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DON'T BE MAD AT THE TIGER FOR BEING A TIGER

— Hugh Secord

As a long-time labour relations practitioner, I am not anti-union. In order to be successful in bargaining and in problem-solving with unions I have to respect what they do and understand how they do things. On the other hand, I do prefer, and advocate, that employers in both unionized and union-free workplaces should promote direct relationships with their employees. These are the people who add value to the organization.

Regardless, the practice of labour relations is a practice in conflict management. The model is predicated on confrontation between the parties. This is necessitated by the fact that each side has different goals and different agendas. While other approaches may be theoretically possible, they require a significant paradigm shift that seems unrealistic. Hence, I do not see a real possibility in a union–management partnership.

The majority of union–management relationships evolve into a form of peaceful coexistence, wherein each side understands its role and the role of the other party, and there is respect. There is also a mutual understanding of the co-dependency so each tries to minimize any harm to the other. This creates an equilibrium or stasis that allows the relationship to remain healthy.

Upsetting the Balance

Notwithstanding the fact that this tends to be the norm (at least after time) it is susceptible to outside influences that can upset the balance. So, for instance, during an economic crisis, the parties revert back to traditional roles and the overtly confrontational model. This can lead to disruptive actions that can damage the relationship but necessarily lead to significant changes in the contract necessary for survival. When this is allowed to work the result can be an adjustment that ensures mutual survival.

However, the potential disruptions that come with the territory (like strikes and lockouts) are difficult and dangerous. People who have not experienced these and do not understand the long-term consequences (including the consequences of avoiding the confrontation) may risk failing to secure the new arrangements needed to overcome the present threats to the organization, its employees, and ultimately, the union.

Unfortunately, inexperienced people often turn to efforts to redefine the relationship as a partnership with mutual goals and shared interests. Sometimes, though not as often as one would hope, these attempts to develop union–management partnerships result in

some short-term relief and mutual gains. They do not, however, result in a sustainable long-term change in the relationship.

Both parties share an interest in the organization surviving and making a profit. How they come up with solutions to ensure this happens is different. With a partnership there has to be a sharing of both the good and the bad. A good partner readily accepts the need to make sacrifices and truly trusts the other party to make the same efforts and to share in the pain and ultimately to share in the rewards.

Differences in Culture

In a union–management partnership, it is necessary to understand the significant differences between union and management cultures and approaches. Each has its own assumptions, values, and “way of doing business”. While these differences can be managed in a crisis, they will get in the way of any long-term partnership.

Management tends to adopt what it believes is a rational approach to solving a problem. While the actual rigour applied to problem-solving may be questionable at times, managers tend to believe they are taking evidence-based approaches, and therefore once a solution has been found it should be immediately implemented. Unions, being political organizations, must address the emotional factors and adopt processes to create consensus before they can move to implementation. This can be seen as a delay tactic or a failure to commit in the view of managers.

Unions may also adopt a contrary stand, even when they believe the solution is right and necessary. For example, in order to survive, management may demand that the workers take a 10 per cent wage cut. Workers, understanding that the wage reduction is necessary, are ready to ratify, but the union refuses to endorse the proposal. They reluctantly agree to allow the demand to go to the membership. However, in reality, the union believes the cut is necessary. It simply cannot publicly admit it for fear that it will be seen as going against the employees’ interests.

Consider a similar scenario. The employer offers a three-year deal with a wage freeze. The union acknowledges the economic climate is uncertain, but professes it will alienate the membership if it doesn’t take back a good wage package. The union promises cooperation and partnership, but asserts it needs the increase to keep the membership onside.

It is this type of scenario that is dangerous for those who believe a partnership will work. The increase buys management nothing, but assures the union leadership continuity. Unfortunately, what management fails to understand is that the union expects management to turn them down.

Dynamics of Confrontation

It is about accepting roles and understanding the dynamics of conflict and confrontation. The union does not engage in confrontation because it expects to win every time. It engages in conflict because that is the nature of what they do.

You cannot fault a tiger for being a tiger. It will attack you if it is hungry or threatened. There is no reason to personalize it and be angry with the tiger. As well, there is no reason to make conflict between unions and management personal. Each side has a role to play and should respect that.

When a partnership is formed management typically expects the union to act differently. The union expects they will continue to be a union.

Partnerships do not work. They are actually fertile grounds for the parties to lose respect for one another because the expectations are that partners will always see eye-to-eye and come to agreement. A partner helps you get rid of the employee who is not performing well or who flaunts the rules. A union protects that employee because that is what they are supposed to do.

