cent of CFOs questioned say they have the tools to provide either a comprehensive or at least reasonable understanding of current and projected cost drivers. Twenty-six per cent say their tools provide only a basic level of understanding and lack enough details for planning and tracking.

Rees says while a lot of the burden rests with HR (in his company), processes are being put into place to bridge the gap and get a better



HR PROFESSIONALS WILL NEED TO WORK TOGETHER TO ENSURE FINANCIAL IMPLICATIONS MATCH WORKPLACE HEALTH REALITIES.

feature

understanding of the financial implications. “We rely on the HR function to provide us with details around health and safety, attendance, turnover, recruitment and the demographic age profile of the company. We’re investing to automate a lot of those processes. It’s a manual exercise today but we are looking to automate those HR processes and

to integrate them into our financial planning process.”

Interestingly, in the U.S., a recent survey produced by Towers Watson entitled *Driving Performance Through Enhanced HR/Finance Collaboration* indicates there is alignment between HR and finance, but there is

room for more. Towers says that 40 per cent of finance executives say they work most closely with HR on benefits, compared to 57 per cent of HR executives who say the same thing about working with finance. Clearly, there is a gap that needs to be narrowed if goals are to be aligned.



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MENTAL HEALTH

The FEI/Morneau report notes that stress and mental health issues remain the top employee-cost risks among small, medium and large companies. Thirty-eight per cent of small companies, 45 per cent of medium size companies and 60 per cent of large companies see it as a significant risk. Says Allen: “All [health programs] should have mental health competencies and mental health quality services—really addressing the mental health issue as the top priority. So if you can only invest in one thing you probably would be wise to invest in a workplace mental health promotion program versus something else.”

More than ever, the functions of HR are becoming the functions of an entire company. Ensuring employees are getting what they need in terms of a health promotion program, workplace support of health, how providers are selected and employee assistance programs, will ultimately aid in the productivity and profitability of a company. Because costs are associated with that, the CFOs and HR professionals will need to work together to ensure financial implications match workplace health realities. ●






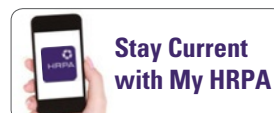
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Motivating Gen Y: Three Highly Effective Incentives

Gen Y employees are different and traditional incentives may not be enough to motivate them. Is your company ready for them?

BY UROOJ KAZI

Creating a workplace that motivates all employees, retains the best ones and brings onboard younger talent calls for an amalgamation of different incentive solutions—there is no one-size-fits-all.

Enter Gen Y, a.k.a. the millennials, and the situation gets more complicated. Broadly defined as those born in the 1980s and 90s, they are markedly different from the generations that preceded them, Gen X and the Baby Boomers. Companies are jumping through hoops to meet their demands and not without reason. They bring to the corporate world a plethora of fresh skills; they are social, tech savvy and collaborative. Besides, they have made their entry at a time when the boomers are entering retirement and companies need to keep their employee pipelines running.

EMPLOYEE INCENTIVES EVOLUTION

The knowledge of what really motivates us, in general, and employees, in particular, has changed over the years

with contributions from behavioural science, as well as leadership and management studies. The carrot-and-stick approach has been identified for what it is: a short-term strategy that does more harm than good. Monetary incentives have lost their shine and Gen Y is clamouring for a complete overhaul of the way we do business. In this scenario, many companies have failed to answer changing needs—in essence: failed to evolve. And, we know what happens when an entity fails to evolve.

Lior Arussy, CEO and founder of Strativity, pointed out this disparity in the speed with which employees and their expectations from their employers are evolving and the speed at which management is playing catch up. “Employee engagement is probably one of the most misunderstood elements in management today, because traditional managers, who probably learned how to manage in the 80s or 90s, are following a very top-down approach,” he says.

“In an era where we are fighting to delight the customer, not just to meet their expectations but also to exceed their





expectations, we are now dependent on a loose set of capabilities from employees that cannot be dictated from the top, such as creativity, caring and problem resolution. You cannot pay someone to follow these things sincerely. The manager needs to engage them and create a new culture that will make them want to do it," adds Arussy.

So, is Gen Y bringing in a culture that will cause the death of annual rewards, plaques and formalized incentives? Jeffrey Fina, chief business development officer at Michael C. Fina, disagrees. "Traditional incentives still exist. It is just that, years ago, those were the only type of incentives that existed. Now, you have more informal, more collaborative, more socially based ones that are added to the complete mix, leading to a whole new incentive strategy," he says.

