

Phase 6

Aftercare— Operations & Human Resources

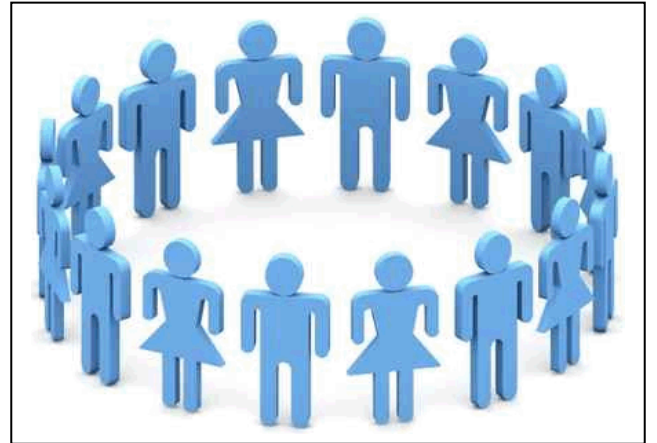
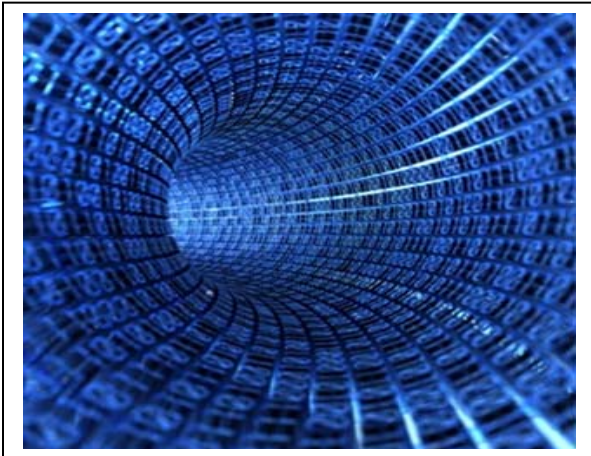


Table of Contents

Operationalizing.....	4
Implementing the Business Plan	4
Managing Action Plans	4
Reviewing Results and Measuring Results	4
Objectives	4
Action Items	5
Time Lines.....	5
Monitoring Activity and Progress	5
Reporting Results	5
Communication	5
Economic Information	5
Establishing Authority, Responsibility and Accountability	5
Establishing Financial Accountability.....	6
Profitability.....	6
Liquidity.....	6
Source of Funds	7
Equity.....	7
Risk exposure	7
Productivity	7
Financial Reporting.....	7
Appointment of an Auditor	7
The Audit and Audit Report	8
Annual Return.....	8
Reporting Shortfalls	8
Reporting Dividends.....	8
Monthly Financial Reporting to Board, Staff and Members.....	8
Balance Sheet.....	8
Statement of Income and Expenses	9
Monthly Financial Reports to the Staff	9
Financial Reporting	9
Amending the plan for New Realities	10
Gross Profit Margin Trends	10
Significance:	11
Potential causes of increase or decrease in gross profit ratio:	11
Net Profit Margin Trends.....	11
Significance:	11
Operating Profit Trends	12
Developing a Solution Driven Plan	12
Communicating a New Reality	12
Introduction to Developing Human Resources Policies	14
Keys to Writing, Interpreting, and Applying Human Resource Policies In The Workplace	14
The keys to writing human resource policies are:	14
The keys to interpreting and to applying human resource policies:.....	14
Conditions of Employment Policies, Confidentiality, Conflict Of Interest, Respectful Workplace and Complaint Investigation	14
Conditions of Employment Policies	14
Confidentiality Policy.....	15
Conflict Of Interest Policy	15
Respectful Workplace Policy and Complaint Investigation Process.....	15
Complaint/Grievance Investigation Policy.....	16
Employee Benefits Policies	16

Group Insurance Benefits (Insured)	16
Paid Time Off Benefits	16
Paid Sick Leave	16
Holidays and Vacations	16
Compensation Policies	16
Legal and Government Regulations	17
Compensation Equity	18
Compensation Options	18
Total Compensation (aka Total Rewards)	18
Information about Compensation?	18
Maintaining Employee Records	19
Employee Relations Policies	19
Discrimination	19
Performance Issues	19
Guidelines on Corrective Action	20
Complaint/Grievance Procedure	20
Health, Safety and Security Policies	20
Recruiting and Hiring Policies	26
Why is a Recruitment and Selection Policy Statement Important?	26
Hiring Authority	26
Hiring Manager Role	26
Diversity Management and Hiring Policy	26
What is Discrimination and Systemic Discrimination?	27
Steps in the Recruitment and Selection Process Policy	27
Steps in the Recruitment and Selection Process	27
Develop Selection Criteria	28
Define Competencies Required for the Position	28
Confirm Compensation	28
Interview and Relocation Expenses	29
Internal & External Candidates	29
Preliminary Candidate Evaluation	29
Resume Screening	29
Guidelines for Interviewing	29
Academic, Background and Reference Checks	30
Background Checks	30
Reference Checks	30
Academic Checks	30
Offers of Employment	30
Role Human Resources and Hiring Manager Play in Offers of Employment	30
Job Offer Process	31
Steps in Job Analysis	31
CONTENTS OF A TYPICAL JOB DESCRIPTION	31
KEY ELEMENTS OF PERFORMANCE APPRAISAL SYSTEM AND CYCLE	32
CONTENTS OF A TYPICAL PERFORMANCE APPRAISAL	33
LABOUR LAW OVERVIEW: MEETING LEGAL REQUIREMENTS	35
EMPLOYMENT STANDARDS LEGISLATION	35
PERSONAL HEALTH INFORMATION PROTECTION LEGISLATION	36
LABOUR RELATIONS LEGISLATION	37
WORKPLACE SAFETY AND HEALTH LEGISLATION	38
WORKERS COMPENSATION LEGISLATION	39
PRIVACY LEGISLATION	40
REFERENCES	43
ENDNOTES:	48

Operationalizing

Implementing the Business Plan

In section 3 we discussed that the business plan provides a “blueprint” for implementation of the business. The strategic plan within the business plan outlines the objectives that are to be met to ensure the business will be successful.

In order to successfully implement a new business a strategic implementation plan must be created. Effectively executing the strategic implementation plan involves aligning an organization's actions and resources with its objectives. Translating the strategic implementation plan into action plans involves managing resources, establishing accountability and measuring results.

The implementation of a business plan can take much more time, energy and management control than the actual development of the plan. However, the strategic implementation plan is not a static document. Throughout the implementation the plan is constantly being reviewed, measured and evolved to correct any deficiencies or to adapt to what is learned. Anticipating, identifying, and comprehending the difficulties within the implementation will assist the business to avoid costly delays. Managing the implementation execution requires the adaptability to a changing environment, problem solving, crisis management skills and a positive attitude.

Managing Action Plans

Within the implementation plan, the business requires action plans to help everyone prioritize to the work that needs to take place. Action plans, communicated properly, will provide a detailed account of the “when, where and how” by which individual action items will be completed, as well as who is responsible for each. Numerous objectives must be reviewed and prioritized according to a specific timeline.

Periodic reviews of the action items within the plan are necessary to ensure progress is timely and the focus is not changed. Performing periodic reviews will allow adequate time to react and alter action plans to allow the project to continue on schedule and on budget.

Reviewing Results and Measuring Results

No one person can implement a Business Plan. Effective delegation shares responsibility and allows others to have a sense of ownership. This is especially important in a cooperative venture where numerous people share the risk and the desire to succeed. Effective delegation also increasing the odds of accomplishment. The key here is communication, communication and more communication. Having an action plan and setting priorities is not enough unless all involved understand what they are to do and when, as well as how it all fits together.

Objectives

- must be clearly communicated
- must be set out as short term, medium term and long term
- must be action oriented
- must have a time line that is realistic, measurable and achievable.

Action Items

- should be listed along with dates, deliverables and the names of individuals/team responsible for completing each
- must be described simply and clearly
- Include a definition of outcomes measures (how we will know we are done each item)

Time Lines

- Need to be clearly defined for each task
- display all the activities necessary with their deadlines.

Monitoring Activity and Progress

A monitoring process is critical to implementing the plan.

- delays must be highlighted.
- separate the implementation plan into particular aspects of the business: such as construction, product planning, marketing, financial problems and human resource management to better manage monitoring.

Reporting Results

Communication

Communication is crucial for member commitment in the cooperative. Member commitment is also crucial to the cooperative's long-term viability. It is the role of the board of directors and management to actively engage in continuously informing the members about the cooperative's operations.

Member communication programs should include the following:

- How members' equity is redeemed and why it is done in the way specified by the cooperative
- The financial statements, income statements, balance sheets, and operating statements for previous year
- Any taxes paid by the cooperative, including employment taxes
- How product prices are determined
- How net dividends that have been accrued by the membership or paid out directly to the members
- Information about any current problems being faced by the cooperative, and
- Trends in salary, share of market, and information in other areas.



Communication is also critical to ensure that employees fully understand the business strategy, their role within it and how successful the cooperative is in its progress.

Economic Information

Such information may relate to factors such as competition with other products, to the impact of research on production, marketing, and business structure and organization.

Establishing Authority, Responsibility and Accountability

Authority, responsibility and accountability are responsibilities of the CEO and the board. There are three components which need to distinguish as to the accountability of the board

and management – people, money, and development. Cooperatives operate in an environment that is increasingly complex due to economic change, business regulation, advances in technology, and more intense competition. With this added complexity, it is imperative that the CEO and board members have the ability to identify and carry out their responsibilities.

The role of a director of the cooperative is one of a leadership, trust, and responsibility. A director provides leadership to the cooperative CEO, staff and members.

Establishing Financial Accountability

Directors need to connect long-range objectives with day to day operations of the cooperative. Financial accountability is critical, as it provides measurable standards with which to evaluate performance in the most critical areas. These areas are:

- Profitability
- Liquidity
- Equity
- Risk Exposure
- Growth
- Productivity

Profitability

Profit is the amount available after having paid all the current year's expenses, but before paying taxes or meeting the organization's goals required for reserves.

Profits are generated by:

- Providing needed products and services: This is one of the most basic and one of the most difficult demands faced by cooperatives. Yet it may be an area in which directors can have the greatest impact on the financial operations of their cooperative.
- Pricing products and services: this is not a science with easily defined rules. It is an art, dependent upon numerous factors. Each of these factors can create difficulties for directors and managers when establishing pricing strategy. These factors include:
 - The goals that cooperative wishes to accomplish by providing the service or product
 - The risk involved
 - The cost of providing the service or product
 - The potential demand for the product or service
 - The price charged by competitors

Liquidity

Liquidity in a cooperative is its capacity to meet its short term financial commitments when they come due.

Liquidity is important because it:

- Ensures payment of cooperative obligations
- Covers any unexpected expenses
- Ensures the cooperative's ability to meet its line of credit
- Provides funds for loans
- Avoids forced sale of assets at decreased prices
- Provides the cooperative with the flexibility to take advantage of market opportunities

Source of Funds

Management is responsible to ensure that funds are available when demand for them arises. These funds can be from:

- Profits from operations
- Line of credit
- Cash injection of membership

Equity

Equity consists of retained earnings and membership or share equity.



The main source of a cooperative equity is its retained earnings. These can only be increased or decreased by the profits or losses of the cooperative, incurred in each year's operation. Retained earnings provide:

- A stable source of funds
- Source of funds in a downturn in the economy

Risk exposure

Risk exposure is an attempt to measure the potential for a business to incur losses of any kind. Each of the accountability areas above represents an area of potential risk exposure to the cooperative.

Productivity

Productivity refers to how efficiently and effectively the organization employs its resources. Productivity measurements attempt to determine how well the cooperative uses its resources of people and money to achieve its goals. The following should be considered:

- **Measuring Results:** Assess the efficient use of resources, that is, the relationship between the cost of inputs and the quantity and quality of the outputs to some measurable standard.
- **Productivity of inputs:** Operating costs can become a major factor in determining whether profits will or will not be earned. Measurements are needed to monitor operating costs to ensure they are not growing faster than other areas of the cooperative's operations.
- **Ratio Measurements:** These compare operating costs to assets. When considering business ratios, similar size and type of operations should be used to compare the results.

