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Lloyd's involvement with our leadership team has been nothing short of a watershed moment in the history of our company. Thank you from the bottom of my heart. Your brilliance, skill, energy and patience are extraordinary.

Dr. Field persuaded us to dig deep and answer some tough questions. The results of this very necessary organizational assessment resulted in a greater fiscal commitment from our Board and staff to meet the challenges of the current economic downturn. I would not hesitate to recommend Lloyd to other not-for-profit community-building organizations that are interested in seizing opportunities to increase their capacity to make a difference.

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Union Decertification: An Achievable Goal

FIELD

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An Achievable Goal

Lloyd Field, PhD
Thomas Stefanik, LLB

Lauren Nesbitt, Contributing Editor

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Feedback and Recommendations

"My only regret is that we didn't begin to work with Lloyd sooner. In addition to a well laid out plan in Lloyd's book, Decertification: An Achievable Goal, his personal guidance ensured that we didn't misstep along the route to decertification".

"With the Positive Employee Relations plan outlined in Dr. Field's book, on Decertification: An Achievable Goal, we have experienced tremendous success. It has cut costs for both the company and the employees. Improved morale, performance and customer feedback as well as work/life balance has made for happier employees".

"At first I was skeptical about venturing into this uncertain area of employee relations. But as I saw the employees respond to the positive changes we were implementing, I realized that people actually work harder/longer and have a better work/life balance. I think Lloyd's program is terrific and a model for all industries to follow".

"The positive employee relations program offered by Dr. Field is user friendly and is a great way to re-engage with our employees. We are also seeing the benefit of being actively involved with every facet of our operation. Though we are in the early stages of making a positive change in our employee's work experience, we can see the benefit of going down this path. So far the union has been more that co-operative. We are looking forward to reaping the reward of decertification".

Also Written by Lloyd Field

Unions are not Inevitable!©
A Guide to Positive Employee Relations™
Editions 1, 2, 3, 4, and 5

Winning the Certification Vote©
[Second Edition as Chapter 6, 5th Edition above]

Business and the Buddha
Doing Well by Doing Good

Leadership Coaching
Personal Insights to Inspire Others

Positive Employee Relations™ is a Trade Mark of Lloyd M. Field.
The Trade Mark symbol "™" appears the first time the phrase
Positive Employee Relations appears in Chapter and, as such, refers to
this phrase used elsewhere in each Chapter and throughout this book.

Readers should be aware that this book is not intended to
constitute legal advice or otherwise substitute for legal counsel.

Dedication

This work has been written with a passionate desire to see 'capitalism' embrace 'human Values'. Apathy towards greed [frequently 'greed-without-limits'] has led to millions living in poverty and millions living below their potential. These two factors, by their very presence, continue to reinforce the practice of 'capitalism-without-human-Values'.

The on-going conflict between unions and management is just one manifestation of this human and economic 'win or lose' game. Positive Employee Relations™ is a Values-based system of workplace relationships.

Where is has been implemented we have seen great gains in fairness and a noticeable lowering of employee dissatisfaction.

The success of Positive Values in the workplace is a beacon that signals there are valuable opportunities to be explored in opting out of 'greed-without-limits'. This book is just one small step along the road to see capitalism benefit all people not just a select minority.

Introduction

Unions, through their history, have proposed a form of socialism while making capitalism both their 'punching bag' and their 'cash cow'. However, like most corporations, they are competitive [to a fault] and insatiable [in their appetite] for money. And, advocating these behaviours while speaking the language of solidarity. Today about 20% of Canadians seem to be walking-the-talk.

This book is about employees' freedom to choose - it is pro-employee. Implementing Positive Employee Relations™ means the advancement of capitalism-with-Values, the belief that the people making the revenue should be treated with the respect and dignity inherent in the ideal of *'people before profits'.*

What does this mean to the C suite? It means each executive should be promoting that employees are:

- Legitimate stakeholders in the business,
- Adults and not children,
- Holistic individuals, who have other important aspects to their lives,
- People capable of championing positive corporates values, and
- People deserving of respect, dignity and transparency in all workplace relationships.

These factors are the cornerstone of Positive Employee Relations regardless of whether your business is in the for-profit or not-for-profit sector.

Using this Book

All chapters can be useful on their own. As much as we have tried to make this book easy to use, there will be situations when discussing the topic would add value to the reader. Please contact me. I would be pleased to assist. See the Contact Us section at the back of the book.

Also, we have added Discussion Points to the first four chapters. These excerpts are helpful when used in discussion/debate with your peers, other leaders and members of your Human Resource team.

Acknowledgements

No business book can be written in isolation from the everyday work world. This book is no exception. First and foremost are the many clients who have sought out and accepted my advice on Decertification. These executives and managers have been the inspiration for me to write down these ideas and principles.

Also, the key colleagues who contributed their thoughts and time: Tom Stefanik [legal counsel]; Lauren Nesbitt [contributing editor] and Stephen Johnston [graphic designer and manuscript production].

A special 'thank you' to all!

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Foreword

During the last 3 months of a Collective Agreement, employees have a decision to make. They can remain with the existing union, move to an alternative union, an other union [on their own initiative] can compete for their votes, *or employees can decide they don't want a union at all.*

If employees choose the latter option — management must have nothing to do with the decertification process. *The rules concerning decertification [the pre-campaign, the campaign and the post campaign] exclude management totally.* **However, during the 'ope period' — last 3 months in a Collective Agreement — management can communicate about the positive changes and conditions it has made during the prior months and years.** *The rules of no threat, no coercion, no intimidation and no undue influence always apply.*

> *Check with your Labour Board/Act for the specific regulations in your jurisdiction. The above applies to Ontario.*

An exciting opportunity for change presents itself when you examine the employees' reasons for the union's involvement in the first place. Our research and shop floor experience identify 3 primary reasons for unionization. They are:

- **job dissatisfaction** or employees unable or unwilling to become positively engaged with their work,
- **quality of the relationships** [lack of dignity, open and honest communications, transparency in all dealings, recognition, etc.] among Front Line Leaders [supervisors] or managers and employees,

- **treatment of employees,** usually by senior management, that leads to a pervasive negative atmosphere characterized by a lack of trust and respect; by treating employees as children and not adults; and, behaving as though people are human machinery. *This becomes a culture of disharmony and dissatisfaction; and a precursor to union activity.*

These reasons [and others unique to one's own business Values, practices and workplace culture] cause employees to believe that their needs *could only be met through* their perception of the influence and negotiating prowess of *a trade union. Employees believe there is no other way to receive equitable treatment.*

> *The best way forward for all stakeholders involved is, instead of a third party union relationship, the practice of Positive Employee Relations™*

This book is about Positive Employee Relations™ and the process that will lead to a successful *employee-sponsored* decertification. We will provide an overview of Positive Employee Relations™ and a more detailed presentation about a unique approach to decertification. To be very clear, at the outset, the decision to unionize and the decision to remove the union [decertification] is *in the employees' hands — it is their decision!* Positive Employee Relations™ is in management's hands. Management must sponsor it, maintain it and train their managers [regardless of level] to follow its principles and practices at all times. In many cases Positive Employee Relations™ will likely be new to your organization. It will replace the thinking, behaviours and decisions that many managers have made in the past, which led to the union in the first place.

Chapter **1**

Positive Employee Relations™

*Let's clarify, right up front, what this is **not** about: union-bashing, union-busting or even union-hating. The intention is **not** to be anti-union, it is to be pro-employee.*

This is about developing a Positive Employee Relations [PER] culture, which is consistent with the best interests and ideals of employees *and* of their local or global employers. All references to 'union-free' and 'non-union' denote an alternative but optimal system of Human Resource management. Though we know that many pro-unionists will interpret this as 'anti-union', *nothing could be further from the truth!*

Union prevention is the only course open to creating long-term, direct harmonious employee-management relationships. Even after a union is in place, PER is the only avenue that makes good business sense. Positive Employee Relations is a philosophy that is unencumbered by hierarchical and tradition-laden management practices. Labour legislation is virtually unnecessary because organizations realize that Human Resource Values, policies and procedures must minimally meet or exceed all regulations. Positive Employee Relations does not evoke visions of labour tribunals or the judicial system.

Positive Employee Relations speaks to the responsibilities shared equally by leadership and by employees to ensure their organization is a satisfying workplace/community which provides high quality products and services for a reasonable return on investment.

As we develop the philosophy and practices of PER, it is possible that some might misinterpret our basic intentions. We are not proposing a set of business practices based on altruistically treating people well while disregarding leadership's fiscal responsibilities and obligations.

By treating employees in ways that engage their minds and competencies and encourage them to take responsibility for their own decisions and behaviours, the economic and corporate cultural costs of an adversarial union relationship are avoided. The intention is to provide clear steps towards creating a cost-saving PER culture within your organization.

We Still Need to Make a Profit

Agreed! For-profit businesses may exist for many reasons, but earning a healthy return-on-investment is the bottom-line goal. Making a profit may not be the reason an organization was started, but it is the reason that the firm still exists today.

Even successful not-for-profit organizations have an excess of funds; the purpose of those funds are not for corporate or individual profit, but for societal well-being. As with the for-profit sector, unions view the charitable sector as completely within their domain to organize. The costs of a unionized environment deplete those funds earmarked for social 'good' and redistribute them to the unions. As the current economic turmoil has shown us, *all business rationale can be taken to the extreme where, greed, not Positive Employee Relations, is the perspective.*

It is important to acknowledge this bottom line reality up front because many unfounded criticisms of Positive Employee Relations tend to focus on monetary issues. "It's too expensive to cater to all our employees' needs." "If we did what you advocate, we'd be out of business." In reality, failing to

treat your employees like adults, failing to respect them as legitimate stake-holders with important needs and valuable insights, and neglecting to take the pulse of your organization, *will be far more expensive, in the long run, than any union.*

Engaged employees are often the best source of information about how to run the business most profitably. Disengaged and dissatisfied employees will often seek out a union to make sure their concerns are heard and acted upon. As we will demonstrate, the presence of a union on your shop floor, in your retail store, in your hospital, in your not-for-profit organization or in your call centre takes a significant bite out of your bottom line, while a PER culture *adds value.*

Over time, unions will continue to increase costs to the employer regard-ing compensation and involvement in areas once deemed the domain of managements' rights. Unions, because of their seniority principle, lead em-ployees to mediocrity versus exceptional performance. Positive Employee Relations, as outlined here, increases the commitment of employees; they engage more with their employer. Personal responsibility, involvement and creativity will always add to innovation, quality and customer satisfaction.

> *Self-responsibility is the employee's contribution to developing a Positive Employee Relations culture.*

Let's examine the conditions that can lead to dissatisfaction and from there to unionization. These conditions are not remarkable and some may sound familiar. In our experience, the existence of an unhealthy condition does not always mean the employer will take action to correct the situation; not doing so always raises the likelihood of dissatisfaction. Doing so for mis-guided reasons may also perpetuate dissatisfaction.

Characteristics of an unhealthy organization include:
- reduced productivity
- increased quality control problems
- unscheduled downtime

- equipment/mechanical sabotage
- increased accidents including refusing to use P.P.E.
- stressful working environment
- uncertain and/or unexplained decision-making by leaders
- poor communications between employees and leaders
- employees not committed to products/services and/or customers
- increased absenteeism/lateness
- numerous employee complaints and concerns
- frequent need for disciplinary action
- excessive employee turnover
- decreased commitment to Values and goals by employees and management, and
- fatigue and stress among both employees and management is ever present.

Clearly, any of these conditions would have a negative impact on your bottom line. What is less clear is how to move your company away from this unhealthy state. However, a review of the list quickly reveals these problems relate to a leader's vision of profit-making, and so, to Human Resources policies and practices.

If we do not satisfy the needs and aspirations of our employees, we can expect our employees to seek out a third party who will recognize and respond to those needs. The goals of organizations and the goals of employees are not inherently in opposition. **They are in opposition only when our Values and our assumptions about employees and organizations are in conflict.**

A change in thinking is required throughout the entire organization. A new paradigm must evolve that places Positive Employee Relations in the forefront. In so doing, you will take the first steps on *the road to creating a healthy and positive organization that eliminates employee dissatisfaction.*

The intentions behind the creation of a proactive Positive Employee Relations program are as selfish as they are egalitarian. In approaching our employees as legitimate stakeholders in the organization, we plan to en-

gage both their intelligence and labour. Employees who are fundamentally satisfied and engaged with their work are more productive for themselves and for their employers.

> *Begin with the premise that all employees (and their families) — not just the management staff — are stakeholders in the business. Treat your employees as you would your customers and your employees will never seek a union to represent them.*

The Supreme Court of Canada has ruled that the right to freedom of association means the right to collectively bargain. Thus, the right to join a trade union is a right protected by the Canadian Charter of Rights. Logically, we interpret this to mean that the right not to join a union is also protected by the Charter. For an employer to apply threats, intimidation, coercion or undue influence to persuade an employee not to exercise this 'right' would be committing an 'unfair labour practice'. This also equally applies to the behaviour of any union.

Positive Employee Relations is a holistic approach to leading and managing an organization's workforce. If implemented with commitment, this approach can eliminate the desire of employees to seek union representation. Positive Employee Relations addresses both *what leaders do* and how they do it in the arena of managing people. *This is a Values-based approach to the leadership of people.*

To be seen to be taking action that will inevitably lead to the organisation's direct involvement in decertification activities would be in violation with the Provincial and Federal Labour Relations Acts. To want to re-gain influence over an organisation, with an existing Collective Agreement, and have direct employee-employer conversations is not an illegal wish or desire. **What I'm suggesting is to remove the dissatisfiers that brought about union involvement in the first place and then begin the positive influence.** In doing so with no threats, etc. leaves management free and clear of any Labour Relations Act rules and regulations.