SOCIAL RECOGNITION

TD Canada Trust, Virgin Media and JetBlue Airways have one thing in common—they have made social recognition a vital part of their employee engagement and motivation strategy. Social recognition is the development of virtual platforms within organizations, based on the real-time, collaborative model of popular social-networking websites.

Social recognition platforms allow managers to leverage the power of recognition to an unprecedented level and boost motivation and productivity several folds. Recent research, based on Michael C. Fina's customers' experiences, shows that socializing recognition could increase engagement by a factor of 17. Jeffrey explains, "One of the most important factors in employee engagement is the manager-to-peer relationship and ensuring that the manager is engaged in recognizing the peer. However, this recognition is siloed. Now, if I give the manager a social recognition platform, she can socialize it to an average of 17 other people to congratulate one person."

Seen from a Gen Y perspective, this approach is a definite winner. With their love for social media, they tend to be more productive when working in an environment that provides a virtual social platform for them to communicate, recognize and get recognized across the organization.

REWARD PERSONALIZATION

The Fermont Hotel in Canada has an impressive employee incentive program. However, its "Employee of the Month" does not get a prize or plaque. Instead, the employee gets a dream budget and the hotel works with him or her to decide how it could be spent on something of special interest or importance. Lior, who shared this instance of reward personalization, says it is a very authentic and effective way of motivating employees.

For Gen Y, a generation born in a world where almost everything is customized—from food from a fast-food chain that promotes the "have it your way" tagline, to hair colour and clothes—the corporate world and its rigidity has become a sore point.

Employers need to work to loosen their bindings and make employee rewards and incentives more flexible and customizable. Customizing may need more strategizing on the part of the human resources team and managers, but it does not necessarily translate to spending more money. Case in point: Iris, a Gen Y employee, tweeted about the customized Easter egg she received as Easter present from her company. She loved it, she tweeted about it and declared to all who'd listen that her company is awesome. Such is the power of personalized rewards.

GAMIFICATION

Unheard of a few years back, gamification is all the rage lately. Conglomerates, organizations, small brands and tiny stores—everyone is gamifying. Why? Because it works.

Gamification means the use of game-play mechanics for non-game applications. Game-play mechanics that are commonly used when designing gamified processes in business include leaderboards, levels, points, badges and challenges.

It comes as no surprise that Gen Ys enjoy games—World of Warcraft and the numerous popular Facebook games are proof enough. Says Nicki Powers, engagement strategist at Maritz Motivation Solutions, "By leveraging the same mechanics that power the world's most popular games and social networks, gamified incentive programs can increase participation, return rate and stickiness."

An oft-cited example of gamification success is Microsoft's Language Quality Game. Microsoft releases its software to hundreds of countries in several dozen languages. They have a QA team, but they couldn't catch every language bug made in these softwares. Therefore, they very ingeniously started a game to localize windows. Employees who wished to volunteer got a dialog box in

feature

their language. They marked it correct if everything was correct; if there was a mistake, they'd mark the box as bad. They were awarded points for this, with one language pitched against another to see which one scored highest. Almost 4,500 Microsoft employees were willing to do this language bug testing free and ended up testing over 500,000 dialog boxes!

Powerful though it may be, Powers warns against using gamification

without developing a well-devised strategy and story plan. "If you are planning to add gamification to your incentive program, I would advise you not to place greater emphasis on the game mechanics than on the core experience of the program. People don't participate in your program to earn badges or see their name on a leaderboard. Mechanics such as badges and leaderboards are symbols of a higher level story," she says.

IMPLEMENTATION ADVICE FOR HR

When creating your incentives, rewards and recognition programs for Gen Y, there are three pointers you need to consider, irrespective of which incentive you are opting for:

- **Chose carefully.** Consider your company's culture, employee base, goals and the proposed frequency of rewards to help you narrow down the plethora of incentive choices

to the few most suitable for your organization.

- **Reward the extra efforts, not the expected.** Don't define the incentive criteria to reward something that your employees' paycheque already covers. Reward them only for performance that is beyond their job description—a performance that exceeds expectations.