Notwithstanding the above, unions and management can arrive at cooperative solutions and learn to work together through an understanding of their co-dependency. In fact, as long as there is some level of trust and a lot of respect the relationship can not only be peaceful, it can be productive.

Innovative Solutions

Interpersonal relations, and in particular healthy ones, will involve conflicts. When the parties are able to deal with conflict and turn it into innovative and thoughtful solutions all parties win. When the union argues for the reinstatement of an employee, after sufficient efforts are made with respect to whatever rehabilitation he or she needs, the individual gets a second chance, the employer protects its investment in the individual, and the union gets a feather in its cap for doing its job.

This is not the stuff of partners but rather of two groups with distinct interests working together to find mutually satisfactory wins. Let's not dress it up and strive for something it shouldn't be. A healthy union-management relationship only exists if both parties are willing and able to engage in healthy confrontation over the issues. It isn't always pretty, but it's the nature of the beast.

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COLLECTIVE AGREEMENT SUMMARY

[**Note:** If the phrase **(new addition)** appears in the boldface heading of a provision, it means that it is a completely new addition that has been added to the collective agreement. If it is in parentheses at the end of the description of a provision (*new*), it means that a new part has been added to that previously existing provision.]

Longshoremen

Port of Saint John Employers' Association, Saint John, New Brunswick, and International Longshoremen's Association, Local 273 (AFL-CIO/CLC) concluded a 48-month renewal agreement, effective from January 1, 2011 to December 31, 2014, settled in February 2011, covering 140 longshoremen. The duration of negotiations was 12 months.

Key Provisions

Hours of Work

- 40 hours per week (*unchanged*).

Employer Contributions

- *Pension and Welfare Fund* — \$7.16 (was \$7.02) per hour earned; January 1, 2012, \$7.30; January 1, 2013, \$7.45; January 1, 2014, \$7.60.
- *Legal and Scholarship Fund* — 70¢ (previous provision not available) per hour earned.

Labour-Management Committee

- *Manpower* — To be established to establish the criteria for splitting of the current card list.

Key Rates

Effective Dates	Former	Jan. 1, 2011	Jan. 1, 2012	Dec. 30, 2013	Dec. 29, 2014
<i>General Adjustments</i>	—	35¢	49¢	49¢	67¢
Hourly Rates					
General Cargo Day Shift	\$32.11	\$32.46	\$32.95	\$33.44	\$34.11

Q1 WAGE SETTLEMENTS UP SLIGHTLY

Human Resources Skills Development Canada's Labour Program reports that for the first quarter of 2012, wage settlements in 56 major collective bargaining agreements covering 75,340 employees (major agreements are those covering 500 or more employees) averaged 1.8% annually over the term of the contract, slightly higher than the 1.7% reported in the last quarter. The average duration of third quarter contracts was 37.5 months. When the parties had previously settled, the average wage settlement was 2.7%, higher than the current increase.

First Quarter 2012 Wage Adjustments in Base Rates*

				2011			2012
	2009	2010	2011	Q2	Q3	Q4	Q1
Wage Adjustment	2.4	1.8	1.8	2.0	2.0	1.7	1.8
Non-COLA	2.4	1.8	1.7	1.9	2.0	1.6	1.8
COLA	2.3	1.9	2.3	2.2	2.2	2.5	2.2
Public Sector	2.5	1.6	1.7	1.9	2.1	1.5	1.5
Private Sector	1.8	2.1	2.1	2.2	1.9	2.1	2.7
Consumer Price Index							
% change over same period of the previous year	0.3	1.8	2.9	2.3	3.7	2.7	2.3

* Major agreements are those in units with 500 or more employees. The base rate is the lowest-paid classification used for qualified workers in the bargaining unit. All wage rate adjustments (including COLA) over the term of the agreement are taken into account. COLA clauses are based on an assumed 2.0% annual increase in the CPI.

Source: HRSDC Labour Program.

Public and Private Sectors

First quarter wage settlements in the Public sector averaged 1.5%, unchanged from the fourth quarter of 2011, with 42 agreements covering 58,760 employees, constituting 75% of first quarter agreements and 78% of first quarter employees. The Private sector average increase for the first quarter was 2.7%, with 14 agreements covering 16,580 employees. The first quarter increase in the Private sector was up from 2.1% in the previous quarter.

By Jurisdiction

The largest number of employees covered in first quarter settlements were in Ontario, with an average increase of 1.4%. A single agreement at Finning (Canada) in Alberta had the largest average increase, with 5.2%, and British Columbia had the lowest average increase, with a wage freeze in 11 Education sector agreements. The federal jurisdiction showed an average increase of 2.8% (five Private sector agreements and one Public sector agreement).

