

# Human Resources For Managers and Supervisors

Crowflight Consulting Services





# HR Session Will Cover

- Management and Human Resources Responsibilities
- Recruitment & Hiring
- Legislative & Legal Concerns
- Managing Performance
- Labour Relations



# Important Disclaimer

- Nothing in this presentation constitutes legal advice and no such advice should be inferred from its contents.
- Anyone with a question about the applicability of any point of law should take the question to the appropriate people in their organization or a lawyer.



# What Disciplines Involve HR?

- HR Administration
  - Employment Standards
  - Human Rights
  - Occupational Health and Safety
  - Records Management
  - Employee Supervision
- Recruiting/ Staffing
- Compensation and Benefits
- Employee/ Labour Relations
  - Employee Conduct and Managing Performance
- Exiting Employees



# Be Aware of Areas of Overlap

- HR and Occupational Health & Safety
  - Be sure to consult on policies or other activities that overlap into OHS (including harassment/ bullying)
- HR and Finance/ Payroll
  - Be clear on such things as base pay reviews, bonus payments, overtime, vacations and statutory holidays, leaves of absence, data retention and employee terminations
- HR and Legal
  - Always consider checking with your legal supports for contracts (including letters of offer), questions of compliance and terminations



# Who Is Responsible for HR?

- The manager/ supervisor is responsible for the managing of the employees who report to them
- This means they are responsible for the application and monitoring of all human resources policies
- If you have an “HR” person, they are responsible for building the managerial/ supervisory capacity and advising on HR matters



Good HR depends on having effective HR policies and the ability to apply them.



# HR Challenges in the Canadian Workplace

- Productivity
- Demand for Job Satisfaction
  - Absenteeism
  - Turnover
- Sharing Power
- Managing and Working in a Changing and Competitive Environment
- Managing and Working in a Culturally Diverse Workplace





# HR Concerns for Non Profits

- The sector has identified challenges in retaining and recruiting individuals within their programs, succession planning and leadership development.
- A lack of HR expertise and administration puts organizations at risk, due to:
  - inappropriate interpretations of employment regulations;
  - insufficient documentation;
  - HR issues being handled reactively as they arise because EDs don't have time to address this aspect of their operation proactively



# The Impact of Effective HR

- Improves workforce alignment
- Higher levels of performance
- Higher levels of commitment to the organization
- Increased trust in management
- Increased cooperation, effort and involvement
- Lower intentions to leave the organization



# Question

- Does job satisfaction affect one's behaviour in the workplace?
- What determines job satisfaction?
  - Mentally Challenging Work
  - Equitable Rewards
  - Supportive Working Conditions
  - Supportive Colleagues



# What is the Responsibility of Your Board with Respect to HR?

- Setting the compensation of the ED
- The relationship with the Executive Director, including their performance review
- Oversight of human resource policies and practices
- In small non-profits, board members may be involved in management issues, including the recruitment, management, and compensation of employees, contractors and volunteers.



# What are the Obligations of Supervisors and Managers?

- Your responsibility for your own work and your responsibilities as a supervisor of others
- Managing work and managing people within your span of control
- Managing “performance”, influencing behaviour
- Ensuring that all relevant legislation and regulations are being followed

# Types of Work in the Non-Profit Sector

- Employees
  - In 2012 there were 7,823 BC non-profits with paid employees, with 135,356 workers
  - 72% were employed on a full time basis
  - Only 5% had a staff member focussed primarily on HR
- Fixed term contracts and specified purpose contracts
- Independent contractors
- Internships and co-op placements



# Employees, Volunteers and Independent Contractors

- ▶ Volunteers and independent contractors:
  - ▶ Not entitled to notice of termination by law
  - ▶ May not be protected under the organization's WorkSafeBC coverage
  - ▶ Not entitled to overtime, leaves of absence or paid public holidays
- ▶ Area of significant risk:
  - ▶ Contractors could be deemed "workers"



# Employees or Contractors?

- ▶ Tests that may be applied:
  - ▶ Control (time, place, and way in which the work is done)
  - ▶ Ownership of tools
  - ▶ Chance of profit
  - ▶ Risk of loss
  - ▶ Payment





# Takeaways for Employers

- Always put in place an appropriate contract that sets out the parties' expectations and intentions.
- Simply making the relationship non-exclusive, with invoices for services rather than salary, is not sufficient to establish a true independent contractor relationship.
- If you are uncertain, seek professional advice.



