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Plan for Success

It's all about the process

Setting individual goals and priorities will not only help us achieve certain things, but can also allow us to monitor and measure our progress. I find that having something to work towards gives me impetus to get moving and as soon as I operationalize my plan, I am already on my way to some degree of success. I read an article a while ago in Forbes Magazine by Jeff Boss, a former U.S. Navy seal who has experience in both the military and business worlds and teaches about planning and goal setting.

Boss talks about why goal setting can and will improve your focus and lead you to success. First of all, having goals helps us change our behaviour. It does that by shifting our thinking from a dream to a reality. It triggers our brain to think that something is possible and we move towards it.

Boss also talks about how goals help us sustain momentum. Unlike New Year's resolutions which are easily broken, the dopamine that is released in your brain when you get excited about a goal becomes addictive. You will also want to keep at it this way. If you do it right, goal setting will give your brain feedback which allows you to alter course or change your actions in order to meet your goal.

Lastly, Jeff Boss teaches us that goals and goal setting are not so much about the achievement but about the process. He believes that people who set goals are actually building character. They help you identify not just what is important to you, but who you are. That person is someone who knows what they want and knows how to get it.

Are you ready to start setting some personal goals? Here are a few tips to get your mojo going.

Pick the right goals for you

Choose goals that are S.M.A.R.T. Specific as possible, measurable so you can mark progress, achievable because you want to be successful, relevant to you and where you want to go and timely enough so that you can see real progress. It's okay to reach a bit when setting your goals, but not so far as to discourage you when you can't get there. An important question to ask is why is this goal important to you? If you can answer that question, you may have your motivation.

Put it in writing

There's something about writing things down that make them more real, almost official. Write down your goals along with when you hope to achieve them. Share them with people you trust.

This starts to build in accountability. Ask others what they think of your goals and to informally monitor your progress. People love giving others advice and you have just found your coaches. Also, write down what you think it will feel like when you achieve your goals. It's okay to dream now.

Make a plan

Without a plan, goals are really just a pipe dream and will likely never happen. So, start plotting it out. One way is to take the goal and break it down into steps that can be taken over time. Let's say the goal is to lose 20 pounds. You can make a plan to diet and exercise and try and lose a pound a week. Specific, realistic, achievable, measurable and in 5 months, you can meet that goal. If you don't meet your target this week, you have to speed it up and lose two pounds next week. Try and figure out what supports you may need to make the plan work and build them in at the front end. We all need help to achieve our goals.

Be prepared to shift

Stay focused on your goal, but sometimes the achievable in goal setting becomes the adaptable. You can get slowed down by the unexpected when working on your goals. Try and treat these events as temporary setbacks rather than roadblocks. If you had planned on taking every Friday off in order to improve your work-life balance and your boss shows up with an urgent program on Thursday, you may have to shift. But maybe you can negotiate Monday off in exchange for giving up your Friday. Don't fall into the procrastination trap. Be flexible and keep moving towards your goals.

Measure your success

It is vital to measure our success along the way. Things like losing weight are easy to measure. The scales don't lie. But other less tangible goals like improving work-life balance also need measurement tools and markers. Are you taking time off like planned? How many hours of overtime are you still working? Did you get to your daily exercise class as you planned? Build in ways to monitor your progress and write them down as well. Also, make sure that you build in a reward and a celebration when you finally achieve your goals.

Brian Faller is Manager, Administration for IPM [Institute of Professional Management].

Perspective



Nathaly Pascal
RPR, CMP, RPT
President

President's Message

Practice Doesn't Have to Make Perfect

It always leads to improvement

We've all heard about Malcolm Gladwell and his theory that it takes 10,000 hours of intensive practice to achieve mastery of complex skills like being an expert at computer programming or becoming a violin virtuoso. However, what he didn't say was that the 10,000 hours was an average that masters of various crafts had invested in order to get to the expert level. Some did more and some did less. Basically, not everyone starts with the basic skills or abilities. Some have an advantage when it comes to getting to the top.