By Industry

Average first quarter wage increases ranged from a high of 5.2% in the Trade sector (a single agreement in Alberta) to a low of 0.9% in the Education, Health, and Social Services sector. The largest number of employees covered by agreements in the first quarter were in the latter sector.

WHAT TO DO WHEN YOU'RE HATED AT WORK

— Jean Kelley

At some point in your career, you've probably felt disliked — or even hated — by someone at work. Maybe it was your boss, a co-worker, or someone in a different department you interacted with occasionally. Perhaps the person was trying to get you fired, make you look bad, or just cause you frustration and self-doubt. Does this sound familiar? Is it happening to you now?

Whoever it was and whatever they did, this person made your work-life miserable . . . and that's a serious problem for your career, your health, and all your other relationships. Recent medical studies from all over the world show that being around someone who negatively impacts you affects you physiologically as well as psychologically. These studies cite that everything from heart attacks to depression can result from an environment that's toxic to you. Notice the key phrase "toxic to you". Even though the environment might not be toxic to others, it might be toxic to you.

So what can you do when you're the target of someone's dislike? In reality, no matter who hates you or what they're doing to show it, you have three — and only three — options.

Option 1: Ignore it

You may be able to ignore the situation, especially if the person who hates you doesn't work with you directly, interacts with you infrequently, and isn't trying to get you in trouble. If the brunt of the problem consists of a few mean glances in the elevator or a cold shoulder in the break room, then ignoring it could be the answer. Sometimes you just need to develop thicker skin.

However, if you have a gnawing feeling in your gut every time you see the person, that means you can't ignore it. The feelings are taking their toll on you and will affect your health at some point. Remember, we're social beings, so feeling hated is stressful. Any additional stress will negatively affect you in some way. Therefore, it's time to look at option number two.

Option 2: Fix it

Yes, you can fix the situation. To do so, first realize your part in it. While most of us wouldn't lie to a trusted friend, we lie to ourselves every day. Something pivotal happened that caused this person to hate you. Identify it. Perhaps you were hired from the outside over them . . . maybe you got the nicer office they wanted . . . perhaps the boss liked your marketing idea better . . . possibly you reacted to their constructive criticism in a negative way . . . or maybe you mistakenly took their can of soda from the break room refrigerator thinking it was yours. Look back over the course of your relationship with the person and pinpoint when the negativity started and your role in it.

Next, decide to have a much-needed "difficult conversation" with the person. Realize that if you don't talk to the person, nothing will change. People are complex and we never know what they're thinking unless we ask them. Sure, we often think we know what's going on in someone else's head, but in reality, we don't. That's why having this conversation is so important.

Taking this step requires courage, but it's always a step in the right direction. There are many resources and books available that detail how to approach and have these difficult conversations. Research it and then do it.

Option 3: Leave

Of course, if you can't ignore the person and if you don't want to fix the relationship, then you always have the option to leave. If you choose this option, be smart about it. Don't stomp out one day out of frustration. Rather, explore other options within the company. If the organization is large, confide in HR and see if you can be moved to another office location or another department. If the company is small, perhaps you can transfer to a desk or office space on a different floor or away from the person you're having challenges with. Sometimes physical distance is all the problem needs.

Realize that deciding to leave is a huge step in any job market. Therefore, stay at your current job while you look for another one. Taking action on your own behalf and knowing that another opportunity is on the horizon could give you the motivation you need to push through the challenges you're currently facing.

Put an End to the Hate

No one likes being hated, especially at work where we spend the majority of the day. But once you know and understand your options for dealing with the situation, you can take positive steps to ensure it doesn't affect your career or your health. No matter which option you choose, honest communication — with yourself and others — is the key to creating a work-life that is both prosperous and pleasurable.

About the Author

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U.S. NEWS

This Newsletter regularly reports on American trends in Human Resources Management of interest to Canadian subscribers. The following three articles, "Expert Advises against Demanding Passwords", "Expert Discusses Barriers to Securing Employee Buy-In for Organizational Sustainability and How To Overcome Them", and "U.S. Labor Statistics" appeared in Ideas and Trends, #734, May 2, 2012, published by CCH Incorporated, United States, a Wolters Kluwer business, and are reproduced with permission. If you wish to place an order or would like more information on U.S. products, please contact our Customer Satisfaction Hotline at (416) 224-2248 or 1-800-268-4522.

Expert Advises Against Demanding Passwords

Across the country, reports are popping up indicating that employers — both public and private — have insisted applicants supply their social media (Facebook, LinkedIn, Twitter) credentials as part of the interview process. Recently, similar reports have linked the practice to current employees as well, as a requirement for continued employment.