- **Make your awards aspirational.** The more your employees aspire to win them, the better they will work. "If you are recognizing above and beyond performance, then it makes sense to give them an above and beyond recognition," says Lior.

The next time your company revisits its employee incentives and rewards, make sure that the boardroom is set for a discussion of these types of motivational and highly effective incentives, because Gen Y has arrived and is here to stay for the next 50 years. ●



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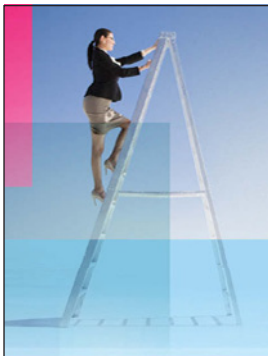
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The Hybrid Approach:

Achieving Consistency in Domestic Relocation Policies

Companies are now implementing overarching domestic relocation policies with the ability to customize

BY JULIAN YATES

Organizations have a few options when developing domestic relocation policies outside of their home country. Most of these organizations either apply their home policy to the other countries in which they operate, or they allow their colleagues in those countries to develop their own policies.

For years, these have been the two main approaches to creating a domestic relocation policy; however, that is no longer the case. Today we're seeing a third option emerging, an approach that achieves global consistency while recognizing necessary differences for legal, tax or other reasons.

THREE OPTIONS

What is considered a domestic relocation? These are relocations by a local or national organization within a country's borders, e.g., Toronto to Vancouver, Paris to Marseilles,

London to Manchester; not a relocation across a border or an expatriate relocating within a host country once on assignment.

Let's take a closer look at the three approaches to creating domestic relocation policies across multiple countries.

OPTION 1: THE DIY APPROACH

This approach—the most common—entails having local HR or mobility teams design a domestic policy specific to their own location. This might seem like a logical approach. After all, it's the local HR or mobility contact who knows the nuances of that region and has a strong grasp of the mobility needs of its local employees.

Advantages of this approach include being competitive (when benchmarked), greater relevance to the specific area and less work for the corporate headquarters. This approach is well suited for decentralized organizations because they have more control at the local level. Disadvantages of this approach include inconsistent reporting, little (if any) cost efficiencies, different treatment of employees across the organization and, potentially, being inconsistent with the corporate philosophy.

OPTION 2: HERE, USE OURS

This approach entails taking the corporate home office's domestic relocation policy and instituting it "as is" throughout the other regions in which the organization operates. An example would be implementing a company's domestic relocation policy for the U.S. in Canada.

When using this approach, it's easy to ensure everyone is on the same page with regard to domestic relocation benefits because the policies apply across the board. However, this approach is less competitive, often not cost effective or efficient, and may include irrelevant policy elements for certain countries.



OPTION 3. THE HYBRID

This approach includes having an overarching domestic relocation policy with a common philosophy and consistent elements, but allows for region-specific elements where necessary.

This approach allows for more consistency in philosophy and design; a greater ability to control costs, reporting and tracking; more competitive policies; stronger corporate governance; and allows for local variances where needed. Disadvantages include more upfront resources required to put policies into place and the potential for pushback from other country organizations that want to create their own policies.

GROWING INTEREST IN THE HYBRID APPROACH

From a client standpoint, we are seeing a growing interest in the hybrid model due to its unique advantages. Companies are switching to this model because it offers greater equality, legal and tax considerations, as well as accounting for regional differences.

Many companies are employing good corporate governance and taking the opportunity to apply a company-wide philosophical approach to relocation as they do for other business practices. The logic is that companies should treat their employees in an equitable manner, regardless of geographic location, unless there are factors that require them to differentiate.

The hybrid approach also offers the ability to develop country or region-specific relocation policies that are more tax efficient and that meet varying legal requirements in another country. For example, there are several companies that apply their U.S. domestic policy in Canada. While some elements can be replicated, others do not make sense, including tax elements in the U.S. policies that are inefficient in Canada.

DEVELOPING POLICY CONTENT

A majority of those administering relocation programs already understand the basics of creating a domestic relocation policy, but they may not be familiar with how to determine country/region-specific benefits.

Start with the elements you know are common in most areas. For example, everyone moving within a country will need a household-goods move, a relocation allowance, home finding trips, temporary housing and final travel to the new location. Other elements would need to be different, such as the support for home sale and home purchase, type of travel reimbursed (air vs. road) due to size of country and payments (allowance vs. reimbursement) due to local tax regulations.