Financial Reporting

The financial statements give directors a score card of the cooperative's performance. Directors need tools to assist in reading and interpreting this score card.

Appointment of an Auditor

At the first general meeting of a cooperative and at each succeeding annual meeting, members must appoint, by ordinary resolution, an auditor who is independent of the cooperative and is a member of a recognized accounting professional association. A vacancy

in the position of auditor may be filled by the board until the next annual general meeting. In some cases, the *Act* may require cooperatives to have an audit committee. In some cases, members may resolve, subject to the *Act*, not to appoint an auditor.

The Audit and Audit Report

After the fiscal year-end of a cooperative and before its annual meeting, the auditor or auditors must examine the accounting procedures and financial records relating to the cooperative's activities. This is to justify that, in their opinion, the financial statements present fairly the financial position of the cooperative, the results of its operations and the changes in its financial position in accordance with generally accepted accounting principles.

Annual Return

Subject to the *Act*, each year, cooperatives are required to file an annual return, which generally includes the names of the directors, officers, auditor and other information. The annual return is generally sent to the authority administering the *Act*. In some cases, the *Act* requires that the financial statements also be filed. Filing fees may apply.

Reporting Shortfalls

Reporting good news is always much more pleasant than reporting any shortfalls. Appreciating that, it is critical to know what is not happening or what is harming the achievement of goals and objectives. The Board of Directors needs to know negative consequences of actions and decisions, whether they are made by the board, management or staff, where these consequences may impact the achievement of goals and objectives in a material way.

If the CEO/general manager did not report adequately on negative results appearing in the monthly financial reports to the board, the directors need to question the numbers until satisfied. The board must also understand that there are a variety of legitimate reasons why negative consequences occur. The value is in understanding any remedial, evasive or other actions being undertaken to minimize negative impacts.

Cooperative employees also need to understand any shortfalls that are related to their productivity, decisions or behaviour.

It is expected and should be a matter of board policy that any shortfalls in excess of a described tolerance range need to be reported in a timely manner. Not reporting material shortfalls should be considered bad management and evaluated accordingly. Keeping bad news, that will affect the organization in a material way, from the board is not acceptable.

Reporting Dividends

In most cooperatives the dividends are decided and declared by the Board of Directors from time to time or guided by board policies. When dividends are declared, members should be advised in a timely manner of what the dividends were, how they were calculated and how each of them will be affected.

Monthly Financial Reporting to Board, Staff and Members

Financial reporting to the Board of Directors should mirror what directors will see on the audited financial statements at the year's end wherever possible. The Balance Sheet and Statement of Income and Expenses for example should include the same headings. The following columns are common:

Balance Sheet

- Titles
- Current balances

- Percentages
- Budget balances
- Percentages
- Variance to budget in dollars
- Percentage variance
- Balances in the previous year
- Percentages
- Balances at last year-end

Statement of Income and Expenses

- Titles
- Current month results
- Budget for the current month
- Variance to budget in dollars
- Year to date results
- Budget for the year to date
- Variance to budget in dollars
- Results year to date in the previous year

Monthly Financial Reports to the Staff

The summary key results sheet that compares financial results to the targets outlined in the budgets and strategic plans should be made available to the employees soon after the board meeting. The summary information should also include related portions of the CEO narrative report outlining any information that employees need to know or should know. Monthly results are often captured in short presentations at staff meetings.

Financial Reporting

Management is responsible to provide directors with report that explain the results in the financial statements. These reports should contain:

- 1.) Comparison reports:** The financial reports should compare the cooperative's results with planned financial results; comparing the actual financial results with the budgeted information is a key task of the board of directors and should be done on a monthly basis. Directors need to be assured that management is aware of the differences and can explain the variances. In addition, it allows the board and management to create a more realistic budget in the subsequent year.
- 2.) Comparisons with like sized and type cooperatives:** this involves a comparison between the cooperative and others within a "peer group" that is experiencing similar business conditions. This provides directors with a good reading of how well the cooperative is doing in comparison to cooperatives in the same business. In addition, services such as Robert Morris & Associates (RMA) provide a source of comparative data that comes directly from the financial statements of small and medium-size business customers. This information can also be used to compare the financial results of the cooperative to peer groups of similar cooperative business types.
- 3.) Optimal system standards:** Directors of the board should focus on the areas that are not performing as expected. If trends indicate performance is deteriorating in one area, this is where corrective action must be taken. Management should be prepared to explain what the implications to the cooperative are. What are the risks associated with this level of performance? What action should be taken to correct this risk?

4.) Industry standards: Comparing individual performance against industry standards gives management and the board a snapshot of a firm's relative strength within the industry,. It is another tool for the the board to allow them to plan and achieve their goals.

5.) Written Management report: The written report should explain the financial performance as reported in the statements. The report should address:

- the areas where planned results are not being achieved. This should include the reasons and the demand this will put on the cooperative in the future.
- Those areas where the cooperative's performance is diverging from the like and type sized performance, or industry standards.
- The implication of the divergence
- Recommendations for corrective action

Amending the plan for New Realities

Trend analysis can provide assistance with interpreting the financial information. Trend analysis is the analysis of a business ratio over several reporting periods. The purpose is to give directors a gauge to monitor the cooperative's progress towards its long term goals.



Performance trends are indicators of the effectiveness of management's planning and decision making.

Trends point to where performance is strong, and where improvement and corrective actions are needed.

It is just as important to monitor the trends as the actual numbers. However, a balance must be maintained. Desired goals are still important. For example: a cooperative's equity has improved from 2:1 to 1:5:1 in 3 years. The trend is positive but, in this case, the equity ratio is still too low and should be 0.5:1. .

Gross Profit Margin Trends

Gross profit margin indicates the relationship between net sales revenue and the cost of goods sold.

Formula:

$(\text{Gross Profit}) / (\text{Total Sales})$ where $\text{Gross Profit} = \text{Sales less Cost of Goods Sold}$

Analysis:

The analysis of the gross profit margin ratio needs to be include a comparison to that of other businesses in the same industry, of the same size and market profile.

The gross profit margin ratio (*or gross margin ratio*) provides an idea as to the cooperative's pricing, cost structure and production efficiency. This ratio is a good one to benchmark against competitors.

Look at the trend from month to month. Is it staying the same? Improving? Deteriorating? Is there enough gross profit in the business to cover your operating costs? Is there a positive gross margin on all your products?

A low gross profit margin ratio (or gross margin ratio) indicates that the business is unable to control its production costs.

Significance:

Gross profit ratio (GPR) can provide an indication of how far the selling prices of goods per unit may be reduced, without incurring losses on operations. GPR also provides an indication of the efficiency with which a cooperative produces its products.

There is no standard GP ratio for evaluation; a comparison with comparable cooperatives, however, will provide an indication of the cooperative's ability to convert sales to gross profit. The gross profit earned must be sufficient to recover all operating expenses and to build up reserves, after paying all fixed interest expenses and any dividends the cooperative wishes to pay to its members.

Potential causes of increase or decrease in gross profit ratio:

An increase in the GPR may be a result of the following factors.

1. Increase in the selling price of goods sold without any corresponding increase in the cost of goods sold.
2. Decrease in cost of goods sold without corresponding decrease in selling price.
3. Omission of purchase invoices from accounts.
4. Under-valuation of opening stock or over-valuation of closing stock.

On the other hand, the decrease in the gross profit ratio may be due to the following factors.

1. Decrease in the selling price of goods, without corresponding decrease in the cost of goods sold.
2. Increase in the cost of goods sold without any increase in selling price.
3. Inadequate purchasing or mark-up policies.
4. Inability of management to improve sales volume, or exclusion of sales.
5. Over-valuation of opening stock or under-valuation of closing stock

An analysis of gross profit margin should be carried out in the light of information about purchasing, mark-ups and markdowns, credit and collections as well as merchandising policies.

Net Profit Margin Trends

Net Profit Margin shows how much profit comes from every dollar of sales.

Formula:

$$(\text{Net Profit}) / (\text{Total Sales}) = \text{NP Ratio}$$

Analysis:

As with gross profit margin ratio, comparable cooperatives will provide an indication of the appropriateness of the net profit margin. The important issue is the trend from month to month. Is it staying the same? Improving? Deteriorating? Are you generating enough sales to leave an acceptable profit? Trend from month to month can show how well you are managing your operating or overhead costs.

Significance:

NP ratio is used to measure the overall profitability and can be very useful to cooperative management and boards. If the net profit is not sufficient, the cooperative will not be able to achieve a reasonable rate of return on its investment.

This ratio also indicates the firm's capacity to face adverse economic conditions such as price competition, low demand, or other problems. Obviously, the higher the ratio, the better is the profitability. But while interpreting the ratio, it should be kept in mind that the profits also should be considered in relation to investments or capital of the firm, and not only in relation to sales.

Operating Profit Trends

A measure of a company's earning power from ongoing operations, equal to earnings before deduction of interest payments and income taxes. Also called EBIT (earnings before interest and taxes) or operating income.

Formula:

$$(\text{Operating Revenue} - \text{Operating Expenses}) = \text{Operating Profit}$$

Operating profit is the difference between operating revenues and operating expenses, which is also referred to as **EBIT**. By subtracting the operating costs from the gross profits, it is possible to determine if there is sufficient profit to pay taxes, any depreciation or amortization as it may apply, and cover any other expenses related to the operating of the business.

Analysis

Looking at operating profits can assist the cooperative in considering how well it is using resources, eliminating waste, and avoiding unnecessary purchases of inventory. When the amount of operating profit decreases from one period to the next, something has changed in the company's operation, or the market has changed. In either situation, knowing that the operating profit has declined provides the cooperative managers and boards with the chance to make the necessary changes and restore the previous profitability level.

Significance:

The higher the operating profit margin, the better off a company is. A higher operating profit margin means that a company has lower fixed cost and a better gross margin or is increasing sales faster than costs, which gives management more flexibility in determining prices. It also provides useful information for investors to determine the quality of a company when looking at the trend in operating margin over time and to compare with industry peers.

Developing a Solution Driven Plan

Communicating the financial results to the board, members, and staff are important, but having a solution driven plan to solve the financial concerns are critical.

The first step is to clearly identify and understand what the key issues are.

The second is to communicate this understanding throughout the entire organization.

The third is to create a strategy to address the issues, based on the values of the cooperative.

It is important to focus on short term cash requirements. To enable this, the cooperative may have to reduce expenses and increase sales. To reduce expenses, the cooperative may have to increase the number of days for payables, shorten receivables collection, eliminate unnecessary expenses or renegotiate inventory contracts.

Communicating a New Reality

Murray Fulton, of the Centre for the Study of Cooperatives, University of Saskatchewan, *advises that* it is extremely important to communicate to members about their cooperative's

current position in its industry and how its position is affected by the cooperative's mission, vision, values, goals, and propensity to continue benefiting members. Additional communication is needed on strategic effort, and the likely changes the cooperative is planning or contemplating to improve its position.

Introduction to Developing Human Resources Policies

Policies are guidelines that regulate organizational action. They control the conduct of people and its activities of systems. A policy is actually a type of position statement. It explains the organization's stand on a subject and why there's a rule about it. It tells the reader [the employee] how the organization intends to operate. Your cooperative is free to operate any way it chooses as long as it doesn't violate any laws. This, however, means that the organization must make clear, conscious decisions about its own standards and principles of operation."ⁱ

Keys to Writing, Interpreting, and Applying Human Resource Policies In The Workplace

The keys to writing human resource policies are:

- Do ensure that your human resource policies are empowerment and accountability driven rather than authoritative and autocratic.
- Do practice the steps of developing policy
- Do consult a Labour lawyer for Labour law interpretation and for assistance in writing policy bound by law.
- Do ensure your human resource policies are broad, general statements which provide specific information about the human resource policy area.
- Do make the appropriate organizational decisions before writing a policy.
- Do ensure that a policy needs to be made. Write down only necessary policies only if the issue is being directed significantly impacts all of your employees or your organization's operating environment.
- Do write policies that are significant "
- Do ensure that if the law requires your organization to have a policy that a policy is written.
- Do include: what the policy is; the reason the policy exists, when the policy applies, who is covered and not covered by the policy, who will enforce the policy and how it will be enforced, the consequences for not complying with the policy, any emergency information and contacts, if applicable, and who to contact for understanding the policy.