Employers want access to conduct additional research on perspective and current employees. Everyone else, it seems, wants privacy.

On March 26, Senators Richard Blumenthal (D-Conn) and Charles E. Schumer (D-NY) sent letters to the Department of Justice (DOJ) and the EEOC calling for a federal investigation into what they called "a new disturbing trend". Access to those passwords would give employers access to personal information including private photos, email messages, and biographical data that the senators note is "otherwise deemed private". The senators say that this trend could expose employers to discrimination claims and could make it more difficult for applicants to get jobs.

Some state legislatures are taking prompt action to prevent employers from accessing social media and email websites. Under legislation introduced in the Washington Senate, for example, employers would be prohibited from asking job applicants for their Facebook passwords during a job interview. Similar measures have been introduced in Illinois, Maryland, Minnesota, and California.

And the National Association of Colleges and Employers (NACE) has weighed in on the controversy, saying that the practice violates ethical standards. NACE, which represents the interests of nearly 8,000 college recruiting professionals who recruit and hire new college graduates for their organizations' work forces, issued a statement advising their clients to avoid the practice. It's own "Principles for Professional Practice" ensures a recruitment process that is consistent with EEO and privacy laws and "a process in which students are free from undue pressure."

NACE also is advising college career services professionals to counsel their students that employers do not have a right to ask for logins and passwords during the employment recruiting process.

Facebook even stepped in issuing a warning to employers against the practice, saying that it is a violation of Facebook's Statement of Rights and Responsibilities to solicit a Facebook password. On its March 23, 2012, blog, Facebook's Chief Privacy Officer, Erin Egan, says that the practice "undermines the privacy expectation and the security of both the user and the user's friends."

"We don't think employers should be asking prospective employees to provide their passwords because we don't think it's the right thing to do," wrote Egan. "But it also may cause problems for the employers that they are not anticipating. Employers also may not have the proper policies and training for reviewers to handle private information. If they don't — and actually, even if they do — the employer may assume liability for the protection of the information they have seen or for knowing what responsibilities may arise based on different types of information (e.g., if the information suggests the commission of a crime)."

Why do employers want access? According to a CareerBuilder survey released April 19, 37% of employers use social networking sites to research job candidates and 45% use them to screen candidates. Of those that do not research candidates on social media websites, 15% said their organization prohibits the practice and 11% said that while they currently do not engage in the practice, they plan to start.

When asked what exactly it is that they are looking for, employers say they are attempting to evaluate a candidates' character and personality outside the confines of the traditional interview process. They look:

- to see if the candidate presents himself/herself professionally (65%);
- to see if the candidate is a good fit for the company culture (51%);
- to learn more about the candidate's qualifications (45%);
- to see if the candidate is well-rounded (35%); and
- to find reasons not to hire the candidate (12%).

A third (34%) of hiring managers who currently research candidates via social media said they have found information that has caused them not to hire a candidate. That content ranges from evidence of inappropriate behavior to information that contradicted their listed qualifications:

- candidate posted provocative/inappropriate photos/information (49%);
- there was information about candidate drinking or using drugs (45%);
- candidate had poor communication skills (35%);
- candidate bad mouthed previous employer (33%);
- candidate made discriminatory comments related to race, gender, religion, etc. (28%); and
- candidate lied about qualifications (22%).

While screening for red flags is one a reason for social media research, employers are also looking for information that could potentially give a job seeker an advantage. Three in 10 hiring managers (29%) said they have found something that has caused them to hire a candidate, citing content that showed them the following:

- good feel for candidate's personality (58%);
- conveyed a professional image (55%);
- background information supported professional qualifications (54%);
- well-rounded, showed a wide range of interests (51%);
- great communication skills (49%);
- candidate was creative; and (49%);
- other people posted great references about the candidate (34%).

As it currently stands, there is no law preventing an employer from demanding an applicant or employee's social networking credentials. However, it appears such laws are forthcoming. In the meantime, CCH interviewed Susan

Heathfield, an HR expert, and www.About.com *Guide to Human Resources* to get her thoughts on the issue. Here are the questions we posed to her, followed by her responses.

CCH: Do employers have a right to ask prospective employees for their Facebook passwords?

Heathfield: Employers, in my opinion, do not have the right to ask prospective employees for their Facebook passwords. It is the equivalent of asking candidates to share their private email or personal mail. With the belief that privacy settings are in their hands, people share information on Facebook that they would never want a prospective employer to know.

An employer with access to a private Facebook account learns the age, ethnicity, religion, sexual orientation, interests, family relationships, clubs and professional organizations, gender, political beliefs and affiliations, and appearance of the job candidate. By various state, Federal, and local laws, depending on the employer's location, none of these may be used when making a hiring decision. I don't know why any employer would want the burden of all of this information. Plus, the employer violates the privacy of the candidate's family and friends.