# Implications of Having Employment Status in Non-Profit Organizations

- Employee loyalty and organizational commitment
- Retention/turnover
- Legal obligations



# HR Policies and Legislation

- **Employment Standards** are the minimum standards of employment for workplaces required by law in BC.
- Any organizational HR policy must not provide less than what is offered in the legislation and/ or regulations
- **WorkSafeBC** has required a policy on bullying and harassment since November 1, 2013.
- The collection, use, or disclosure of the personal information of employees is governed by the **Personal Information Protection Act** in the private sector (“PIPA”). There is a requirement for a Privacy Policy.



# Policy on Bullying and Harassment

- Develop a policy statement about workplace bullying and harassment not being acceptable or tolerated.
- Take steps to prevent or minimize workplace bullying and harassment.
- Develop and implement procedures for reporting bullying and harassment, and specifically provide for reporting an incident when the alleged harasser is the employer, a supervisor or someone acting on behalf of the employer.
- Develop and implement procedures for investigating, following up and recording complaints of bullying and harassment.
- Be sure all employees are aware of the policy.



# Definition of Workplace Bullying and Harassment

- Includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, **but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.**



# Violence in the Workplace

- Be clear when to involve the local police
- Have policies for working alone or late at night
- Domestic violence affecting the workplace



# Privacy Policy

- All BC firms must follow BC's Personal Information Protection Act (PIPA)
- The privacy provisions apply to your employees and your clients/ customers
- It includes details about individuals such as:
  - age
  - name
  - telephone numbers
  - addresses
  - income levels
  - comments
  - employee files



# HR Policies - Recommended

- Workplace Impairment Policy - Employers (especially those in safety-sensitive settings) should have a policy addressing workplace impairment, banning possession and use of intoxicants, including prescribed medications, which might cause impairment without prior approval
- Progressive Discipline Policy - You should have a progressive discipline or other policy setting out the process to be followed in response to employee misconduct and explaining how you respond to instances of misconduct and specifically identifying the escalating disciplinary measures which you may impose.





# The Hiring Process

- Staffing is all about hiring the right people with the right skills at the right time.



# Job Description

- For each employee, a good job description helps the incumbent to understand:
  - Their duties and responsibilities
  - The relative importance of their duties
- For the organization, good job descriptions contribute to organizational effectiveness by:
  - Helping management clearly identify the most appropriate employee for new duties and realigning work loads
- List any Bona Fide job requirements
- Job descriptions are used during: recruitment, selection, orientation, training, supervision and performance management



# Recruitment

- Selection criteria for the position
  - What knowledge, skills, qualifications and experience are essential for a new employee to be able to perform the duties of the position?
  - What attributes must the new employee have to ensure he/she fits the culture of your organization?
  - Do any of your criteria exclude certain groups as prohibited under human rights legislation?
- Methods of Recruitment
  - Internal or External?
  - Employee referrals?
  - Print/ on-line recruiting?
  - Use a third party recruiter?
  - Unsolicited resumes?



**Figure 7**  
2010 Sources of Hire  
[External]

Source: CareerXroads, 3/2011



# Job Boards

- Workopolis.com (\$)
- Monster.com (\$)
- LinkedIn (\$)
- CareerBuilder.com (\$)
- CharityVillage.com (\$)
- Indeed.com
- Craigslist
- Service Canada Job Bank
- WorkInNonProfits.ca
- Idealist.com



# Considerations for On-Line Posting

- **Pay attention to the job title:** The job title is often the first and only thing a job seeker will see unless they become interested enough to click through for further information. Use familiar job titles and ensure they give a sense of what the job entails
- **Use key words:** Job boards and candidates will use key words to pull your position up in a search, so describe the position using words and phrases commonly associated with this type of role
- **Write for the web:** When viewing job postings online readers typically scan rather than review each word. Make the most important points stand out by highlighting, using headings for each section (e.g., About the Organization, About the Job, How to Apply) and using bulleted lists



# Social Media Recruiting

- Refers to the use of social networks to create and maintain relationships with prospective candidates
- Helps build your employment brand
- Can recruit for employees and volunteers
- Is a form of networking
- Does your website make it look like your employees are engaged and involved? Do you have a “Careers” section?
- The Big 3 – Facebook, LinkedIn and Twitter
- Remember: Blogs and YouTube posts are also a source of information for prospective employees



# Social Media Recruiting

- ▶ Your content needs to sell jobs, not a product.
  - ▶ Employee testimonials – Share stories about their experiences working at your company. Showcase real stories from real employees.
  - ▶ Organization “wow” factor – Talk about why your organization is awesome, but don’t over do it.
  - ▶ Values showcase – Candidates want to know what your organization stands for.