The bottom line is that practice may not always lead to excellence, but practice towards a goal will always lead to improvement. According to the experts, the best way to use practice is to target it towards a specific goal. Scientists who have studied practicing suggest that there are several key elements to making the most of your practice time. They include identifying the area that needs improvement, setting short and long-term goals to aim for, making sure the practice fits you and where you are on the scale, and using a coach or mentor to guide you and help monitor your progress.

Does practice always have to be perfect to learn? Research suggests not. Sometimes we get bored doing the same routine over and over and our brain does as well. Repetition is not the same as growth and we all learn in different ways. If we shake things up in our efforts to improve, the science suggests we may actually get better faster. That's why athletes, especially professional ones, have some regular practice sets and they add in random and varied activities to work on other parts of their game. They maintain their level of excellence and add enhancements around the edges.

Practice is not just for world-class musicians or athletes either. At work, we have to help employees learn new skills by letting them practice, giving them feedback and making adjustments as needed until they are successful. We all make progress by trying and then when we don't get it right, trying again. Perhaps the most important thing about practice is that we start and that we must continue.

Continuous learning and growth are the mark of every successful athlete- and every successful manager too. How do you get to the Kennedy Center? Practice, practice and more practice. How do you become a great manager? You know the answer.

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



"I've been tracking you for 20 miles, boss-- I'm glad I found you. I wanted to ask you where you keep the fax paper."

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Reasonable Notice Period

Uncertainty beyond 24 months



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Introduction

It would appear that the Ontario Court of Appeal has raised doubt as to the purpose of the common law reasonable notice period, and what would constitute “exceptional circumstances” that would support a reasonable notice exceeding 24 months.

In *Lynch v Avaya Canada Corporation, 2023 ONCA 696* (“Lynch”), the Court of Appeal upheld a 30-month reasonable notice period determined on summary judgment.

Background

Mr. Lynch was employed with Avaya Canada Corporation (and its predecessor) for nearly 39 years at the time he was dismissed from his employment. Mr. Lynch sought 26 months of notice in his Statement of Claim; however, he argued for a 36-month notice period on motion for summary judgment.

The motion judge awarded Mr. Lynch with a notice period of 30 months. The Company appealed, first arguing that the motion judge erred by (1) awarding a greater notice period than what had been sought in the Statement of Claim; (2) finding there to have been no failure on Mr. Lynch’s part to mitigate his damages; and (3) that there were “no exceptional circumstances” warranting a notice period in excess of 24 months, contrary to the Court of Appeal’s previous findings in *Lowndes v Summit Ford Sales Ltd, 2006 CanLii 14* (ONCA).

The Decision

In short, the Court found that the issue related to the Statement of Claim was moot given that the Company had conceded that there was no litigation prejudice suffered. With respect to mitigation, the Court reinforced the state of the law, noting that the employer has the onus to provide sufficient evidence to demonstrate insufficient mitigation efforts. In this regard, the Court of Appeal deferred to the previous judge’s assessment.

Most interesting, however, was the Court’s assessment as it related to the Company’s argument that the motion judge did not identify the “exceptional circumstances” upon which to justify a notice period in excess of 24 months. The Court held that such factors were discernable

based on the factors the motion judge had listed, which included:

- That Mr. Lynch’s skillset had been tailored to the Company, which included specialization with the Company’s unique hardware;
- Mr. Lynch had developed at least one patent per year for the Company;
- Mr. Lynch had been a “key performer”; and
- Comparable employment opportunities were far enough away such that relocation would potentially be required.

The Court of Appeal ultimately dismissed the case, upholding the 30-month notice period.

Takeaways for Employers

While there has never been a real “cap” at 24 months of common law reasonable notice, practically the concept is often assumed.