Discussion Points

- Management must have nothing to do with the decertification process. The Labour Relation Act, concerning decertification, does not apply to management's positive behaviour *prior* to the 'open period' [i.e. the last 3 months of the Collective Agreement].

- The orientation that leads to a negative workplace is: a] lack of trust, b] lack of respect, c] treating employees as children and not adults, and d] behaving as though *people are human machinery.* A culture of disharmony and dissatisfaction is the consequence — and an advantage for any union.

- Positive Employee Relations speaks to the responsibilities, accountabilities shared equally by employer and by employees to ensure their organization is a satisfying environment which provides products and services for a reasonable financial return.

- All business, employee, stakeholder, and customer relationships can be taken to the extreme where, *greed is the perpetual option.*

- Failing to treat your employees as adults, failing to respect them and their needs and valuable insights, and then neglecting to survey your employees will be far more expensive in the long run— than any conceivable union.

- Unions, because of their seniority principle, lead employees to mediocrity versus exceptional performance.

- Treat your employees as you would your customers and your employees will never seek a union to represent them.

- Wanting to re-gain influence over an organisation, with a Collective Agreement in place, and have direct employee-employer conversations is not an illegal wish or desire. Unless the employer has not signed the opportunity away, it exists in months 1-33 of a Collective Agreement.

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Chapter 2

At the Core

Employees fully engaged with their work — and treated accordingly — should, by definition, be satisfied. That employee has no need for a union because being 'engaged' with one's work means there is a culture of trust and respect that supports an enriched job. Employees and leaders, in satisfying customers/clients, function as a transparent team — listening and responding to each other in ways that continuously satisfy customer needs.

Unions, like the corporate community, operate in a free enterprise economic system. Revenue for a union is like sales or income in any business. *So greed, in one flavour or another, is a plague on both houses.* One perspective is true: the 'value' that unions do provide is a safety net for employees. Pay and benefits are not the primary reason why employees vote for a union. It is the way they are disrespected, distrusted, provided with unsafe working conditions and treated as 'human machinery' that leads to interest in a union organizer's story. Unfortunately what employees perceive as a union's 'safety net' is, in reality, an illusion.

There is no national or international university-quality research [peer reviewed] that demonstrates that unions increase job satisfaction. On the other hand, managers will have no difficulty in finding research that shows employees, engaged in jobs [work] that bring them satisfaction, does increase the bottom line. For example:

"Companies that effectively appreciate employee value enjoy a return on equity & assets more than triple that experienced by firms that don't. When looking at Fortune's '100 Best Companies to Work For' stock prices rose an average of *14% per year* from 1998-2005, compared to 6% for the overall market." Dr. Noelle Nelson, Make More Money Making Your Employees Happy. Forbes, New York. 2012.

Knowing this, many management teams quickly jump to the conclusion that they can change some of the issues that led to a union [remove the employee dissatisfaction that they created or supported] in the first place. Some leaders may even say it was never the management team's fault in the first place — the union targeted the organisation. Or, we were duped into hiring a union organizer without knowing all the facts.

Don't be fooled: the decertification goal is a goal about change and up-holding new Values. If strategies and decisions are to proceed successfully, we face one of Albert Einstein's precepts: "We cannot solve our problems with the same thinking we used when we created them." The intent is to demonstrate by management's behaviour that the organisation takes its commitment to its employees seriously.

> *At the heart of this new paradigm are your intentions, principles,*
> *beliefs and the Values of your company.*

Values identify what is important to employees *and* leaders in carrying out their work. Values must be real-time statements of the organization's belief system and hence its priorities. No leader, regardless of position can advocate a Value he/she does not currently practice.

Values answer the question of what is important to your organization. Values are meant to guide you in what we *should* or *can* do. Additionally, Values should inspire, motivate and energize us. Values can replace rules in a Positive Employee Relations™ environment. If the resolution of a problem harmonizes with the Values, then it is the correct decision.

The organization's Values should connect logically; one Value statement

cannot be in conflict with another. Inconsistency on core issues can only lead to miscommunication, disharmony or the discredit of the whole process. Values should be beliefs that everyone in the organization can understand and reinforce. *It is this Values-synergy, coming from all organizational levels, that makes the difference between an average group of employees and an exceptional group of employees.* The more positive the Values embraced by an organization, the more employees will be engaged and feel encouraged to share these Values.

In hierarchical organizations, Values should be led from the top — that is, by the senior leadership group. Consistency, based on a solid foundation of the corporate Values, is critical. All senior leaders must understand the Values equally well and apply the Values in ways that are consistent with their leadership styles. In whatever way is appropriate, each leader must inspire and walk-the-talk based on the Values shared with all employees. A disconnect at any level of leadership will have wide-ranging consequences further down the organizational structure — and especially at the employee level. Transparency is the watchword.

As an example, below are seven core Values for Positive Employee Relations for our fictitious organization, The Sherborne Company:

- Spirit of partnership
- Solid belief in decency
- Commitment to self-knowledge and development
- Respect for individual differences
- Health, safety and well-being
- Appreciation that change is inevitable
- Passion for products and process.

You can see that each Value meets the criteria: they are logically consistent, and can be understood and reinforced by everyone in the organization.

The Role of the Front Line Leader

The Values of any organization are communicated to employees through the intentions, words and behaviours of all members of the leadership group. For most employees, this visibility is during their day-to-day contact with Front Line Leaders.

The organization must ensure these leaders are able to accurately and credibly deliver the correct messages. One challenge is that many leaders have no Front Line [supervisory] leadership experiences, especially training. They were good employees and, because they were very skilled at their particular tasks, they were promoted. In all likelihood, their ascendancy to Front Line Leadership (management) had nothing to do with their people skills.

Sadly, too few organizations take this deficiency into account when promoting employees into leadership roles, and then aggravate the problem by neglecting to provide new leaders with the necessary training. In fact, many old-paradigm organizations are so focused on production that they don't even evaluate [and hence develop] the people-management skills of their Front Line Leaders.

Such newly appointed Front Line Leaders are often most comfortable working within a rules-based, black-versus-white environment. Technically-oriented Front Line Leaders frequently perceive their job as easier when the rules are spelled out in a document such as a Collective Agreement. *These are the very people who will be communicating the Values of your organization.* The more you establish the right conditions for employees to exercise self-responsibility, the more you alter the role of the Front Line Leader. They are then required to move from their 'comfortable pew' of telling and directing to the more difficult functions of 'coaching and mentoring.'

> *If the Values expressed in the Boardroom differ from the Values held by the employees delivering your products or services, this difference can lead to points of disconnection, disharmony, and eventually to employee disengagement and dissatisfaction.*

Existing Front Line Leaders may well feel threatened or upset by this new focus if your Positive Employee Relations message is not properly delivered. Before your Values can be communicated to them, you must make sure you have the right messenger.

Be realistic: the changes you want to make may be too much for some of your current leadership people. You may need to re-evaluate their performance and potential in their current position. The training component related to your Positive Employee Relations program may need to be re-visited. This training may need to be delivered in an alternative format or with different facilitators. The goal is to improve the *relationship skills* of the Front Line Leader before you consider re-assignment. *Front Line Leaders who lack people management skills can inevitably, and by default, be the greatest internal promoters the union has.*

The following steps outline a model on how to proceed in turning your pro-union Front Line Leaders into a champion for Positive Employee Relations:

1) Describe the roles, activities and acceptable behaviours for Front Line Leaders who do a great job in working with employees and who, in effect, offer employees more fulfillment than does a union.

2) Deliver training to all Front Line Leaders to reinforce these preferred behaviours.

3) Provide constructive feedback to all leaders.

4) Recognize and reward leaders who:

   a) resolve problems at, or before, the first stage of the grievance procedure, ideally before the concern is written up by the union steward,

   b) train employees who are selected or promoted to Front Line Leader positions as 'good people,

   c) achieve departmental productivity, quality and other goals by using clear communication, persuasion and influence rather than by using the power (or the raw authority) of their position, and

    d) demonstrate maturity in their dealings with all employees by treating employees as adults, not as children.

5) Apply corrective action to any Front Line Leader who does not fit the Positive Employee Relations model. Though discipline and termination are not our intention, you must be willing to follow-up all corrective action.

Business leaders intending to develop a Positive Employee Relations program must have some understanding of human behaviour and the principal of 'causes and consequences'.

> *The danger with assumptions is that, once established, they are often treated as facts and regularly become self-fulfilling.*

A wealth of information may be found under the broad headings of behavioural sciences and organizational development by authorities such as Maslow, McGregor, Herzberg, Meyers, Likert and Skinner. Excellent research has been conducted in this field within the last four decades. For more recent work, see Alderfer, Erez, Zidon, Mintzberg, Drucker, Pascale and Handy.

The thoughts of Douglas McGregor and his colleague Abraham Maslow underpin the principles found in Positive Employee Relations. For our purposes, McGregor's theories on assumptions regarding human nature are particularly relevant.

In *The Human Side of Enterprise* (1960, annotated edition 2005), McGregor concluded that organizations are structured and managed, for the most part, on the basis of certain assumptions which he formulated into Theory X and Theory Y. Theory X is predicated on a deficit model of human behaviour; Theory Y is predicated on a strengths-based perspective. *McGregor insisted that his theories did not attempt to describe people as they are, but merely describe the **assumptions** that leaders may have about their employees.* [see below]

Theory X Assumptions	Theory Y Assumptions
People by their very nature:	**People by their very nature:**
Lack integrity.	Have integrity.
Are fundamentally lazy and want to work as little as possible.	Work hard toward objectives to which they are committed.
Avoid responsibility.	Assume responsibility within these commitments.
Are not interested in achievement.	Desire to achieve.
Are incapable of directing their own behaviour.	Are capable of directing their own behaviour.
Are indifferent to organizational needs.	Want their organizations to succeed.
Prefer to be directed by others.	Are not passive and submissive.
Avoid making decisions whenever possible.	Will make decisions within their commitments.
Are not very bright.	Are imaginative and creative.

Most managers tend to operate their departments on the basis of such assumptions. It is interesting to note, as did McGregor, that managers almost universally deny their assumptions. A great many managers (who vehemently deny that people lack integrity, are lazy, don't want responsibility and don't want to achieve) run their departments as though every word of Theory X were the gospel truth. A Front Line Leader who holds Theory X assumptions about employees in his/her department will develop an autocratic leadership style. If they did not, then their own assumptions/beliefs would be in conflict with their leadership behaviour ... a formula for a psychological assessment.

In creating a blueprint for Positive Employee Relations, our experience is that Theory Y is true for almost all employable individuals. That is, employees will take initiative and prefer to be *self-directed*.

*By reducing the factors that relate to employee dissatisfaction we
unleash creativity and commitment — two important success factors to
which a union has no response.*

Changing one's intention and subsequent behaviour is a very difficult process. Recall the characteristics of an unhealthy organization and how any of those conditions have a negative impact on your bottom line. Less clear was how to move your company away from this unhealthy state — if your management team knew how to do that; wouldn't they have already done so?

Remember that a review of the above list quickly revealed these problems relate to employee relations, and so, to Human Resources practices. **The decertification goal is a goal about change and up-holding new Values — Values based on Theory Y assumptions.** The better way forward to achieve that goal is through implementing a Positive Employee Relations program.

Our goal is to change the culture within the organisation, prior to the final 3 months of an existing Collective Agreement so that the idea of an employee-initiated decertification is plausible — with all actions undertaken by the employees. The organisation's managers must never view a Positive Employee Relations Program as a decertification 'project'. To do so would stop the initiative in its tracks.

By creating a new and positive culture you also create jobs that truly engage employees. Engagement will only come about through positive Values and Theory Y leadership. Direct by-products include:

1) Employee perceptions that paying union dues and being under union bureaucracy is a waste because of the employer's recent and present positive behaviour,

2) Engagement brings with it increased employee creativity and innovation, and

3) An increased bottom-line profitability.

What better opportunity could you have?

Discussion Points

- The goal is to change the culture, beginning in the first month of an existing Collective Agreement so that the idea of an employee-initiated decertification is plausible — *with all subsequent actions undertaken by the employee.* During the final 3 months — the Open period — management must refrain from any new change initiatives.

- Employees vote for a union because of the way they are: a] disrespected, b] distrusted, c] provided with unsafe working conditions and d] treated as *'human machinery'.* These and similar behaviours directly lead to interest in a union organizer's story.

- To have employees sponsor a decertification initiative, leaders must correct all the factors that led to a union in the first place; then take a further step or two to validate their sincerity. In planning such a workplace cultural change, leaders should remember one of Albert Einstein's precepts: *"We cannot solve our problems with the same thinking we used when we created them."*

- We self-inflict pain [poor leadership] by simply selecting a good employee skilled at their technical tasks, and then 'anoint' him/her. As a result their ascendancy to Front Line Leadership (management) had *nothing* to do with their people skills.

- By encouraging employees to exercise self-responsibility in their work, the more you alter the role of the Front Line Leader. They are then required to move from 'telling and directing' to the more difficult function of 'coaching and mentoring.'

- McGregor concluded that organizations are structured and managed, for the most part, on the basis of certain assumptions which he formulated into Theory X and Theory Y. Theory X is predicated on a deficit model of human behaviour; Theory Y is predicated on a strengths-based perspective. McGregor insisted that his theories did not attempt to describe people as they are, but merely describe the assumptions that leaders may have about their employees.

- A Front Line Leader who holds Theory X assumptions about employees will develop an autocratic style. If they do, then their assumptions/beliefs would be in conflict with their leadership be-

haviour… a formula for failure.