The keys to interpreting and to applying human resource policies:

- Ensure that human resources policies are interpreted and applied fairly, consistently, and equitably across all employees within the organization.
- Ensure your interpretation and application of a policy is legally compliant.
- The way your organization interprets and applies human resource policies will set company precedent impacting employee relations and/or Labour relations.

Conditions of Employment Policies, Confidentiality, Conflict Of Interest, Respectful Workplace and Complaint Investigation

Conditions of Employment Policies

Conditions of Employment policies relate to the terms and conditions of an employee's employment with your organization. These policies inform employee's of the 'rules of

engagement' and 'rules of conduct' required by the organization. Policies may range from confidentiality, conflict of interest, to respectful workplace, to fraudulent activity reporting.

All policies contained in the Human Resource Policy Manual should form conditions of employment. It is necessary for employees to read and understand the policies (i.e., expectations and requirements) of the organization.

Confidentiality	Non-Discrimination	Courtesy
Conflict Of Interest	Employment Equity	Telephones/Computers/Faxes
Disclosure of Conflict of Interest Situations	Respectful Workplace	Building Security
Rules of Conduct Confirmation Report	Complaint Investigation	No Smoking Policy
Disclosure of Related Party Transactions	Acceptance of Gifts	Dress Code
Ownership of Intellectual Property	Fraudulent Activity Reporting Policy	
	Compliance With Policy, Laws, Statutes, Etc.	

Confidentiality Policy

It is prudent business practice to include a human resource policy on Confidentiality in a Human Resources Policies Manual. A Code of Confidentiality policy protects the privileged and sensitive information that belongs to the organization from being released to competitors, the media, the general public, or from being released in the public domain.

At the start of employment, employees must sign a Statement of Confidentiality or a Confidentiality Statement is included in the offer of employment or a Confidentiality policy is included in a Human Resources Policy Manual.

Conflict Of Interest Policy

It is also sensible business practice to include a human resource policy on Conflict of Interest. An employee-signed Conflict of Interest policy protects the organization from employee(s) pursuing personal and private business interests or participating in competitive or related organizations that are similar to the business the employee(s) are employed in.

The Conflict of Interest policy ensures that employee(s) must disclose the conflict of interest to their employer. Once disclosed, management can determine whether or not the conflict of interest is valid. A policy ensures that the interests of the employer must come first. A policy also safeguards that the employee will not use their position in the organization for personal gain/profit or to gain any advantage or to confer a benefit to anyone at the expense of the employer.

Respectful Workplace Policy and Complaint Investigation Process

All employees are entitled to work in an environment that supports productivity, achievement of personal goals, dignity, and self-esteem. Respect for People is a core company value in many progressive organizations today. A Respectful Workplace policy and complaint investigation process protects employees from unacceptable workplace behaviours such as: harassment (sexual and non-sexual), and disrespectful behaviours such as workplace bullying. It may also serve as a preventative measure to protect the organization from liability. An anti-harassment policy is required by law under The Manitoba Human Rights Code. Typically, organizations provide employees with education and training courses on respectful workplace behaviours and practices.

Complaint/Grievance Investigation Policy

With people in organizations there are bound to be complaints, challenges and issues to be resolved. Another effective policy for Cooperatives to implement is a Complaint/Grievance Investigation Policy. This ensures that any employee or member complaints/grievances have a formal process that can be followed for immediate resolution of the complaint/grievance.

Employee Benefits Policies

When deciding on employee benefits programs, it is important to determine what your overall benefits philosophy is as an employer. Employers decide to lead, lag or provide benefits that are in the middle of what the market or what other employers are providing. Benefit consultants or your benefits insurer can provide some useful information to aid your decision-making.

Common employee benefits policies may include (but not limited to) one or more of the following:

- 1) Educational Benefits (tuition reimbursement programs)
- 2) Group Insurance Benefits (Insured)
- 3) Paid Time Off Benefits
- 4) Other Benefits

Group Insurance Benefits (Insured)

Employee Benefits (Insured) include benefits obtained through Group Insurance plans which allow employees to access insurance at group rates, which are rates that are generally below those available on the open market. Group Insurance benefits, typically include: Group Life Insurance; Accidental Death and Dismemberment; Extended Health Care; Dental Care; Disability Insurance; Retirement Income, and Pension Plan.

Paid Time Off Benefits

Paid Time Off Benefits include: on-the-job breaks, paid sick leave and holidays and vacations.

Paid Sick Leave

The majority of companies today have a paid sick leave policy which entitles employees to a certain number of sick days per year when they are absent from work for medical reasons. To curb abuse of this policy, some companies require employees to provide proof of sickness in the form of a signed doctor's note.

Holidays and Vacations

Employers are required by law to provide statutory holidays (also known as general holidays) and vacation time to employees. These are minimum standards provided by the provincial employment standards legislation.

It is important to review and monitor The Employment Standards Code for legislative requirements in this area.

Compensation Policies

When determining your compensation policies, it is important to make some decisions about your compensation philosophy; balancing what you can afford to pay and/or provide with what the competitive compensation market trends are. A compensation philosophy is a set of principles that guide design, implementation and administration of a compensation program at an organization

A sample statement of compensation philosophy is:

Compensation Philosophy Objectives

ABC Cooperative seeks to:

- I. Provide total compensation which is closely linked to ABC Cooperative's corporate performance and to individual performance;
- II. Align the interests of ABC Cooperative's executives, managers, and staff with those of its members and other key stakeholders through compensation programs that reward behaviours and corporate performance that enhances members' value; and
- III. Ensure that compensation and benefits are at levels which enable ABC Cooperative to attract, motivate and retain the people who will make it possible for ABC Cooperative to meet and surpass its corporate goals.

Legal and Government Regulations

Compensation administration (i.e., wage and salary) must comply with legal and government statutes and regulations that influence employee compensation.



The Employment Standards Code sets of the minimum wage requirements, overtime pay requirements, vacation and statutory holiday requirements and reporting pay (i.e., if an employee is "called-in" the employee must work three hours). Please also review the module on Labour Laws for further information on this regulation.

The Employment Standards Code may be found on the internet via this link:

<http://web2.gov.mb.ca/laws/statutes/ccsm/e110e.php>.

The Manitoba Employment Standards Branch's website:

<http://www.gov.mb.ca/labour/standards/> provides a Quick Guide to Employment Standards and many Fact Sheets for download.

The code provides clear, comprehensive employment standards that benefit both employees and employers. This website provides specific details on all aspects of the new code. It also provides answers to the most frequently asked questions from employers and employees. Once on the website the "[What are the Employment Standards](#)" and the "[What's New in 2007](#)" pages are great places to start your search for information." ⁱⁱ The Manitoba Employment Standards Branch may be contacted at:

Employment Standards Branch - Manitoba

Phone: 204.945.3352

Manitoba Toll Free: 1.800.821.4307

Facsimile: 204.948.3046

Email: employmentstandards@gov.mb.ca

There are also government requirements to deduct federal tax, provincial tax, Canada Pension Plan (CPP), and Employment Insurance (EI) plus a requirement to remit taxes. The Canada Revenue Agency website provides information and applicable forms via: www.cra.gc.ca.

Compensation Equity

Another objective of wage and salary administration is to ensure equity. There are three forms of compensation equity: 1) internal equity, 2) external equity and 3) employee equity

▶ Internal Equity

Internal equity ensures the relative worth of jobs within the organization. To achieve internal equity compensation rates paid per position ensure, "equal pay for work of equal value." This means that all jobs that are similar in worth are paid the same.

▶ External Equity

External equity is the relative worth of jobs to the external market which means paying a fair job rate compared to what the market is paying. For example, the organization compares the market rate to their internal job rate and ensures that the internal job is paid equitably (fairly) to the external jobs in the market.

▶ Employee Equity

Employee equity is the comparisons made among individuals doing the same job within the same organization and is grounded in performance management.

Compensation Options

There are different forms of compensation. Each organization determines the right compensation mix for their workforce. Types of compensation include:

- **Base Salary**
- **Variable Pay**
- **Benefits**

Total Compensation (aka Total Rewards)

In today's marketplace, with the aging demographics and impact of the external market pressures, the 'war for talent' between organizations is predicted to be one of the major organizational challenges of the century. It is predicted that organizations will fiercely compete to attract, retain, and engage workers in most occupational groupings. There is an organizational shift occurring as organizations strive to become, 'employers of choice.'

Information about Compensation?

Off-The-Shelf Market Survey Data

Compensation surveys that report market data is available for competitive pay information on a variety of positions. This is called *off-the-shelf* information that is collected from organizations who participate in annual surveys.

Employers can purchase compensation data by city, by province, by country and by position. When purchasing off-the-shelf data it is important to ensure that there is a match to your position(s) as close as possible.



The rule of thumb is if there is an 80% match with the actual job description, then for compensation purposes it is considered a match or within the "ballpark." Ensure your organization is comparing 'apples to apples' and not 'apples to oranges.'

Maintaining Employee Records

Federally and provincially, it is required that accurate employee payroll and human resource records be obtained and maintained. By maintaining employee records, the government can ensure that all legislative provisions relating to (but not limited to): minimum wage rates, weekly hour maximums, the payment of overtime can be complied by the employer.

Some employers have a formal policy on the maintenance of employee records. A sample policy may be:

Employee Relations Policies

Employee Relations is an important part of the employee-employer relationship. Effective employee relations can boost worker productivity levels, maintain high performance, and help to guarantee employee retention and loyalty in the workplace regardless of industry or business focus. It is vital to have effective employee relations policies and it is even more critical to implement these policies fairly, equitably and consistently across all employee groups.

The major Employee Relations policies are policies that provide insight and information on human resource management areas of:

1. Introduction to Employee Relations (Policy Statement on Employee Relations)
2. Discrimination
3. Disciplinary Action
4. Performance Issues
5. Guidelines on Corrective Action
6. Complaint/Grievance Procedure
7. Open Door Policy

Discrimination

Employees are entitled to function in a workplace that prohibits discrimination based on race, color, nationality, religion, age, gender, marital status, sexual orientation, ethnic or national origin, political beliefs, physical or mental handicaps, family status or any other provision(s) established under The Manitoba Human Rights Code.

The Manitoba Human Rights Code may be found on the internet via the following web site address:

<http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>.

The Manitoba Health and Safety Act requires employers to have a harassment prevention policy. This policy is discussed in more detail in the section entitled Health, Safety and Security Policies.

Performance Issues

Performance management is necessary to ensure employees understand and demonstrate the minimum acceptable or satisfactory or exceed job performance expectation of the employer. Basically, employers need to write down the policy procedure for effectively dealing with employee performance issues. So, when an employee performance issues arises, managers and supervisors know what to do, and proactively, employees understand what the performance process is. A typical performance issue process is outlined below.

Guidelines on Corrective Action

Furthering the performance management process, employee relations policies usually include guidelines on how to correct performance concerns and what actions will be taken by the employer and what actions will be required by the employee.

Complaint/Grievance Procedure

Employees who are dissatisfied need to have method of communication and complaint resolution. Employee Relations policies usually include a process for the handling of complaints and/or grievances.

Health, Safety and Security Policies

A key element in organizational success is employee health, wellness, safety and productivity. Your Cooperative's requirement is to appoint a Workplace Safety and Health (WSH) Representative or to establish a WSH Committee based on workforce size. The following table provides the minimum legislated requirement:

NUMBER OF REGULAR EMPLOYEES	LEGISLATED REQUIREMENT	MANITOBA WSH ACT REFERENCE
Less than 10 employees	No requirement	Not Applicable
10 to 19 employees	Representative	Regulation Section 41(1)(a)
20 or more employees	Committee	Statute Section 7.4(1)

Workplace Safety and Health Policy in workplaces with more than 20 employees

A written health and safety policy and program is required by The Workplace Safety and Health Act for Cooperatives whose employ 20 or more employees. The workplace safety and health program is beyond the scope of this module on Health and Safety Policies. However, Section 7.4 (5) of The Workplace Safety and Health Act indicates that a workplace safety and health program must include: "a statement of the employer's policy with respect to the protection of the safety and health of workers at the workplace," A Workplace Health and Safety sample policy is profiled on the following page.

