

TODAY'S TALK



GOOD EMPLOYER PRACTICES

POSITIVE WORK ENVIRONMENT

**NO NEED FOR THIRD PARTY
INTERVENTION**

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Employment Principles



WHO ARE YOU?

WHAT DO YOU VALUE?

**WILL YOU STAND BEHIND YOUR
VALUES?**

HOW WILL YOU DO THAT?

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Important Principles

- ✓ **NO DISCRIMINATION**
- ✓ **COMPLY WITH LAW –**
*Employment Standards Act,
Occupational Health and Safety Act*
- ✓ **BE FAIR**

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Fairness at Law

- **PROCESS**
- **NOTIFY**
- **INQUIRE**
- **LISTEN**
- **RESPOND**

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Employment Law Principles

- **SET TERMS AT BEGINNING**
- **REASONABLE NOTICE**
- **FUNDAMENTAL CHANGE**
- **NEGOTIATION RIGHTS**
- **CONTRACT**

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Union Related Rights

- **SOLE BARGAINING AGENT**
- **COLLECTIVE AGREEMENT**
- **MANAGEMENT RIGHTS**
- **REASONABLE RULES**
- **BINDING ARBITRATION**

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Power Play Principles

- **IMBALANCE**
- **RESPONSIBILITY**
- **TRUTHWORTHINESS**
- **CREDIBILITY**

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Role of Human Resources Manager

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Normal Employer Practices

- ❑ **hiring**
- ❑ **performance**
- ❑ **promotion**
- ❑ **discipline**
- ❑ **termination**
- ❑ **discrimination**
- ❑ **harassment**
- ❑ **violence and bullying**
- ❑ **complaint procedure**

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Terms and Conditions of Employment

- **PAY**
- **VACATION HOLIDAYS**
- **HOURS AND OVERTIME**
- **BENEFITS**
- **POLICIES**

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Union vs Non-Union	
<ul style="list-style-type: none">• written down – and binding• subject to negotiations	<ul style="list-style-type: none">• maybe written – changeable• reasonable notice
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How to Avoid Third Party?	
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What is Performance Management?

TRAIN

GROW

COUNSEL

OPPORTUNITY TO IMPROVE

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What is Discipline?

MISCONDUCT

PROPER CONDUCT

FUTURE IMPLICATIONS

RETURN ON INVESTMENT

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At the Beginning

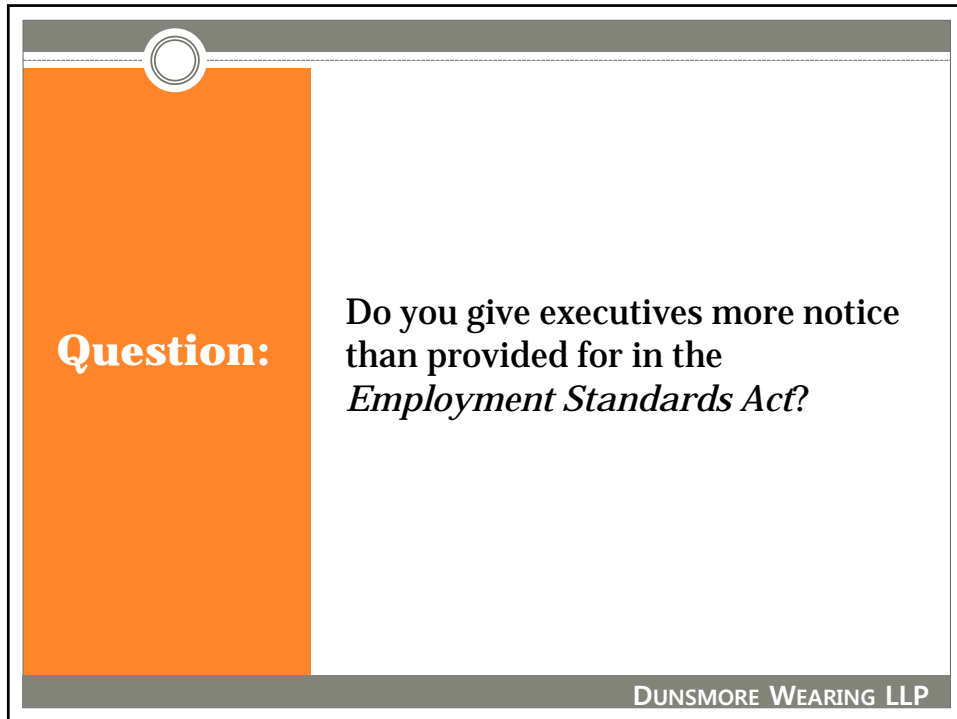
- **WHAT WORK TO BE DONE**
- **COMPENSATION**
- **BENEFITS**
- **WRITTEN CONTRACT**

