



# November

## HR BITES - November 2017

*Welcome to the OAN's Human Resources newsletter where we share thought-inspiring HR trends, good-to-know practices and key HR information for your consideration. The OAN provides members agencies with free access to HR professionals who are ready to assist with your tactical and strategic HR needs.*



### Domestic Violence in the Workplace

Not on your radar? Maybe it's time to review your health and safety policy to ensure the section on domestic violence is up to date and, that staff are trained. A recent study found that about **one third of workers will experience domestic violence and, for over half of them, that domestic violence will follow them into work.** This timely CBC news article demonstrates it's important to understand and address domestic violence that spills into the workplace. Domestic violence impacts workplace safety and productivity. This component of workplace health and safety policies is often overlooked by employers. It may be time to review your policy and educate staff so that warning signs aren't missed when it comes to domestic violence in the workplace.

CBC online, published October 24th, 2017

<http://www.cbc.ca/news/canada/toronto/one-third-of-domestic-violence-perpetrators-contact-partner-or-ex-during-work-study-says-1.4369317>

A guide to addressing domestic violence in the workplace (Public Service Health & Safety Association, 2010)

<http://www.healthandsafetyontario.ca/HSO/media/PSHSA/pdfS/DomVioWkplace.pdf>



## Policy Tip

When the prevention of workplace violence was added to the Ontario Occupational Health and Safety Act many organizations created separate policies for each section addressed (harassment, sexual harassment, domestic violence, general health and safety, etc.). If you still have many stand-alone policies, you may wish to consider combining them into one, overall health and safety policy. Contact your OPRAH consultant for assistance.

## Recruitment & Onboarding with OAN Member Agencies

We asked a sampling of agencies, across the province, about their recruitment and onboarding practices.

Here is what they told us:

Responses to the following statements:	Always	Sometimes	No
Our job descriptions are current and detailed (incl. responsibilities, performance expectations, qualifications, competencies, working conditions, etc.)	6%	34%	60%
Our external recruitment processes are effective and consistent	39%	34%	27%
We know exactly how and where to find the right talent when recruiting externally	33%	47%	20%
When we interview candidates, the questions are based on specific job requirements including competencies, skills, experience, etc.	34%	40%	26%
We follow up with every candidate interviewed, to let them know if they were/weren't successful	47%	26%	27%
We make sure that all new hires receive a welcome package and employment contract before their first day of work	40%	40%	20%
Our organization does an excellent job when it comes to orientating and on-boarding new hires	6%	80%	14%

# Importance of Employment Contracts

*Employment agreements/contracts should be customized to suit each agency*

At a minimum, some of the basics include:

- The start date of employment (and, if it is a fixed-term agreement, the end date)
- The duties and responsibilities of the employee
- How they will be remunerated for their work
- The duration of the probationary period
- Hours of work and how overtime will be managed
- The vacation entitlement

Ensure that employment agreements are given to all employees, that they are clear, and that they comply with both applicable legislation and common law. Regardless of whether they are full-time or part-time, hourly or salaried, indefinite or fixed-term, all employees should have an employment agreement. Remember to set out all the important terms and conditions of employment as well as post-employment obligations. Also remember to state how the employment agreement interacts with the Employee Handbook and Policies. Most importantly, have your HR person or a lawyer review your employment agreements in advance.



## Workplace Culture Top of the List

New recruits and the emerging generation seek different offerings from organizations than current/previous generations. The right type of workplace culture is a must along with being valued and receiving recognition. New employees also want access to stream-lined decision-making, flexibility with work hours, balance in life outside work, and the opportunity to participate in various experiences at work. Having a clear and obtainable strategic plan is key but so is being able to effectively



Does your agency use written employment agreements?

Does each agreement contain a termination provision?

Are employment agreements signed before the employee's first day of work?

Are employment agreements updated each time there is a change such as a new position or change of working conditions?



## Incident Reporting Form

If you are looking for a new incident reporting form check out this one from the Public Services Health & Safety Association.

**French and English available.**

<http://www.pshsa.ca/products/employee-incident-report/>

communicate that on a regular basis to future employees. Your candidates are listening so make sure that you articulate where your agency is going and how you are going to get there. This is becoming more important than compensation. You want to hire employees who will be happy at your organization and thrive in your workplace.

(source: John Dujay, HR Reporter)

## Update on Bill 148

### *Another round of public hearings underway*

On October 26, 2017, the Standing Committee on Finance and Economic Affairs (Committee) announced that it is holding another round of public hearings in Toronto with respect to Bill 148 (happening this week)...read more here: <https://hicksmorley.com/tag/bill-148-fair-workplaces-better-jobs-act-2017/>

## Employment Standards Poster

(source: Ontario Ministry of Labour)

Employers are required to post the most recent version (6.0) of the Employment Standards Poster published by the Minister of Labour in the workplace where it is likely to come to the attention of employees. The poster must be displayed in English. If the majority language of a workplace is a language other than English, and the ministry has published a version of the poster in that language the employer is required to post a copy of the translation next to the English version of the poster.

<https://www.labour.gov.on.ca/english/es/pubs/poster.php>

Changes in the law that came into force on May 20, 2015 also require employers to provide employees who are covered under the ESA with a copy of the most recent version of the Employment Standards Poster. If an employee requests a copy of the poster in a language other than English and the ministry has published a version of the poster in that language, the employer must provide the translated version in addition to the English copy.