A Appendix A COOPERATIVE ORGANIZATION

General Manager Job Description Sample

DATE:	April, 2009
CURRENT JOB TITLE:	General Manager or CEO (SAMPLE – Credit Union Version)
REPORT TO (Position Title):	Board of Directors
DEPARTMENT:	Administrative Office
JOB LEVEL:	Determined by GM Performance Appraisal System

CREDIT UNION MISSION:

{insert mission statement}

PURPOSE OF POSITION:

Guided by organizational strategies and the Board of Directors, the General Manager provides vision, leadership and direction to the credit union. The General Manager has overall management responsibility for all credit union operations: human resources; policy development and implementation; financial management; lending and loans portfolio management; deposit administration; sales, marketing and promotion.

KEY RESPONSIBILITY AREAS:

KRA #1 - Leadership

Credit Union:

- provide leadership and direction in attracting, developing and motivating employees dedicated to serving the needs of members.
- build, coach, develop and motivate a strong management and employee team.
- facilitate the development of a service delivery culture that reflects trends and meets the current and future needs of members.
- identify an organization structure and management style that meets organizational objectives.
- lead in the development of an organization culture that creates an environment of trust and respect between and among staff, management, members, board and community.
- overall management responsibility for credit union operations; ensure efficiency of operations; compliance to relevant legislation, policies and procedures.

Credit Union System:

- participation and representation of the credit union within the credit union system.
- build relationships with credit unions to provide a united image to members, public, government, etc.

Community:

- participation and representation of the credit union within the community and surrounding area.

KRA #2 - Financial Management

- Manage and monitor risk (credit, interest rates, liquidity, operations) report and make recommendations to the Board of Directors.
- Provide overall leadership and direction to the credit union to support attracting sufficient financial resources to satisfy the liquidity and capital requirements of the credit union and, through earnings, ensure fair returns in order to build a safe and stable credit union for members.
- Provide ongoing leadership and direction to the assessment of services and operations to support maximizing return on assets.
- Manage and provide technical direction in all areas of financial accounting, financial reporting, financial analysis and control, pricing and rate structure.
- Manage and monitor investments and borrowings; including daily cash balances.
- Manage the development of annual operating and capital budgets and the financial forecasts for the credit union; monitor performance in relation to budget.
- Manage deposit and administrative functions. Ensure effective cash custody and safeguarding procedures, deposit account documentation, general ledger and all related security precautions to ensure adherence to established procedures and practices.

KRA #3 - Policy

- Develop, recommend and audit internal financial controls and procedures to minimize risk exposure.
- Ensure the safekeeping of records to meet the requirements of outside regulatory bodies and ensure that a systematic process is in place for their retention and disposal.
- Develop, recommend and administer operating policies and controls to minimize risk exposure.

KRA #4 - Lending/Loans Portfolio Management

- Manage the overall lending and collections function for the credit union; ensure compliance with sound business practice, legislation, all regulations, by-laws, policies and procedures.
- Analyze loan requests based on character, capacity and collateral to safeguard member deposits and the viability of the credit union.
- Maintain delinquency control systems that will quickly identify delinquent accounts.
- Assign lending limits to all credit granting staff.

KRA #5 - Visioning, Strategic Thinking and Planning

- In co-operation with the board of directors, provide leadership and direction to the credit union in developing, planning and implementing corporate goals and objectives and future goals and objectives.
- Provide leadership to the ongoing development and enhancement of long term future plans and annual operational plans.
- Recognize global implications and use this information to support planning and visioning for the credit union.
- Implement the strategic plan and motivate board and staff to achieve corporate direction.
- Provide leadership and direction to the identification of organizational need to change; motivate board and staff to implement change by demonstrating

KRA #6 - Sales, Marketing and Promotion

- Provide overall leadership and direction to the credit union to support identification and delivery of a wide range of products and services to meet current and future needs of members and potential members.
- Promote and support an environment at the credit union that encourages delivery of quality products and services to members. Predict and prepare for competition; relate emerging market trends to the credit unions strategic plans.

DECISION MAKING AND FREEDOM TO ACT:

Guided by organizational strategies and goals; major issues require board approval. Work is extremely complex; makes significant strategic decisions having a broad impact on the continued operation and future development of the credit union.

CONTACTS:

members/clients	potential members
board of directors	senior or executive mgmt
branch or dept managers	other staff
prospective employees	Auditors and inspectors
media, the press	suppliers and vendors
government and regulatory bodies	other related company representatives
community groups	lawyers, consultants, business advisors
professional associations	general public

BEHAVIOURAL COMPETENCIES:

Core Competencies:

- Change Leadership - is the ability to energise and alert groups to the need for specific changes in the ways things are done. It involves helping the organization’s members understand what the change means to them, and providing the ongoing guidance and support which will maintain enthusiasm and commitment to the change process.
- Customer Service Orientation - is the desire to help or serve and build relationships with members and/or internal customers, to meet their needs. It means focusing one’s efforts on discovering and meeting the customer’s needs and expectations. (“Customer” includes members, internal customers or clients, suppliers, etc).
- Listening, Understanding and Responding - is the ability to accurately listen and understand, and then respond appropriately when interacting with individuals and groups.
- Results Orientation - is a concern for working towards a standard of excellence. The standard may be one’s own past performance, an objective measure, the performance of others, challenging goals one has set or even what anyone has ever done.
- Team Leadership - is taking on a role as leader of a team or other group. It implies the desire to lead others. It is often, but not always, shown from a position of formal authority.

Role Specific Competencies:

- *Developing Others* - involves a genuine intent to foster the long-term learning or development of others. Its focus is on the development of an individual and effect (rather than on a formal role of training, or completion of a task or objective).
- *Holding People Accountable* - is the intent to make others comply with set standards of performance. It involves taking responsibility for making certain things happen (e.g. meeting a goal or performance expectation), and expecting the same of others. Setting standards for the organization and its people is the ultimate target of these behaviours.
- *Impact and Influence* - is the intention to persuade, convince or influence in order to have a specific impact, make a specific impression or adopt a specific course of action. It includes the ability to anticipate and respond to the needs and concerns of others.
- *Initiative* - is identifying a problem, obstacle or opportunity *and* taking action and/or proactively creating opportunities to resolve or prevent problems.
- *Organizational Awareness* - is the ability to understand and learn the power relationships in one's own organization, in other Credit Unions or the local community.
- *Strategic Orientation* - is the ability to understand the business implications of decisions on one's role and links organizational strategy to daily work. At the lowest level, it includes simple understanding of strategies; at the highest level it is a sophisticated awareness of the impact of the credit union system and the financial services industry at large on strategies, and how in turn that affects choices.

TECHNICAL COMPETENCIES:

- *Balance Sheet Management* - Acquiring assets and liabilities and managing capital to create a return on investment for the shareholders.
- *Budget & Expense Management* - Using a range of tools from basic budgets to financial modeling to forecast and manage the Cooperative's financial and human resource requirements and financial position.
- *Business Acumen* - Demonstrating an understanding of business operations, the critical components of business success, and how macro trends impact business results.
- *Decision Making* - Using sound judgment to make timely and effective decisions that consider both short and long term risks, impacts and outcomes.
- *Facilitation Skills* - Designing and guiding meetings, instructional sessions and other interactive group processes to enable the sharing of information and concepts, and to gain commitment for their use.
- *Financial Accounting* - Maintaining records of financial information, producing financial reports, and creating and maintaining financial systems to provide accurate, timely and relevant information for effective decision making.
- *Governance Acumen* - Developing, growing and supporting the democratic structure, processes and information used to oversee the management of the credit union on behalf of its owners.
- *Knowledge of Financial Principles* - Demonstrating knowledge of financial principles in the conduct of business activities.
- *Knowledge of Policies & Regulatory Environments* - Demonstrating a knowledge of relevant policies and legal and regulatory principles and applications in the conduct of business activities.

- Knowledge of Products & Services - Demonstrating knowledge of the lines of business and range of products and services offered internally and/or externally by the credit union and its competitors.
- Lending - Demonstrating an understanding of the current economic environment, uses approved lending principles and practices to complete lending transactions for members and customers.
- Managing the Workforce - Directing, aligning, equipping and attracting a competent and diverse workforce to achieve the Cooperative's strategic goals and objectives.
- Marketing - Positioning and promoting the credit union as a primary financial institution and partner in community development; positioning and promoting the credit union as a partner of choice with a national presence.
- Monitoring, Compliance & Auditing - Monitoring and/or auditing activities, processes and operations within the credit union and the credit union system to ensure compliance with relevant policies and procedures, sound business practice and provincial/federal legislative requirements.
- Operation of Specialized Equipment & Technology - Operating and managing the equipment and technology critical to the efficient day-to-day and long-term functioning of the Cooperative's business and facilities.
- Optimizing Risk - Optimizing risk across all areas of the Cooperative's balanced scorecard in order to protect and create shareholder value while achieving a sustainable competitive advantage and financial success.
- Organizational Communications - Conveying a clear message to inform, promote buy-in or inspire audiences, and to facilitate two-way communication relative to corporate issues and strategic goals.
- Presentation Skills - Using appropriate tools, techniques, protocols and standards to convey specific information and concepts to designated audiences in verbal and non-verbal ways.
- Product & Service Development - Developing innovative programs and product and service solutions to maintain competitiveness within the financial industry for the credit union system, the credit union and its associated entities.
- Sales - Demonstrating an understanding and knowledge of market trends and customers' business needs, using proven sales techniques to deliver suitable products and services to members and customers.
- Software Proficiency - Using appropriate software and intranet/internet applications and systems to manage work and increase productivity and efficiency.
- Strategic Management - Developing, aligning and implementing strategic and operational directions, plans, policies, procedures and partnerships to position the organization for optimum performance and future success.
- Wealth Management - Demonstrating an understanding of the current economic environment and available investment products and uses the elements of wealth management to deliver service to members and customers.
- Work Planning & Management - Taking a disciplined and structured approach to coordinate and manage information, to plan workload and to position activities, events and strategic initiatives for optimum results.
- Written Communications - Conveying messages clearly and concisely to intended audiences to inform, request action and/or persuade the audience.

EDUCATION AND EXPERIENCE:

University degree plus 10 years of job related experience or an equivalent combination of education and experience.

Recruiting and Hiring Policies

In general, a policy statement purpose is to explain who does the policy apply to; the circumstances or conditions where the policy applies; and the terms or requirements of the policy. A policy statement should also make reference to any relevant legislation (municipal, provincial, federal).

A recruitment and selection policy statement should include statements outlining the following:

- The organization will act in accordance with all relevant employment legislation
- The employer is an equity employer (if applicable)
- The organization will fill position from within the organization whenever possible (i.e. hire from within)
- Successful candidates will be judged on relevant education, training, experience, knowledge, skills and abilities
- Employment equity principles will be included in the recruitment, selection and promotion processes

Why is a Recruitment and Selection Policy Statement Important?

The primary reason a recruitment and selection policy statement is important is it provides an overview of the organization's principles and objectives around recruitment and selection processes.

Another reason it is important is it outlines the relevant legislation that affects the policy. This is important as an organization needs to be aware of any legislation that may affect company policies so the organization is not in violation of any present legislation (municipal, provincial, federal).

Hiring Authority

Hiring authority is a term used for the individuals that are involved in making decisions around the hiring for a position within an organization.

In most circumstances, the hiring authority should be shared by the human resources (HR) professional and the hiring manager (the manager who has the vacancy in their department/work unit). The role the HR professional and hiring manager play in recruitment will be different but both are critical to success of the recruitment and ultimately affect the organization's success.

Hiring Manager Role

Another general rule is the hiring manager primary involvement is determining which candidate is selected for the job; the final hiring decision. Managers are looked to as the subject matter experts of the business and held accountable for the people they hire. Managers often do not play a direct role in establishing the selection process although they should bring up any issues they see in the selection process. Having the hiring managers bring issues to the attention of the HR professional allows HR to meet the needs of the hiring manager which in turn allows the organization to get the best candidates possible for the position.