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Employment Contract

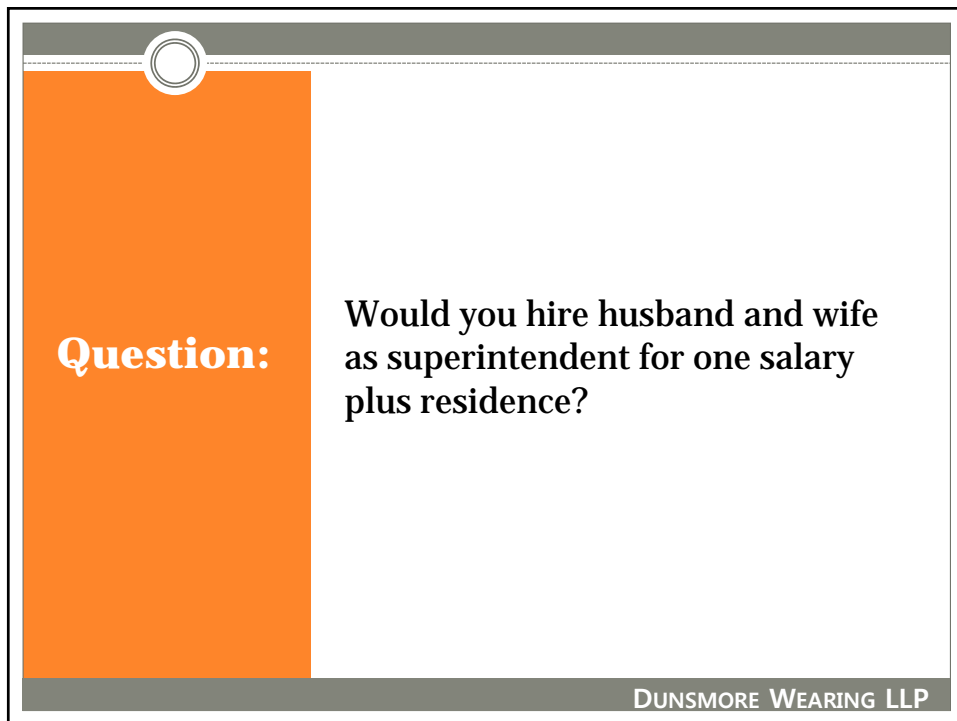
- **FORMAL**
- **DETAILED**
- **PROBATIONARY PERIOD**
- **REASONABLE NOTICE**
- **PERFORMANCE EVALUATION**
- **RESTRICTIVE COVENANTS**
- **COMPANY POLICIES**