CCH: Are a lot of employers doing this?

Heathfield: I received my first email about this practice about two years ago from an employee who asked me what to do. Several recent stories in the Wall Street Journal and other business publications brought the story into the popular media. Plus, Facebook Chief Privacy Officer, Erin Egan, thought it was becoming enough of a problem that she has admonished Facebook users that Facebook's user guidelines prohibit them from sharing their passwords. I don't know how many employers are engaging in the practice. I hope it's very few.

CCH: Is there any circumstance in which it's a good idea for employers to ask for passwords?

Heathfield: Not in my opinion. The employer opens their organization up to potential legal risks. The prospective employee, if he joins their organization does so feeling as if his privacy has been violated — which it has. The majority of information that an employer needs to make a legal, ethical hiring decision is available in other ways.

CCH: What risks do employers run by engaging in this practice?

Heathfield: An employer risks potential discrimination suits over information obtained in social media whether it affected a hiring decision or not. Especially in these tough economic times when about a third of Americans are not working, prospective employees are looking for reasons to sue employers. Lawsuits for discrimination are up. For example, I read recently that age discrimination lawsuits are up 18% in the past couple of years.

I can also foresee negligent hiring claims, if an employer had access to public information and failed to act on what the employer knew. In this litigious society, I can even foresee wrongful discharge suits from former employees who believe they were fired for their social media activity.

CCH: In your opinion, is the risk worth the potential good?

Heathfield: Not in my view. To ask for a prospective employee's passwords violates the unspoken compact that employees have with employers: work and life are separate unless life flows over and affects work. Employers should consider what an employee does in his or her life outside of work as private. Drug use is one example of a legitimate employer concern because drug use often impacts work and work schedules negatively.

There are too many ways for this practice to go wrong including looking up the wrong person with the same name, potential discrimination charges, and violating the privacy of your candidate's friends and family to their consternation.

CCH: What alternatives do employers have for discovering relevant information without invading Facebook or other social media sites?

Heathfield: Good old fashioned background checking methods work. Employers need to check the information presented on a resume line by line including verifying all prior jobs and dates of employment by talking with the employers. Verify all claimed degrees. Talk to personal and professional references. Try to talk with the prospective employee's prior managers; many are willing to talk with a potential employer especially if the employee was valued. Conduct a criminal background check.

Finally, check the *public entries* the candidate has made on social media and do so late in the hiring process to verify that the individual you've come to know, to whom you plan to extend a job offer, is consistent with the person

presented online. For example, employment dates on LinkedIn match those on the candidate's resume. I wouldn't spend any more time than that and only for my finalist.

CCH: If an organization decides to investigate a prospective employee's Facebook site, who should do the investigating? Should access be limited? To whom?

Heathfield: If an organization makes this decision, I recommend that only Human Resources staff have access to the sites. Just as you don't give copies of employment applications or any other document that contains protected class information to your managers and interview team, you don't want them exploring the candidate's personal social media pages.

CCH: Can you provide a list of tips for utilizing social media sites in the selection process?

Heathfield:

(1) Do check social media sites such as Facebook, LinkedIn, and Twitter. You owe the due diligence to your other employees to make sure the person is who they say they are.

(2) Do have a written social media code of conduct or policy that covers areas such as company confidentiality, coworker privacy, intellectual property ownership, coworker references, and so forth. In the same code of conduct, describe how managers and HR staff can seek out and utilize information from social media sites for making decisions about employment.

(3) Do make certain that your employees are trained about the policy and that your managers are expected to enforce the policy.

(4) Do train your employees in what they can share or not on social media keeping in mind that you recruiting through social media. Remind them that prospective employees make a lot of decisions about potential employers through what they see about a company and its employees online.

CCH: Any final thoughts?

Heathfield: This Facebook frenzy will spark hours and hours of legislative time at the state, national and local level as lawmakers rush to make sure that the social media privacy of job searchers is protected. Amendments will be made to current laws if they are not deemed to cover this and related areas already. The involvement of the Justice Department and the EEOC will further complicate the whole issue.

I wish that employers would practice common sense. Any time you involve the legal or legislative branches of government, individual freedom is further restricted — and you can never predict how far reaching or overriding the end products will be.

