

# Welcome

Fundamentals in Practical Leadership for New & Emerging Leaders

## Session 5: Human Resource Essentials

*"I am convinced that nothing we do is more important than hiring and developing people.  
At the end of the day, you bet on people not on strategies."*

*- Lawrence Bossid*

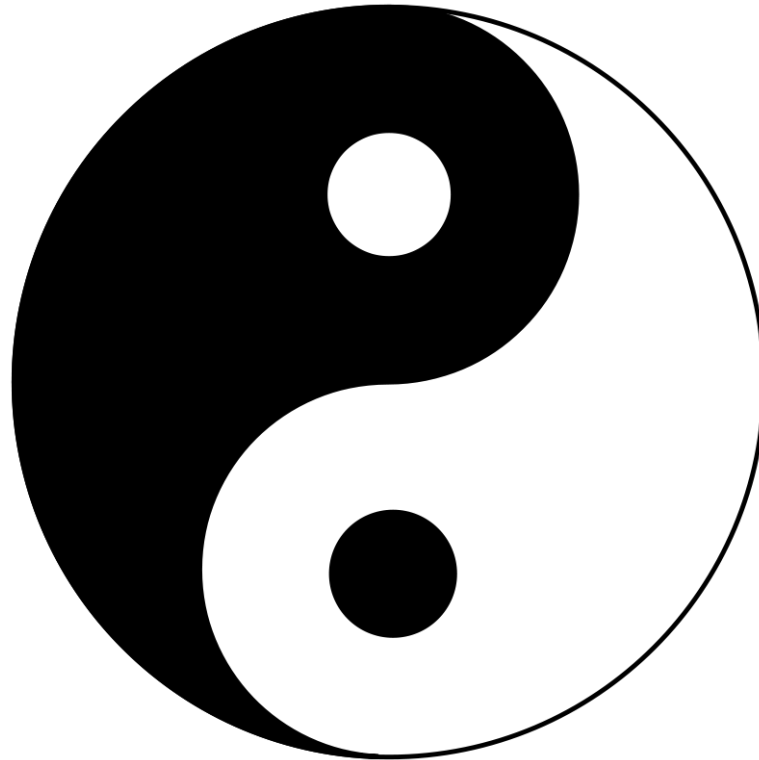
We'll begin at Noon

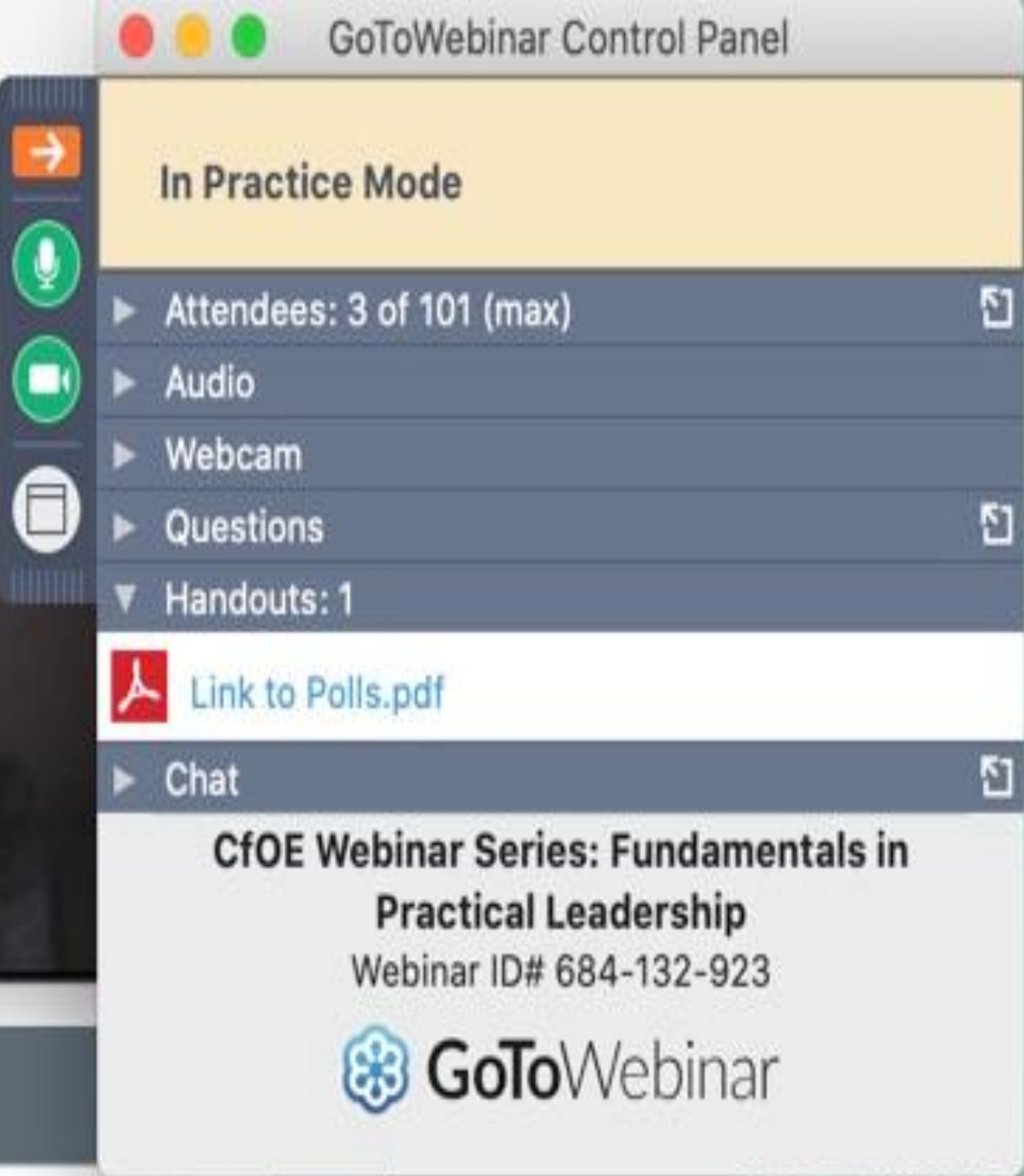
This session explores several areas that new managers without HR training need to know. When and how to document conversations with staff, pitfalls to avoid in applying discipline, what it means (and why it's important) to consistently apply policy, some lessons from experienced managers on where they made their "early mistakes". How do you navigate the fact that your organization says it values transparency and accountability with the reality of HR confidentiality?

Top areas from our survey at the end of last weeks session:

- The Hire and Probation Period
- Performance Management
- Progressive discipline
- Accommodations
- When to consult with HR

- Context – Why do managers/leaders that are not in HR need to know HR?
- Context - legislation and how the courts view the employer / employee relationship
- A short trip through..
  - The Hire and Probation Period
  - Progressive Discipline
  - Performance Management
  - Accommodations
- Practical Tips and When to consult with HR





# Ways to Participate

- ✓ Questions Box/Comments
- ✓ Audio
- ✓ Interactive polls
- ✓ Lines muted, if you 'raise your hand' we will unmute

# Handout



## Link to Polls

[www.PollEv.com/cfoe](http://www.PollEv.com/cfoe)

(skip entering your name)



# HR & MANAGEMENT

*The distinct and overlapping functions*



# HR Policies and Procedures as Supportive Practices

- If staff does not know expectations – they can't adhere to them and succeed in their role.
- If staff aren't aware of when they have done something incorrect – they can't correct it.
- If you don't address both positives and constructive criticisms with staff they can't build on strengths and develop plans to enhance areas of challenge.
- Remember, you may consider things are "common sense" but everyone's idea of "common sense" may be different!

# HR Policies and Procedures as Risk Management Practice

- At the intersection of HR Essentials for Managers, the focus can be considered in terms of risk management – Managers are often needing to focus time on the right half of this spectrum.