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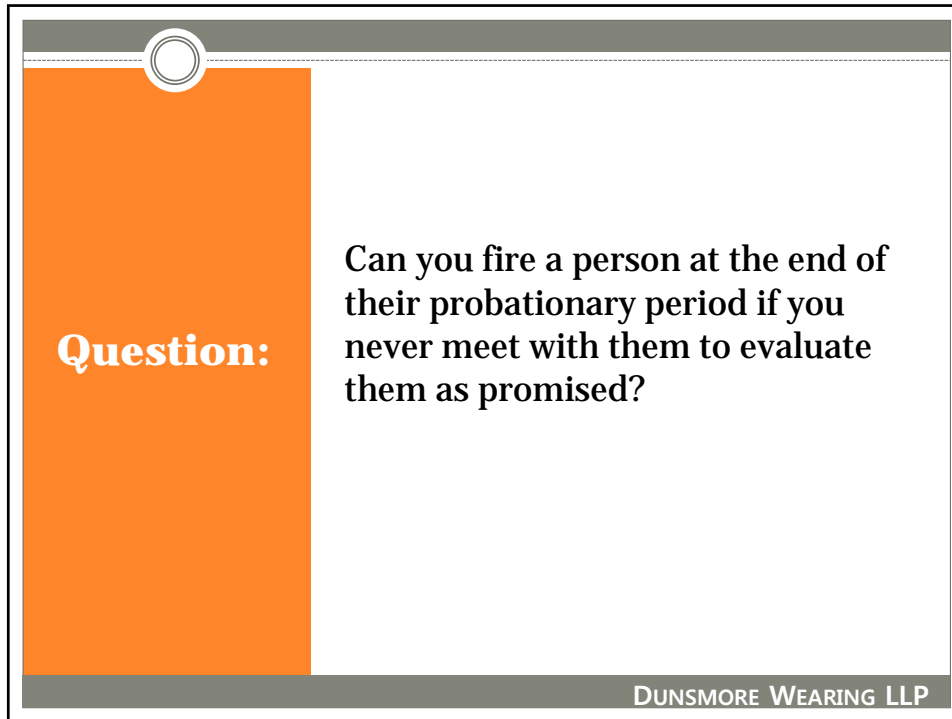
Question: Do you give executives more notice than provided for in the *Employment Standards Act*?

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Question: Would you hire husband and wife as superintendent for one salary plus residence?

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Question:

Can you fire a person at the end of their probationary period if you never meet with them to evaluate them as promised?

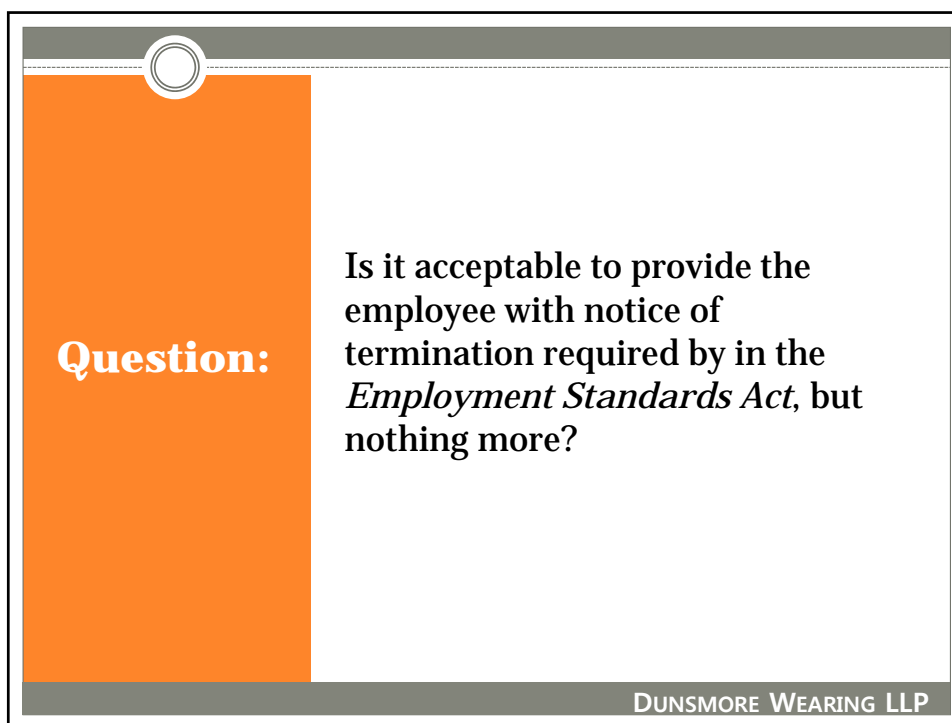
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Contract Contents