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Expert Discusses Barriers to Securing Employee Buy-In for Organizational Sustainability and How To Overcome Them

During the past several years, a growing number of organizations have made commitments to sustainability and greater consideration of environmental, social, and governance factors in their operations. Making this happen on the ground is challenging, and requires several elements. These include senior management commitment; comprehensive strategies, policies, systems, and work practices; improvement goals and performance measures; and effective communication and stakeholder interaction, among others. But one vital element is deep and ongoing employee commitment and involvement — without the support and actions of the workforce across the organization, sustainability will remain a desired future state and not a reality.

Executives and Human Resources professionals have important roles to play in creating the conditions that will secure employee buy-in of a sustainability program or initiative. Without focused attention on the all-important human term in the equation, progress toward more sustainable practices will be limited and sporadic. In formulating and implementing such a program, it is important to recognize and address several barriers that experience has shown can impede the most well-intentioned program. Many of these have to do with fundamental factors that accompany all human activity.

- **Inertia.** Just as in the physical world, overcoming organizational inertia requires the application of force, or energy. If a person, or organization, has developed a certain way of thinking about an issue or carrying out a particular task that is established and accepted, “energy” is required to bring about a change that will be durable. In other words, to have real effect, this change will need to alter the existing state and establish and maintain a new equilibrium rather than allow the person or organization to quickly revert to the prior state.
- **The “principal-agent problem.”** This refers to a situation in which the employee’s personal incentives are not fully in alignment with those of his or her employer. For example, a company may have established goals for recycling paper and other wastes that apply to all employees. Suppose, however, that the responsibility for actually collecting, segregating/sorting, and separately managing this paper and other materials falls to the janitorial staff (as it often does). Suppose further that these staff members receive no benefits (overtime pay, recognition, a share of the cost savings) from carrying out these extra steps. All they get is extra work. In that case, no one should be surprised that such an arrangement tends to produce very little in the way of results (recycled materials or otherwise) — her than, perhaps, disgruntled employees.
- **Culture.** Beyond the inertia that exists in all human endeavors, in some organizations the culture poses a significant barrier to more sustainable behavior. Many companies and other entities have a well-established way of doing things and may not welcome change or promote individual initiative. Those who would suggest a new or better way may have a large burden of proof to surmount. If they are relatively early in their careers (they didn’t grow up professionally in the culture/work practices of their employer), they may be accepting significant risk by challenging the existing order, even if at the margins. Quite simply, questioning the wisdom of the existing hierarchy could be considered a career-limiting move.
- **Personal empowerment.** Finally, the notions of decentralization and “empowerment” have received great emphasis in recent years. Many organizational leaders and management “experts” have extolled the virtues of placing decision-making authority in the hands of those closest to the production of the organization’s goods or delivery of services. Such approaches often have been well received by the non-managerial staff to which they were directed. To be sure, nothing is wrong with giving each employee a voice or opening a communication channel that operates in both directions. Moreover, senior managers can often benefit from receiving occasional unfiltered perspectives from “where the rubber meets the road.” The problem arises when an organization attempts to institute change, or even to accurately represent itself to the outside world. If divisions, regions, facilities/sites, and even employees are empowered to interpret corporate-level directives as they see fit, and to implement new programs using a “tailored” approach in accordance with local conditions, serious problems can arise. It quickly becomes unclear whether or to what extent the organization speaks with one voice, has a defined approach to a particular business practice or issue (e.g., sustainability), or is performing as expected (if this can even be determined).

To overcome these important limitations and prevent their pernicious outcomes, managers and HR should consider taking a number of actions.

Be candid about the change. One is being candid about the fact that embracing sustainability will mean instituting at least some degree of organizational change, pose some challenges for people at all levels of the organization, require sustained commitment, and impose some degree of shared sacrifice. Although a feeling of personal empowerment infused throughout the workforce can lend significant impetus to a sustainability effort, it is important for individual efforts to be guided (and even circumscribed) by clear guidance from senior and, in due course, middle management concerning where the organization is going, what the priorities and goals are, what is expected, and how individuals can and should be involved. What most organizations do not need is dozens or hundreds of self-appointed “champions” guided by their own individual conceptions of what sustainability is about or how it should be pursued.

Be candid about the change. One is being candid about the fact that embracing sustainability will mean instituting at least some degree of organizational change, pose some challenges for people at all levels of the organization, require sustained commitment, and impose some degree of shared sacrifice. Although a feeling of personal empowerment infused throughout the workforce can lend significant impetus to a sustainability effort, it is important for individual efforts to be guided (and even circumscribed) by clear guidance from senior and, in due course, middle management concerning where the organization is going, what the priorities and goals are, what is expected, and how individuals can and should be involved. What most organizations do not need is dozens or hundreds of self-appointed “champions” guided by their own individual conceptions of what sustainability is about or how it should be pursued.