*Majority of People who will understand and follow policy / meet expectations.*

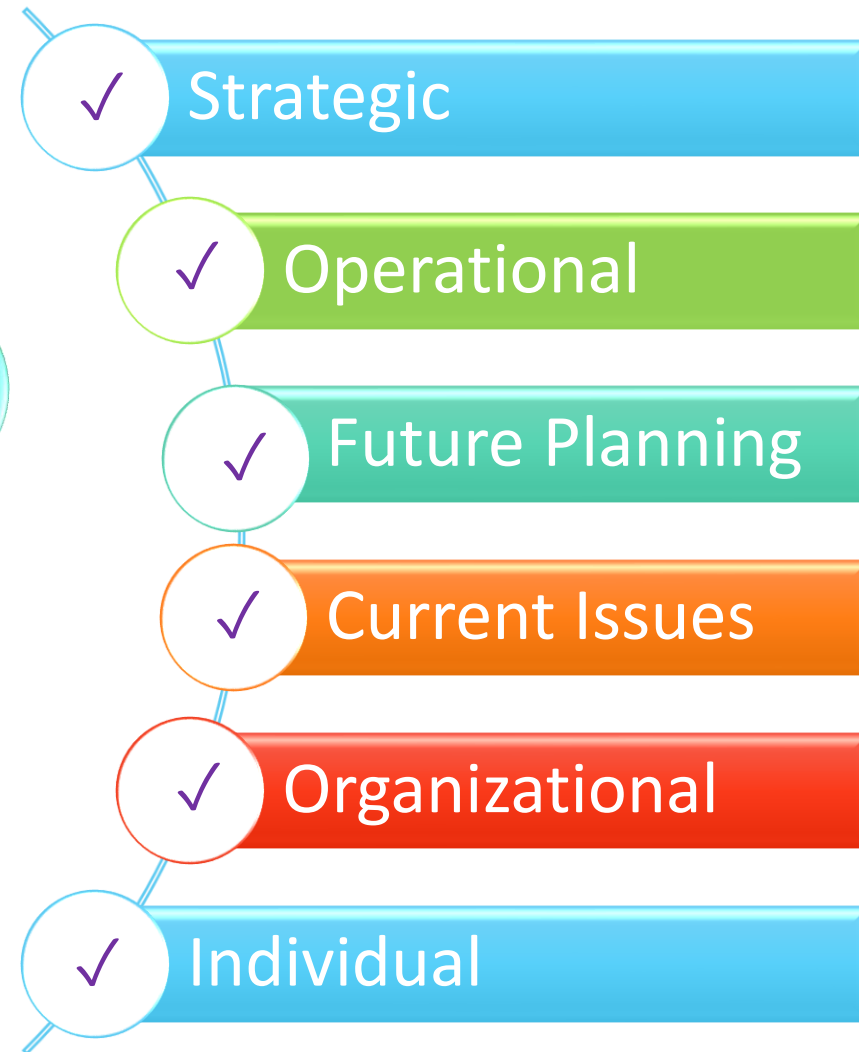
*Some people who for whom some direct management is necessary for understanding and compliance.*

*Smaller group that cause risk.*

- Remember, many things are considered “common sense” but everyone’s idea of “common sense” may be different!
- Fight the urge to “policy” everything (every organization has a culture and approach to formal policy – what is yours?)
- Caveat to this webinar – your organizational policies and practices take precedence over anything said today, if they differ, it’s an opportunity to ask why to understand the background and rationale.



# What does HR do?



Where do you see overlap with your function as a leader/manager?

# Hierarchy and Interdependencies of Sources of Authority

1. **Legislation over-rides all else**
  - There is also a hierarchy in legislation (i.e. provincial legislation can't contradict the Charter of Rights and Freedoms)
  - E.g. Employment Standards Act, Occupational Health and Safety Act, Human Rights Code, Workplace Safety and Insurance Act, Pay Equity Act, Ontario Labour Relations Act, Privacy Legislation
  - Changes only through legislative act
2. **Case law may have interpreted / clarified legislation, or may result in additional considerations**
  - Courts will assume that the employer is always in a position of power when interpreting or clarifying
  - E.g. common law severance above and beyond ESA required termination pay
  - Evolves over time
3. **Professional College Standards**
  - When it comes directly from legislation it falls under 1.
4. **Organizational Policy**
  - If it contravenes any of the above – it is moot
  - E.g. probationary periods of longer than 3 months
5. **Organizational Practice**
  - In absence of policy it is evidence
  - Critical to follow implementation to policy
  - In contradiction of policy – it overrides policy
  - In alignment with policy it is strong evidence





Scenario – Look for the Red Flags

Think about..