- **TERMS OF EMPLOYMENT**
 - **WRITTEN SOMEWHERE**
 - **PRACTICES**
 - **PROMISES**
 - **CONDUCT**
 - **DEGREE OF CLARITY**

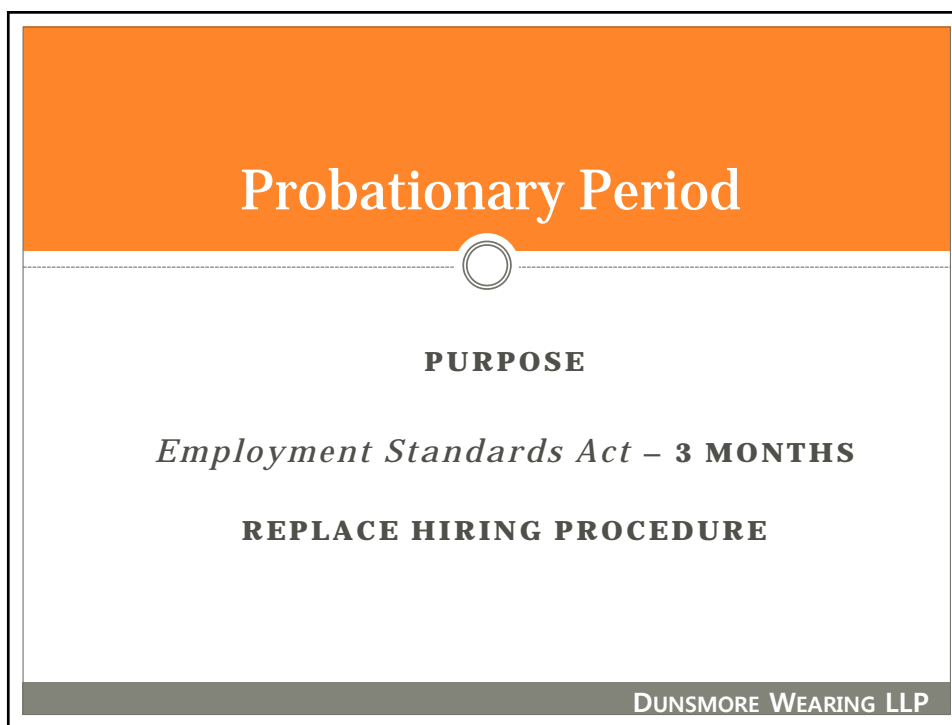
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The slide features a grey header bar at the top with a white circle icon on the left. Below the header, there is a large orange rectangular area on the left side. To the right of this area, the text of the question is displayed. At the bottom right, the text 'DUNSMORE WEARING LLP' is visible.

Question: Is it acceptable to provide the employee with notice of termination required by in the *Employment Standards Act*, but nothing more?

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The slide has a large orange header bar at the top with the title 'Probationary Period' in white. Below the header, there is a white area with a grey circle icon on the left. The text 'PURPOSE' is centered, followed by 'Employment Standards Act – 3 MONTHS' and 'REPLACE HIRING PROCEDURE'. At the bottom right, the text 'DUNSMORE WEARING LLP' is visible.

Probationary Period

PURPOSE

Employment Standards Act – 3 MONTHS

REPLACE HIRING PROCEDURE

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Reasonable Notice

RIGHT TO TERMINATE

WITHOUT CAUSE

WILFUL CONDUCT – STATUTORY STANDARD

PRECISE TERM OR COMMON LAW

RETURN ON INVESTMENT

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Question:

An employee is absent for 25 days,
one day at the time. Is that
considered “cause”?