The next step is more challenging. Research what your current practice is within the different countries you operate in and analyze what is similar, what is different and why. Once you have this data you can then determine which parts of the policy can be standardized and which need to be customized.

EMPLOYEES IN CANADA DON'T WANT TO READ A DOMESTIC RELOCATION POLICY WRITTEN FOR SOMEONE IN THE U.S.

Benefits that tend to differ from country to country include home marketing and home sale, loss-on-sale, home purchase, tax assistance and mortgage benefits.

You may identify that temporary living varies between 14 and 90 days in different countries; why not establish a consistent period for all domestic relocations regardless of country? The list of excluded items for household goods shipment may vary; why not make that list consistent? On the other hand, the support for home purchase may vary from one country to another due to the legislation for that country.

By carrying out this type of review you can gain consistency across the globe, and also identify potential cost savings in the process.

WRITING THE POLICY

When writing the policy pay special attention to tone, terminology, word choice, spelling and the level of detail provided, as these should be consistent with the regions where the policies apply.

Employees in Canada don't want to read a domestic relocation policy written for someone in the U.S. The language is different and it can make them feel disconnected from the company if they feel they're reading a policy that has been developed for another country.

For example, tone in Australia and the U.S. is more prescriptive, whereas in Canada and the U.K. tone is more paternalistic. Are you referencing miles or kilometers? Are you spelling words correctly; for example "check" vs. "cheque" or "counselor" vs. "counsellor"? Finally, are you providing the level of detail required? It's okay to be generic when describing overarching policies, but a more specific approach is better when describing policies that apply to certain countries.

When developing domestic relocation policies, companies have three key approaches. While having local HR or mobility teams design a domestic policy specific to their own country used to be the preferred approach, this is changing. Companies are now implementing overarching domestic relocation policies, with the ability to customize certain benefits by country.

This approach can lead to greater cost control, more consistency, more competitive policies and happier employees. ●

Julian Yates is vice president, global consulting for SIRVA Relocation, and manages SIRVA Relocation's global consulting practice and leads the compensation administration services team.

Interview

WITH AN
HR HERO

BY JAY SOMERSET

Dennis Concordia

Guiding Organizational Success



Actor James Woods with Dennis Concordia, SHRP, at grand opening of new Carstar building.

In 2009, Dennis Concordia became one of the first HR professionals to be awarded the Senior Human Resources Professional (SHRP) designation from HRP. Recognized for his ability to couple strategy with leadership, and as a trusted advisor with a wide breadth of knowledge, Concordia remains a picture of what true HR leadership is all about.

Since becoming vice-president of HR at Carstar—a franchise company focused on automobile collision and glass repair—seven years ago, Concordia helped turn the firm into what's now among the Top 50 Best Managed Companies in Canada. Based in Hamilton, Concordia also

enjoys working with the community and has been a key proponent in bringing big names to town, including actors Michael Douglas, Al Pacino and Sylvester Stallone. On his off time, Concordia enjoys walking his dog and volunteering at the RBC Canadian Open golf tournament.

HRP: HOW DID YOU FIRST GET INTO HR?

DC: I first began working in HR at the *Hamilton Spectator* in the 80s. I was transferred to HR, from the promotion and sales department, after many years as sales promotion manager. In that job, I was involved in the recruitment, selection and training of the district managers. The general

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- Gail Cowper Benoit, HR, Laurentian University

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manager thought that my team-building skills were transferable and applicable across all departments. And that's how I ended up in HR.

HRP: WHEN YOU MADE THE TRANSFER TO HR, WAS THE JOB WHAT YOU WERE EXPECTING?

DC: My first job in HR was to lead the recruiting activities for all departments, a challenge I was quite comfortable with. I already understood the values of the company and I knew what I was looking for in terms of prospective employees. The biggest learning curve: trying to understand the specific needs of each department. After all, editorial is much different than advertising or delivery. But I found the challenge quite satisfying.

HRP: WHAT ARE YOUR CORE RESPONSIBILITIES AND CHALLENGES AT YOUR CURRENT JOB?

DC: For the past seven years, I have held the position of vice-president of HR at Carstar. My main responsibilities are to oversee a management-transition plan from the company founders to a new executive and management team. I am also responsible for the standardization of all policies and procedures across all departments under CPG, the Carstar procedures and guidelines program.