Lynch serves as an important reminder that the courts will not only award a notice period in excess of 24 months, but that the circumstances which they may deem to be “exceptional” are now somewhat unpredictable, specifically as it relates to the factors that a Court will rely upon as justification.

While the Court of Appeal in Lynch did cite some factors that have traditionally led to a longer notice period, such as factors that could lead to greater difficulty securing alternative employment, others were arguably “new” to the analysis. For example, The Court of Appeal considered Mr. Lynch’s good performance to be one of the exceptional circumstances justifying a longer notice period. This is somewhat contradictory given the assumption that a strong performer would have an easier time securing new work.

In short, Lynch inserts new uncertainty into the reasonable notice analysis, thus rendering all tools to limit potential costs when dismissing an employee, such as employment contracts with defensible termination provisions, of the utmost importance.

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Feature

Work Smarter, Not Harder – HR's Role as a "Prompt Engineer"



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Feature

The rise of generative AI tools has sparked curiosity among HR professionals about the potential implications for their role within organizations. Undoubtedly, AI is poised to revolutionize work processes, offering a unique opportunity to reshape HR functions. This involves harnessing the expertise of HR professionals to become sophisticated prompt engineers, translating their knowledge and experience into efficient HR work products. In this context, tools like ChatGPT play a pivotal role, contributing to operational efficiency and freeing up capacity for strategic contributions—a dual win for HR.

AI generative tools rely heavily on the skill of the prompt engineer directing them. To achieve a quality output with minimal rework, a meticulous level of detail and specificity is essential. These tools depend on the user's competency, wisdom and judgment to transcend generic outputs, adhering to the principle of 'garbage in, garbage out,' to generate valuable content. The following examples showcase how generative AI, specifically ChatGPT, can be effectively utilized to enhance HR efficiency in the recruitment process, saving time and creating space for more impactful business partnership activities.

Job Descriptions:

Engage ChatGPT to: write a job description for the role of a Mechanical Engineer in the renewable energy industry; include the categories of supervision, process improvement, design, health and safety and project management; include five bullet points outlining tasks for each category; outline educational requirements and a minimum of five years' experience; and include relevant certifications required for this role.

Once ChatGPT provides the output, provide any additional prompts to fine tune the content and to make the job description more relevant such as: also include the categories of automation as well as installation and maintenance.

Interview Questions:

In the same chat, provide a prompt to: write ten behavioural interview questions for this role followed by a copy and paste of the job description ChatGPT provided previously. A draft list of questions is generated that can be further customized for the candidate interview.

Interview Response Criteria:

Building on the previous content, add a new prompt such as: develop a bulleted list of suggested response considerations and inclusions for these interview questions.

A list of criteria to evaluate the behavioural based interview questions will be created. This can be fine-tuned by asking ChatGPT to: add, augment or modify any of the listed criteria.

Interview Guide:

Continue the chat and add: develop an interview guide including interview questions, response inclusions and a Likert scale of 1-5; at the end of the interview guide, include space for overall interview summary and score as well as the signature block and date of the interviewer. A draft template for an interview will be created. Further edits based on specific requirements can be directed by the user.

Reference Questions:

Evolve the chat to: develop ten reference questions covering the employee's previous relevant technical and supervisory experience, communication style and skills, working independently and as part of a team, as well as future hiring potential. A reference question guide will be drafted that can be augmented by further prompts to include other types of questions like: include a question about whether the referee would hire the candidate again.

Offer Letters:

Finally, ChatGPT can be instructed to generate an employee offer letter by directing document inclusions such as: create a letter of offer for employee XX hired as a Mechanical Engineer starting on XX and reporting to supervisor XX; include XX weekly hours of work in a hybrid environment; include provisions of privacy, confidentiality, proprietary information; and outline compensation and benefits including XX.

ChatGPT will generate a draft. If the output requires further refinement, engage ChatGPT to make it more specific based on the relevant offer inclusions for the specific role. Remember to keep the prompts anonymous and insert the customized data in the final document.