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Performance Evaluation

PURPOSE

FORMAL PROCESS

IMPACT ON COMPENSATION

WILLINGNESS TO PARTICIPATE

MEASURABLE CRITERIA

OPPORTUNITY TO IMPROVE

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Restrictive Covenants

CONFIDENTIALITY

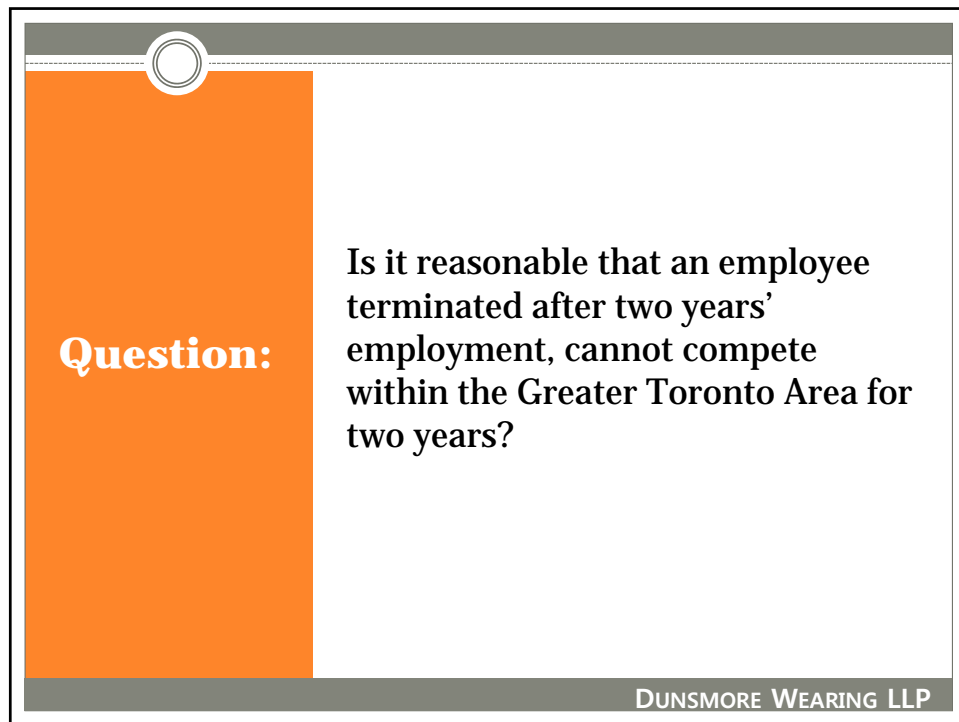
NON-COMPETITION

NON-SOLICITATION

REASONABLENESS – TIME

– GEOGRAPHY

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Question: Is it reasonable that an employee terminated after two years' employment, cannot compete within the Greater Toronto Area for two years?