Offer incentives. It is essential in developing a sustainability program or initiative that senior managers, with the active involvement of HR, examine existing incentives, identify any that conflict with the new or modified behaviors desired, and make any appropriate adjustments. The key to preventing apathy or even active resistance from employees is to ensure that the incentives for the employee and employer are in alignment. Accordingly, if the employees get some type of reward for participating in the new program, particularly if they are expected to do extra work, they are more likely to actually perform it. In my experience and that of many organizations, the reward does not need to be large. Most people simply like to feel that they are valued. Recognition, small prizes, workplace amenities, and bonuses can go a long way toward stimulating the type of behavioral change that may be desired. And certainly, any sanctions that they might face for embracing the new program, unintentional or otherwise, should be identified and removed.

Practice what you preach. Every organization has its own unique culture, which guides the thinking and behavior of those within it. Although many organizations are open to new ideas, and welcome suggestions from people up and down the management chain, many others are not and do not. Organization leaders interested in promoting sustainable business behavior can do much to ensure that they are projecting and, as appropriate, enforcing an attitude of openness to productive change, questioning the status quo, and, in general, promoting suggestions and feedback from their people. After all, those working on the front lines often have the best vantage point for seeing what works and what could be improved. This becomes particularly important when addressing an issue as complex and multi-faceted as sustainability.

HR can and should be on the front lines of sending the internal message that the approach being taken is inclusive, and that senior management welcomes and in fact wants input and contributions from people across the organization. If and as necessary, the senior manager(s) responsible for HR management should be willing to remind those in senior leadership positions that they must both communicate and model the desired behaviors. Nothing will cause a promising initiative, whether it involves sustainability or anything else, to wither more quickly than hypocrisy from those theoretically leading it.

Decide what it will take to make the change. Assuming that senior management has addressed the structural and cultural issues and developed a general blueprint for how to pursue a sustainability agenda, it must be prepared to invest “energy” to overcome existing inertia in the organization and its members (and yes, it is present in all organizations). Note that the amount of energy needed to overcome the existing tendencies to think and do things in particular ways is directly proportional to the magnitude and difficulty of the change being sought. Those pursuing or considering sustainability initiatives should carefully evaluate the amount of change this will entail and be prepared to expend an adequate amount of organization “energy” to overcome the inertia that these initiatives will inevitably encounter. HR professionals can play a key role in assessing the current state, evaluating the mix of skill development, behavioral change, and organizational development required to make employees successful in their new roles, monitor employee reactions, experiences, and successes/failures, and collect and report feedback from those involved. They also will be at the focal point of any necessary efforts to determine whether additional labor/employees are needed, and if so, in what quantities.

Form a team to guide sustainability strategy. In terms of where to start, assuming senior management commitment to take on the sustainability issue, I recommend that the organization form a cross-functional, multi-disciplinary team. This team will map out the sustainability strategy and should include representatives of strategic planning, environmental management/compliance, health and safety, energy, facilities, operations/manufacturing, finance, marketing, sales, investor and/or public relations, and HR, which often can play a valuable coordinating role. In many cases, the deliberations of this team will produce findings and indicate actions that require intensive HR involvement. These might include, for example, developing and deploying new training curricula; reviewing/revising existing performance evaluation criteria and compensation schemes; developing and implementing new procedures, work instructions, and the like; and soliciting, collecting, and analyzing employee input and feedback at regular intervals.

Take baby steps in the beginning. From a substantive point of view, it also may be desirable to focus early efforts on an area that reliably produces “low hanging fruit” that can be harvested, is conceptually easy to understand, that people can participate in and see the results of, and involves very low investment risk: energy efficiency. Replacing inefficient lighting and other building components can reap big financial dividends (providing capital for other sustainability projects), reduce energy consumption and pollution, create more pleasant and healthful work spaces (which have been shown to improve productivity and reduce absenteeism), and show tangible results that can help a sustainability program get off on the right foot and establish credibility early on.

Regardless of the specific approach taken, sustainability is a journey that all organizations should undertake. HR professionals have a key role to play in explaining the concept, actively supporting its implementation, driving some of the process and cultural improvements that may be needed along the way, and maintaining multi-lateral communication among the members of the organization.

Source: Article prepared for CCH, a Wolters Kluwer company, by Peter A. Soyka, founder and president of Soyka & Company, LLC (<http://soykaandcompany.com/>) an environmental and sustainability management consulting firm. He may be contacted at peter@soykaandcompany.com.

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U.S. Labor Statistics

Consumer Price Index — March 2012.