While ChatGPT optimizes the recruitment process by producing collateral, its output, though satisfactory, requires the discernment and ethical considerations of the HR professional. The HR prompt engineer guides the process, reviewing, consolidating and editing content for a final output that aligns strategically with organizational goals. In essence, ChatGPT, when wielded by HR professionals, becomes a tool for creating efficiency, enabling strategic value and achieving tangible business results in a concise and effective manner.

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Mergers and Acquisitions

Make employees a priority



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Introduction

Understanding the nature of business transactions is crucial when assessing employee issues, especially regarding share purchases and asset purchases. The impact of these nuances can be significant for both employers and employees. Ensuring employees are well-informed about impending changes is essential, and various methods, such as guides and presentations, can be used to facilitate communication. This article explores the importance of a smooth transition for employees during mergers or acquisitions and some related legal ramifications to consider.

The Significance of Employee Transitions

In mergers and acquisitions, employment issues hold paramount importance as the success of the target corporation is often attributed to its diligent workforce. Employers should prioritize keeping employees informed about major changes. It may be prudent to consider methods like providing realistic previews of impending changes (both positive and negative), using suitable communication mediums that fit the culture of the organization, or sometimes even offering counseling services to employees having difficulty with the transition.

Legislative provisions, such as Section 5 of the Alberta *Employment Standards Code* and Section 46 of the Alberta *Labour Relations Code*, mandate the continuity of employment and control during corporate sales, transfers or mergers.

While statutory provisions like Section 5 of the *Employment Standards Code* stipulate that the minimum requirements of the *Employment Standards Code*, including termination pay obligations, be maintained throughout a corporate sale, lease transfer or merger, a purchaser can face much greater termination pay liability exposure under common law in the event that it is found to have carried out employee transitions or terminations inadequately. In this regard, it is quite typical for an employee's common law entitlement to be many times larger than their minimum entitlements under Employment Standards legislation. In addition to increased common law entitlements, employers can also face steep liability exposure if they are found to have acted in bad

faith or without sufficient regard for their employees.

In the context of a unionized workplace, the practical effect of legislation similar to Section 46 of the *Labour Relations Code* is that any union certifications remain in effect and any collective agreement in place binds the purchaser/acquiring party ("...as if the collective agreement had been signed by that person"). Section 46 also contains a mechanism for an employer, union or affected employee to apply to the Labour Relations Board to determine its respective rights, duties and privileges. The Board is also authorized to determine the status of bargaining agents, union certifications and the status/effectiveness of any collective agreements in force. This latter function becomes important when two groups of unionized employees merge. In such a case, there can be questions as to which of two collective agreements bind the employees, or whether each group of employees continues to be governed by its former collective agreement.

Clearly, legislatures have recognized the need to ensure that employees are treated fairly when their employment is transitioned from one employer to another. However, ensuring a smooth transition is also beneficial for any incoming employer wishing to harness the full benefit of its acquired workforce.

Understanding Share and Asset Transactions

Share Purchases: In share purchases, the purchaser acquires the shares of a business, stepping into the seller's shoes. This type of transaction does not have an immediate effect on employees, but the purchaser assumes all existing employment obligations. Changes made by the purchaser after the acquisition, such as alterations to employment terms, become the purchaser's responsibility. Employment contracts, stock option plans and change of control provisions should be carefully reviewed to assess liabilities and potential employee concerns.

continued next page...

Feature

Mergers and Acquisitions cont'd

Asset Purchases: In asset purchases, the purchaser buys some or all of a business's assets. This transaction triggers a technical constructive dismissal, subject to employees' duty to mitigate their losses by seeking re-employment. The purchaser can offer employment on similar terms to minimize the seller's liability exposure. Specific nuances, such as credit for past service, must be considered. Proper novation or indemnities may be needed to clarify liability for severance payments if the purchaser terminates employees during the mitigation period.

