

CSSEA NEWS

COMMUNITY SOCIAL SERVICES EMPLOYERS' ASSOCIATION

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The Value of Performance Reviews

Jennifer Nuttall, Advocate, HRLR Services

While performance reviews tend to be looked upon with a less than enthusiastic response from employees and are often not eagerly anticipated by management, some recent statistics suggest there may be more value in these reviews than is generally understood.

A recent survey of 800 employee respondents [Source: Sarah Dobson, "Performance reviews valued by employees: Poll", Canadian HR Reporter (December 19, 2011)] indicated that a large majority of employees appreciate performance evaluation and review, when the process meets or exceeds their expectations of making them feel valued by their employer.

Reviews take a lot of time and effort on the part of management to execute properly, so it is a worthwhile exercise to prepare for the process as much as possible so efforts produce useful outcomes. Two main areas an employer should focus on include: identifying the true purpose for conducting the performance reviews and streamlining the type of feedback given to the employees.



Some suggestions for identifying the rationale or purpose:

- conduct reviews with the purpose of attempting to align goals and efforts to grow and continue to succeed, by using the review as an educational tool to highlight what the goals are and how each person can contribute;
- provide an uninterrupted channel for the employer to acknowledge the effort an employee has been putting forward;
- provide a channel for the employer to candidly and truthfully identify areas for employee growth and improvement;
- provide an opportunity for individuals to feel more engaged and to feel like they're able to make a better contribution to the organization; and
- use the process as a means to keep track of objectives for the year ahead.

If possible, managers should have the mechanisms to give employees feedback throughout the year, as this can greatly assist with open communication and understanding of expectations within an organization. When engaging in organizational planning, another suggestion is to plan for mid-year reviews so a full calendar year doesn't go by between feedback sessions.

While the reality may be that management is limited in terms of opportunities for movement within their organization, or limited by budgetary realities, creative ideas such as giving employees more autonomy, more responsibilities, providing professional development experiences, or offering interesting projects can go a long way in providing goals and objectives for employee growth without incremental costs to the organization.

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From the CEO



As many of you are aware, CSSEA has commenced bargaining with the Community Social Services Bargaining Association (CSSBA). While

it's expected bargaining team members have plenty to speak about on collective agreement language alone, there is no doubt the spotlight will shine on the issues of wages, cost of benefits and the administrative burden of implementing the collective agreement.

These are difficult economic times and the PSEC bargaining mandate is challenging for all public service sectors but particularly so for ours. CSSEA's Research and Knowledge Management department is busy costing various scenarios that meet government's "cooperative gains"

criteria, while also remaining aware that the social services sector is hard-pressed to find more cost savings. I am cautiously optimistic that, with the cooperation of government, key stakeholders and the unions, we can be creative and reach a negotiated solution within a reasonable timeframe.

We are fortunate to have a very talented employer Bargaining Committee, supported by our staff and led by Peter Cameron, a highly skilled negotiator. Our group is represented by all three panels, with members who are deeply knowledgeable about our sector; it comprises both experienced members and new participants who will bring both historical context and fresh perspectives to the table.

We were recently informed by the Community Social Services Bargaining Association that at this time, they are not prepared

to provide blanket approval for funding Service Canada's Canada Summer Jobs program. We have conveyed to the CSSBA our deep disappointment that they are choosing to make support for the program contingent on progress at the bargaining table; CSSEA has asked the unions for further clarification before deciding on the course of action. In the meantime, we advise members who have, or are in the process of, applying for funding from the program to contact their CSSEA Consultant so we can exactly determine the number of organizations impacted.

As talks continue and developments occur I remind all members to watch our website for Bargaining Updates as it is our goal to keep members informed through the bargaining process. ■

In *Morris v. ACL Services*, 2012 BCHRT 6, the BC Human Rights Tribunal (the "Tribunal") ruled that a termination, based on the employer's understanding that the Complainant was unlikely to return to work in the foreseeable future, was discriminatory and awarded the Complainant \$10,000 for injury to dignity as well as reimbursement for medical expenses.

The Complainant went on an unpaid leave of absence for over a year due to symptoms later diagnosed as anxiety and depression. The employer accommodated the Complainant by extending his leave, continuing his benefits, and making inquiries regarding his abilities to facilitate his return to work. When,

after approximately one year of absence, the employer gave notice of termination, the Complainant

ABSENTEEISM DUE TO DISABILITY MUST BE ACCOMMODATED

by **Bela Barros**
Legal Research Analyst/HRLR Consultant (Intern)

requested an extension of his leave as new medical evidence suggested that he might be able to return to work following treatment; however, the employer decided not to rescind the notice.