- By creating a new positive culture we also create jobs that truly engage the employees. True engagement will only come about through positive Values and Theory Y leadership.

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Chapter 3

Cost of Unionization

Up to this point we have provided an overview to the all-important connection between corporate Values and leadership behaviours. Before moving forward and filling in the details of a Positive Employee Relations™ Program, let us differentiate the financial issues behind the union versus non-union debate.

To begin, we wish to re-emphasize that *non-union, union-free and self-represented all* describe an optimal working relationship between employer and employees — where a third-party trade union has nothing to offer employees and the employer.

An employer is only union-free because the majority of the employees see the leadership team and its behaviours as a better option than the union. **Generally this only occurs when the 'people versus profit / profit versus people' question has been resolved at the boardroom table.**

The reality is that unions are interested in your employees, not your company. Why? Unions want to provide services to your employees in exchange for a fee — union dues. The prime services that unions purport to offer are consistency and fairness based on the principle of seniority. It is the absence of fair and consistently applied policies and practices that, in all likelihood, provided the union with its organizing impetus.

If your organization supports, empowers and rewards its employees, they will have no need for the protection offered by a union.

Prior to the first Collective Agreement, the company's leadership team had full and unbridled reign [within the regulations of specific legislation] over how it managed the business — especially its Human Resource practices. If the employees' Report Card on leadership behaviour is negative, the consequence is frequently that the leadership team will lose control over those aspects — of the relationship — that the employees rated negatively. *And, it is on these grounds, that a union negotiates a Collective Agreement.*

Any additional power or influence a union might gain in the future rests with their ability to capitalize on management's mistakes or weaknesses — especially management's predicament when facing a conflict between the worth of profit and the value of employees.

Surprisingly the same can be said about any union. If it becomes lax in standing up for what was gained at the negotiating table, employees will eventually question the value provided by the union versus the union dues paid.

Taking a public anti-union stand is illogical at best and illegal at worst.

The senior leadership team and managers throughout your organization are convinced they don't want a union intervening in their relationship with their employees. But why?

What does anti-union mean? The concept of 'anti', in this context, generally runs counter to the principle of free association that is embedded in our government's Charter of Rights. An argument against — rather than for — a position (eg: union-free) is a difficult encounter to win, especially if you are flying in the face of political and/or legal correctness. Telling employees that you are anti-union is, in effect, telling them they should not exercise rights granted to them as Canadian citizens. Moreover, an anti-union

stand is, by definition, negative. By focusing on the negative, we deflect valuable brain power, creativity and energy that could be used positively to resolve the people-versus-profits conflict. It is far better to take an affirmative stand and proclaim your position as pro-employee.

The reasons generally expressed as to why leadership does not want a union include:

- the union will get in the way of managing;
- a third party will only slow things down;
- all people matters will now be seniority-based;
- routines will become regimented by union-negotiated breaks and workplace conditions.

These and other reasons are rooted in the same adversarial attitudes that make a union attractive to employees in the first place.

There are, however, bona fide reasons why your organization should strive to create the conditions where unionization is of no appeal to employees. The most basic of these are that unionization is costly and that unions, like all bureaucratic institutions, have a strong need to perpetuate themselves.

More than one private study conducted in the United States, tracking a five-year period following unionization, *found operating costs increased by more than 25 percent of the gross payroll and benefit costs.*

A company with an annual gross payroll of $18 million (for simplicity of the illustration, benefit costs have not been included); unionization would result in an increase in operating costs of $4.5 million [see Exhibit A].

Five hundred employees, who work in the $15/hour pay category, would pay the union $225,000 annually in dues. [See Exhibit B]. From the union's perspective, that means a revenue stream of $18,750 per month. And the organisation is responsible for collecting and forwarding the dues to the union, monthly.

The cost of unionization is not a one-time event. It occurs daily and affects

your organisation's financial bottom line — not that of your competitor's.

Exhibit A — Annual Cost of Unionization to Business	
Payroll	25 percent annually
$5 million	$1,250,000
$10 million	$2,500,000
$18 million	$4,500,000 (additional operating costs)

Exhibit B — Annual Cost of Unionization to Employees (Dues equal 2.5 hours of pay monthly)
100 Employees x $15/hr. x 2.5 hrs. x 12 mos. = $45,000 annually
300 Employees x $18/hr. x 2.5 hrs. x 12 mos. = $162,000 annually
100 Employees x $21/hr. x 2.5 hrs. x 12 mos. = $63,000 annually
500 Employees x $15/hr. x 2.5 hrs. x 12 mos. = $225,000 annually
** for a three-year contract: $225,000 x 3 = $675,000 (cost to employees for having a union to advocate on their behalf)

Let us re-emphasize: The increased costs of unionization to the organization are not only associated with individual wages and benefits; the increased costs also result from:

- narrowly defined jobs that may require two employees to perform what previously was one job;
- restrictive production practices, where work assignment flexibility is limited by seniority rules;
- the departure of high achievers, who do not want their merit pay opportunities eliminated by a seniority-based mentality;
- reluctance by management to take appropriate and timely disciplinary action, including termination of employees, if warranted; and
- strikes, slowdowns, stoppages and other non-productive, union-initiated actions.

Some labour relations professionals peg the increased costs in a unionized

company at more than 25 percent — even as high as 35 to 50 percent. This additional 10 to 25 percent is not necessarily due to only lower productivity, but is also the result of:

- the company's lack of flexibility regarding staffing, relocation and work assignments;
- the establishment of an adversarial working environment where a win-lose attitude is prevalent;
- management action in the form of increased supervision, systems, programs, etc., to respond to the inevitably lower productivity from entitled employees;
- customer losses due to reduced quality or production standards or just-in-time deliveries;
- a grievance resolution program that consumes time, money and potentially includes Labour Board involvement;
- time devoted to labour-management relations and costly bargaining procedures; and
- fees that management pays for labour lawyers and management consultants.

Clearly, most money lost in the additional costs of a Collective Agreement is due primarily to lower productivity.

Higher operating costs and lower productivity are two factors most often identified by leaders who do not want a unionized environment. The third factor supporting non-union sentiment is the reduced management flexibility. The inevitable change in employee-employer relationships that accompanies unionization may cost far more than financial statements can show. Management will:

- lose the ability to deal with people on a one-to-one basis — a union is a collective;
- lose advantages resulting from frequent, open, unencumbered discussion with employees — stewards must be present;
- lose the privilege of determining individual wages, including the

opportunity to reward individuals or teams who have made a sub-
stantial contribution — merit pay;

- lose the freedom to select people for promotion on the basis of performance [skills, abilities and accomplishments], as opposed to seniority;

- lose the freedom to transfer people to other jobs without running the seniority-and-bumping obstacle course — lack of flexibility of the workforce; and

- lose the ability to settle disciplinary problems without the politics and posturing of self-serving union officials — political tradeoffs in grievance settlements.

A positive mindset is in the best interests of all stakeholders and will create the conditions where a unionized workplace is the least attractive.

While it is clear to most leaders that their organization will suffer from the presence of a union, it is less obvious that the employee population will also suffer. After all, didn't the employees want the union in the first place? Weren't they the ones looking for someone to safeguard their interests? Didn't they want a union to ensure job security and fight for better wages and improved working conditions?

Unions can only guarantee your employees (its potential members) three things:

- they will pay union dues,
- they will have the right to strike or be locked out, and
- they will have a formal union-driven grievance procedure.

As for everything else regarding the labour-management relationship, the union must first negotiate the terms and conditions of the agreement with management, at the bargaining table. So, in the world of negotiating and give-and-take, there is no limit to what employees could lose at the bargaining table both individually and collectively, as the union seeks trade-offs to reach an agreement with management.

The union's motivation is not necessarily the improvement of terms for employees; the union's motivation is the beginning of cash flow in the form of members' dues payments.

The tangible cost of unionization to employees is easily calculated. Union dues and fines will be stipulated in the union Constitution and are not part of the negotiation process. In addition to union dues there are the possibilities of union fines, fees and periodic assessments, as stipulated in the union Constitution and in the terms and conditions of the local union by-laws. Monthly union dues are often based on a formula calculated as a certain number of hours per month paid at the employee's hourly rate of pay. So, over a period of time, as an employee's rate of pay increases, so, too, will the obligatory union dues increase.

What's more, those 500 employees would have to risk sacrificing their entire pay if an agreement was *not* reached, and if the union subsequently pulled them out on strike. If greater wage increases were negotiated, the dues obligation would rise proportionately, and total dues would approach $1,000,000 (one million dollars) for a 36-month contract.

Sadly, the consequences to employees of opting for a union go beyond monetary issues. The Collective Agreement will stipulate that advancement is based on seniority, not performance. Incentive pay will disappear because it contravenes the terms of the contract. And, finally, there will likely be no room for management to consider individual employee needs on a case-by-case basis. **The reality is that a union's presence in the workplace — and a Collective Agreement that guides virtually all labour-management actions — creates a rigid and adversarial environment.**

There is one thing about which an employer can be certain: *if your organization fails to recognize and address the needs of your employees and acknowledge their contributions, there will be a union poised to fill the vacuum that has been created.*

A Positive Employee Relations Program eliminates that vacuum, making unionization redundant. Accomplishing that state of awareness requires a deep commitment on the part of senior management, and a commit-

ment to do more than pay lip service to the principles of Positive Employee Relations. This commitment requires a proactive approach, regardless of whether you are a start-up organization, a recent acquisition, now under new management, or have a Collective Agreement in place.

> *Building a positive, pro-active infrastructure for the Human Resources systems and practices supporting your culture is your starting point.*

Employees will become pro-company if they see their First Line Leaders and managers supporting policies and practices consistent with Positive Employee Relations. *This is Values-based management in action.* Employee involvement in problem identification and problem resolution is good business.

Employee engagement should be at the heart of management's Positive Employee Relations Program. To assume that employees are not interested in business decision-making, that employees are incapable of making meaningful suggestions, and that their primary interest is self-interest will only fuel the frustrations and anxieties that breed employee dissatisfaction.

If management has a business problem related to production, administration or even the physical relocation of the plant/office, why not involve the employee group (your ever-critical audience) in seeking options and solving the problem? Whatever your decision, eventually the employees have to carry out that decision. How much better it would be if employees, regardless of their role or position, were given an opportunity to discuss the alternatives and were advised why one solution was chosen over another. *Being involved, employees are more likely to feel committed to the chosen solution and therefore fully engaged with the outcome and the resulting action(s).*

Union-Free Means Pro-Employee

Typically, management's reasons for resisting unionization range from hard-headed economic considerations to paternalism based on questionable motives. *The reasons for employee dissatisfaction, disengagement, and lack of commitment will likely undermine, sooner or later, the economic survival and growth of the organization.*

Management must concentrate its resources on a limited number of strategically focused result areas. It is difficult to achieve organizational excellence if there are too many goals undertaken at the same time. *The unifying objective should be to develop an optimal working environment in which the idea of unionization has no attraction; an environment in which management encourages and rewards employee development; and has high expectations of its employee population. Practical experience and research indicate that employees respond positively and voluntarily to such a culture.*

> *Today we understand that economic ends cannot be achieved when there is distrust and conflict in the workplace.*

Discussion Points

- If the 'people versus profit?' / 'profit versus people?' question has not been resolved in the Boardroom; it will be clear, on the shop floor that 'profits trump people'. This would be a positive message for unions, and a negative message for Positive Employee Relations.

- Prior to the first Collective Agreement, the senior leadership team had full and unbridled reign over how it managed the business — especially its Human Resource practices. If the employees Report Card on leadership behaviour is negative, the consequence is frequently that the leadership team will lose control over those aspects that the employees rated negatively. And, it is on these grounds, that a union negotiates a Collective Agreement.

- Telling employees that you are anti-union clearly implies that you do not want employees to unionize. Doing so tells them they should not exercise rights granted to them as Canadian citizens. *[Tell employees that you would like to work directly with them and not through a third party trade union; however, the choice is theirs. This statement would not violate the Labour Relations Act or unduly influence employee 'rights'.]*

- The Collective Agreement will stipulate that advancement is based on seniority, not performance. Incentive pay will disappear because it contravenes the principle of seniority. There will likely be no room for management to consider individual employee needs on a case-by-case basis. The reality is that a union's presence — and a Collective Agreement that guides virtually all labour-management actions — creates a rigid and adversarial environment.

- If an organization fails to recognize and address the needs of its employees and acknowledges their contributions, there will be a union poised to fill the vacuum that has been created.

- To assume that employees are not interested in business decision-making, that employees are incapable of making meaningful suggestions, and that their primary interest is self-interest — fuels the frustrations and anxieties that breed and perpetuate employee dissatisfaction.

- Being involved in problem solving and decision making, employees are more likely to feel committed to a chosen solution and therefore fully engaged with the outcome and the resulting action(s).
- The reasons for employee dissatisfaction, disengagement, and lack of commitment will likely undermine, sooner or later, the economic survival and growth of the organization.

NOTES

Chapter 4

Getting to Work

The overall guidance for the introduction of a Positive Employee Relations™ program will come from the Chief Executive and conversations with the Executive Committee. The details will ideally be steered by the senior HR Manager, if he/she has the knowledge, experience and maturity to handle such a complex program.

To start, the organization's number one priority is having every leader, manager and supervisor focused on Values, Guiding Behaviours [more about this shortly], the new leadership model, and seeking ways to enrich jobs.

We can talk about this from another perspective — the organization's culture. Culture, in this context, means people's intentions and behaviours; and behaviours means actions including communication. Every employee contributes to the culture but the lead comes from the Management Team. For example, the fundamental questions I would be asking are:

- What are the organization's Values?
- Are they known and understood by every manager and employee?
- Are the Guiding Behaviours in place and understood? (more about this, shortly)
- What are the consequences of ignoring the Values? For a manager? For an employee?