Diversity Management and Hiring Policy

One definition of diversity provided by an unknown author is it is the uniqueness of all individuals. There are many different elements of diversity, which can include:

- Age
- Gender
- Ethnicity

- Race
- Physical ability
- Sexual orientation
- Physical characteristics
- Income
- Education
- Martial status
- Religious beliefs
- Geographic location
- Parental status
- Personality type



Diversity management is about using of people's differences in their backgrounds and experiences as an advantage.

When an organization has diversity management and employment equity programs in place, the recruitment process must also take these programs into account.

What is Discrimination and Systemic Discrimination?

The Webster's New World Dictionary of the American Language defines discrimination as "a showing of partiality or prejudice in treatment; specific action or policies directed against the welfare of minority groups."

One type of discrimination that may be encountered during the recruitment and selection process is systemic discrimination. Its definition according to Schwind, Das and Wagar is "any company policy, practice, or action that is not openly or intentionally discriminatory, but that has an indirectly discriminatory impact or effect".

Steps in the Recruitment and Selection Process Policy

According to Schwind, Das and Wagar, recruitment is the process of finding and attracting capable candidates to apply for employment. They also believe the selection process is a series of specific steps used by an employer to decide which candidates should be hired.

Steps in the Recruitment and Selection Process

There are five general steps in the recruitment and selection process. Each step is listed and detailed below:

1. Pre-search Analysis
2. Developing candidate pool
3. Preliminary candidate evaluations
4. In-depth candidates evaluation
5. Offer of employment

1. Pre-Search Analysis

The pre-search analysis consists of activities like developing the selection criteria, defining any competencies required for the position, confirming what will make up the compensation package and determining what will be the interview and relocation expenses (if applicable).

Develop Selection Criteria

A traditional view on developing selection criteria would be when an organization wishes to replace a key position; it was assumed that requirements would be static and that individuals with similar skills and capabilities would replace incumbents. More progressive thinking suggests that filling a vacancy is an opportunity to broaden the organizational skill set and increase capabilities.

Before beginning the search for candidates, it is essential to establish the criteria that the successful candidate should bring to the position and to the organization. This provides both the candidates and the organization with a definitive list of the knowledge, skills and attributes that the position requires and to assist in ensuring that selection is based on merit. All selection criteria must reflect the bona fide requirements (a justified requirement) of the job.

Selection criteria should define, four broad items:

- General experience required
- Educational requirements
- knowledge and skills necessary to perform the job
- Essential personal qualities or competencies

An organization may wish to prioritize the selection criteria, in order of importance. Although ideal, it is unlikely that an organization will find a candidate matching all criteria, but rather will find many candidates with different combinations of skills, knowledge and background.

In determining the selection criteria it is important to ask the following questions:

- Which criteria are most critical and essential to successful performance of the position responsibilities?
- Which criteria are important, but not critical?

Based on this assessment, relative weightings can be applied to each criteria. Although various methods of applying weights may be used, it is only essential that the weights are applied consistently to every candidate, to ensure each one is assessed fairly and equitably.

Define Competencies Required for the Position

In assessing candidate suitability for any position, the objective of the process is to predict what that person will/would do in a given set of circumstances. The skills and knowledge that each candidate brings to the table will affect the way in which they would carry out the position responsibilities and fit into the organization.

Competencies are the combination of skills, knowledge and personal attributes, and can be grouped into two categories:

- Technical competencies – the ‘what’ of jobs. For example, this may include things such as computer skills or specific accounting knowledge.
- Behavioural competencies – the ‘how’ of jobs. For example, this may include creativity, initiative, organization and decision making.

Research has shown that competencies, (an individual’s knowledge, skills and attributes) are a more likely indicator of future performance and behaviour than more traditional methods of prediction (e.g. education and experience).

Confirm Compensation

Candidates may want to know early in the selection process what the salary range for the position is. It is important that the organization determine the upper and lower boundaries

of the salary range using job evaluation or some other method at the beginning stages of the recruitment process.

Not only is it important to determine the salary range for the position but aspects of compensation such as bonus plan, eligibility for benefit and pension plans and vacation entitlement. Establishing this early in the process allows for everyone involved in the recruitment to have a better understanding of where the position fits within the organization and establishes some tools to sell the position and organization to candidates later in the recruitment and selection process.

Interview and Relocation Expenses

A policy regarding interview and relocation expenses should be established at the outset of the recruitment process. Paying these expenses for out-of-town candidates may give qualified applicants added incentive to apply for the position, and broaden your candidate pool.

Internal & External Candidates

Each candidate, whether internal or external, should be evaluated within the context of current and future needs of the organization, based on the selection criteria outlined during the initial stage of the process. If succession planning has been done within the organization, there may be qualified internal candidates. These individuals should be encouraged to apply, but not be given preferential treatment in the selection process. The organization must select the most qualified candidate, and must give equal consideration to both internal and external applicants.

Preliminary Candidate Evaluation

The third stage in the recruitment and selection process is to complete preliminary candidate evaluations. Preliminary evaluations can take on many forms, the most common being screening of resumes and a preliminary interview which will be discussed below.

Resume Screening

During the activity of resume screening, all resumes received are compared to the selection criteria, to narrow down the list of candidates and develop a long-list of candidates who most closely match the position requirements. Depending on the size of the candidate pool, the long-list of candidates should not contain more than six or seven candidates.

Guidelines for Interviewing

According to Stewart, Belcourt, Sherman, Bohlander and Snell, the following are guidelines that are widely used and accepted regarding interviewing:

- Establish an interview plan: determine the areas and specific questions to be covered. Review all applicable information on a candidate before interviewing them (i.e., test/assessment results, resume, and application)
- Establish and maintain rapport: giving a pleasant greeting, explaining purpose of interview, displaying sincere interest throughout the interview)
- Be an active listener: the goal is to understand, comprehend, and gain insight into responses; this should show through in the interviewer's facial expressions and posture.
- Pay attention to nonverbal cues: a candidate's facial expressions, gestures, body position, and movements often provide clues as to the person's attitude and feelings.
- Provide information as freely and honestly as possible: answer the candidate's questions accurately, presenting a realistic preview of the job.
- Use questions effectively: questions should be phrased objectively as possible; giving no indication of what response is desired.

- Separate fact from interpretation: during the interview, write down only factual information. Later, write down interpretations of the facts.
- Recognize biases and stereotypes: A common bias is for interviewers to consider candidates who have similar backgrounds, experience, and interests to be more acceptable. Stereotyping involves forming generalized opinions based on a certain characteristic (i.e., race, gender, ethnic background, etc.) See Appendix C for more information on Interview Biases.
- Control the course of the interview: Stick to the interview plan, provide ample opportunity for candidates to respond but maintain control over the situation in order to gather the information required.
- Standardize the questions asked: to increase reliability and avoid discrimination, ask the same questions to all candidates for a particular job.

Academic, Background and Reference Checks

It is important to conduct comprehensive background checks prior to extending any final employment contract or offer. This includes interviewing past supervisors, peers and subordinates for each short-listed candidate. It may also include an academic background check where the candidates are asked to provide proof of their academic achievements (i.e. diplomas, degrees, certificates etc.)

Background Checks

Background checks mean different things to different jobs and different companies. Background checks may be one or a combination of the following different types of checks:

- Employment Reference checks
- Character Reference Check
- Academic Checks
- Credit Check
- Criminal Record Check

The following sections will go into more detail about employment and character reference checks as well as academic checks.

Reference Checks

The purpose of reference checking is to evaluate the candidate's prior work history, work performance and any job-related behaviours. In today's environment of privacy and freedom of information, it is recommended that candidates be asked to sign a consent and authorization form allowing the organization to contact the identified references.

Academic Checks

Academic background check's sole purpose is to ensure the candidate has completed the education requirements for the position they are being considered for. For example, in the job description for a Manager of Accounting position the education requirement may state the position requires a professional accounting designation. In this example, for an academic check the candidate could be asked to submit a paper copy of their accounting designation as proof they have attained the specified designation as it is a job requirement.

Offers of Employment

Role Human Resources and Hiring Manager Play in Offers of Employment

Once the hiring manager has selected the final candidate, it is usually the HR professional responsibility to draft the employment or job offer. In most cases, HR professional will send the draft offer letter to the hiring manager for review and final approval. The job offer may be made by either the hiring manager or the HR professional. The job offer should be made

verbally either over the phone or in-person. The offer letter should be prepared in advance of making the verbal offer to the final candidate, but not sent in writing until it has been discussed with the candidate. The organization should expect some degree of negotiating to take place in areas such as compensation, benefits and start date.

Job Offer Process

Besides having the knowledge of the types of issues that can arise when making a job offer, it is important to have an understanding of the complete job offer process. This process includes formulation, presentation of the job offer as well as either the acceptance or rejection of the job offer.

The following items need to be considered in the formulation of a job offer:

- Knowledge of term and conditions offered by competitors
- Candidate's truthfulness regarding their skills, abilities and compensation
- The candidate's anticipated reaction to the job offer
- Negotiation policies (if applicable)

A useful tool in ensuring an employer does not leave anything out of an offer letter is the use of an offer letter checklist which can be found in Appendix I.

Steps in Job Analysis

Job analysis involves collecting information on job duties so it can be summarized in the form of a job description. The objective of this activity is to assist organizations and managers in formally describing roles by collecting complete and accurate information on the roles key responsibilities which can later be transferred into job description form. In turn job descriptions form a critical part of many important human resource initiatives, from recruitment to orientation to career planning and performance management.

CONTENTS OF A TYPICAL JOB DESCRIPTION

Following the completion of job analysis, the information collected can be documented in a formal, written job description.

A typical job description consists of five (5) sections as outlined below:

Section 1: Position Information – This section may include some or all of the following:

- **JOB TITLE** – the job title
- **REPORTS TO** - The supervisor/manager's job title
- **DEPARTMENT** – The department the position resides in
- **LOCATION** – If the organization is has a number of different locations, this would be the location the position resides in
- **DATE** of last revision – Date the job description was created or last modified

Section 2: Organization Mission Statement – if the organization has a mission statement it should be included on all job descriptions in this section.

Section 3: Department Purpose Statement – a short description of the purpose of the department/work unit in achieving the organizational mission.

Section 4: Purpose of Position/Job Summary - The position's purpose statement describes how the position supports the departmental purpose as well as the organization's objectives.

Section 5: Key Responsibility Areas (KRAs) – KRAs are the major functions of the position that are accomplished by performing a series of related activities. To create these,

you need to describe the key responsibilities of the position and the major supporting activities. These are the areas where the incumbent in the position is expected to achieve results or where they are to be held accountable.

Section 6: Contacts – This element describes the people and organizations the incumbent interacts with as a regular and ongoing part of their job. It is important to include contacts in the job description so that incumbents know which relationships are key to forming when they begin the role, as these individuals will be related to the incumbent's success in the position. Identify both internal and external relationships.

Section 7: Education and Experience – This is the formal education and job-related experience required to succeed in the position. Please note that job-related experience refers to knowledge directly relevant and which is transferable from other jobs, either inside or outside the organization, to the job performed.

Section 8: Working Conditions – this factor describes the surroundings or physical working conditions under which the work must be done and the extent to which they challenge the work to be completed. Consider whether the incumbent in the position is generally seated and are able to freely move around or if they are seated or standing in a confined area requiring scheduled replacements at break times. Also, consider the extent to which the incumbent in the position can leave unfinished work until the next day, or if projects, duties or tasks must be completed before leaving. Other working conditions can include (but are not limited to): working in extreme weather conditions, working in confined spaces or excessive noise.