Pre-sale Employment Considerations

Before closing the sale, several key issues regarding employees must be addressed. These may include handling employees absent due to illness or disability, evaluating the impact on employment benefits (e.g., pension plans, entitlements), and assessing potential risks related to disability benefits and human rights. Close collaboration between the seller and purchaser is crucial to determine which employees will be retained and which will be

terminated, as well as establishing agreements on ongoing liabilities and severance liability risks.

Conclusion

In business transactions, prioritizing employee considerations is crucial for both legal compliance and fostering an efficient transition. Employees should be adequately informed about impending changes and employers must fulfill their legal obligations to maintain continuity of employment. Share purchases and asset purchases have distinct implications for employees. Careful assessment and planning are necessary to mitigate risks and ensure a seamless transition. By addressing pre-sale employment considerations and adhering to legal requirements, employers can protect themselves from potential liability and capitalize on the benefits of a well-managed workforce in post-transaction operations.

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Feature

A change in thinking

Occupational health and safety have long been a priority for both employers and their employees. However, until recently, little attention was paid to how well employees are doing in regard to their mental health and mental well-being. This has dramatically changed. Now most employers are shifting their focus to look after not just their employees' physical safety, but their psychological well-being too.

Employees are trying to deal with the increased risk of developing chronic diseases, strokes and heart attacks. Employers are struggling with the added cost of sick leave, disability payments and skyrocketing prescription drug costs on their employee benefit plans. Some have estimated the cost of all these additional expenses to employers at over \$50 billion per year in health and absence related costs. It naturally makes good sense for everyone to focus on mental wellness at work.

Working from home

Despite the relatively successful transition to remote work that many organizations have achieved over the course of the last few years, the COVID-19 crisis is leaving lasting scars in the form of burnout, anxiety and mental toll. Operational agility aside, the transition to working at home has not been smooth sailing for everyone. On top of the logistical concerns, there is also the stress driven by fear of job losses, the unavoidable distortion of work life balance, isolation, workplace suitability and lack of adequate or reliable technology. In order to come out on the other side of this intact, all organizations are going to have to invest in resources and programs to ensure their workforce has the support needed to continue feeling that work is a psychosocially safe space.

Change for the better

Some workplaces have cultures of bullying and harassment that create psychologically unsafe working conditions where people are afraid and insecure. Some develop anxiety conditions and others have more serious mental health issues like clinical depression and mood disorders. In workplaces where there is potentially a high level of workplace violence, there can be deep emotional scars and trauma. This is a possibility in a range of job occupations ranging from front line social service workers to bank tellers to nurses or first responders.

Many employers are moving to make their workplaces a psychologically safe place to work. Some are encouraging and supporting positive mental health initiatives to adopting anti-bullying programs throughout the organization. Others are focusing on mental well-being by looking at the work done by the Mental Health Commission of Canada and adopting the National Standard of

Canada for Psychological Health and Safety in the Workplace.

Mental health and #MeToo

The #MeToo Movement that began in October 2017 has spearheaded a much-needed dialogue surrounding the consequences of workplace sexual harassment and violence. The psychological impact of this kind of behaviour is still being unpacked and is raising important issues regarding the gender differences that are seen in mental health disorders. It is now well established that women experience mental health disorders at a much higher rate than men and are twice as likely to have a major depressive disorder.

A reason for this discrepancy is undoubtedly problems of equality in the workplace. In Canadian workplaces, a gender pay gap that is double the global average still exists. This means that women earn \$8,000 less, annually, than men in Canada, compared to \$4,000 less worldwide. It is critical that every psychologically safe workplace has a clear game plan, including policies and procedures that define harassment, sexual harassment and other behaviours that are unacceptable in the workplace.

Setting a new standard

While there is certainly still plenty of work to be done, one key piece is the National Standard of Canada for Psychological Health and Safety in the Workplace that came out of the work by the Mental Health Commission of Canada. The Standard provides a framework to help guide employers of all sizes as they work toward psychologically safe and healthy workplaces.