# Tabletalk

## Measuring Collaboration in the Unionized Workplace

Metrics paint vivid pictures according to a 2015 report published by the Conference Board of Canada. If you want to get an idea as to the level of collaboration in your unionized workplace, take a look at your metrics for handling complaints and grievances. Organizations that can resolve disputes **before** they reach the grievance process tend to have better communication and collaboration skills between employees and managers. Metrics can be one indicator to assess the level of a healthy workplace. They can also tell if your processes are effective and, to what extent everyone is on the same page as far as interpretation of the collective agreement. Take a look at:

- the number of days it takes for both sides to sit down and review a complaint
- grievances as a percentage of unionized headcount
- the number of days it takes to respond to a grievance
- number of grievances that proceed to arbitration vs. issues resolved through grievances process
- the number of complaints or issues that that are resolved before reaching the grievance stage
- calculate the cost for resolving each grievance and compare that to the

Links to some of the posters are below:

[https://www.labour.gov.on.ca/english/es/pdf/poster\\_r.pdf](https://www.labour.gov.on.ca/english/es/pdf/poster_r.pdf)

[https://www.labour.gov.on.ca/french/es/pdf/poster\\_es.pdf](https://www.labour.gov.on.ca/french/es/pdf/poster_es.pdf)

[https://www.labour.gov.on.ca/other/simp\\_chinese/poster\\_es.pdf](https://www.labour.gov.on.ca/other/simp_chinese/poster_es.pdf)

[https://www.labour.gov.on.ca/other/hindi/poster\\_es.pdf](https://www.labour.gov.on.ca/other/hindi/poster_es.pdf)

## Health & Safety Check

Under the Ontario Occupational Health and Safety Act, employers have specific duties with respect to **workplace violence, harassment, sexual harassment and domestic violence**. Have you updated your H&S policy to include how you will assess and reduce risks, respond to incidents, handle confidentiality and conduct investigations? Have you expanded your H&S policy to cover each of these areas? (source: Ontario Ministry of Labour)



The OPRAH program includes some access to pro-bono legal support, for member agencies, when they are working on HR matters with the OPRAH consultants. From time to time, the HR matter may be significant and could require extensive legal support. Depending on the HR situation, the time required for a lawyer to manage a case can exceed what is reasonable for pro-bono support. Examples of these possible situations include but are not limited to arbitration, representation in court, mediation, preparing a defense statement for a Human Rights complaint, etc. There may be times when the OAN is able to consider providing some amount of financial support to a member agency, depending on the case and budget availability however,

cost of going to arbitration (you can use the hourly rate of those involved, cost of lawyers, cost of arbitrator)

Keeping track of your metrics can help you measure your workplace effectiveness. Having accurate evidence can support organizations and unions as they transition towards more effective and cooperative approaches.

(source: Conference Board of Canada / image credit: CUPE)



***Too good not to share. The best team Halloween costume idea goes to the Regional HIV/AIDS Connection. Thanks Brian!***

## Assessing the Risk

Under the Occupational Health & Safety Act, the employer has responsibilities for assessing risks for workplace violence.

<https://www.ontario.ca/laws/statute/90o01/v22>

- assess the risk of workplace violence that may arise from the nature of the workplace, type of work or conditions of work [section 32.0.3 (1)].

financial assistance cannot be guaranteed. Please remember that accessing pro-bono and reduced cost legal support is only available via the OPRAH consultants and is assessed on a case-by-case basis. Please continue to directly access the OPRAH consultants as they provide the shared HR services for OAN member agencies. Any type of HR support that requires legal support should come through the ED or Board Chair (directly to the OPRAH program).

- take into account the circumstances of the workplace and circumstances common to similar workplaces, as well as any other elements prescribed in regulation [section 32.0.3(2)]; and,
- develop measures and procedures to control identified risks that are likely to expose a worker to physical injury. These measures and procedures must be part of the workplace violence program [section 32.0.2 (2) (a)].

## HR Shared-Services Available for OAN Member Agencies

- recruitment techniques, interviewing, references
- employment contracts, orientation, on-boarding
  - policies and procedures
  - performance management
  - employee communication
    - employee surveys
    - labour relations
  - organizational effectiveness
  - benefits, compensation
  - job evaluation
- disability and accommodation
  - management coaching
  - health and safety
  - legislative compliance
- access to employment lawyers
- custom tools and forms
- exits interviews, terminations
- and so much more...

The employer must advise the joint health and safety committee or health and safety representative of the assessment results. If the assessment is in writing, the employer must provide a copy to the committee or the representative [section 32.0.3 (3) (a)]. If there is no committee or representative, the employer must advise workers of the assessment results. If the assessment is in writing, the employer must provide copies to workers on request or advise the workers how to obtain copies [section 32.0.3 (3) (b)].

(source: Ontario Ministry of Labour)

Looking for an HR partner to help you work through some HR challenges, questions or projects?

Call or email us:  
toll free: 1-844-376-7724 or local: 416-520-3667

email: [tcampbell@oan.red](mailto:tcampbell@oan.red)

**Stay tuned for the next issue in December!**

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