# The Interview – What Research Says

- Structured interviews are more reliable than unstructured interviews
- Interviewers are more influenced by unfavourable than by favourable information
- Interviewers can explain why they find an applicant unsatisfactory more easily than why they are satisfactory
- An applicant is given a more extreme evaluation (positive/ negative) when preceded by an applicant of opposing value (positive/ negative)
- Interpersonal skills and motivation are best evaluated by an interview



# Duty of Care

- ▶ Duty of care is a legal principle which identifies the obligations of individuals and organizations to take reasonable measure to care for and to protect their clients to an appropriate level or standard.

# Reference or Background Checks

- ▶ Four main components:
  - ▶ Police Information Check (Criminal Record Checks)
    - ▶ Used if the search is relevant to the position
    - ▶ The most common is a search of The RCMP National Repository of Criminal Records showing criminal convictions and some summary convictions
    - ▶ A search of local police information can be added to the criminal search for a more complete check. Local police information includes both conviction and non-conviction information
  - ▶ Credit Checks
    - ▶ Only used for candidates who will be responsible for managing or handling the company's assets
  - ▶ Reference Checks
    - ▶ The focus is on their behaviour in the workplace
    - ▶ Questions should be open-ended and relevant to the position
  - ▶ Employment and Education Verifications



# Making the Offer

- ▶ Letter of Offer – have your lawyer review the template
  - ▶ Include duties and responsibilities
  - ▶ Effective date
  - ▶ Probation?
  - ▶ Remuneration/ benefits
  - ▶ Vacation
- ▶ The employment agreement – have your lawyer review the template
  - ▶ As above
  - ▶ include a termination clause



# PIPA and the Hiring Process

- Difference between “consent” and “notification”
- Unsolicited Résumés: Shred or delete if you do not plan to keep, otherwise keep for a year.
- What kinds of personal information can I ask?
  - Consent implied for collection of relevant information
  - Collection, use or disclosure without consent for the purposes of establishing, managing or terminating an employment relationship.
  - Consent needed for collection of other information
- Reference Checks: Assume the job applicant’s consent for contact with listed references, notify applicants about other reference inquiries



# New Employee Orientation

- Gather relevant payroll and personal information
- Pass on all relevant HR related information
- Health & Safety information
- Schedule a follow up



# Legal Framework for Employment

- Legislation
  - Federal Law
    - For federally regulated workplaces
    - Criminal Code
  - Provincial Law
    - Employment Standards
    - WorkSafeBC (Occupational Health & Safety)
    - Human Rights Act
    - Personal information Protection Act (PIPA)
  - Licencing Bodies



# Volunteers

- When are volunteers subject to legal requirements?
- Organizations are responsible for the work carried out on their behalf whether it is done by volunteers or paid employees
- You need to apply Access to Information and Protection of Privacy; the Policy on Bullying and Harassment and Human Rights
- Police checks and vulnerable sector checks may be required





# Employment Standards

- The Act sets out the minimum standards that apply in most workplaces in British Columbia
- This Act applies to all non-union employees who fall under provincial jurisdiction
- The Regulations cover specific rules that must be followed



# Subsections of the Employment Act

- Minimum Daily Pay (Must be paid for at least 2 hours unless scheduled for more than 8 hours, then paid for at least 4 hours)
- Meal Breaks (After 5 hours in a row must provide a 30-minute unpaid meal break)
- Overtime and Averaging Agreements
- Statutory Holidays
- Employing Young People Under 15
- Vacation Pay



# WorkSafeBC

- Important considerations:
  - Ensure the health and safety of all workers
  - Remedy any hazardous conditions
  - Train workers
  - Provide Personal Protective Equipment, as required
  - Set up joint committees, as required
  - Provision of first aid
  - Includes bullying and harassment policies
  - Violence in the Workplace



# Human Rights Act

- Human rights legislation is considered quasi-constitutional and takes precedence over, and often influences, other pieces of legislation
- BC Protected Grounds:
  - Race, Colour, Ancestry, Place of Origin; Political Belief; Religion; Marital Status; Family Status ; Physical or Mental Disability; Sex; Sexual Orientation ; Age (19 and over); Criminal or summary conviction not related to employment



# Human Rights Act

- Duty to Accommodate – to the point of undue hardship
- Bona Fide Occupational Requirement
- Steps to take for accommodation:
  - Initiate the process as soon as possible
  - Seek information regarding limitations
  - Offer one or more solutions




# Human Rights Act

- Discrimination in employment:
  - Recruitment ads; interviews; hiring; working conditions; promotions and dismissals; benefits; wages
- Exemptions: Organizations that provide housing, employment, and services to an identified group (such as women only) where those services are meant to address past disadvantage