The Mental Health Commission of Canada continues to be at the forefront of workplace mental health. In addition to the Standard, the Commission has also been sponsoring and supporting a number of other activities that help foster psychologically healthy workplaces. This includes several evidence-based mental health training programs that are founded on best practices, research and methodologies.

Almost everything helps when it comes to improving the psychological health of workers and the workplace. Open communications about mental health issues at work and encourage people to talk to one another. Practice positive role-modelling from the front by having managers take their weekends off and discourage excessive overtime. Get outside help and resources. An excellent resource is the Mental Health Commission of Canada <https://mentalhealth-commission.ca/>. There you will find access to training and support as well having the ability to connect and communicate with other employers in your field. ■

A New Tort of Harassment in Alberta

Employers now liable for harassing conduct of employees



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Feature

In the recent decision of *Alberta Health Services v Johnston*, 2023 ABKB 209 (“AHS v Johnston”), the Court of King’s Bench of Alberta recognized a new tort in Alberta, the tort of harassment.

Prior to this decision, there was no civil right of action for harassment. Recourse could be sought through the criminal justice system, as harassment is a crime under s 264 of the Criminal Code. Remedies for harassment were available in the civil context in a limited capacity through restraining orders, which are not compensatory. In the employment context, individuals could make an occupational health and safety complaint, and may have had recourse under human rights legislation if they were harassed on the basis of a protected ground. Occasionally, issues of harassment could ground a claim for punitive damage in the context of a larger civil suit.

This decision now allows individuals to bring a claim for harassment in the civil context and seek compensation. The tort of harassment will help fill a gap in the law, and emphasizes the growing impetus on employers to ensure harassment free work environments.

Background of the Case

During the 2021 mayoral election in Calgary, and at a time where COVID-19 was an ongoing public health crisis, mayoral candidate Kevin J Johnston propagated misinformation regarding the pandemic and public health procedures. Mr. Johnston made repeated statements on multiple platforms against AHS and in particular against Sarah Nunn, an AHS employee. On several occasions, Mr. Johnston made defamatory and aggressive statements toward Ms. Nunn, her family and her friends. Mr. Johnson pleaded guilty to criminal harassment in respect of his statement.

In June 2021, AHS and Ms. Nunn brought a claim against Mr. Johnston for defamation and sought a permanent injunction restraining Mr. Johnston from making further defamatory statements. In their claim, AHS and Ms. Nunn asserted that Mr. Johnston’s conduct constituted “tortious harassment”.

The Court decided to create the tort of harassment, following the approach for recognizing new torts set out by the Supreme Court of

Canada in *Nevsun Resources Ltd v Araya*, 2020 SCC 5.

The Test for Harassment

In recognizing the tort of harassment, the Court of King’s Bench created a test which must be met in order for harassment to be found.

A person has committed the tort of harassment if they:

1. engaged in repeated communications, threats, insults, stalking, or other harassing behaviour in person or through or other means;
2. knew or ought to have known the conduct is unwelcome;
3. have impugned the dignity of the plaintiff, which would cause a reasonable person to fear for her safety or the safety of her loved ones, or could foreseeably cause emotional distress; and
4. caused harm.

In outlining the test for harassment, the Court stressed that harassment is conceptually similar to negligence in that a contextual analysis is important and that what constitutes harassing behaviour must be determined on a case-by-case basis. The Court emphasized that the essence of harassment is the persistence of the behaviour and that one-off incidents do not meet the definition of harassment.

In awarding Ms. Nunn \$100,000 in damages for harassment, the court considered that while Ms. Nunn did not adduce any evidence of illness, she did fear for her safety, the safety of her children, and that the harassment affected the way that she and her family lived their lives. The Court also awarded special damages to reimburse Ms. Nunn for the cost of the home security system that she installed in response to the harassment, plus \$250,000 in aggravated damages.