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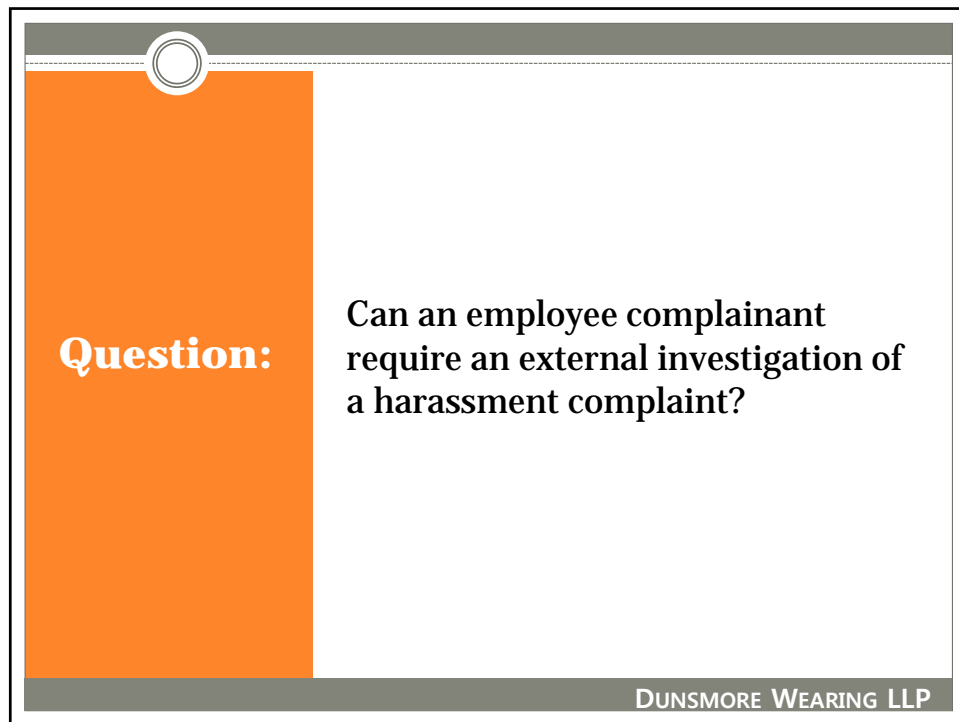


The slide has a grey header bar at the top with a white circle icon on the left. Below the header, the title 'Company Policies' is centered in a large white font. Underneath the title, three topics are listed in bold, dark grey, all-caps font, separated by vertical lines. At the bottom of the slide, there is a grey footer bar with the text 'DUNSMORE WEARING LLP' on the right.

Company Policies

- HUMAN RIGHTS**
- BULLYING AND VIOLENCE**
- COMPLAINT PROCEDURE**

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A presentation slide with a grey header and footer. The main content area is white. On the left, there is a vertical orange bar. A white circle with a grey outline is positioned at the top of this bar. The word "Question:" is written in white on the orange bar. To the right of the bar, the question "Can an employee complainant require an external investigation of a harassment complaint?" is written in black. The footer contains the text "DUNSMORE WEARING LLP" in white.

Question: Can an employee complainant require an external investigation of a harassment complaint?

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A presentation slide with a grey header and footer. The top half of the slide has an orange background with the title "Rules and Regulations" in white. Below the title, a white circle with a grey outline is centered. The bottom half of the slide is white and contains four lines of bold, black, all-caps text: "UNILATERAL", "PROPERLY COMMUNICATED", "NON-FUNDAMENTAL", and "NOTICE OF CHANGE". The footer contains the text "DUNSMORE WEARING LLP" in white.