- *What comes first — employees or profit?*

The organization's Values need to be explicit, positive, trustworthy, transparent [clearly understood], and actionable. The CEO is the fountainhead from which all his/her direct and indirect reports will learn [or not learn] to follow the Values. The direct reports continue to reflect the Values and behaviours to their managers/leaders and it moves down the organization to Front Line Leaders [supervisors] and employees. The presence of a Collective Agreement should have no impact when answering the above questions — but 'real world' experience says that this is something the organization may have to manage with persistence, integrity and toughness.

So, for example, working with the union, if they wish to do so, management begins to re-define jobs that can be enlarged both vertically and horizontally. The vertical component is having the supervisor push down more decision-making to the employee. Horizontal expansion is determining if the job's design should logically include some tasks from the preceding and/or the next job. The goal is to make the job 'big' enough [not simple enough] that the employee will see some challenge, greater depth and some tangible responsibilities to become engaged with. In Dr. F. Herzberg's language — the job is being enriched.

A note about the next section: the jobs being enriched are under the jurisdiction of management and not the union. Management via the Front Line Leader is supporting organizational Values and Positive Employee Relations. 'Marketing' the benefits and asking employees if they wish to be involved, is an act of respect, recognition and courtesy. In no way does the ownership of the jobs, job design, job descriptions, Performance Standards, etc. transfer to the union [unless through the negotiation process].

A Tale of Two Different Workplaces

To set the stage for discussing our Positive Employee Relations program, recall our fictitious company — The Sherborne Company. The role of this company is to help us illustrate the steps necessary to build a 'Unions are not Inevitable!©' strategy. This fictitious company allows us to make some of our examples, illustrations and commentary more realistic than a ubiquitous 'ABC/XYZ' Company.

> *Assumptions and intentions are translated into behaviour.*

Our fictitious company, The Sherborne Company, you will recall has seven core Values; remember:

- Spirit of partnership
- Solid belief in decency
- Commitment to self-knowledge and development
- Respect for individual differences
- Health, safety and well-being
- Appreciation that change is inevitable
- Passion for products and process.

Now, let's apply these Values in two scenarios to illustrate how different assumptions, training and different work experiences produce different behaviours. The players in these scenarios are:

- **The Foreman:** This behaviour reflects years of experience working in a unionized environment where the Collective Agreement and the shop Steward were frequently more influential than both the Front Line Leader and his/her next-level manager. As there are no Values or Guiding Behaviours in Collective Agreements, the Foreman will likely work with Theory X assumptions and hence use an autocratic or authoritarian leadership style. Frequently this happens with non-favourite employees and non-favourite members of management; and

- **The Front Line Leader:** This behaviour reflects years of non-union [participative] training and experience in both Value-based decision-making and Positive Employee Relations leadership practices [Theory Y]. These practices will be collaborative, cooperative and designed to improve the employees' skills/competency levels.

(Note: Comments labeled 'Foreman's response' and 'Front Line Leader's response' are actual statements we have heard when working with clients. The Foreman in this illustration has, and is, working in a unionized workplace and the Front Line Leader is, and has, worked in a union-free or Positive Employee Relations organization.)

1. Spirit of Partnership

At Sherborne the following Guiding Behaviours (statements of intent) are used to give meaning and context to this Value:

- Employees and leaders are recognized as adults who perform different roles
- Employees and leaders are players on the same team
- Every role is integral to the success of the department/business
- Solving a problem is paramount, not who solves it
- It is acknowledged that employees often have vital information otherwise unavailable to management.

When faced with a problem:

- The Foreman's response is to tell the employee what the problem really is, what to do about it and follows the rules stipulated in the current Collective Agreement.
- The Front Line Leader's response is that the leader and employee decide together. Both have input. "What is the problem?", "What do you think we should do?" is frequently asked of the employee.

The application of the Value of operating in a Spirit of Partnership means the person with the most up-close perspective of the problem is consulted. Ideally this should result in the best data for decision-making and buy-in

by the employee[s] most impacted. [Frequently union's seniority and politics are outside this worldview].

2. Solid Belief in Decency

At Sherborne the following Guiding Behaviours (statements of intent) are used to give meaning and context to this Value:
- All employees inherently deserve respect
- Employees are treated holistically, in a manner that acknowledges that their business/professional lives are interconnected with their personal/social lives
- All leaders are transparent; they 'say what they will do, and do what they say'
- Openness is the ground rule for all relationships
- Employee harassment, undue influence, intimidation, and coercion are the antithesis of 'decency.'

When discussing a sensitive issue:
- The Foreman response: Believes you may have to stretch the truth, even if it involves lying, to protect the company or other leaders. "We can't have the Night Shift Manager knowing the real story …. can we?" It's just part of the job. Being paternalistic and knowing what is 'best' for the company and the employee and then telling the employee "this" or "that" is par for the course.
- The Front Line Leader's response: Leaders are known for a commitment to the core Value of Decency (i.e., respect, dignity and integrity). In the 'people vs. work equation,' people come first because they design and produce the product/service. There is no need for work-around solutions [a negative response] if you interact honestly and openly.

In a transparent environment and a commitment to a solid belief in decency, people trust each other when times are strained or tough, whether at work or at home, with a problem that has the potential to impact their life and/or work.

3. Commitment to Self-knowledge and Development

At Sherborne the following Guiding Behaviours (statements of intent) are used to give meaning and context to this Value:

- Substantial investments in training and in creating a culture of learning are made
- Employees are encouraged to learn and apply new ideas
- Employees are encouraged to take risks and assume responsibility
- Mistakes are viewed as learning experiences, not as punishable offences.

When discussing on-the-job training:

- The Foreman's response: Employee is shown how to do the job, and then left alone with sporadic follow-up. The Foreman is unwilling to share experiences because knowledge is seen as power; and does not want to give the employee an edge.
- The Front Line Leader's response: Training is ongoing. Knowledge is recognized as part of the job and part of the organization's culture. Leaders share their experiences and train employees to solve their own work-related problems. In fact, leaders at all levels are praised and recognized when they have trained employees who are later promoted to higher positions — this is an integral part of being an 'Employer of Choice'.

The integration of the Value a Commitment to Self-knowledge and Development provides increased opportunities for leaders and employees to interact and be proactive. It adds value by increasing skill development and fostering a culture of creativity.

4. Respect for Individual Differences

At Sherborne the following Guiding Behaviours (statements of intent) are used to give meaning and context to this Value:

- There are no second-class employees regardless of criteria including that of job title/position

- The workplace is very diverse; discrimination and harassment are categorically seen as a violation of the Core Values
- The prime directive is that all employees and leaders be honest, trustworthy and care about the quality of their work — until one demonstrates otherwise
- An employee's personal life, Values, ethnicity, religion and culture are as important to that employee as they are to the personal life of any, and all, employee(s).

When discussing intercultural conflicts:
- The Foreman though knowledgeable about the Collective Agreement has little or no diversity training experience. They frequently lack training by the union to understand religious and cultural differences between employees, especially those from the same region. S/he makes no effort to appreciate the difficulty of the non-English speaking and new Canadian employees. S/he willingly establishes production targets to encourage competition among groups [including in groups where competition is not the norm].
- The Front Line Leader bases decisions on group discussion and makes every effort to have multilingual employees translate for those with limited English fluency. S/he works collaboratively to achieve mutual respect among group members. S/he views diversity as an opportunity for synergy and willingly, for example, supports English-as-a-Second Language training.

You hired employees for their skills and abilities to do a job well; it makes no sense to then limit their ability to do it. By making an effort to involve all employees, your leaders demonstrate how important employees are. The reward is the development of a team environment and access to the ideas and suggestions of all your employees.

5. Health, Safety and Well-being

At Sherborne the following Guiding Behaviours (statements of intent) are used to give meaning and context to this Value:

- Workplace safety is a basic employee right and a responsibility
- Employees are encouraged to stop any work process or activity that is viewed as unsafe
- The Employee Assistance Program is regularly promoted to forestall or respond to problems the employee is experiencing
- Corrective action is taken when work is too repetitive, safety equipment unsuitable or misused, computer screens are too small, chairs are not ergonomically suitable, etc.

When an employee reports an injury:

- The Foreman likely comments that employees complain too much. "The job is physical and the employees knew that when they were hired." Considers physical risks to be part of the job. Lost time due to accidents is considered a subterfuge to take time off work.
- The Front Line Leader believes that no job is worth risking an injury. This leader takes whatever action is necessary to get medical attention and promptly involves the Health & Safety Committee. Seeks out root causes to remove any systemic factors that contributed to an accident.

Incorporating the Value of Health, Safety and Well-being is a substantial contributing factor to an environment of trust and teamwork, increasing employee satisfaction and working towards a healthy, injury-free workplace.

6. Appreciate that Change is Inevitable

At Sherborne the following Guiding Behaviours (statements of intent) are used to give meaning and context to this Value:

- Employees are trained to embrace change as a natural event
- Employees are shown how requirements from customers can change frequently, thereby changing their role or responsibility in the process of satisfying customer needs
- Employees have variety and flexibility in their work. Assignment of new or different tasks that support the customer's needs are the norm

- There are smooth transitions in the event of layoffs or relocations.

When a new process is introduced:
- The Foreman likely leaves employees out of the loop until the last possible moment. Will change the new process to make it as much as possible like the old process to prevent sabotage.
- The Front Line Leader asks employees to help plan for changes. Encourages employees to express their concerns or difficulties with any aspect of change. Employees are recognized for trying new ways to resolve change-related problems.

Change is tough for most people and as such, it is a stress point for your organization's culture and processes. Incorporating the Value whereby change is accepted as natural and expected, and including employees in the planning for change, promotes a proactive team, and prevents costly errors prior to implementation.

7. Passion for Products and Process

At Sherborne the following Guiding Behaviours (statements of intent) are used to give meaning and context to this Value:
- Leaders and employees live the Values in the workplace in how they perform the actual work
- Leaders and employees become personally involved and responsible for the success of the organization
- Continuous improvement and competitive advantage are by-products of shared Values and collaborative efforts
- Profit is the result of doing everything else right

When discussing a poor-quality shipment about to be sent out:
- The Foreman likely realizes there is a 75% chance that the mistake won't be caught by the customer. The Quality Assurance Inspector decides to let it go and moves on to a new crisis. The Inspector will not advise the Quality Assurance Manager as this may be perceived as self-incrimination.

- The Front Line Leader is advised by an employee that a quality error has been found. The Front Line leader seeks the employee's opinion. Both agree to correct the problem immediately as Sherborne's reputation is more valuable than the time needed to do the rework.

The Foreman is reflecting his/her lack of training and/or lack of interest in performing the role of a leader in a union-free workplace. The Front Line Leader, on the other hand, has been trained in Positive Employee Relations and has worked for a progressive 'Employer of Choice'. What the Front Line Leader says clearly indicates his/her intentions and Values.

Such a comparison ably illustrates the point of an organisation's culture. Every employee contributes to the culture but the lead comes from the Management Team.

> *Culture, in this context, means people's intentions and behaviours; and behaviours means actions including communication.*

Any attempt to reverse an organisation's negative 'thick as glue' culture [the Foreman's mindset] ultimately rests at the top. Changing organizational culture must have top-down support [i.e.: clarity, commitment, drive, follow-up, etc.] *If the whole Management Team does not support this change initiative — with their hearts and minds — then the cultural 'glue' will thicken.*

The Management Team must determine how best to move forward in the spirit of Positive Employee Relations. The goal is to reinforce initiatives that hopefully cause employees to question the 'value' they are receiving from the union. Only one such initiative, seen as an isolated event, is never enough. The change from 'pro-union' to a 'union-free' culture must have many examples of where the Management Team has changed its intentions and behaviours — thus reflecting Positive Employee Relations Values. A single positive step frequently does not have the momentum to underpin and sustain long-term change.

The following are two examples [from a wide array that we have previously

used with clients], in combination with other tactics, that have influenced perceptions held by the employees.

1. Bereavement Leave

In all likelihood the Collective Agreement will specify a 3-5 day paid Leave of Absence. For the death of a close relative such a short term leave may be meaningless. The organisation, *on their own initiative* can increase this paid-leave to a higher number of days and/or include travel time [e.g. back to Europe or Asia and return], if the deceased is defined as a close relative. The Human Resource department can prepare a package of information about bereavement and what to expect as one goes through the process. There is a Bereavement Association in each Province [www.bereavedfamilies.net/] and they are a good resource for information. If you know the bereaved employee's religious tradition, you can always obtain specific information from the leaders of that tradition.

By leading with trust and compassion, the organisation can demonstrate that not all good things must go through the union:

- The employee receives empathetic and compassionate treatment from the organisation — at all times.
- Employees know that if there is such a situation, leaders can approve going outside the guidelines agreed to in the Collective Agreement. If a 2 or 3 week paid and/or unpaid Leave of Absence is required, it will be provided. [The new Policy will need to clarify what is considered Paid versus Unpaid Absence. Likewise, clarification will be required about the definition of 'close relative'.]
- The employer can announce that the unilateral extension of the up-dated Policy will apply to all employees.

It's possible the union could want to fight such a unilateral decision about the Bereavement Policy. A respectful and tactful discussion with the union representative, about who will win the 'hearts and minds' of the employees — should the union wish to fight this initiative — will likely calm the waters.