The Consumer Price Index for All Urban Consumers (CPI-U) increased 0.3% in March on a seasonally adjusted basis, the U.S. Bureau of Labor Statistics (BLS) reported April 13. Over the last 12 months, the all items index increased 2.7% before seasonal adjustment.

The indexes for food, energy, and all items less food and energy all increased in March. The gasoline index continued to rise, more than offsetting a decline in the household energy index and leading to a 0.9% increase in the energy index. The food index rose 0.2% as the index for meats, poultry, fish, and eggs increased notably.

The index for all items less food and energy rose 0% in March after increasing 0.1% in February. Most of the major components increased in March, with the indexes for shelter and used cars and trucks accounting for about half the total increase for all items less food and energy.

Real Average Hourly Earnings — March 2012.

Real average hourly earnings for all employees fell 0.1% from February 2012 to March 2012, seasonally adjusted, the BLS reported April 13. A 0.2% increase in the average hourly earnings was more than offset by a 0.3% increase in the CPI-U.

Real average weekly earnings fell 0.4% over the month due to a 0.3% decline in the workweek combined with the decline in real average hourly earnings. Since reaching a peak in October 2010, real average weekly earnings has fallen 1.1%.

Mass Layoffs — March 2012.

Employers took 1,273 mass layoff actions in March involving 121,310 workers, seasonally adjusted, as measured by new filings for unemployment insurance benefits during the month, the BLS reported April 24. Each mass layoff involved at least 50 workers from a single employer. Mass layoff events in March decreased by 20 from February, while the number of associated initial claims increased by 1,847. In March, 261 mass layoff events were reported in the manufacturing sector, seasonally adjusted, resulting in 26,348 initial claims. Both manufacturing figures were lower when compared to February.

Unemployment Rate — March 2012.

The national unemployment rate was 8.2% in March, little changed from the prior month but down from 8.9% a year earlier. Total non-farm payroll employment increased by 120,000 over the month and by 1,899,000 over the year.

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YUKON MINIMUM WAGE INCREASE

Effective May 1, Yukon's minimum wage increased to \$10.30 as recommended by Yukon's Employment Standards Board. This brings Yukon's minimum wage rate to the second highest in Canada.

Yukon's new minimum wage replaces the previous rate of \$9.27 per hour and will continue to be indexed by any increases to the annual Whitehorse Consumer Price Index.

The Yukon Employment Standards Board will hold a public review in the fall seeking feedback on the sufficiency of the \$10.30 minimum wage rate and will make a recommendation should further changes to the rate be deemed necessary.

When the minimum wage review is complete, subscribers will be notified if the review results in any changes to the minimum wage noted above.

CASE NOTES

Accommodation Plan Not Fully Implemented

Was it impossible for an employer to accommodate an employee suffering from Multiple Chemical Sensitivity? The employee was entitled to accommodation, and while the situation was such that the accommodation demands were difficult to meet, the employer had not fully attempted all of the measures set out in the accommodation plan. Therefore, it was unclear whether the employee could be accommodated in the workplace or not.

Entitlement to Holiday Pay

Was an employer required to pay holiday pay for an employee who had left work early without authorization on the day before a statutory holiday? Since the collective agreement did not specify that an employee was required to work the full shift on the day before a holiday, the employee was entitled to statutory holiday pay.

To read the full digests of these two cases see **Arbitration Abstracts** for this Report.

IN THIS REPORT

Current Statistics

- **Consumer Price Index, April 2012** — The April 2012 All-items figure was **122.2**, up 0.4% over last month, and **2.0%** above the April 2011 figure of 119.8. The All-items figure for April 2012 on a 1992 = 100 basis is 145.5.
- **Labour Force, April 2012** — Employment increased by 58,000 in April, mostly in full-time work. This was the second consecutive month of notable gains after four months of little change. With more people searching for work, the unemployment rate increased by 0.1 percentage points to **7.3%**.
- **Weekly Earnings, February 2012** — Average weekly earnings for January 2012 (industrial aggregate) are **\$86.45**, 1.8% above the February 2011 figure of \$870.60. The hourly earnings figure (industrial aggregate) for February 2012 is \$21.99 up 1.9% from the February 2011 figure of \$21.57. These and other statistics of relevance to Human Resources and Labour Relations practitioners are included with this Report in the **Economic Indicators** tab division.

Arbitration Cases — Two summaries of current arbitral decisions are highlighted in this newsletter under **Case Notes** above. The digests of these two decisions are in the **Arbitration Abstracts** tab division for this Report.

Feature Articles — This month's article reviews a recent paper by two major unions that examines the future of unions in Canada. This also has bearing on employers and their relationship to unions and their employees. For details, see "A Moment of Truth for Employers" in the **Feature Articles** tab division of this Report.



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