The Tribunal found that the employer failed to accommodate the Complainant's disability to the point of undue hardship because the employer gave inadequate notice that the Complainant's employment was in jeopardy; failed to consider new medical information that became available during the notice period; and had no urgent operational or financial need to terminate since the replacement position was not filled immediately and the cost of extending the leave was minimal.

This decision confirms a disability must be accommodated to the point of undue hardship. ■

In Profile: A Conversation with Axis Family Resources Ltd.

CEO Ann Smith shares how she keeps her staff unified, motivated and healthy

Tell us about your agency. How large is it, what are your main services and what community do you serve?

Axis Family Resources Ltd. provides services to over 1000 folks each year in many communities in the North and Interior regions and our services include: specialized residential services for children, youth and adults, family-based interventions programming, services to children with special needs, a youth addiction program, foster parent support and training services, and various support services for adults with disabilities.

What's the significance of the name Axis?

Axis is the name we chose for our company when we merged Cariboo Chilcotin and North Central Family Resources Ltd. in 2006. We think of it as a crossing point, a coming together of ideas and people.

Some of the services you offer must be difficult for staff to handle. How do you ensure they do not become burnt out?

Our staff and caregivers, like hundreds of others in our sector, are incredibly committed to the work we do. People bring their passion and creativity to the job, something we encourage. We also promote wellness. For example, we've sponsored an annual Fitness Challenge now for a few years, where staff and contractors make a 15-week commitment to some regular exercise (they create the plan) and when complete, have their names entered into a draw for some great prizes. Staying physically active is a great way to reduce stress on the job, connect with colleagues and hopefully keep burnout out of the equation.



Staff at the Williams Lake office recently celebrated 20 years in business.

Your agency is proudly CARF certified. In your opinion, what are the advantages of certification?

Yes we are proud to be accredited with CARF since 2003. We are having our 4th survey this year, and looking forward to it. Working through the CARF standards for many years has given us even more motivation to continue to improve what we do. Using the standards provides structure to the "quality assurance" work that we all need to do and gives the people we work with assurance that we are meeting standards set in our field.

Axis has been an active community fundraiser. Share with us any current initiatives going on.

"Axis in Action" is an ongoing initiative in the agency. Over the years we have done various fundraisers within offices to support families through the holidays, and in more recent years have done targeted food bank fundraising around World Hunger Day, which has been very positive. Axis has matched funds and we are proud of the creative ways in which our staff raise funds.

How hard is it to keep employees motivated given impending bargaining and all the emotions associated with that?

We have a mix of non-unionized and unionized employees, mostly non-unionized, in our agency. The message we give to all of our employees is that

the best way to have job security is to continue to do the best work we can, and always improve by working together.

How do you ensure a sense of common goal among employees from different regions?

This is a challenge we take seriously-keeping our agency mission and values consistent and alive in communities hundreds of miles apart. We talk about our values whenever we can, because they represent the real reason we are involved in this work. We have conference calls with employees from different offices who work in the same programs. We use technology to stay connected and meet face-to-face whenever possible.

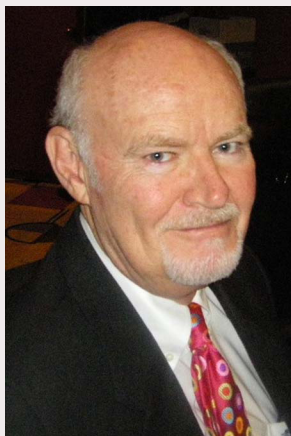


Staff appreciation at an annual Axis Team Day

Your biggest goal for 2012?

To celebrate our 20th anniversary by showing as much gratitude as possible towards our staff, caregivers, funding partners, community partners and most important, the people we serve. We have been incredibly fortunate in being able to develop and grow over the years and we're always looking to how we can constantly improve our services to the people who come through our doors. ■

Q&A With Lead Negotiator Peter Cameron



How have you been preparing for bargaining?

There have been a lot of very productive meetings with our Bargaining Committee. It's been a few years since I worked with the social services sector so there has been some catching up; having said that, our team is so knowledgeable and dedicated, they have made my job much easier.

How have you been preparing for bargaining?

The issues we're taking to the bargaining table were identified in a number of ways, including input from CSSEA members during the CEO tour, staff feedback about problems experienced by employers and intensive preparatory sessions with the CSSEA Bargaining Committee. The meetings with the Committee were particularly helpful for me, as the employer representatives are an outstanding resource to reflect the concerns of CSSEA members.

What can you tell us about the employers' strategy going into bargaining?

The employers will go in with an open mind but will also be realistic about the realities we are facing. We, like the rest of the public sector, are bound by the mandate given to us by government, so while we will do our best to find cost savings that will result in wage increases for employees, we are also cognizant of the government's position they have no new money to fund wage increases in the public sector.

What can you tell us about the employers' approach to this round?