2. Christmas Party

Our message is to *go beyond* normal practices and the Collective Agreement — should the Party, unfortunately, be mentioned in the Contract. If the employee population reflects a wide variety of religious traditions, talk to the various religious leaders in the community and have an open discussion about how to share their various celebrations, especially if one or more occur during December or January. This could potentially be a bridge-building ecumenical event. Most organizations would benefit from the positive employee relations.

An aspect of the Employees' Christmas Party that demonstrates that management cares more about its employees [than the union does its members] is to provide:

- Each employee with a cheque for $50/$100, or more; or a Canadian Tire voucher for the same amount. This is the Christmas 'gift'.
- Then announce a matching cheque donation to a secular charity. An example might be a local Food Bank or a national organization such as Kids Help Phone. If employees wish to donate, Sherborne will match their funds up to a pre-determined maximum — eg: $5000.
- Select the top 5 employees of the year; based on the collaborative feedback from every manager/leader. The President will announce this new program [Employees of the Year] and the 5 employees will each receive a congratulatory plaque and a voucher that covers one year's free tuition and supplies for a course of their choosing — university or community college.
- Turn this good news over to the organization's advertising or public relations agency asking for maximum coverage in the community; social media, etc. [include pictures of the 5 employees.]

These ideas or options [and many others that are a cultural fit] would be new practices. The intent is to uphold the integrity of the Positive Employee Relations Program and to demonstrate [by management's behaviour] that Sherborne takes its commitment to its employees seriously.

"Companies that effectively appreciate employee value enjoy a return on equity & assets more than triple that experienced by firms that don't. When looking at Fortune's '100 Best Companies to Work For' stock prices rose an average of 14% per year from 1998-2005, compared to 6% for the overall market." Dr. Noelle Nelson, Make More Money Making Your Employees Happy.

Remember, here is your exciting opportunity! *A company's Collective Agreement automatically includes a 3 month open window [months 34, 35, 36 at the conclusion of the three-year Agreement].* **Our prime timeline for <u>management action</u> would be months 1 to 33, inclusive.**

As in many aspects of life — if you don't have a plan, any road will get you there. **The Executive Committee must clearly think out what should be accomplished, and how — for the employees and the organisation. The overarching objective is to create a workplace where employees are a priority [satisfied and engaged with their work].** ***In other words, a Positive Employee Relations culture.***

Discussion Points

- The organization's number one priority is having every manager and supervisor focused on Values, Guiding Behaviours, the new leadership model, and seeking ways to enrich employee jobs. Culture, in this context, means people's intentions and behaviours; and behaviours means actions including communication.

- Re-define jobs that can be enlarged both vertically and horizontally. The vertical component is having the supervisor push down more decision-making to the employee. Horizontal expansion is determining if the job's design should logically include some tasks from the preceding and the following job. The goal is to make the job 'big' enough [not simple enough] so that the employee will see some challenge, greater depth and some tangible responsibilities to become engaged with.

- Value of operating in a Spirit of Partnership means the employee with a clear, up-close perspective of the problem is wholly involved, resulting in the best available data for decision-making and the buy-in of the employee most impacted.

- By a commitment to the Value of a Solid Belief in Decency, employees and leaders trust each other when relationships are strained or awkward — whether at work or at home — with a problem that has the potential to impact their private life and/or work.

- The Value of a Commitment to Self-knowledge and Development provides increased opportunities for employees and leaders to interact and be proactive. It adds value by increasing skill development for current and future needs and fostering a culture of creativity.

- The Value of Health, Safety and Well-being is a substantial contributing factor to an environment of trust and teamwork, increasing employee satisfaction and demonstrating a healthy, injury-free workplace. All government and industry regulations are the baseline from which an employer builds this Value.

- Incorporate the Value of Change as a normal and natural phenomenon and include employees in the planning for change. This promotes proactive thinking, and prevents costly errors prior to implementation. [That which is permanent does not exist!]

NOTES

NOTES

Chapter **5**

Selecting New Employees

In a culture that embraces Positive Employee Relations™, each employee is viewed as an integral part of the organization. To use a sports analogy, no team wins the Olympic gold with second-rate players or coaches. Similarly, no company achieves its full potential with employees who are poorly matched to the organization's Vision, Mission, Values, and Goals.

A poorly selected and placed employee is a guarantee of poor performance. Moreover, an employee who has been correctly selected and placed has a long-term value. Every employment decision is important. Ideally, the most difficult challenge a candidate should experience is getting hired! Only the best candidates belong on the A team.

Employee selection is where the rubber meets the road. Too often we find all the talk about Vision, culture, and teamwork is forgotten when an urgent production schedule comes into play. The Human Resources department receives a frantic request from a senior manager in Production or Distribution to hire 20 new employees by tomorrow. Such a request is a peak into the organization's true culture — "we will be expedient regardless if the outcome and strategic horizons are only a day or two away."

Unfortunately, in too many companies, the Human Resource or Recruitment/Talent Manager would never have to face the consequences of his/her poor interviewing or decision-making actions. How can one be held

accountable for quality recruitment under such circumstances? Such a potential lack of accountability speaks volumes about the organization's culture and leadership style.

Recruitment

All too often Front Line Leaders and their next-level managers justify a demand for the instant hiring of employees by claiming they are too busy and have no choice. I hear phrases such as "lean manufacturing" and "just-in-time" used to rationalize most practices that should never occur in the first place. What could be more important to an employer than to ensure the Values it holds are matched to similar Values held by the employee?

Leaders do have options to choose from, but too often select the most expedient alternative, rather than the wise choice. This error can be traced to a set of assumptions, including a propensity to see:

- Quantity over quality as a short-term manageable goal,
- A planning cycle limited to a daily time-frame, and
- An employee's probation period used as an alternative for a sound interview process.

Leaders who accept this type of flawed hiring practice send a clear message regarding the low respect in which they hold:

- The organization's Values and Guiding Behaviours,
- The integrity of providing quality products/services to stakeholders,
- The individual employee's worth,
- The Positive Employee Relations™ process, and potentially,
- The entire culture of Human Resources in their organization.

How can the hiring process be disconnected from the principles of continuous improvement? While the concept of congruence will not allow such disparities, it happens regularly and results in a widespread epidemic of corporate cognitive dissonance. Cognitive dissonance is what happens

when we hold two incompatible beliefs or attitudes (e.g., quality versus expediency).

When there is a discrepancy between attitudes and behaviours, we will be more successful by changing our attitudes to accommodate our behaviours than the other way around.

When some leaders find that their Values are in conflict with their actions, they are frequently inclined to change their Values rather than their behaviours. Such actions speak volumes about the leader's integrity in upholding the organization's Values. How successful can any management function [eg: marketing] be, over time, if leaders change their Values to suit business circumstances?

Is Outsourced Recruiting the Answer?

Many organizations turn to employment agencies for a ready supply of instant employees. While this tactic can be helpful when used periodically, it needs to be managed as carefully as any other sub-contracted [outsourced] service.

If we rely on an agency to make our hiring decisions, we place our business at considerable risk. The employment agency's accountability is limited to replacing an employee who doesn't work out with another employee selected through the same process; beyond this step, the risk is all yours.

One of our Fortune 500 clients, with 4,000 employees at one site, used the employment agency's three-month replacement guarantee as their de facto 'employment interview'. Then they compounded this selection problem by having the agency personnel spend the first two months in full-time training. [Just think of the cost … for people they have not yet interviewed]. Their justification was that they could learn enough about any candidate during the training period that, in the end, paying the agency's fees was a cost effective way of conducting the successful selection process.

Maybe so, but with a 40+% turnover rate during the first three months,

nothing positive about the [agency's] selection process or the promotion of their Positive Employee Relations program was apparent.

Senior leaders also viewed this 'agency approach' as preferable to training Front Line Leaders to conduct thorough employment interviews and probationary performance reviews. Their final rationalization was that this practice kept Human Resources staff to a minimum. They had found a way to show the Chicago Head Office auditors that their permanent head count was at a minimum by writing off the agency invoices as a business expense.

To imagine that a three-month temporary contract constitutes a probationary period is a mistake. "If the employee doesn't work out, their contract simply won't be renewed" is, in my opinion, a very questionable Human Resource practice.

Please keep in mind: new employees are never new. Each individual brings to your workplace a wealth of experiences, attitudes, and perceptions, to say nothing of the negative baggage (frequently about employers) that they regularly carry. During a three-month probation period, they will show you what they think you want to see and hear. They will be selling themselves. Being on the periphery of the relationship, you are unlikely to get to know them until they are on your payroll. Their peers will have likely told them how to play the game.

Permanent employees are fully aware of the injustices inherent in any employment strategy that requires contract employees to work for less wages and benefits, side-by-side with full-time employees. The only conclusion is that the organization has stated Values that are not taken seriously. Even the argument that the company will lay off sub-contracted employees first holds little weight in current economic times.

> *In a Values-centred Positive Employee Relations environment, there are no second class employees.*

A good hiring decision will enhance the company's goals, objectives, and Values. A poor hiring decision will undermine goals, objectives, and Val-

ues. It is worth the effort to do it right the first time. It is costly, on many levels, to be short-sighted during this critical decision-making process.

The Process

Let's take a look at the recruitment process. Keep in mind this is, above all, a decision-making process. The interview process is meant to collect the information needed to make a judicious and informed decision. A good interviewer will be aware of the risks involved and be capable of making a decision within the parameters of those risks.

The initial step in the recruitment process is to collect background information about the vacant position. If you have only a vague notion of the competencies (knowledge, skills, and attitudes) that this position requires, you're going in blind. If you wait until the position is filled to determine this information, it's too late!

Job Analysis: The information collected during the job analysis stage will produce a Job Description and Performance Standards that will be of enormous value not only during the recruitment process, but also after the employee has started to work.

Let's look at the example of a Production Expediter at our imaginary Sherborne Company. One of the critical components of this position is that the incumbent advises the Operations Manager of anticipated production shortfalls, as soon as possible.

To translate this specific job responsibility into Job Analysis terms that will be useful when recruiting and interviewing candidates, the interviewer must know the answers to questions such as:

- Must the employee keep up-to-date schedules of work-in-progress or is this someone else's responsibility?
- If another person is responsible for the schedule, what type of relationship is required to ensure information is smoothly exchanged between these employees?

- Is the employee responsible for ensuring the schedule is reliable and accurate if someone else maintains it?
- Does the employee's ability to predict accurately anticipated short-falls require experience with this particular type of widget and its peculiarities? Or, is it possible to make the necessary predictions by studying a current production schedule?
- Will the employee be expected to make decisions based on impression, intuition, or facts?
- What kind of facts will be required? How will the employee obtain these facts, and what skills will be needed to gather, organize, and evaluate them?

Clearly, a wide variety of competencies (knowledge, skills, and attitudes) are required for a single job responsibility. The job analysis, though time consuming to develop, focuses on what the employee must put into the job; what competencies are required to be effective. Sadly, if you skip this step, you are likely to hire a candidate who lacks the necessary competencies required for the job, and such an error frequently leads to poor performance, disciplinary action, and possible termination.

The knowledge needed to do the job may include:
- Knowing how to use particular IT equipment and software
- Knowledge of technical terminology
- Knowledge of company procedures

The skills required to do the job may include:
- Communications
- Human relations
- Learning abilities
- Analytical thinking
- Physical attributes (coordination, vision, and hearing)

The attitudes necessary to handle the job may include:
- Readiness to relate to and communicate with Front Line Leaders, next-level leaders, and peers
- Self-confidence

- Acceptance of one's role
- Willingness to meet high Performance Standards
- Self-respect
- Stability and maturity

The job analysis stage produces the raw material with which to produce a relevant Job Description.

This is the second step in the recruitment process. If you find yourself responding skeptically to the value of a Job Description, you are not alone. More Job Descriptions are produced than are ever used. Why? They are frequently irrelevant to the day-to-day realty of performing the job, especially if they are not the outcome of a job analysis.

The Job Description is also written to assist a job candidate in making an informed decision about working for the company, by spelling out the key responsibilities.

With the Job Description in hand, the candidate can go into the interview with clear knowledge of what is expected upon accepting the position. The candidate will be able to engage the interviewer in useful dialogue about how any previous experience might be applied to the key tasks and Performance Standards of the new job.

This Job Description format can also be used as a guide in the employee orientation process. Similarly, on-the-job/on-boarding training can be tailored to the Performance Standards for this position. Finally, the Job Description can be used at every performance review or planning discussion.

By linking the performance expectations to each key task, the discussion about performance successes and/or failures will be more relevant and professional, and less likely to produce negative reactions due to personal failings. If the newly hired employee is to undergo a probationary review, the Job Description provides the ideal platform to discuss successful passage through the gate — or not.

Preparing for the Interview

[Please refer to the SAMPLE INTERVIEWING GUIDE at the end of this Chapter]

Planning for the interview is an important step in the selection process that is often overlooked. The fast pace of business activities and the short lead time available to find candidates makes it tempting to prepare for the interview on the fly. Woefully, skimping on preparation usually leads to problems down the road when the selected candidate:

- Does not possess the necessary competencies to perform the job,
- Has not shared all relevant background information,
- Will become a quick turnover statistic,
- May have a hidden agenda (for example, union organizing), and
- Fits the interviewer's unconscious bias, leading to a poor hire decision.

A job interview is a time-consuming exercise, yet one that can be valuable to both the candidate and to the organization, if conducted properly. An interview presents an opportunity for an exchange of information that will determine whether the candidate is suited to the job and whether the job is suited to the candidate.

The thoughtfulness invested in a thorough interview will pay significant dividends by providing a smooth transition for the candidate into a new position and culture. Building a 'sustainable relationship' also begins at this stage.

Interview questions are designed to elicit thoughtful and candid responses to enquiring, open-ended questions, rather than brief yes or no answers to closed-ended questions.