HRP: CARSTAR IS RATED AMONG CANADA'S BEST MANAGED COMPANIES. HOW HAS HR PLAYED A ROLE IN THIS?

DC: Our achievement at being named one of Canada's 50 Best Managed Companies wouldn't have happened without having a strong organizational culture and employee engagement. Fortunately, the owner of Carstar, Sam Mercanti, understood the importance of employee engagement. He was very open to a compensation and recognition plan tied directly to overall corporate success. We

did this by aligning our resources to our vision, mission and values.

HRP: WHAT DO YOU LOVE MOST ABOUT YOUR JOB/CAREER; AND ON THE FLIPSIDE, WHAT DO YOU LOATHE?

DC: What I love most about my work is recruiting, training and coaching potential leaders in the company. Guiding the transformation is very satisfying. Addressing performance management is fulfilling, and helping others be successful in key roles is how I measure my success. There is very little that I don't like about HR. In fact, I can't think of anything at this moment. But, that said, I do get frustrated when government legislation is enacted to address the workplace, and it has little regard for the profitability of an organization. This needs to be kept in context.

HRP: WHAT'S A COMMON MISCONCEPTION ABOUT WORKING IN HR?

DC: The common misconception about HR is that HR should be there to make people happy. My strategy is ensure an employee's strengths and activities are lined up, both for individual and organizational success. Happiness is an outcome of engagement and productivity. Recommending tough decisions won't necessarily make everyone happy, but strategic decision-making will always have an overall positive impact.

HRP: WHAT SKILLS ARE KEY TO BEING A SUCCESSFUL HR PROFESSIONAL?

DC: Aligning individual strengths with company needs and having the willingness to address non-performance is key. Most leaders or managers do not like to address conflict and, consequently, do not deal with it in a proactive manner. HR should not support the easy decisions based on

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personal relationships. It should always come down to performance-based decision-making.

HRP: DO YOU HAVE ANY TIPS FOR YOUNG PEOPLE JUST STARTING OUT IN HR, OR THOSE WHO WANT TO CLIMB UP TO THE EXECUTIVE LEVEL?

DC: The first step for anyone new to HR is to understand the company's mission, vision and values. This forms the basis for every decision you make, and is critical to the performance of your job in HR. Of course, if you want to rise in the ranks, you need to seek out mentors wherever possible, and don't be shy to volunteer to work on as many cross-departmental projects as you can. This makes it possible to understand the breadth and depth of the entire organization.

HRP: SOME HR PROFESSIONALS REPORT HAVING A TOUGH TIME GETTING THE C-SUITE ONBOARD WITH HR POLICY. HOW CAN HR GET A SEAT AT THE EXECUTIVE TABLE AND BECOME A DECISION-MAKER?

DC: Once HR understands its relationship to the company, it can then contribute to the corporate objectives and become a member of the executive. HR strategies should enhance the company by promoting the right people and the right strategy. To do so, you've got to comprehend strategy in terms of both short- and long-term organizational objectives. Anyone who can do this successfully will certainly be of major value. ●

in a nutshell

FIRST JOB: Part time in high school—making pizza at a pizzeria.

CHILDHOOD AMBITION: To be a lawyer or sports reporter.

BEST BOSS, AND WHY: Sam Mercanti. He understands the future needs in his company and supported many difficult changes that needed to be made to align resources to the vision, mission and values. He discusses needs but doesn't dictate tactics.

SOURCE OF INSPIRATION: Leaving a legacy that I had influence on the well-being of my family, company and community.

IDEAL VACATION DESTINATION: Niagara-on-the-Lake for its food, plays and long walks—all ideal for rejuvenating the mind.

FAVOURITE MEAL: Large romaine salad, rigatoni pasta and seafood.

BEST PIECE OF ADVICE YOU EVER RECEIVED: David Wayne, vice-president of North America operations, once told me: If people aren't helping you, they are hurting you—address the performance!

HOW DO YOU RELAX?: Golfing, working out and walking my dog.

LAST MUSIC PURCHASE: *The Best of Louis Prima.*

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BLENDING INNOVATION AND TRADITION: A NEW MODEL FOR ABORIGINAL STAFF, CARE PROVIDERS AND PATIENT CARE

BY BARBARA J. BOWES

The challenge for any health-care facility, health-care leaders and human resource professionals is how to structure an organization and build an operating culture where respect and integration between Aboriginal and non-Aboriginal cultures is a given as the most effective model for delivering service and managing a workforce.