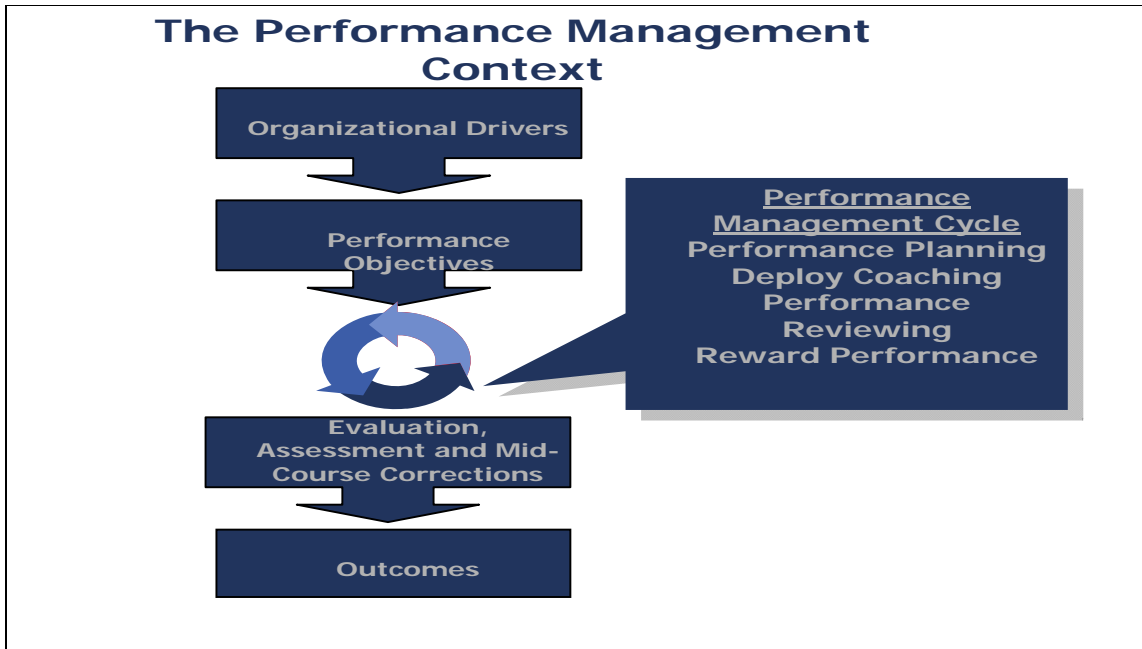
KEY ELEMENTS OF PERFORMANCE APPRAISAL SYSTEM AND CYCLE

Performance management is an ongoing process of assembly, observation, assessment, evaluation, development planning, and documentation of information concerning an employees' work performance to ensure an employee's best possible performance. It involves the documentation of information that fairly and accurately records an employee's work performance and results over a stated period of time measured against relevant, pre-determined work standards, goals, and expectations. Performance management focuses an employee's growth and development on key actions or accountabilities that will affect results, and career objectives and interests.



There is no start or end point for performance management; it is an ongoing process that involves: planning, managing/coaching and assessing.

The following visual diagram explains the context and cycle of performance management.



Performance Assessing: Performance assessing involves jointly monitoring performance against expectations at the end of the performance management period. Performance assessing is designed to celebrate employee's successes, evaluate their progress and performance against stated goals and objectives, making note of areas where achieved behaviour did not meet expected behaviour and to document their performance. Performance management is one of the very important aspects of any employee's development. Performance management helps to:

- align individual behavior and performance with corporate goals and strategies;
- improve organizational performance;
- cultivate continuous performance improvement; and
- build an 'engagement' rewards culture.

Remember what gets measured gets done.

CONTENTS OF A TYPICAL PERFORMANCE APPRAISAL

At the end of each review period, there becomes a need to formally assess an employee's performance, although recall that ongoing coaching and feedback happen at many different times throughout the year. A performance appraisal document is used to formally document an employee's performance, their achievement towards the stated goals and assists in creating a plan of action for the following year.

That being said, this form is not only used in the assessing phase of performance management, it is also used in the planning and coaching phases as a resource to help plan discussions and keep the performance coaching conversations focused.

A good performance appraisal document should identify the performance-related criteria, (i.e., what does it mean to be "outstanding" or "excellent"), it must include how the manager and employee are going to measure that criteria and there must be a section for the manager to give feedback to the employee and the employee to make their own comments about their performance. The performance appraisal document should also include the organizations mission and strategic objectives in order to assist the employee in determining which corporate or departmental initiatives and objectives they can contribute to in their position.

The contents of a typical performance appraisal document and when to use each section are outlined below (see Appendix C for a sample performance appraisal document).

Section 1: Position/Employee Information (*completed at the beginning of each review period – during the planning phase*) – This section may include some or all of the following:

- EMPLOYEE NAME – The employee's name
- POSITION/TITLE – The employee's position/job title
- MANAGER/SUPERVISOR NAME – The name of the individual the employee reports directly to
- DEPARTMENT – The department the employee resides in
- REVIEW PERIOD – The dates the review period spans

Section 2: Organization's Mission and Strategic Objectives (*completed at the beginning of each review period – during the planning phase*) – In this section, list the organization's mission and objectives which will be used as a resource for the employee during the rest of the planning phase and during the actual performance.

Section 3: Linking the organization's annual objectives and initiatives to the position (*completed by employee during the planning phase*) – Discuss the organization's mission and corporate objectives and relate these to the key duties and responsibilities of the employee's job (found in the employee's job description). Essentially, the employee is answering the question which corporate objectives/initiatives can I contribute to and how can I contribute to them?

Section 4: Personal Performance Objective Plan (*this section is originally completed collaboratively by the employee and manager during the planning phase, but is also used during the assessing phase*)

- During the planning phase - Identify key objectives specific to the employee and the employee's position and identify an action plan to achieve these objectives, as well as levels of successful achievement for each objective.
- During the assessing phase - In a formal review discussion at the end of the performance management cycle, together, the employee and manager will:
 - Evaluate the employee's performance on key objectives over the performance management cycle and record in the space provided on the appraisal form.

Section 5: Review Log (*this section is completed collaboratively by the employee and manager during the managing/coaching phase*) - During the performance management cycle both the employee and manager should keep a log of the employee's performance and progress towards the key objectives that were set in the planning phase and listed in Section 4 of the performance appraisal document. This log should make reference to any informal coaching sessions that take place during the performance management cycle and should support both employee and manager in completing the annual review.

Section 6: Comments/Signatures (*this section is completed at the end of each performance management cycle*) – both manager and employee must sign and date the review and provide any comments they would like regarding the employee's performance.

LABOUR LAW OVERVIEW: MEETING LEGAL REQUIREMENTS

The obligation of organizations to meet legal requirements, including those regarding their employees is essential to their success. Failure to comply with the many requirements may result in fines and lawsuits. In fact employers can be charged under the criminal code for their actions or inaction, as well as their employees' actions or inaction. The responsibility for the entire organization to meet the legal requirements, including ensuring that employees are taking the appropriate actions, falls on the employer. It is essential that the employer take the time to familiarize themselves and their staff with the legal requirements and refer to them on an ongoing basis to ensure continued compliance.

Given the significance of the legal requirements and that legislation can change from time to time it is best to ask questions if unsure. It is recommended to contact either the office that is responsible for the legislation in question or to refer to a lawyer for their advice. While the cost of a lawyer may seem expensive, the cost of a lawsuit or fine if a law has been violated will be much higher. In addition, lawyers will have the most current information on how that particular legislation has been handled in court cases to ensure that you make the best decision.

This section provides an overview of some of the key legislated requirements for employers. As changes happen in the work place and the labour market they can lead to changes in legislation. Please refer to the websites or contact the offices directly for the most up to date legal requirements.

EMPLOYMENT STANDARDS LEGISLATION

Employment Standards Legislation governs the employment relationship for provincially regulated industries and organizations. In Manitoba, Labour and Immigration administers Employment Standards Legislation which outlines the minimum standards employers must meet. Employers should keep in mind that these are the minimums, and there is nothing limiting them from going above the standards.

For any question or issue about the employment relationship that may arise, the answer is often found in Employment Standards Legislation. Some of the common workplace issues that the Employment Standards Legislation governs include, but are not limited to: the minimum wage paid to employees, the maximum number of hours an employee can work in a day and in a week, the requirement for breaks and rest periods, when overtime is to be paid, how much notice is required for a termination of an employee, and designated holidays (commonly referred to as statutory holidays).

The majority of employees in Manitoba are covered by Employment Standards; however there are some exceptions. For example employees that work in industries that are regulated by the federal government are not covered by Employment Standards. In addition some workers are covered by parts but not all of the legislation, they are: "agriculture workers, baby sitters, professionals, part-time domestic workers, family members employed in family businesses, some provincial civil servants and temporary election workers."ⁱⁱⁱ (see Appendix A – Fact Sheet: Who is Covered by The Employment Standards)

Type of Leave	Length of Leave	Explanation of Leave
Maternity Leave	17 weeks	For an employee expecting to give birth to a child
Parental Leave	37 weeks	For parents to care for their new child
Family Leave	3 days	For an employee to deal with family responsibilities or personal illness
Compassionate Care Leave	8 weeks	For an employee to care for a very ill family member
Bereavement Leave	3 days	For an employee to deal with the death of a family member
Reservist Leave	When needed for service	For an employee in the Canadian Forces Reserve who needs time to serve

The Employment Standards Branch is responsible for enforcing and investigating complaints about violations of the *Employment Standards Code*, as well as *the Construction Industry Wages Act*, *the Remembrance Day Act* (rules for business operations on Remembrance Day), *The Retail Businesses Holiday Act* (rules for the operation of retail businesses during designated holidays) , *the Employment Services Act* and *The Worker Recruitment and Protection Act* (introduced on April 1, 2009 to increase protection foreign workers and child performers).

For more information, including updates and changes to Employment Standards Legislation visit the website:

<http://www.gov.mb.ca/labour/standards>

Or contact:

Telephone: 204-945-3352 or

Toll free in Manitoba 1-800-821-4307

Fax: 204-948-3046

employmentstandards@gov.mb.ca

PERSONAL HEALTH INFORMATION PROTECTION LEGISLATION

The Personal Health Information Protection Act was enacted to give individuals the right to access their personal health information and to ensure that personal health information is kept private.

Personal Health Information includes a person's current and past health, what health care is being provided, and the details of the payment for health care. The individuals or organizations that collect and maintain personal health information are referred to as trustees in the Act and are responsible for ensuring the privacy of the information. Examples of trustees include health professionals, personal care homes, community health centres, medical clinics, and regional health authorities.

Personal information, including health information, that is collected for purposes other than health care may not be covered by the Act. An example would be information provided for employment. However it is common practice to keep such information kept private and confidential, in a locked cabinet with access limited to specific individuals (such as the human resources person, or the manager that is responsible for the human resources function). This includes information for benefits such as short term and long term disability and the like. It is also important to note that there are times when health information can be shared and the Personal Health Information Protection Act outlines when it is allowed.

Examples include: if it is necessary to prevent serious harm to you or someone else and if another law requires them to do so.

Note that violations of the Act can result in fines up to a maximum of \$50,000.

For more information, including updates and changes to the Personal Health Information Protection Act visit the website:

<http://www.gov.mb.ca/health/phia>

Or contact:

Legislative Unit
Manitoba Health
300 Carlton Street
Winnipeg MB R3B 3M9
Phone: (204) 788-6612
Fax: (204) 945-1020

LABOUR RELATIONS LEGISLATION

The Manitoba Labour Relations Act governs labour relations and collective bargaining for most unionized employees in the private and public sectors in the province. The Act provides employees with the right to choose union representation in the workplace, and outlines the process for forming a union. In addition, the Act regulates the bargaining process, the content of collective agreements as well as procedures for strikes and lockouts.

The Manitoba Labour Board is charged with administering the Labour Relations Act and the Manitoba Labour Board Rules of Procedure (regulations). They act as an independent third party in resolving labour issues and disputes, including respecting the right of the majority of employees in the workplace to either create or dissolve a union.

The Labour Relations Act prevents employers from taking any action to attempt to stop employees from both looking into and creating a union. Anything an employer may do to attempt to deter employees from unionizing, including implying that unions are bad, can result in fines. Once a union has been formed in the workplace the Act provides guidance on the process to create a collective agreement (contract with the union), what can be included in the collective agreement, and steps to resolve issues and disputes in relation to the collective agreement.

A guide to the Labour Relations Act found on the Manitoba government website outlines the Act as well as:

- Unfair Labour Practices & Infringement Of Rights
- Certification & Bargaining Rights
- Successor Rights
- Collective Bargaining & Collective Agreements
- Lockouts & Strikes
- Mediation, Conciliation Boards & Industrial Inquiry Commissions
- Grievance Arbitration
- Disclosure Of Information By Unions^{iv}

The Act and regulations should be referenced directly to determine specific legal rights and responsibilities.