1. Greeting

Set a friendly, respectful tone for the interview. Begin by expressing appreciation for the candidate's interest and visit. Explain that the purpose is to exchange information. Stress that the organization is looking for a mutual fit; that the candidate has to fit with the organization's culture and the organization has to fit with the candidate's needs. Briefly describe the interview format.

2. Ask preliminary questions

Ask detailed and open-ended questions regarding the candidate's work history, skills, education, training, career goals, and personal work style.

a. Work history

Ask the candidate to identify key responsibilities and most- and least-enjoyable aspects of each job, beginning with the most recent or current position. Find out why the candidate wants to leave his/her current position and whether the current employer is aware of this desire. Ask whether the decision to leave originated with the employer, the candidate, or whether it was mutual.

In reviewing the responses to these opening questions, the interviewer should watch for, and ask, the candidate to explain any:

- Inconsistencies in their resume,
- Unexplained gaps in employment, and
- Inconsistencies in their answers.

b. Job-specific skill

These questions are designed to determine whether the candidate's job-related skills match those skills identified through the job analysis and recorded in the Job Description and Performance Standards.

c. Education and training

The candidate's resume will outline education and training, so the questions should focus on determining the candidate's rationale for educational/career choices and inclination to work hard to reach objectives…these questions can find out much more than a grade average.

d. Career goals

These questions are intended to provide the interviewer with some insight into the candidate's degree of career satisfaction. Asking what responsibilities the candidate would like to have and why, is an opportunity to compare what the candidate wants with what the organization has to offer.

e. Personal work style

Questions concerning relationships with Front Line Leaders and team members will be revealing, as will questions regarding the candidate's response to criticism, frustrations, and various leadership styles. How the candidate handles decision-making and the consequences of both positive and negative outcomes, will provide insight into their strength of character.

Hiring mistakes are as likely to result from candidates accepting the wrong position as they are from employers choosing the wrong candidate.

3. Describe the organization

History, its culture, the employer brand, and the position. Use this opportunity to sell the organization and the position to the candidate, but don't oversell. Be candid; just as candidates have downsides, so do opportunities. Mentioning these downsides up front demonstrates your sincerity and may avoid an inappropriate hiring.

4. Ask in-depth questions

Now that considerable information exchange has taken place between you and the candidate, it is time to get down to specifics. Ask the candidate questions regarding the position and your company, to give you an idea as to how well the candidate listened to what you had to say. Assess whether the answers make sense, given the information that has already been exchanged.

5. Ask specific questions

Regarding the candidate's current compensation package and expectations. Generally, it is wise to avoid hiring someone whose previous compensation package was more than 10 to 15 percent greater than what you plan to offer. Often such candidates, if they do accept the position, will be less than satisfied with the compensation and will ultimately look elsewhere for employment, making them a short-term solution to the hiring problem. Even worse, these individuals sometimes become disengaged and dissatisfied, yet stay with you.

6. Provide further information

Explain the compensation program (wage/salary and benefits) for the position and your organization's probationary review.

7. Invite the candidate to ask questions

Answer questions to the best of your ability. Be open and forthright. If you cannot answer a question, say so. Take note of the questions that the candidate asks. Are they good questions? Do they show an interest in the job? Do they demonstrate the candidate was listening while you spoke? The questions will demonstrate both how the candidate thinks and, in many cases, what they think.

8. Ask final questions

Ask the candidate about the people listed as references. These questions are designed to allow the candidate to share with you and explain the circumstances surrounding any potentially negative comments that might be forthcoming.

9. Ask some questions about the candidate's job search

These questions are designed to give you an idea of the urgency of the search from the candidate's perspective, as well as the legitimacy of the search.

10. Wrap up

Indicate that the interview is over. Tell the candidate what next steps to expect, including timing and whom to contact with follow-up questions. Thank the candidate for his or her time and interest.

Behavioural Based Interviewing

Behavioural-based interviewing is a thorough, planned, and systematic way to gather and evaluate information about what candidates have done in the past to show how they would handle future situations.

The key assumption is that job candidates who have previously demonstrated a particular behaviour in responding to a situation will repeat that same (or similar) behaviour in the future when confronted with a comparable set of problems.

Generally, there are four steps in preparing for this type of interview:

Step 1

Identify the behaviours and key competencies that are critical to successful job performance, based on an analysis of the job requirements.

Step 2

Determine which behavioural questions elicit the desired behaviours for each position you are looking to fill. For example:
- "Think of an occasion when you…"
- "Can you give me an example of…"
- "What needed to be done about this situation…"
- "What were the results of…"
- "If your supervisor said the results were unsatisfactory, how did you handle this outcome?"

Step 3

Questions are designed to address the various themes of behaviour exhibited by the most promising candidates. The interviewer should enquire into

Values, ethics, work intensity, people and relationship skills, problem-solving and decision-making, and similar factors that would support successes on the job. To do this:

- Use open-ended, but structured questions (here the Performance Standards may be more important than the Job Description as the source data);

Step 4

Develop benchmark (or ideal) responses prior to the interview, such as examples of good, average, and unacceptable responses to the questions. It is from this step that we can determine the suitability of each candidate.

There are minimally two behaviours that you always want to explore:

- The candidate's methodology and ability to resolve problems. I am referring to day-to-day situations that other employees, performing the same job, have encountered. It has been said that how someone responds to problems: from identification to resolution, is a clear window into how they think. Understanding how a candidate thinks leads to a better assessment of their Values and their perceived self-worth.
- The candidate's confidence level and their willingness to take ownership for resolving difficult decisions related to inter-personal situations. If, for example, a candidate has low self-esteem and an expressed behaviour of letting his/her supervisor resolve most problems (upward delegation), then he/she will probably demonstrate immaturity on the job.

Making Poor Decisions

- Self-fulfilling Prophecy — asking questions to confirm the interviewer's initial impression of the candidate.
- Stereotyping Effect — assuming that particular characteristics are typical of a particular group. Examples are gender, race, disability,

and other factors usually included in Human Rights legislation.

- Halo and Horns Effect — rating candidates as good or bad across the board, thus reaching unbalanced interview decisions.
- Contrast Effect — the experience of interviewing one candidate reflects on all other candidates who are seen later in the process.
- Similar-to-Me Effect — giving preference to candidates who have similar educational, work experience, and personality traits to the interviewer.
- Personal Liking Effect — making decisions on the basis of whether the interviewer personally likes or dislikes the candidate.

Post Interview Task List

Immediately following each interview:

- Review your notes. Make sure they are complete; finish any incomplete sentences or ideas.
- Outline the attributes that make this particular candidate desirable.
- Outline any concerns you may have and indicate how you will address them in a subsequent interview.
- Compare this candidate to the benchmark (the ideal profile) and assign a ranking.
- Invite the highest-rated candidates to the next step.
- Make and communicate the decision.

Treat employees/candidates as though they were customers, and they will have no need to seek out the support of a union.

In some organizations, the selection process deteriorates after the interview. Poor follow-up and untimely or inappropriate post-interview communications can result in a poor start to an otherwise positive employee experience. Ensure the last part of the selection process is as professional

as the first part by:

- Specifying positive aspects about each candidate in all post-interview communications. Even the weakest candidate is certain to have strengths. Emphasize these characteristics, even when informing the candidate that no offer will be extended.
- Keeping candidates informed of their status, particularly if the process is on hold.
- Stating the decision clearly in written communications. Some organizations cushion the news in such confusing language that candidates find it difficult to determine whether or not a job has been offered.
- Once your offer has been made and accepted, communicating with all candidates quickly, so they hear the results from you first, particularly if you have internal candidates. A candidate who has been waiting by the phone or his/her inbox for a decision will find it of little consolation to hear that someone else dropped the ball.

The interview process, from beginning to end, represents your organization's culture. If the organization's Values are violated during this process, how the candidate may respond, given social networking, may surprise the best of employers.

One of the essential features of Positive Employee Relations™ is a strong sense of personal responsibility, accountability, and self-development. If the candidate has not demonstrated these attributes by the end of the interview, this fact alone may be a strong signal to bypass this candidate.

> *The most difficult experience a potential employee should face, in their initial relationship with your organization, is to be hired. Not everyone is good enough to be on your A team!*

Sample Interviewing Guide

Job Title: Technologist Position

Candidate's Name: John Smith

Interviewer: _____

Date: _____

1. Greet the Candidate

- Express appreciation for attending interview
- Ice-breaker (weather, ease of finding the place, etc.)
- Explain purpose of interview. Note that the interview will involve an exchange of information: "John, we want to learn more about you, and we want you to learn more about The Sherborne Company, so that we may both make an informed decision about employment opportunities."
- Discuss success factors at the organization:
    - Job-related skills.
    - Fit with organization culture (noting that fit is a two-way street).
- State that the interview format will allow you, the interviewer, to ask a series of questions, which will give John an opportunity to provide information about himself and his work. Let John know there will be an opportunity to ask questions.
- Mention that you will be taking notes.
- Ask John if he wishes to take notes.

2. Ask Preliminary Questions (work history)

- Current or most recent position.
- John, what are your key responsibilities in that position?
- Which accomplishment would you most like to be remembered?
- Explain what you most enjoyed about the job.

- Explain what you least enjoyed about the job.
- John, why do you want to leave this position? Is your employer aware of your desire to leave? Did the decision to leave originate with you, with your employer, or was it mutual?
- If John's employer is not aware he wants to leave his current position: Will your employer be surprised? Do you think your employer will try to stop you from leaving? How? What could they do that would entice you to stay?

Repeat these questions for all jobs in the past five to eight years, or if the candidate has had only one job for the past eight years, for at least three positions. Be sure to clarify start and end dates for each position.

3. Job-Specific Skills

- Confirm certification as an electrical and electronics technologist and the place of certification.
- John, what computer/IT programs did you regularly use in your last job and how?
- Tell me about a particularly difficult repair problem you had to solve and how you went about it.
- What kind of regular maintenance would you recommend performing on a variable frequency drive? Why?
- What safety precautions do you follow when performing repair work on temperature sensors? Why?
- John, tell me about a challenging project that was assigned to you. How did you tackle it?
- In the context of your technical skills, what do you consider to be your strongest assets? Why? Give an example of when you have used these assets recently.
- In the context of your technical skills, in what areas would you like to enhance your skills? Why? How would this have helped you in your current (last) job?

4. **Education/Training**
    - John, tell me a bit about your educational background. What did you study? How were your grades?
    - How did you get your training for your skills as a technologist: on-the-job or through an institution?
    - What do you do to stay current in your trade?
    - What do you do to develop yourself?

5. **Career Goals**
    - John, why did you decide to become a technologist?
    - Looking back, do you believe you made the right choice? Why?
    - If you were to go back and start over again, would you still become a technologist? Why? Why not? If not, what would you rather be doing?
    - Describe the responsibilities you would like to have in your next job. Why would you like to do these things?
    - Do you have a longer-term career goal? If so, what is it? (If not, why not?) What steps are you taking to achieve it?

6. **Personal Work Style**
    - John, of the various positions that you have held, which job did you enjoy the most? Why?
    - Which did you enjoy the least? Why?
    - Of the different managers/supervisors for whom you have worked, which one enabled you to do your best work? Describe that manager's leadership style.
    - John, describe a management/leadership style that would make it difficult for you to do your job. Has this ever happened to you? If so, how did you deal with it?
    - Tell me about a time when you were frustrated in your job. Why was this frustrating? How did the frustration manifest itself? What did you do about it?

- Tell me about a time when your work has been criticized. How did you respond to the criticism?

- Tell me about a time when you have had to work as part of a team. Did you enjoy it? What role did you play on the team? (Leader? Participant?) Were you able to influence others on the team? How? Which do you prefer, working as part of a team or working on your own? Why?

- When did you last have a performance review? What areas did you do particularly well in? What suggestions did your supervisor make to help you improve your performance? Do you think these were valid suggestions? Why? Why not?

- If I were to ask your co-workers about you, what do you think they might say? Why?

- John, describe what you would consider to be the ideal company to work for. Why are these characteristics important to you?

7. Describe your organization, its culture and your current position

A. History of the company
- When it was started
- Ownership
- Nature of the business
- Historical growth
- Future plans

B. Culture of the company
- Teamwork
- Hardworking
- Very busy
- Other factors

C. The position

- Key responsibilities
- "If your supervisor said the results were unsatisfactory, how did you handle this outcome?"

Step 1

Questions are designed to address the various themes of behaviour exhibited by the most promising candidates. The interviewer should enquire into Values, ethics, work intensity, people and relationship skills, problem-solving and decision-making, and similar factors that would support successes on the job. To do this:

- Use open-ended, but structured questions (here the Performance Standards may be more important than the Job Description as the source data);

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- The candidate's confidence level and their willingness to take ownership for resolving difficult decisions related to inter-personal situations. If, for example, a candidate has low self-esteem and an expressed behaviour of letting his/her supervisor resolve most

problems (upward delegation), then he/she will probably demon-
strate immaturity on the job.

8. Invite Candidate to Ask Questions

Encourage John to ask questions about the position and The Sherborne
Company. If John asks a question that you cannot answer, an appropriate
response might be, "That's a good question, but one that I can't answer at
this time. It might be more appropriate at a second interview." Or, "Let's
pursue that if we go forward with an offer."

9. Ask Final Questions

A. References
- Who would you provide as references? (Take note of their names
  and relationship to the candidate.)
- What do you expect your references will say about you?

B. Job Search
- John, tell me how you're going about your job search.
- How long have you been looking?
- Have you had any offers? (If yes…Why haven't you accepted?)
- Do you have anything that is quite active now?
- If you were offered this position, when would you be available to
  start?