We want to engage the unions in interest-based bargaining. There is some willingness on the union side to discuss proposals from that perspective, but there is also considerable skepticism. Interest-based bargaining isn't easy because it is often challenging to find solutions that address both employers' and unions' interests. On the financial side, bargaining will be particularly tough because while the unions and employers share an interest in improving wages to attract and retain employees, we are negotiating within a mandate that includes no new money for wage increases.

Is it unrealistic to expect a quick resolution, given that the last round of bargaining took 22 months?

I think a quick resolution is unlikely – although 22 months was certainly extreme. Your Bargaining Committee is working to achieve an agreement within a reasonable timeframe. It is always difficult to predict the amount of time it will take to get to an agreement, especially in challenging circumstances, such as those facing the parties in this round.

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Ultimately, some of the most recent feedback on performance reviews seems to suggest that "People want to have a say, they want to feel like they're making a difference...a performance review that hears them and says 'We're interested in you as more than just what you're doing today for us, how can we help you grow your career, what do you want to do?'" (Source: Dobson article, as above). ■

Ask an HRLR Consultant: Jennifer Nuttall



Q: I would like to hire a new employee. To what extent can I use social media to investigate her?

A: While social media is becoming progressively more popular in screening prospective employees, there is little guidance from the courts or administrative tribunals on this issue.

- Due to concerns about privacy and accuracy of information obtained online, the Office of the Information and Privacy Commissioner for BC developed some best practices that can assist organizations.
- Employers should evaluate privacy compliance requirements prior to conducting a social media background check.
- Be aware that a social media background check may retrieve information about multiple individuals, in which case the information found may not be useful due to privacy restrictions.
- Refrain from attempting to avoid privacy laws or obligations by conducting a social media background check from a personal account, or by contracting a third party to conduct the checks.
- Be prepared to justify the nature and extent of the use of such sites based on the position at issue.

For more information go to: <http://www.oipc.bc.ca/pdfs/private/GuidelinesSocialMediaBackgroundChecks.pdf>

Send your questions to dsun@cssea.bc.ca

Back at the Table



Your Bargaining Committee is back at the table and hard at work negotiating your next collective agreements. We thank them for their tireless efforts!



We are pleased to welcome **Tamina Mawji** as our newest Consultant. Tamina comes to CSSEA from HEABC, where she was also a Consultant working with numerous clients. Tamina is a lawyer trained in Ontario and is in the process of converting her practice status to BC.

We also welcome **Dalbhagh** (pronounced Dal-Va) **Carroll** as the new administrative assistant in our Research and Knowledge Management department. Dalbhagh has hit the ground running, assisting with bargaining, and we are happy to have her skills at this busy time!

Sectoral Case Updates

Class 4 driver's license – Issue: Interpretation of Article 28.12, specifically, which costs an employer is obligated to pay. **Status:** The parties have submitted their positions to Arbitrator Vince Ready and are awaiting a decision.

Rate of pay - wage grid – Issue: Interpretation of application of prior experience to wage rate. **Status:** The employer has asked Arbitrator Brian Foley to require the Union to provide more information.

Hours Worked Outside Regular Classification – Issue: The Union claims that all hours worked by an employee must be used to progress along the steps of the wage grid, regardless of classification they are performing work in. CSSEA's position continues to be that only hours worked in exactly the same classification/position can be applied to the steps of the wage grid. **Status:** Arbitrator Wayne Moore has been appointed. CSSEA will file a written response to the Union's position.

Use of sick leave by part-time employees – Issue: Use of sick leave credits by part-time employees on days outside their regularly scheduled shifts. **Status:** Arbitrator Vince Ready has issued a decision and confirmed that part-time employees are permitted to access their sick leave on days outside their regularly scheduled shift. The access is not meant to condone any abuse of the scheduling process. The Union will have 90 days after the date of the decision to provide any claims. After that date, no further claims based on this decision will be accepted. A copy of the decision and the follow up ruling limiting the remedy has been posted online.

Expedited Arbitration – Issue: Setting regional expedited hearing dates for 2012. **Status:** Hearing dates for any pre-2012 expedited matters (referred to as "backlog" files) are being set.

Variance of certification and declaration re: bargaining agency – Issue: The HEU has attempted to file an application with the LRB to cancel the BCGEU's certification. **Status:** Written submissions have been filed on the preliminary question: "Does Appendix D 2(f) mean that where employees are not integrated into an existing certification, the employees continue to be represented by the union certified to the former employer?" The parties are awaiting a decision from the LRB.

Application to Change CSSBA Articles of Association – Issue: CSSEA is seeking to reinvigorate its application before the Labour Relations Board in order to ensure that bargaining can proceed in a manner consistent with the Labour Relations Code. **Status:** CSSEA has written to the Labour Relations Board and asked them to proceed with the application in light of the Board's recent decision addressing Articles of Association in the health sector.