For more information, including updates and changes regarding the Manitoba Labour Relations Act and the Manitoba Labour Board, visit the website:

<http://www.gov.mb.ca/labour/labbrd>

Or contact:

Manitoba Labour Board
500-175 Hargrave Street
Winnipeg, Manitoba, Canada
R3C 3R8
Phone : (204) 945-3783
Facsimile : (204) 945-1296

WORKPLACE SAFETY AND HEALTH LEGISLATION

Every worker has a right to a safe and healthy work environment. The Workplace Safety and Health Act supports this by outlining the details regarding workplace safety and health. The Act combined with the Workplace Safety and Health Regulations provides direction to ensure a safe workplace for all.

The worker rights that are protected by the Act are as follows:

- The Right to Know about hazards in the workplace, and what precautions must be taken to prevent injuries or illness from these hazards.
- The Right to Participate in safety and health activities at the workplace, including involvement in the joint workplace safety and health committee, or as a work representative, for example.
- The Right to Refuse any task that the worker has reasonable grounds to believe is dangerous to his/her safety and health or the safety and health of other persons.^v

(see Appendix C – Safe Manitoba Fact Sheet: Workplace Safety and Health - Worker Rights and Responsibilities)

It is a shared responsibility between everyone in a workplace to ensure that the workers rights are protected and that everyone has a safe and healthy work environment. The Act specifies the duties of each person in a workplace in sections 4 through 7.3. While the duties of employers, supervisors and workers are outlined below, the duties of contractors, prime contractors, self-employed persons, owners, and suppliers can also be found in the Act. (see Appendix D – Safe Manitoba Fact Sheet: Workplace Safety and Health - Everyone's Responsibility)

The duties of the employer are the highest since they have the greatest control and authority over the workplace. The legal duties include:

- Taking necessary precautions to ensure the safety, health and welfare of workers;
- Providing and maintaining a safe workplace, equipment, tools and systems;
- Ensuring all workers and supervisors are aware of hazards in the workplace as well as the precautions necessary for their protection;
- Providing workers with competent supervision;
- Providing the necessary training to protect workers' safety and health before they begin a new job;
- Taking necessary precautions to ensure that other persons are not exposed to safety or health risks due to the activities of the workplace; consulting and cooperating with the workplace safety and health committee or representative;
- Cooperating with other people on workplace safety and health matters.^{vi}

Because the supervisor has the responsibility of overseeing a group of workers in a workplace they also have legal duties:

- Taking necessary precautions to protect the safety and health of workers under their supervision;
- Ensuring that workers comply with safety and health procedures and use safety equipment, clothing, and devices;

- Advising workers of safety and health hazards in the work area;
- Cooperating with the workplace safety and health committee or representative;
- Cooperating with other people on workplace safety and health matters.⁵

A worker is responsible for their actions and their inaction. Under the Act their legal duties include:

- Taking reasonable care to protect themselves and others who may be affected by their actions or omissions;
- Proper use of safety equipment, clothing, and devices;
- Cooperating with the Workplace Safety and Health Committee or representative;
- Cooperating with other people on workplace safety and health matters.⁵

The Act requires a mechanism for workers to communicate health and safety issues. The result is the requirement to either appoint a Workplace Safety and Health Representative or to establish a Workplace Safety and Health Committee which is based on workforce size. The following table provides the minimum legislated requirement:

Number Of Regular Employees	Legislated Requirement	Manitoba Workplace Safety & Health Act Reference
Less than 10 employees	No requirement	Not Applicable
10 to 19 employees	Representative	Regulation Section 41(1)(a)
20 or more employees	Committee	Statute Section 7.4(1)

When the workforce size is distributed across several branches, the Manitoba Workplace Safety and Health Division recommends that a Representative be appointed in each branch reporting to one main Committee.

The Representative is to be a non-management worker, while the committee is formed with an equal number of management and non-management workers.

The legal duties of the Workplace Safety and Health Representative or Committee include:

- Making safety and health recommendations to the employer;
- Dealing with safety and health concerns of workers;
- Participating in developing and promoting of safety and health precautions, as well as safety and health education and training programs;
- Conducting regular workplace inspections;
- Participating in safety and health investigations;
- Cooperating with other people on workplace safety and health matters.^{vii}

For more information, including updates and changes to the Manitoba Workplace Safety and Health Act and Regulations, visit the website:

<http://www.safemanitoba.ca>

Or contact:

WSH Client Services in Winnipeg, at: (204) 945-6848
 WSH Client Services in Brandon, at: (204) 726-6361
 email: wshcompl@gov.mb.ca

WORKERS COMPENSATION LEGISLATION

The Workers Compensation Act and program is no-fault work-related injury and disability insurance that benefits both the employer and the worker. The employer funds the program by paying premiums and in turn cannot be sued by an injured worker. The workers give up their right to sue their employer and in turn are guaranteed benefits, such as wage

replacement, healthcare treatments and rehabilitation services, in the case of a work-related injury or illness.

The Workers Compensation Program is seen as great protection for the employer and a benefit to workers. As with any type of insurance the employer will pay premiums based on their type of work regardless of whether any worker actually has to make a claim for a work related illness or injury. However the assurance that the employer cannot be sued and that the worker will be provided with benefits should an illness or injury occur is very valuable to the both the employer and the worker. Provision of such a benefit is viewed positively in the eyes of current and potential employees.

The Act and program were created based on the following principles:

- (a) Collective liability of employers for workplace injuries and diseases – all participating employers share the responsibility for the costs of the system.
- (b) Compensation for injured workers and their dependants, regardless of fault – benefits are paid to injured workers whether or not negligence on the part of the worker or employer contributed to the injury.
- (c) Income replacement benefits based upon loss of earning capacity – injured workers receive income replacement based on a calculation of wages lost as a result of the workplace injury or illness.
- (d) Immunity of employers and workers from civil suits – injured workers gave up their right of legal action in return for guaranteed benefits and employers agreed to pay for the system in exchange for protection against lawsuits.
- (e) Prevention of workplace injuries and diseases – workplaces benefit from joint efforts of the WCB and government's Workplace Safety and Health Division to prevent workplace injuries and illnesses from occurring.
- (f) Timely and safe return to health and work – injured workers receive optimum recovery through expeditious and effective healthcare treatment and return to work in a timely and safe manner.
- (g) Independent administration by an arm's-length agency of government – the WCB assumes responsibility for the collection of employer contributions and the provision of benefits to injured workers and their dependents.^{viii}

All Manitoba employers are required to participate in the Workers Compensation Program unless there has been a regulation passed that says they are excluded. Those employers or industries that are excluded have been shown to have a very low risk of injury or illness in the type of work they do, however they do have the option to participate in the program if they choose. The list of excluded industries, employers and workers, updated November 15, 2008, can be found in regulation 169/2008 (<http://web2.gov.mb.ca/laws/regs/2008/169.pdf>).

For more information, including updates and changes to the Manitoba's Workers Compensation Act and Regulations, visit the website:

<http://www.wcb.mb.ca>

Or contact:

For general inquiries, call **(204) 954-4321**

toll-free in Canada **1-800-362-3340**

PRIVACY LEGISLATION

There are two federal privacy laws and one provincial privacy law, apart from the previously mentioned Personal Health Information Protection Legislation. Personal information held by public sector agencies is protected by The Privacy Act for the federal government, and the Freedom of Information and Protection of Privacy Act (FIPPA) for the Manitoba provincial

government. Private sector employers are subject to the Personal Information Protection and Electronic Documents Act (PIPEDA), unless a province has significantly similar legislation in place, in which case employers in that province are exempt from the federal law and subject to the provincial privacy law.^{ix} (see Appendix E – Office of the Privacy Commissioner of Canada, Fact Sheet: Privacy Legislation in Canada)

In Manitoba all private sector organizations that operate commercially are subject to PIPEDA. The intent of the legislation is to protect an individual's personal information and establish ground rules regarding how personal information from customers and employees can be collected, used, and disclosed by organizations in the course of business. In addition individuals have the right to access their personal information as well as correct it. This includes the right of employees to access their personnel file from their employer.⁹

It is common practice to ensure that all employee personnel files are kept private and confidential by keeping them in a locked cabinet and limiting who has access. In addition the information collected from employees is to be only what is needed for their employment. For example a social insurance number for taxation purposes and names of dependents for benefit plan enrolment to a name a few. It is important to remember that if you collected personal information for one purpose (i.e. names of dependents for benefit enrolment) you cannot use that same information (i.e. names of dependents) for any other purpose unless you receive consent from the individual, preferably in writing.

A list of 10 fair information principles have been developed by the Canadian Standards Association and incorporated into the *Personal Information Protection and Electronic Documents Act*.

- **Principle 1 — Accountability** - An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.
- **Principle 2 — Identifying Purposes** - The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.
- **Principle 3 — Consent** - The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.
- **Principle 4 — Limiting Collection** - The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.
- **Principle 5 — Limiting Use, Disclosure, and Retention** - Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.
- **Principle 6 — Accuracy** - Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
- **Principle 7 — Safeguards** - Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.
- **Principle 8 — Openness** - An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.
- **Principle 9 — Individual Access** - Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- **Principle 10 — Challenging Compliance** - An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.^x

For more information, including updates and changes to the Privacy legislation, visit the website of the Office of the Privacy Commissioner of Canada at:

<http://www.privcom.gc.ca/>

Or contact:

Toll-free: 1-800-282-1376

Phone: (613) 995-8210

Fax: (613) 947-6850

TTY: (613) 992-9190

Our hours of service are from 8:30 a.m. to 4:30 p.m.

REFERENCES

http://www.msc.gov.mb.ca/legal_docs/legislation/notices/45_106.pdf : National Instrument 45-106 Prospectus and Registrations Exemptions.

http://www.msc.gov.mb.ca/securities/corporate_finance/: Corporate Finance

http://www.msc.gov.mb.ca/securities/policies_legislation/exempt.html
: Exempt Offerings

http://www.msc.gov.mb.ca/legal_docs/legislation/notices/41_101notice_appd_sch2.pdf Form 44-101 : FI - Short Form Prospectus of National Instrument 44-101

http://www.msc.gov.mb.ca/legal_docs/legislation/rules/44_101f1_am_msc_rule_2007_16.pdf : MSC Rule 2007 16FI Form 44-101F Short Form Prospectus

http://www.msc.gov.mb.ca/legal_docs/legislation/notices/46_201np_2.pdf
: Escrow for Initial Public Offerings

http://www.msc.gov.mb.ca/legal_docs/legislation/notices/46_201f1.pdf
: Form 46-201F1 Escrow Agreement

http://www.msc.gov.mb.ca/securities/forms/forms_links/form26.pdf:
Form 26 Requirements for an Offering Memorandum

http://www.msc.gov.mb.ca/legal_docs/legislation/rules/52_109_msc_rule_2008_18.pdf

http://www.msc.gov.mb.ca/legal_docs/legislation/notices/51_102_2nd.pdf :
NI 51-102 Continuous Disclosure Obligations.

<http://web2.gov.mb.ca/laws/statutes/ccsm/c223ei.php> : The Cooperatives Act. Accessed March 20, 2009

<http://web2.gov.mb.ca/laws/regs/pdf/c223-095.99.pdf>
The Cooperatives Regulation. Accessed March 20, 2009

<http://www.gov.mb.ca/agriculture/ri/coop/documents/form2instructions.pdf>
f Instructions for Articles of Incorporation (Without Share Capital)
Accessed March 20, 2009

<http://www.gov.mb.ca/finance/cca/firb/pdf/coop/form1instructions.pdf>
Instructions for Articles of Incorporation (Share Capital) General. Accessed
March 20, 2009

http://www.canadabusiness.ca/servlet/ContentServer?pagename=CBSC_MB/display&c=GuideFactSheet&cid=1081945277179&lang=en : Articles and
Bylaws Regarding Cooperatives. Accessed March 20, 2009

http://www.canadabusiness.ca/servlet/ContentServer?pagename=CBSC_MB/display&c=GuideFactSheet&cid=1081945277255&lang=en : Financing
and Financial Management for Cooperatives. Accessed March 20, 2009

http://www.canadabusiness.ca/servlet/ContentServer?pagename=CBSC_MB/display&c=GuideFactSheet&cid=1081945277101&lang=en
: Cooperative Governance

<http://web2.gov.mb.ca/laws/statutes/1998/c05298e.php> : The
Cooperatives and Consequential Amendments Act

<http://web2.gov.mb.ca/laws/statutes/ccsm/s050e.php> : The Securities
Act

http://www.msc.gov.mb.ca/legal_docs/legislation/rules/41_101f1.pdf.
Manitoba Securities Commission MSC Rule 2007-15F1, Form 41-101F1
Information Required in a Prospectus

<http://web2.gov.mb.ca/laws/regs/pdf/s050-491.88r.pdf>. : The Securities
Regulations.

http://web2.gov.mb.ca/laws/statutes/ccsm/c225_2e.php : The
Corporations Act.