Aboriginal people experienced an erosion of their culture and language during colonization by non-Aboriginal societies. An example is the early residential school system where acculturation and assimilation were the goals of the governments of the day. Thousands of young children were taken from their families and forced to attend these schools, resulting in cultural disruption and loss of identity.

This issue has come to the public's attention over the last decade as a result of the residential school inquiries and the many painful and frightening stories of confusion, loss of family, identity and language the majority of students endured.

Yet, in many cases, the issue of cultural disruption still holds true when Aboriginal people, particularly Aboriginal language speakers in northwestern Ontario, encounter and enter the health-care system. In addition to

language barriers, patients are known to experience a distinct culture clash that directly impacts the ability of professionals to develop and communicate an appropriate health-care plan. Many times, caregivers learn after the fact that patients were confused about their discharge plans and support strategies back home in their communities.

REVOLUTIONARY MODEL DEVELOPED

Despite many challenges, a new model of care has been developed by the establishment of the Sioux Lookout Meno Ya Win Health Centre (SLMHC), located in northwestern Ontario. Following years of negotiation with government officials and First Nation leaders, an amalgamation was approved for the town's provincially mandated hospital and one of the last federal "Indian Hospitals." A special provincial act created a new amalgamated hospital that included unique clauses establishing a two-thirds First Nations and one-third non-Aboriginal board of directors. It also included a clause for SLMHC to be able to serve traditional foods (uninspected meats) to its patients.

The staff, physicians and the board then spent five years working with community members, First Nation leaders

and healers, architects and the Ministry of Health Long Term Care developing a functional plan that encompassed a healthcare model that provides a broad set of services to address the health and cultural needs of its mostly Aboriginal population.

The operational model developed by SLMHC is indeed revolutionary and unique amongst hospitals. The challenges confronting SLMHC leaders in transforming its organizational culture and its means of delivering services right from the board level to that of the front-line staff, were great. Amalgamating the cultures and practices of the provincial and federal staff was challenging for everyone. As well, patients from both hospitals also had to make cultural adjustments.

The board of directors operates with a blended management model that borrows concepts from the chief and council model as well as the conventional hospital board constructs. In addition, the board is advised by an Elders Council representing both Christian and traditional teachings.

CROSS-CULTURAL TRAINING

Restructuring the relationships between the Aboriginal and non-Aboriginal cultures required significant staff training and development initiatives over a lengthy period of time. All existing and new staff take two days of training, called Bimaadiziwin, which means "living in a good way." This staff training program has been in use for more than seven years.

The program focuses on building cross-cultural competency that goes

THE PROGRAM FOCUSES ON BUILDING INTERPRETATION SKILLS FOR FOUR LANGUAGES: OJIBWAY, CREE, OJI-CREE AND ENGLISH.

beyond cultural awareness and understanding to changed behaviour and congruence with the integrated values of the health centre. Staff continues to take sequential courses to build their level of cultural competency skills.

Program content is directed toward reducing the barriers to cross-cultural patient safety and includes inter-cultural care processes, overcoming cultural barriers, sacred learning, traditional practices and beliefs and understanding the impact of colonialism and the residential school system. It also includes communication and active listening, conflict resolution skills and giving and receiving feedback.

MEDICAL INTERPRETER ROLE

Another key element of SLMHCs organizational cultural change was the introduction of a professional medical interpreter role to help patients understand and navigate

through the health-care system. As there wasn't an existing Anishnabe interpreter program in Canada, SLMHC set about designing a curriculum. This was possible with assistance from Confederation College and the Sioux Lookout Area Aboriginal Management Board (SLAAMB). SLMHC and the College designed the one-year course and SLAAMB found program funding to assist the class participants. Students consisted mainly of existing SLMHC staff who was already acting as interpreters and a few others from the area. The program studies were hard; however, after one year, 12 people graduated as certified medical interpreters.

The program focused on building interpretation skills for four languages: Ojibway, Cree, Oji-Cree and English. Part of the challenge was that Anishnabe languages do not have the specific technical words needed to

describe many of our modern health-care terminology. Thus, concurrently, SLMHC undertook, again with assistance from elders, linguistics professors and others, the task of building medical lexicons in the three Anishnabe languages.