# Personal information Protection Act (PIPA)

- You must have consent to collect personal information
- Access - Individuals have the right to access their own personal information
- Retention:
  - If your organization uses an individual's employee personal information to make a decision that directly affects the employee, you must retain that information for at least one year after using it



# Employee Performance and Engagement

- 21% increase in workforce productivity
- 4+ years of improvement in employee retention
- 50% fewer accidents
- The most important relationship within the organization is the one between the employee and their immediate supervisor
- A good relationship between employee and supervisor is associated with high performance, more safety conscious behaviour, better physical health and higher employee satisfaction





# Managing Performance

- Clarify roles and responsibilities
- Develop and update work objectives (including behavioural objectives, if necessary)
  - Understanding of performance standards can increase individual performance by 36.1%
- Create opportunities for feedback
  - Being fair and accurate in giving feedback increases individual performance by 39.1%
- Listen to employee concerns
- Follow up!



# Millennials – A Special Case?

- From “Make The Most Of Millennial Employees”
  - Make yourself approachable
  - The benefit of high expectations
  - Give them tasks they enjoy
  - Love them or lose them
- Reframe this .... Every one of these suggestions would have a positive effect on any employee. What can be true about millennials is that their concept of the “employment contract” is different.



# Feedback and the Performance Review

- Feedback
  - Delivered promptly and directly
  - Delivered in a way that reduces resistance and defensive behaviour
  - Most likely to succeed if given as information, not a demand
  - Reduce the “shame”
- Performance Review
  - Rarely changes behaviour
  - May be useful in tracking negative behaviours



# Concepts from Neuroscience

- Our basic wiring is to minimize danger – maximize reward
- Change is pain
- Feedback lights up the “pain centres” in the brain
- Expectation shapes reality



# Top 5 Reasons Why Employees Leave Their Jobs

- Managers or Supervisors who:
  - Bully
  - Abuse their power
  - Ignore problems
  - Fail to give feedback
  - Show favouritism



# Rewards & Recognition

- Tenure-based rewards systems have virtually no impact on organizational performance
- Best practice:
  - Recognize people based on specific results and behaviours
  - Implement peer to peer recognition – not top down
  - Share recognition stories
  - Praise and commendation from managers
  - Timely

# Conflict Resolution and the Employment Environment

- Unresolved conflict has a negative impact on the leader-employee relationship, resulting in:


Eroded Trust	Decreased Motivation
Lowered Morale	Increased Stress and Health Risks
Decreased Performance and Productivity	Increased Absenteeism and Presenteeism
Employees Quitting	



# Jobs and Happiness

- Opportunity for personal control
- Opportunity for skill use and acquisition
- Variety in job content and location
- Environmental clarity
- Contact with others (quality/ quantity)
- Availability of money
- Physical security
- Valued social position
- Supportive supervision
- Career outlook (job security or opportunity for advancement)





Good leaders make people feel that they're at the very heart of things, not at the periphery. Everyone feels that he or she makes a difference to the success of the organization.



# When It's Not Working - Labour Relations or Poor Behaviour?

- Poor behaviour may be the result of:
  - Bad “fit”
  - Poor training
  - Motivation problems
  - Resource or environment problems
- Therefore, poor behaviour is not “labour relations” – it is managing performance (feedback, training, etc)

# Problem Analysis

10 (High)	Motivation	Resource/ Environment
Does employee have an	A	B
adequate knowledge of the job?	C	D
1 (Low)	Selection/ Discharge Transfer	Training

1 (Low)

10 (High)

Does the employee have the proper attitude (desire) to perform the job?

# Labour Relations Follow from Misconduct

- When progressive discipline may be applied:
  - Wilful misconduct
  - Gross incompetence
  - Insubordination
  - Rude or abusive language in the workplace
  - Failure to follow organizational rules or policies
  - Dishonesty
  - Theft/ Fraud
  - Failure to respond appropriately to corrective discipline



# Labour Relations

- Investigation into Misconduct
  - Interview to gather all sides of the story
  - Standard of guilt
  - Culpable versus non-culpable behaviour
- Discipline
  - Purpose of discipline is correct behaviour
  - Progressive in nature
- How to react to possible criminal activity
- Document, document, document



# Culminating Incident

- A series of incidents of minor misconduct over a period of time may lead to termination
- You must show:
  - You have established a reasonable standard of performance and communicated that standard to the employee;
  - You have provided the employee with sufficient time and a reasonable opportunity to meet the standard (may include providing training or tools);
  - You have warned the employee that failure to meet the standard was serious and would result in termination; and
  - The employer can show that the employee still did not meet the standard.



# Crowflight Consulting and Just in Time HR

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