Where has the organization been exposed to risk in this scenario?

Where do you see areas of risk in the actions this manager has taken?



## Scenario Debrief

---

- Probation is not a “legal” requirement, it is a “practice” or policy of the organization, and therefore the ESA regarding paying for termination after 3 months of service over-rides your probation policy.
- By asking an employee to sign their agreement once they have already started working, they can successfully claim they signed it under duress
- The tools that are available to support success (job description, providing feedback) have not been used

# Progressive Discipline

Understand what is within your span of authority

Verbal Warning

- Sometimes informal conversation prior to this step (and if so, refer to it in the verbal warning)
- Follow-up with an email confirming that they have received a verbal warning (and tell them you are doing so)

Written Warning

- Hand it to them in person and discuss
- Follow-up with email if there has been discussion that you want a record of

Suspension

- How long?
- Sometimes duplicate this step
- Date can be decided or negotiated

Termination

- Very difficult to have iron-clad “with cause” termination
- Don’t think you’ve done anything wrong if the organization provides severance (risk-management)

## CLARIFY:

- Who in your organization needs to be aware of and input (or lead) this process.

## ASK :

- Is there anything you should be aware of that the staff member needs for support (e.g. accommodations)

## DOCUMENT :

- Anything you may want to refer to later re. conversations

## Performance..

**Management** – ongoing feedback and guidance/direction to support growth and development and correction of concerns

**Review (if applicable)** – point in time opportunity to reflect over a past time period and develop goals, objectives and strategies for coming time period

- ✓ Nothing should be a surprise (it should never feel like a “gotcha” for either party)
- ✓ Goals, objectives and strategies should form agenda for ongoing discussion

**Management Plan** – a specific plan related to issue(s) that require targeted development and strategies in order to successfully perform the job

- ✓ Includes SMART goals, regular formal check-in, written feedback on progress
- ✓ Often when review is not satisfactory
- ✓ Sometimes when behaviour/actions have occurred repeatedly and are significant
- ✓ Lack of success in meeting the plan will result in significant consequences
- ✓ Sometimes used in concert with progressive discipline





Scenario...

How do all of these tools work together successfully?

Poll

# Duty to Accommodate

- Goal is to ensure that someone that can work is able to do so
  - Accommodate to the point of “undue hardship”
  - Bona fide work requirements
- “duty to accommodate employees with disabilities... even if their injury is not work related”
- Employee’s right to privacy vs. transparency
  - Ask the employee!



# Additional Practical Tips and When to Consult With HR

- Office files – document any conversation or issue with a date
  - Office files can be subpoenaed – assume someone might read it some day
  - If you saw an issue and didn't have a conversation – briefly note why
- Ask before you share anything personal – discuss pros and cons
- Do not “promise” or “threaten” something and not follow-through
- Consistency both with the individual, and across individuals – the only valid reason not to is differing circumstances (don't be afraid to confirm if the circumstances are validly different) – perception of “favoured” relationships will cause strife within the team
- Consult with HR whenever you are uncertain!
- Remember.. HR practices should be supportive of the individual and supportive of managing risk for the organization



# Reflection Questions – Post Webinar – for Certificate Participants

\*\*who is eligible?

Due by the next webinar – November 30, 2020 (12pm)

Maximum 3 pages

Email to [webinars@cfoe.ca](mailto:webinars@cfoe.ca)

More detailed instruction will be available tomorrow following the webinar

1. *Describe and analyze a performance scenario from your real-life experience where you were either the supervisor providing the information or the staff member receiving it .*
  - 1.a) *What things happened in that interaction that you feel were: supportive practices for the staff member, supportive practices for risk management, not supportive for the staff and not supportive of risk management.*
  - 1.b) *What could have been done differently for those items that were not supportive?*
2. *Provide your top 10 list of things/tips for leaders to remember related to HR that you have either learned from this webinar, or in your work experience to date.*  
*The tips will be synthesized and circulated to all webinar participants.*

How are you leaving today?

# Thank you!

Maria Sánchez-Keane  
[maria@cfoe.ca](mailto:maria@cfoe.ca)  
519.636.3887

Keri Selkirk  
[keri@cfoe.ca](mailto:keri@cfoe.ca)  
519.282.9182