Rules and Regulations

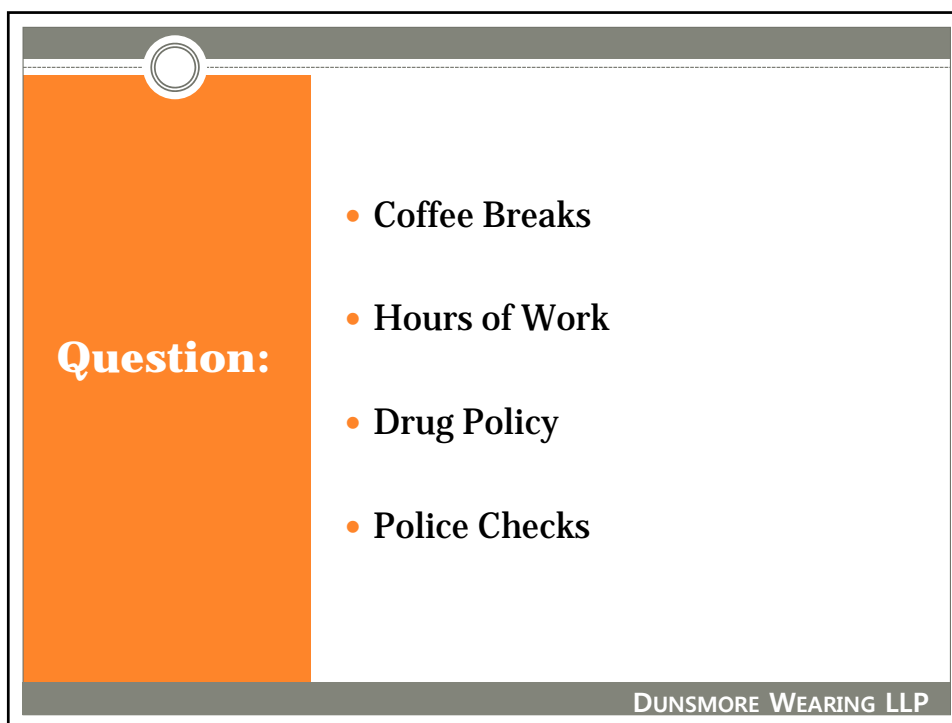
UNILATERAL

PROPERLY COMMUNICATED

NON-FUNDAMENTAL

NOTICE OF CHANGE

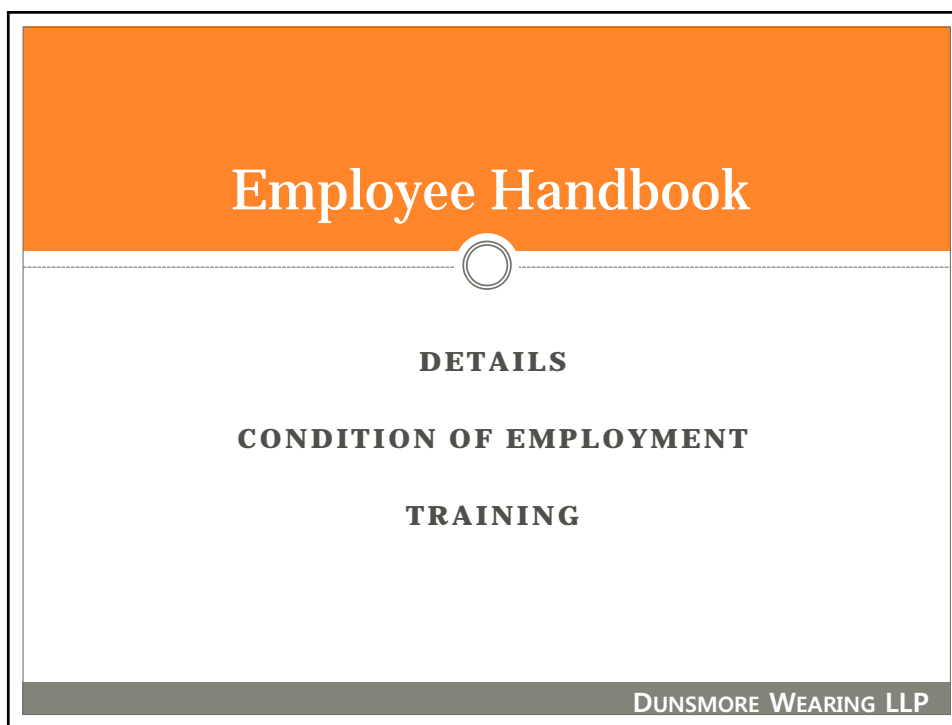
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Question:

- Coffee Breaks
- Hours of Work
- Drug Policy
- Police Checks

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Employee Handbook

DETAILS

CONDITION OF EMPLOYMENT

TRAINING

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Employers Can Change

RIGHT WAYS

WRONG WAYS

TRUSTWORTHINESS

CREDIBILITY

MANAGING EXPECTATIONS

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