Potential Implications for Employers

Employers must be aware that they may now face civil claims from current or former employees alleging that they have been harassed at work. Employees will not need to prove any evidence of illness to successfully make out the tort.

It is also important to recognize that employers may be held vicariously liable for the harassing

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A New Tort of Harassment in Alberta

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conduct of their employees. There are two branches of analysis for vicarious liability, as laid out by the Supreme Court of Canada in the cases of *Bazley v Curry*, [1999] 2 SCR 534 (“Bazley”) and *Jacobi v Griffiths*, [1999] 2 SCR 570. Under this analysis, employers are vicariously liable for: (1) employee acts authorized by the employer; or (2) unauthorized acts so connected with authorized acts that they may be regarded as modes of doing an authorized act.

In *Bazley*, the Supreme Court stated that the question is “whether the employer, by carrying on its operations, created or materially enhanced the risk of the wrong that occurred.” Employer-created

environments which increase the opportunity for employees to commit the wrong and foster power-dependency relationships have been found to meet the test of vicarious liability.

As such, employers need to be aware of power dynamics among employees and regularly review and ensure compliance with their Respectful Workplace policies and procedures.

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Gail Boone
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Next Stage Coaching
and Facilitation

ASK THE EXPERT

Handling Self-Awareness Issues in the Workplace

Create the proper environment

Q | How do I work with an employee who lacks self-awareness?

Working with employees who need more self-awareness can be challenging. The absence of employee self-awareness can negatively impact their development and the team dynamic.

There are several ways to help an employee grow their self-awareness.

Start with self.

Be mindful of your attitude, assumptions and judgement about the employee. When working with an employee who lacks self-awareness, it's easy to become frustrated and irritated when you see behaviour the employee can't see or is unwilling to change when brought to their attention. There can be solid reasons for the lack of self-awareness including diagnostic conditions, PTSD or complex PTSD. It's essential to reflect to understand the impact this employee's lack of self-awareness has on your ability to lead with a safe, supportive and curious approach. A leader's self-awareness directly affects their ability to support the employee.

Host open and honest conversations about what's needed in the workplace.

Create the conditions and ask questions to open the employee up to self-reflection. For there to be a link between motivation and satisfaction, employees need to be able to answer YES to three questions: Do I know what you want me to do? Can I do it? Do I want to do it? Make sure that employees clearly understand what is expected. Have an honest conversation about their knowledge, skills and ability to do what is required. Support them to close any gaps identified. Don't be afraid to find a non-confrontational way to ask them if they want to do the work that the role requires.

Establish agreements on how all employees are to behave in the workplace.

The leader has a role in generating the space and content to create an environment conducive to positivity and productivity. Make the invisible visible. Work with the team to identify the elements of good behaviour. Use descriptive language

to define the behaviours of respect, good listening and providing feedback so that what's expected is not left to individual interpretation. Have a conversation on the way to talk about and fix behaviour that is contrary to what has been agreed. Ensure that everyone knows the consequence of behaviour that is out of alignment with what is expected.

Continuously operate from a place of curiosity rather than judgment.

Marilee Adams, author of *Change Your Questions Change Your Life*, offers powerful tools for leadership, coaching and life. She talks about the power of thinking in questions. Every encounter we have with another provides an opportunity. Ask yourself "how do I show up in this moment?" To exhibit exemplary leadership in difficult situations, it's helpful for us to understand our human nature. When we are threatened, our body activates the sympathetic nervous system, or fight-flight, to protect us from harm. Once we know what activates us, we can learn strategies to calm ourselves so we can operate from a place of curiosity rather than defensiveness. When we display curiosity with employees who lack self-awareness, we can ask questions that encourage their self-reflection and invite them to see their behaviour through the eyes of others.

Address issues stemming from a lack of self-awareness promptly.