10. This Job
- After all that we have discussed, John are you still interested in be-
  ing considered for this position? What most attracts you? Do you
  see any disadvantages to it? What?
- If this position were offered to you, what additional information or
  activities would you like to see before you would be able to make
  a decision?

- If you wanted me to remember three things about you, what would they be?

11. Wrap Up

Let John know that the interview is over: "Well, that concludes our interview."

If you are exceedingly interested in this candidate, you might sum up how fine an opportunity this position is for the candidate. Point out the synergies between the position, the company, and the candidate's goals. Otherwise, just explain the next steps in the process and the schedule for each step. Indicate when John can reasonably expect to hear from you.

Be realistic in your assessment of when you will follow-up. Don't promise a time commitment you know you can't meet. Allow for the unexpected to delay your process!

Indicate whether you will be contacting the candidate's references, and allow the candidate an opportunity to alert references before your call. Tell the candidate whom to contact if there are follow-up questions.

Thank John warmly for his time and interest. Don't worry that your warmth will be interpreted as a job offer! A lack of warmth, especially after a thorough interview, will be interpreted as bad public relations. You could say, "It's been a pleasure talking with you, John. I am pleased that you were interested enough in our position to spend this much time with me today. Thank you."

NOTES

Chapter **6**

Assessment Tools for Leaders

I have found that the use of an appropriate Assessment tool can dramatically reduce the risk of hiring (or promoting) the wrong individual to a leadership position.

The Assessment tool we use will measure, minimally, the following three factors:

1) An individual's natural behavioural tendencies that supports them in a specific job and does not inhibit his/her performance. Understanding an individual's natural strengths and talents will ensure the best 'fit' for the role. In other words, we learn where the individual 'lives' the majority of the time.

2) When one enjoys the work offered by the position they seek, they are more likely to perform it better, be self-motivated and be successful in the position. That is why it is essential to know what sort of work 'turns the person on' before we decide to place someone in a leadership role.

3) Understanding an individual's learning preference along with their verbal skills and reasoning; and their numerical skills and reasoning is essential to ensure that they are a good 'fit' for a leadership role.

The following list of abilities and attributes for Sherborne's Front Line leadership position(s) was developed by a Task Group consisting of: (a) two

Front Line Leaders with the highest performance and potential ratings, (b) two next-level leaders who are highlighted in Sherborne's Succession Plan for promotion and (c) a senior Human Resource representation.

Once the list (see below) was developed and all parties had signed-off on it, the Human Resource representative next asked a group of better per-forming employees (usually 10–15) to add their input. This last step has proven critical because: (a) employees view a leadership position from a different perspective — their reality is unique, and (b) their understanding of the process demonstrates the degree to which the leadership team goes to selecting Front Line Leaders.

Benchmark for Front Line Leader [Supervisor]:

The following represents the benchmark of abilities and attributes for a Front Line Leader at The Sherborne Company.

An individual who:

- Conducts on-the-job training and certain proscribed parts of the Sherborne Orientation Program for all newly hired employees.
- Communicates effectively and responds best to straightforward (versus ambiguous or conflicting) communications.
- Utilizes basic calculation skills effectively; the position has little responsibility for complex or sophisticated numerical analysis.
- Makes decisions based on basic numerical data and understands the implications of charts and graphs that explain such data.
- Responds well to customer time-lines and generally works at a brisk pace.
- Is highly motivated by the influence he/she has generated in the position and rarely seeks out the role of an unquestioning follow-er. Highly assertive (not aggressive) when providing guidance to others.
- Is sociable within a business context, motivated by the opportunity to present ideas and suggestions; and, is encouraged by the oppor-tunity to work in a team environment.
- Leads and manages well in a union-free environment (Positive

Employee Relations) and willing accepts the leadership of peers and next-level leaders.

- Responds at an even pace and maintains effective time management skills when making decisions.
- Appropriately accommodates the needs of customers and team members; and, appreciates the occasional need to take a leadership position that may differ from the team's position.
- Demonstrates a moderate level of independent action as required in an 'employee first' workplace.
- Makes sound and objective decisions when provided with ample information; however, is capable of relying on own intuition and judgement, when necessary.
- Motivated by Sherborne's competitive and entrepreneurial marketplace.
- Motivated by the practical, hands-on aspect of the Widget industry and its mechanical aspects.
- Can successfully manage the required administrative duties, i.e.: forecasts, budgets and likes systems and processes.

The above verbal description of the Front Line Leader's position is shown in the graph below. The graph is the benchmark for this position. On the next page we display the candidate's scores overlaid on this graph.

Cognitive Ability	1	2	3	4	5	6	7	8	9	10
Verbal Skill	1	2	3	4	5	6	7	8	9	10
Verbal Reasoning	1	2	3	4	5	6	7	8	9	10
Numerical Ability	1	2	3	4	5	6	7	8	9	10
Numeric Reasoning	1	2	3	4	5	6	7	8	9	10
Energy Level	1	2	3	4	5	6	7	8	9	10
Assertiveness	1	2	3	4	5	6	7	8	9	10
Sociability	1	2	3	4	5	6	7	8	9	10
Manageability	1	2	3	4	5	6	7	8	9	10
Attitude	1	2	3	4	5	6	7	8	9	10
Decisiveness	1	2	3	4	5	6	7	8	9	10
Accommodating	1	2	3	4	5	6	7	8	9	10
Independence	1	2	3	4	5	6	7	8	9	10
Objective Judgment	1	2	3	4	5	6	7	8	9	10

Scenario #1 — Ideal Candidate

Below are the results of the Assessment used with a candidate, Alan Smith, who is applying for the position of a Front Line Leader. This is a key position at The Sherborne Company. The work cell he would lead is responsible for the production of the recently developed 'Model X' of the Widget. They are all long-term employees who perceive they are an 'elite' group.

There are certainly pluses and minuses to their perception. A leader must be able to keep the team feeling good about themselves (they are highly engaged). Within the non-union environment at Sherborne leading this highly creative group will require special leadership characteristics.

Cognitive Ability	1	2	3	4	5	6	7	8	9	10
Verbal Skill	1	2	3	4	5	6	7	8	9	10
Verbal Reasoning	1	2	3	4	5	6	7	8	9	10
Numerical Ability	1	2	3	4	5	6	7	8	9	10
Numeric Reasoning	1	2	3	4	5	6	7	8	9	10
Energy Level	1	2	3	4	5	6	7	8	9	10
Assertiveness	1	2	3	4	5	6	7	8	9	10
Sociability	1	2	3	4	5	6	7	8	9	10
Manageability	1	2	3	4	5	6	7	8	9	10
Attitude	1	2	3	4	5	6	7	8	9	10
Decisiveness	1	2	3	4	5	6	7	8	9	10
Accommodating	1	2	3	4	5	6	7	8	9	10
Independence	1	2	3	4	5	6	7	8	9	10
Objective Judgment	1	2	3	4	5	6	7	8	9	10

Cognitive Ability — The desired range is 4–6; Alan scored a **5.** He is good at learning new information quickly. He may need to apply greater effort during more challenging bases of training.

Verbal Skill — The desired range is 4–6; Alan scored a **5.** He is capable of using basic verbal skills in communication. His vocabulary is sufficient for most situations however; he will need to be more observant of any special needs during instruction that is more complex — giving or during time of heightened stress.

Verbal Reasoning — The desired range is 4–6; Alan scored a **6.** He demonstrates good verbal reasoning ability. He may become frustrated expressing ideas to others at different verbal reasoning ability levels.

Numerical Ability — The desired range is 4–6; Alan scored a **5.** He may need assistance with complex mathematics or technical calculations. He would prefer additional time to process complex numerical information.

Numeric Reasoning — The desired range is 4–6; Alan scored a **5.** He can assimilate information that requires reasoning with numbers at a general

level. He will require more time than many to evaluate complex numerical data.

Energy Level — The desired range is 5–7; Alan scored an **8**. He is a self-starter and energetic producer with a high sense of urgency. He may appear bored at times and become less productive if activity lags. He can become frustrated and impatient with others who have a lower energy level. *Because his score is above the designated benchmark for this position, his drive and enthusiasm is greater than the position requires and he may find the position not challenging enough to maintain his level of performance.*

Assertiveness — The desired range is 6 – 8; Alan scored a **7.** He is more of a leader than a follower; and is motivated by situations where he is held accountable for results. He is typically direct, gets results and enjoys leading others.

Sociability — The desired range is 5–7; Alan scored a **4.** He prefers direct and to the point communication and may avoid spending time on small talk and social amenities. He may appear distant with the group he supervises as he is only moderately motivated by assignments that require interpersonal contact. *Because his scores is below the designated benchmark for this position his orientation for working within a team is different than the position typically requires.*

Manageability — The desired range is 6– 8; Alan scored a **5.** He has a cooperative interpersonal style and works well with others. He is comfortable regarding authority and rules. There may be times when he may resent high-pressure leadership and express a need for more personal freedom.

Attitude — The desired range is 5–7; Alan scored a **7.** He demonstrates a positive attitude regarding changes in policies and guidelines. He has a positive expectation for the outcome of problems and difficult situations. He has a tendency to trust most people.

Decisiveness — The desired range is 6–8; Alan scored an **8.** He will be quick to respond to emergencies and resolving problems with decisive actions to move decisions forward. At times, he may appear too spontaneous

in his decision-making, taking unnecessary risks. He would benefit from analyzing information more thoroughly before moving forward.

Accommodating — The desired range is 5–7; Alan scored **6.** He recognizes the need to work with others and willing share resources and information. He is generally pleasant and patient and not inclined to show temper or frustration.

Independence — The desired range is 4–6; Alan scored a **5.** He tends to have predictable patterns and hesitates to be more resourceful when needed. He may require guidance when under pressure of deadlines.

Objective Judgment — The desired range is 5–7; Alan scored a **5.** He uses judgment that is compatible with concrete situation and tangible data. His style works well with routine problems and decisions.

Summary

The results of Alan's assessment indicated that he was an overall good match to the position. In the cognitive area, he matched all 5 measurements, falling within the customized benchmark for this role. This appears to be good; however, when digging deeper there are red flags that raised concerns about his frustration with others whose verbal reasoning is less than his. Also, his energy level is very high and his frustration level with less energetic employees may be a concern.

In the behavioural area, he matched 5 out of 9 measurements, falling within the customized benchmark. There are 4 areas in which he falls outside the desired benchmark for the position. However, those scores fall only one point outside and are generally not cause for concern. It is important to understand Alan and how he may act with and towards others in those areas. Alan's behavioural traits fit well with job, for the most part. Alan would be a good addition to the organization hired for this front line leadership position.

Scenario #2 — Potential Union Organizer

Below are the results of the Assessment used with a candidate, John Brown, who is applying for the position of a Front Line Leader. This is a key position at The Sherborne Company. The work cell he would lead is responsible for the production of the recently developed 'Model X' of the Widget. The work team is all long-term employees who perceive themselves to be an 'elite' group.

There are certainly pluses and minuses to their perception. A leader must be able to keep the team feeling good about themselves (they are highly engaged). Within the non-union environment at Sherborne leading this highly creative group will require special leadership characteristics.

The results of John's Assessment indicated that he was an overall 75% match to the position. While at first glance this seemed reasonably good it was important to digest the data further. In the Cognitive area, he was a 94% match with 4 of the 5 measurements falling within the customized benchmark for this role. Again, this appears to be good, however; when digging deeper there are 'red flags' that raised concerns about his frustration level with others under certain circumstances. Additionally there was a 'red flag' about his ability to effectively communicate and connect with the members of the Sherborne team.

In the Behavioural area, his match was 62% with only 4 out of 9 measurements falling within the customized benchmark. The 'red flags' in this area raised concerns about how he may act when under stress plus other concerns that were important to know about him and how he may act with and towards others. John's behavioural traits in particular did not fit well with job.

Cognitive Ability — The desired range is 4–6; John scored a **5.** He is good at learning new information quickly. He may need to apply greater effort during more challenging bases of training.

Cognitive Ability	1	2	3	4	5	6	7	8	9	10
Verbal Skill	1	2	3	4	5	6	7	8	9	10
Verbal Reasoning	1	2	3	4	5	6	7	8	9	10
Numerical Ability	1	2	3	4	5	6	7	8	9	10
Numeric Reasoning	1	2	3	4	5	6	7	8	9	10
Energy Level	1	2	3	4	5	6	7	8	9	10
Assertiveness	1	2	3	4	5	6	7	8	9	10
Sociability	1	2	3	4	5	6	7	8	9	10
Manageability	1	2	3	4	5	6	7	8	9	10
Attitude	1	2	3	4	5	6	7	8	9	10
Decisiveness	1	2	3	4	5	6	7	8	9	10
Accommodating	1	2	3	4	5	6	7	8	9	10
Independence	1	2	3	4	5	6	7	8	9	10
Objective Judgment	1	2	3	4	5	6	7	8	9	10

Summary

The results of John's assessment indicated that he is not an overall good match to the position. In the Cognitive area, he matched 4 of the 5 measurements of the customized benchmark for this role. While this appears to be good when digging deeper there are 'red flags' about his ability to effectively communicate and connect with the members of the Sherborne team.

In the Behavioural area, John matched only 3 of 9 the measurements falling within the customized benchmark. The 'red flags' in this area raised concerns about how he may act when under stress plus other concerns that were important to know about him and how he may act with and towards others. John's attitude score raises issues as it related to the trust factor and coupled with the degree to which his manageability and accommodating scores fell outside the desired benchmark immediately raise concerns about a possible strong propensity that John naturally favours a union mentality. This raises concerns that John could support or even lead the formation of

a union within the organization. John's behavioural traits posed too many 'red flags' and he did not fit well with the job. He was not a good hire for a Front Line leadership position at Sherborne.