<http://www.msc.gov.mb.ca/securities/forms/forms.html> : The Manitoba
Securities Commission Securities Forms

<http://web2.gov.mb.ca/laws/statutes/ccsm/c223ei.php> The
Cooperatives Act. Accessed March 20, 2009

<http://web2.gov.mb.ca/laws/regs/pdf/c223-095.99.pdf>
The Cooperatives Regulation. Accessed March 20, 2009

<http://www.gov.mb.ca/agriculture/ri/coop/documents/form2instructions.pdf>
Instructions for Articles of Incorporation (Without Share Capital) Accessed

<http://www.gov.mb.ca/finance/cca/firb/pdf/coop/form1instructions.pdf> Instructions for Articles of Incorporation (Share Capital) General. Accessed March 20, 2009

http://www.canadabusiness.ca/servlet/ContentServer?pagename=CBSC_MB/display&c=GuideFactSheet&cid=1081945277179&lang=en Articles and Bylaws Regarding Cooperatives. Accessed March 20, 2009

http://www.canadabusiness.ca/servlet/ContentServer?pagename=CBSC_MB/display&c=GuideFactSheet&cid=1081945277255&lang=en Financing and Financial Management for Cooperatives. Accessed March 20, 2009

http://www.canadabusiness.ca/servlet/ContentServer?pagename=CBSC_MB/display&c=GuideFactSheet&cid=1081945277101&lang=en Cooperative Governance

http://www.msc.gov.mb.ca/legal_docs/legislation/notices/45_106.pdf National Instrument 45-106 Prospectus and Registration Exemptions.

<http://web2.gov.mb.ca/laws/statutes/1998/c05298e.php> The Cooperatives and Consequential Amendments Act

<http://web2.gov.mb.ca/laws/statutes/ccsm/s050e.php> The Securities Act

http://www.msc.gov.mb.ca/legal_docs/legislation/rules/41_101f1.pdf. Manitoba Securities Commission MSC Rule 2007-15F1, Form 41-101F1 Information Required in a Prospectus

<http://web2.gov.mb.ca/laws/regs/pdf/s050-491.88r.pdf>. The Securities Regulations.

http://web2.gov.mb.ca/laws/statutes/ccsm/c225_2e.php The Corporations Act.

Good, Walter S. 2008. Building a Dream: Canadian Guide to Starting Your Own Business. Third Edition. Toronto. McGraw-Hill Ryerson Limited.

Longnecker Justin G., Leo B Donlevy, Victoria A.C. Clavert, Carlos W. Moore, J. William Petty. 2007. Small Business Management. Third Canadian Edition. Thomson Nelson. Toronto.

Prentice –Hall 2003

<http://wps.prenhall.com/wps/media/objects/260/267260/tutorial/BusGoals.html>) April 7, 2009

<http://www.cooperativegrocer.coop/articles/index.php?id=802> – April 16, 2009

http://en.wikipedia.org/wiki/Business_plan – April 7, 2009

http://tutor2u.net/business/gcse/organisation_aims_objectives.htm – April 7, 2009

Kotler, Philip, Ronald E. Turner. 1998. Marketing Management: Analysis, Planning, Implementation and Control. Canadian Ninth Edition. Scarborough. Prentice-Hall Canada Inc.

Treacy, Michael and Wiersema, Fred 1995, The Discipline of Market Leaders: choose your customers, narrow your focus, dominate your market. Reading, Massachusetts, Perseus Books.

Hall, Doug 2001. Jumpstart Your Business Brain. Cincinnati, Ohio. Brain Brew Books

Akyeampong, Ernest B. <http://www.statcan.gc.ca/pub/75-001-x/00803/5885-eng.pdf>. Perspectives on Labour and Income. Fact Sheet On Unionization. Accessed April 10, 2009.

Heathfield, Susan M. Twenty Mistakes Organizations Make. About.com. Accessed April 10, 2009.

Schwind, Hermann; Das, Hari; Wagar, Terry. 2005. Canadian Human Resource Management: A Strategic Approach. Seventh Edition. Canada. McGraw-Hill Ryerson Limited.

Secord, Hugh. 2005. Article: Are Unions Still Relevant?; Report #4: September 2005, www.cchonline.ca. Accessed April 10, 2009.

<http://Labourrelations.org/LabourLawCanada/LabourLawCanada.html>. Labour Law Canada. Accessed March 23, 2009.

<http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0004431>. The Canadian Encyclopedia: Labour Relations. Accessed April 10, 2009.

<http://www.statcan.gc.ca/pub/75-001-x/2008104/5203892-eng.htm>. Statistics Canada. Quick Fact: Unionization: Newfoundland and Labrador the most unionized province; Alberta, the least. Accessed April 10, 2009.

<http://www.statcan.gc.ca/pub/75-001-x/2008104/topics-sujets/unionization-syndicalisation/5203916-eng.htm>. Statistics Canada. The highest unionization rates were in public-sector industries. Accessed April 10, 2009.

<http://www.statcan.gc.ca/pub/75-001-x/charts/topics/unionization/2007/chartc.htm>. Statistics Canada. Unionization in community service occupations far outpaced that in others. Accessed April 10, 2009.

<http://www.yale.edu/bestpractices/BestPracticesContract.pdf>. Best practices, Labour-Management Cooperation – Contract. Accessed April 10, 2009.

Catano, Vistor M., Steveb F. Cronshaw, Willi H. Wiesner, Rick D. Hackett, and Laura L. Methot. 2001. Recruitment and Selection in Canada. Second Edition. Scarborough, Ontario. Thomson Canada Limited.

Heneman III, Herbert G. and Timothy A. Judge. 2003. Staffing Organizations. Fourth Edition. Middleton, WI. McGraw-Hill Irwin Limited.

<http://www.cchonline.ca>. Commerce Clearing House Canadian Limited. Ultimate Human Resources Manual. Assessed on April 12, 2009.

Schwind, Herman, Hari Das and Terry Wager. 2002. Canadian Human Resources Management A Strategic Approach. Sixth Edition. Toronto. McGraw-Hill Ryerson Limited.

Stewart, Eileen B., Monica Belcourt, Arthur Sherman, Jr., George Bohlander, and Scott Snell. 2001. Essentials of Managing Human Resources. First Canadian Edition. Scarborough, Ontario. Thomson Canada Limited.

Unknown author. 2004. Diversity Management. [online PowerPoint presentation].
<http://www.nesdis.noaa.gov/About/Diversity/documents/DiversityManagementrevisedsept2004nocasestudy.ppt>

Schwind, Herman and Das, Hari and Wagar, Terry. 2002. Canadian Human Resource Management A Strategic Approach. Sixth Edition. Toronto. McGraw-Hill Ryerson Limited.

Long, Richard J. 2002. Strategic Compensation in Canada. Second Edition. Scarborough. Nelson Thompson Learning.

The Hay Group – Competency Based Performance Management Training. Training Received November 2005

<http://www.gov.mb.ca/labour/standards/doc.covered-by-employment-standards.factsheet.html> Government of Manitoba, Employment Standards Fact Sheet: Who is Covered by the Employment Standards Code. Accessed on March 31, 2009.

<http://www.gov.mb.ca/labour/standards/factsheet.html> Government of Manitoba, Employment Standards, Fact Sheets. Accessed on March 31, 2009.

<http://www.gov.mb.ca/labour/standards/doc.unpaid-leave.factsheet.html> Government of Manitoba, Employment Standards Fact Sheet: A Summary of Unpaid Leave Options. Accessed on April 19, 2009.

http://www.gov.mb.ca/labour/labbrd/pdf/lra_guide.pdf Government of Manitoba, The Labour Relations Act Guide. Accessed on March 31, 2009.

http://safemanitoba.com/uploads/rights_work_rights_responsibilities.pdf Safe Manitoba Fact Sheet: Workplace Safety and Health - Worker Rights and Responsibilities. Accessed on March 31, 2009.

http://safemanitoba.com/uploads/rights_everyones_responsibility.pdf Safe Manitoba Fact Sheet: Workplace Safety and Health - Everyone's Responsibility. Accessed on March 31, 2009.

http://www.wcb.mb.ca/about_wcb/overview.html Workers Compensation Board of Manitoba, Overview of the Workers Compensation System. Accessed on March 31, 2009.

http://www.privcom.gc.ca/fs-fi/02_05_d_15_e.asp Office of the Privacy Commissioner of Canada, Fact Sheet: Privacy Legislation in Canada. Accessed on March 31, 2009.

<http://laws.justice.gc.ca/en/showdoc/cs/P-8.6/sc:1/en#anchors:1> Personal Information Protection and Electronic Documents Act (2000, c. 5), Schedule 1. Accessed on March 31, 2009.

<http://www.gov.mb.ca/hrc/english/aboutus.html> Manitoba Human Rights Commission. Accessed on April 17, 2009.

<http://www.hrsdc.gc.ca/eng/lp/lo/lswewe/legislation/guidelines/doc1.shtml> Guidelines for the Employment Equity Act and Regulations - Document 1: Overview of Employment Equity. Accessed on April 17, 2009.

<http://www.hrsdc.gc.ca/eng/lp/lo/lswewe/legislation/keyelem.shtml> Key Elements of the Employment Equity Act and Regulations. Accessed on April 17, 2009.

ENDNOTES:

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- ⁱ Writing Effective Policies and Procedures: A Step-by-Step Resource for Clear Communication, Page 1-2.
- ⁱⁱ Excerpt from The Manitoba Employment Standards Code website; Accessed April 13, 2009.
- ⁱⁱⁱ <http://www.gov.mb.ca/labour/standards/doc.covered-by-employment-standards.factsheet.html> Government of Manitoba, Employment Standards Fact Sheet: Who is Covered by the Employment Standards Code. Accessed on March 31, 2009.
- ^{iv} http://www.gov.mb.ca/labour/labbrd/pdf/lra_guide.pdf Government of Manitoba, The Labour Relations Act Guide. Accessed on March 31, 2009.
- ^v http://safemanitoba.com/uploads/rights_work_rights_responsibilities.pdf Safe Manitoba Fact Sheet: Workplace Safety and Health - Worker Rights and Responsibilities. Accessed on March 31, 2009.
- ^{vi} http://safemanitoba.com/uploads/rights_everyones_responsibility.pdf Safe Manitoba Fact Sheet: Workplace Safety and Health - Everyone's Responsibility. Accessed on March 31, 2009.
- ^{vii} http://safemanitoba.com/uploads/rights_everyones_responsibility.pdf Safe Manitoba Fact Sheet: Workplace Safety and Health - Everyone's Responsibility. Accessed on March 31, 2009.
- ^{viii} http://www.wcb.mb.ca/about_wcb/overview.html Workers Compensation Board of Manitoba, Overview of the Workers Compensation System. Accessed on March 31, 2009.
- ^{ix} http://www.privcom.gc.ca/fs-fi/02_05_d_15_e.asp Office of the Privacy Commissioner of Canada, Fact Sheet: Privacy Legislation in Canada. Accessed on March 31, 2009.
- ^x <http://laws.justice.gc.ca/en/showdoc/cs/P-8.6/sc:1/en#anchors:1> Personal Information Protection and Electronic Documents Act (2000, c. 5), Schedule 1. Accessed on March 31, 2009.