Talk with the employee about the behaviour that was witnessed. Ask them to describe the situation based on their perception. Determine if they want to hear how others might have seen the same interaction. Expect that some employees will be defensive and make excuses. Rather than getting drawn into an argument and listing all of the behaviour that makes your point, state what is acceptable and agreed upon. Ask the employee about their desired impact and how they want to be known by their colleagues. Ask them to identify behaviour that would align with how they want to be known.

Identify all professional development, mental health and employee assistance supports available to employees.

Employees who lack self-awareness live this

continued next page...

Handling Self-Awareness Issues in the Workplace

... concluded from page 11

way everywhere, not just in the workplace. In addition, it is a long-standing problem. It's often difficult for those in a relationship with the employee to point out the lack of self-awareness and its impact on others. Ensure that the employee is not shamed, blamed or wronged when attempting to help them grow their self-awareness.

Manage your own emotions and lead by example. Leaders are human.

Things happen in the workplace that can be upsetting. It's essential to understand your own emotional response and to take responsibility for how you show up. Ensure to self-regulate and learn strategies to co-regulate others. Staying calm when an employee with limited self-awareness is activated is critical. Refrain from asking them to calm down. That can be very threatening and inflame their nervous system even further. Create a safe space for the employee to regain their sense of security.

Supporting an employee who is not self-aware takes work. It calls for leaders to be

socially and emotionally aware to create an environment where the employees can be helped to safely examine their behaviour to understand themselves and their impact on others.

Gail Boone is an Executive Coach and Owner of Next Stage Coaching & Facilitation and can be reached via email at gailboone@ns.sympatico.ca.

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ASK THE EXPERT

Performance Appraisals

Q | *What are the most common mistakes employers make in drafting performance evaluations?*

A | **1) Lack of pointed criticism**
They do not make it clear that an employee is at risk of being fired when they are building up a case to fire them or, at least, should be building such a case.

Too often, employers prepare evaluations and even-handedly point out the weaknesses and strengths of the employees on the verge of dismissal. The employee can then say to the court that, given all the positive or, at least, not negative things in that evaluation, they had no reason to believe they were in any difficulty. That, at law, is condonation, preventing you from then terminating that employee for cause.

2) High grading
Giving everyone an average or better grade. Many employers have difficulty saying bad things about the employees they then have to work with. Even the most mediocre employees get 3 out of 5 in most categories and in their overall scores. That makes it difficult to build up a case and does a disservice to the employee as they are not told straightforwardly where they are inadequate and must improve their performance. Some employees actually need to be beaten over the head with criticism to understand that they have to work harder and improve in certain areas. Also, why should employees think that their performance is weak if you do not tell them that when evaluating them?

3) Arbitrary criteria
You pick categories that have little relationship to what the job requires and therefore motivate people to do the wrong things. You are not motivating them to do what you need from their posi-

tion. This often arises when the employers obtain job descriptions from Google, fellow employers, previous jobs or other precedents. You should sit down and consider what denotes success in every area of an employee's performance and create your performance evaluations accordingly. Without a proper job description or position profile in place, you cannot create a proper performance evaluation.

4) Discriminatory criteria
Selecting criteria which provide undue advantages or disadvantages to certain groups protected by prohibited grounds under human rights legislation i.e gender or disability.

5) Using different criteria for evaluating different employees
This can be caused by not applying criteria which is objective and therefore provides too much discretion for the rater. That leads to claims of unfairness which creates demotivation or even discrimination based on human rights grounds.

6) Beating around the bush
Often employers spend their time during the performance appraisal having a social catch-up with the employee, discussing their lives, family lives, a bit of gossip and socializing more than critiquing. By the time they get to any negative commentary, it becomes totally lost in the bonhomie. It is important to be direct and not sugar coat your performance reviews and to devote the time for it to its intended discussion. You could develop a formal agenda for giving performance appraisals and distribute it to every employee in the organization to keep the process on track.

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