Program participants also learned the nuances of the Canadian health-care system, compared this to traditional culture and identified areas where misunderstandings could occur. They examined policies and procedures such as patient privacy and developed protocols on how to blend the rules of modern medicine with the needs of patients wanting care from traditional healers.

The role of the medical interpreter, or "Wiichiwwin" worker, has become increasingly important to service delivery at SLMHC. Working side by side with physicians, nurses and other health-care professionals on

continued on page 45



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workplace culture

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a 24/7 basis, these interpreters help ensure patient safety at every stage of the health-care plan. The medical interpreters are part of weekly patient rounds and routinely make comments in patient charts.

The interpreter role has since expanded to include patient visitation, family liaison and checking on patients status. With increasing demand for their services within the health-care system, interpreters will soon be fully integrated into the emergency unit.

SLMHC management is overwhelmed with the success of the Wiichiiwewin worker program and its role in ensuring patient safety. The interpreters clearly take the initiative to ensure clear communication and solid patient understanding of their health care plan. Yet, equally important is the whole-hearted acceptance of the interpreter role and the entire cultural competency model by the physicians, nurses, allied health care providers and the patients.

Irene Beardy, a six-year veteran as a medical interpreter, and Emily Gregg, a member of the resident elder program both roundly applause the program as an effective means to help Anishinabe-speaking patients feel relaxed, comfortable and confident their hospital and home care health needs will be understood, respected and supported.

The workforce planning and operational model undertaken by the Sioux Lookout Meno Ya Win Health Centre, its staff training program and Wiichiiwewin interpreter service clearly demonstrate that when respect and integration between Aboriginal and non-Aboriginal cultures is the goal, the provision of health-care services is greatly enhanced. ●

Barbara J. Bowes is president of Legacy Bowes Group. She is the author of five books and her popular "Working World" column appears every Saturday in the Winnipeg Free Press. She can be reached at barb@legacybowes.com.



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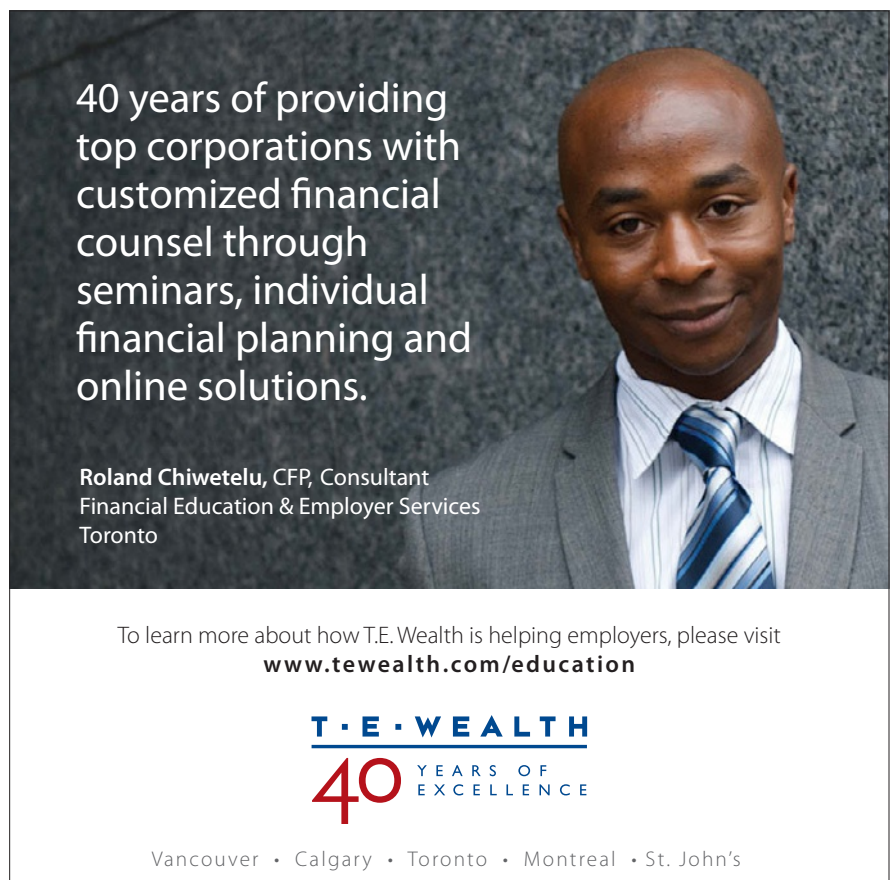
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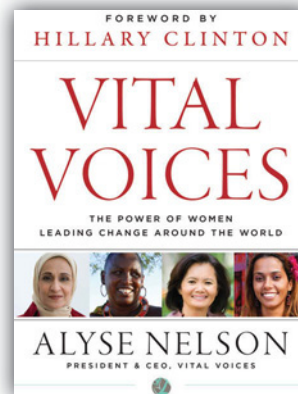
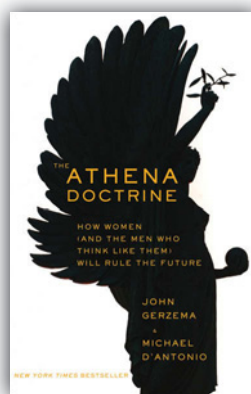
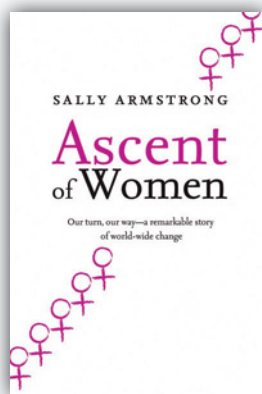
EMBRACING FEMALE CULTURE

BY ALYSON NYIRI, CHRP

Canada is facing a skills shortage and we know that in order to fill it, we will need skilled immigrants from around the world. How women and girls are treated in other parts of the world will impact the availability of this skilled labour pool.

In her recent book *Ascent of Women*, Canadian journalist Sally Armstrong writes “the world can no longer afford to oppress half its population.” In addition, she quotes the World Bank as stating that if women and girls are treated fairly, the economy of a village will improve. In fact, mainstream economists, policy gurus and political figures have realized that educating and advancing the opportunities and rights of women and girls is the way forward. Consequently, it’s in our best interest to consider how corporate social responsibility policies can participate in strategies to solve poverty, conflict and violence at home and abroad.

Like *Ascent of Women*, the book *Vital Voices* examines the work being done by women in the Middle East, Asia and Africa. The Vital Voices program began as a government initiative during the Clinton administration. Former First Lady and, more recently, Secretary of State, Hilary Clinton, said, “Until women are afforded their rights, global progress and prosperity will have its own glass ceiling.” Vital Voices Global Partnership is now an NGO with more than 1,000 staff and partners worldwide who support the work of 1,200 women leaders in 144 countries. Author Alyse Nelson highlights women leaders in the Middle East,



Asia and Africa, detailing their stories of courage and optimism despite the torture and bloodshed suffered by women in these regions. *Vital Voices* is a reminder of what passion, spirit and intellectual power can do to better the conditions of women in these countries.

In the *Athena Doctrine*, authors John Gerzema and Michael D’Antonio conducted a global survey of 13 nations representing 65 per cent of the global GDP. What they discovered from the 64,000 respondents shocked them. Universally, their analysis revealed, it seems that people had grown frustrated by a world dominated by codes of what they see as traditionally masculine thinking and behaviour: codes of control, competition, aggression and black-and-white thinking that have contributed to many of the problems we face today, from wars and income inequality to reckless risk taking and scandal.

In a world that is increasingly social, interdependent and transparent, new codes of conduct are necessary. The survey revealed that patience,

sensitivity and the ability to understand others are extremely valuable traits and that career success requires collaborating and sharing credit with others. This is not to say that only women are capable of this or that all women behave in this way or that men cannot. As the *Athena Doctrine’s* research concluded, “When we compare our survey results with data related to economic status and quality of life, we see countries whose citizens think in a way that balances masculine values with feminine ones have a higher per capita gross domestic product and higher reported quality of life.”

As HR professionals, we are in a unique position to begin this shift in thinking and behaviour. We can help shape our company’s overseas policies by ensuring women are given access to training and educational opportunities sponsored by our companies and that models of collaboration, interdependence. And we can encourage new codes of conduct, such as those profiled in the *Athena Doctrine*, which could become a corporate—and larger community—cultural norm. ●

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