Special thanks to
Margaret Miller, C.E.C.
www.assessmentsonline.ca

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Chapter 7

Assessment for Production Employees

The following represents the benchmark of abilities and attributes for a Production Line employee in the Widget Manufacturing Department at The Sherborne Company.

An individual who:

- Can be trained within normal limits and yet may occasionally require closer attention when learning new material.
- Communicates effectively, with a basic understanding of the production components of this position, and who responds best to straightforward communications.
- Is capable of discerning the important elements in basic communications and routine verbal instructions.
- Utilizes basic calculations effectively with little responsibility for complex data or sophisticated numerical analysis.
- Can make decisions based on basic numerical data and who understands the basic implications of charts and graphs that explain such data.
- Responds to demands on their time and effort, but who is most effective in a more relaxed environment.
- Takes on a team leadership role comfortably, when required, but

are still capable of following when necessary.

- Is somewhat reserved, but capable of presenting ideas and view-points to others with some motivation derived by working with others.

- Responds enthusiastically to a highly structured environment that requires one to work under the direction of the front line leader.

- Demonstrates a positive attitude, yet is not required to resist the expression of frustration.

- Is capable of making timely responses, but is quite comfortable using a methodical approach to make decisions.

- Can appropriately accommodate the needs of customers and peers, and also appreciates the occasional need to take a personal position that is different than the group's position.

- Demonstrates some level of independence, but functions best when provided supervision and structure.

- Is most successful when provided ample information to make objective decisions, yet is capable of relying on intuition when necessary.

- Is highly motivated by the practical, hands-on aspect of industry and mechanical interests.

- Is motivated by administrative duties or financial information processing.

- Is motivated by scientific and computer-related endeavors, yet also possesses less technical interests.

The following is a graphical representation of the desired benchmark range for the Production Line employee's position, as described above.

Cognitive Ability	1	2	3	4	5	6	7	8	9	10
Verbal Skill	1	2	3	4	5	6	7	8	9	10
Verbal Reasoning	1	2	3	4	5	6	7	8	9	10
Numerical Ability	1	2	3	4	5	6	7	8	9	10
Numeric Reasoning	1	2	3	4	5	6	7	8	9	10
Energy Level	1	2	3	4	5	6	7	8	9	10
Assertiveness	1	2	3	4	5	6	7	8	9	10
Sociability	1	2	3	4	5	6	7	8	9	10
Manageability	1	2	3	4	5	6	7	8	9	10
Attitude	1	2	3	4	5	6	7	8	9	10
Decisiveness	1	2	3	4	5	6	7	8	9	10
Accommodating	1	2	3	4	5	6	7	8	9	10
Independence	1	2	3	4	5	6	7	8	9	10
Objective Judgment	1	2	3	4	5	6	7	8	9	10

The following is a graphical representation of Anne's scores overlaid against the benchmark range for the Production Line employee's position.

Cognitive Ability	1	2	3	4	5	6	7	8	9	10
Verbal Skill	1	2	3	4	5	6	7	8	9	10
Verbal Reasoning	1	2	3	4	5	6	7	8	9	10
Numerical Ability	1	2	3	4	5	6	7	8	9	10
Numeric Reasoning	1	2	3	4	5	6	7	8	9	10
Energy Level	1	2	3	4	5	6	7	8	9	10
Assertiveness	1	2	3	4	5	6	7	8	9	10
Sociability	1	2	3	4	5	6	7	8	9	10
Manageability	1	2	3	4	5	6	7	8	9	10
Attitude	1	2	3	4	5	6	7	8	9	10
Decisiveness	1	2	3	4	5	6	7	8	9	10
Accommodating	1	2	3	4	5	6	7	8	9	10
Independence	1	2	3	4	5	6	7	8	9	10
Objective Judgment	1	2	3	4	5	6	7	8	9	10

Cognitive Ability — The desired range is 2–5; Anne scored **8.** She is an effective learner and assimilates new information better than most. If there is little challenge in the training process she will become frustrated and her performance will drop if the work is not sufficiently challenging. *Because her score is above the designated benchmark for this position, this suggests her assimilation of new information is greater than the position requires and she will experience boredom.*

Verbal Skills —The desired range is 2–5; Anne scored an **8.** She is competent in understanding written and verbal data and has a sound understanding of basic communication processes. She needs to actively listen to others so that she may communicate at the appropriate level. *Because her score is above the designated benchmark for this position this suggests that her command of vocabulary is greater than the position requires and she will be frustrated communicating with coworkers.*

Verbal Reasoning — The desired range is 2–5; Anne scored **6.** She possesses good verbal reasoning abilities, having proficient use of words and language. She will become frustrated with her peers who have lower verbal skills and may have difficulty connecting with her audience. *Because her score is above the designated benchmark for this position, this suggest her ability to use words as a basis in reasoning is different than the position requires.*

Numerical Ability — The desired range is 2–5; Anne scored a **9.** She is quick in determining correct mathematical solutions to problems. She may express frustration with those who are not as proficient with numerical data and could lose patience with her peers who have a lower ability than she does. *Because her score is above the designated benchmark for this position this, suggests her computation of data is more proficient than the position requires.*

Numeric Reasoning — The desired range is 2–5; Anne scored a **9.** She is adaptive when handling complex numerical decisions. She may become frustrated in her role because of the lack of challenge in this area. She will be challenged communicating techniques to others. *Because her score is above the designated benchmark for this position, this suggests that her ability to analyze data is greater than the position requires and she may not be sufficiently challenged to maintain her interest or motivation levels.*

Energy Level — The desired range is 3–6; Anne scored an **8.** She has a strong focus on critical deadlines. She is a self-starter with a high sense of urgency. She can become bored, resulting in decreased productivity when the workload does not fulfill her need for activity. *Because her score is above the designated benchmark for this position, this suggests her drive and enthusiasm is greater than the position requires.*

Assertiveness — The desired range is 4–7; Anne scored a **5.** She prefers solutions that are low risk. *She tends to be more of a follower than a leader. She may back down when confronted by others and become hesitant to provide input to the team.*

Sociability — The desired range is 3–6; Anne scored a **4.** She prefers direct and to the point communication and is only moderately motivated by assignments that require interpersonal contact with others.

Manageability — The desired range is 6–9; Anne scored a **2.** She willingly asks questions when not in agreement with a policy or a directive. She may be difficult to please. She prefers minimal supervision and external controls. She will become frustrated with organizational constraints and may become confrontational about authority within the organization. *Because her score is below the designated benchmark for this position, this suggests her willingness to follow standard procedures is less than the position requires.*

Attitude — The desired range is 5–8; Anne scored a **1.** She is inclined to assume a negative position, express doubts about outcomes and become critical of others. Being on-guard, she may be slow to show a positive attitude regarding changes in policies and guidelines and unexpected challenges. *Because her score falls below the designated benchmark for this position, her general response will be pessimistic compared to more successful candidates in this position.*

Decisiveness — The desired range is 3–6; Anne scored an **8.** She is decisive and quick to enjoy positions which require immediate action, appearing too spontaneous in her decision-making. She will stand firm on her decision and is not inclined to back down one she has made up her mind. *Because her score is above the designated benchmark for the position, this suggest she may act without a thorough understanding of details.*

Accommodating — The desired range is 5–8; Anne scored **1.** She is more concerned with pursuing her own agenda than assisting others in meeting theirs. She is inclined to tell others what she thinks of them. She will likely defend her personal perspective when accomplishing work, which may conflict with others in the workplace. *Because her score is below the designated benchmark for the position, this suggests that her patience with the opinion of others is less than the position requires, and she could have a problem with the capability to resolve differences of opinion in an accommodating way.*

Independence — The desired range is 2–5; Anne scored a **7.** She prefers to work with minimal supervision and has a need for freedom from controls, close supervision and organizational constraints. She may demonstrate frustration with some of the traditional methods of the workplace. *Because her score is above the designated benchmark for the position, this suggests her level of self-reliance is different than the position requires.*

Objective Judgment — The desired range is 5–8; Anne scored a **7.** Her judgment and decisions usually consist of objective thinking. She may spend too much time assessing all the facts. When under pressure, she may become frustrated by a possible lack of information.

Summary

The results of Anne's assessment indicated that she is not an overall match to the position. In the cognitive area, she did not match any of the 5 measurements of the customized benchmark for this role. There are many red flags about her ability to effectively communicate and connect with the members of The Sherborne Company's team.

In the Behavioural area, Anne matched only 3 of 9 of the measurements falling within the customized benchmark. The red flags in this area raised concerns about how she may act when under stress plus other concerns that were important to know about her and how she may act with and towards others. Anne's attitude score raises issues as it relates to the trust factor. This coupled with the degree to which her manageability and accommodating scores fell outside the desired benchmark immediately raised concerns about a possible strong propensity that Anne naturally favours a union mentality. This raises concerns that Anne could support or even lead the formation of a union within the organization. Anne's behavioural traits posed too many red flags and she did not fit well with the job.

She was not hired for the Production Line position at The Sherborne Company.

Special thanks to
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www.assessmentsonline.ca

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Chapter **8**

A Question of Decertification

Decertification is the term most commonly used to identify a legal process which results in a union's bargaining rights being formally ended, or terminated, by a Provincial or Federal Labour Relations Board or Tribunal. This raises questions of how managers might go forward respecting the legal requirements. To answer the most frequently asked questions, I have consulted Thomas A. Stefanik, Torkin Manes LLP. What follows is based on Tom's replies to the following questions.

Can an Employer Create a Climate for Decertifiction?

Much has been written as to reasons why employees choose to vote for a union, but there is scant literature as to studies and research on why employees may wish to decertify a union. One way of approaching the issue is to ask why employees may have chosen a union in the first place, and then to evaluate and analyze whether those conditions still exist in the unionized workplace. Most commonly, employees choose to seek out a union to represent them for any or more of the following reasons:

- A feeling of insecurity with respect to the future of their employer, not only how they are compensated but whether their job will be kept.
- Unhappiness with those in management who practise preferential

treatment, show inconsistent behaviours and are not credible in-
dividuals.

- A belief that by having a written document [Collective Agree-
ment] governing their terms and conditions of employment, they
are somehow either more secure in their employment or more
protected from inconsistent management practises.

- A perceived lack of training may cause employees to believe that
they have limited promotional potential and thus they feel pi-
geon-holed and susceptible to lay-offs and termination.

*Employees are not likely to seriously consider decertification unless they are
sufficiently confident of many, if not all of the following:*

- Management will proactively analyze and determine appropriate
compensation rates and structures which are clear and consistent-
ly applied.

- Management will hire and retain only those supervisors and man-
agers who have the ability and willingness to, at all times, engage in
open and honest communication with employees; and, who have
the necessary human resources skills to avoid letting problems fes-
ter in the workplace.

- Management is committed to training and developing employees,
regardless of their position; to learning new skills and bettering
their current skills so they have a reasonable opportunity to better
themselves through promotional opportunities.

- Management is prepared to discipline and if necessary terminate
employees who are unable or unwilling to perform in accordance
with the Performance Standards of their job.

- Management is committed to investing the time and money
during the hiring stage so that employees can feel that new hires
will comfortably form part of the organization.

- Management is comfortable with seniority. They see it as relevant
but not to the point where seniority gives senior employees the
advantage over all other employees: a] to choose their hours of
work, b] be automatically promoted and c] generally be immune
from the economic rollercoaster simply because they have worked

the longest for an employer. Remember that seniority is the hall-mark of Collective Agreements and unless and until management demonstrates a rationale and philosophy with respect to seniority, employees will not necessarily feel the security to depart from the traditional union security model.

- Nothing can impair credibility more than inconsistent treatment of employees, broken promises or half-truths. In all likelihood, that is what assisted the union in being certified in the first place.

Above all, management must demonstrate that it is trustworthy and transparent in all its behaviours.

It would be presumptuous for management to believe that, following a de-certification vote which resulted in the union's bargaining rights being terminated, that it can simply relax and turn its attention away from Human Resource issues. *In fact, employees who have lived with a union are astute and generally knowledgeable with respect to how to bring in a union and may well hold an employer to account in a much greater sense than would employees who have never experienced a union before.*

While there are bars to a union applying for certification once there has been a decertification application granted, an employer would be well advised to understand and appreciate that it will have only a short period of time to re-establish management's credibility in the eyes of the employees.

Remember that under the union regime, the terms and conditions of employment for bargaining unit employees were set out in a written document which was in place for a specific period of time. *Once the Collective Agreement ceases to govern the workplace, a period of uncertainty may set in, in which employees may feel insecure about how they are going to be paid, how promotional opportunities are dealt with, and what management is planning for the future.*

The collective bargaining process does allow for management to be questioned by the union and the employees on the bargaining committee as to

the current state of affairs of the business. This formal arrangement disappears with decertification and employees may legitimately feel that there is no forum or channel in which management communicates with them. Enter your Positive Employee Relations program!

These feelings of uncertainty and insecurity may lead employees to again search out a union, and perhaps a more militant union than existed in the workplace previously. *It is management's responsibility therefore to ensure that employees do not feel alienated and that business decisions, including hiring and terminations bear a rational relationship to the needs of the business and the performance of the employees.*

Issues of compensation should be addressed and appropriate policies and procedures be put in place and communicated to employees. Human Resources professionals will likely have time freed up due to a decertification, but in no way should those individuals feel that some employees ought not to have channels for their concerns, questions and disagreements they may have with the conduct of management simply because a union is not in place. To the extent that employees felt the union was not accessible to them, an employer must ensure that it has the appropriate personnel [Front Line Leaders, managers, Human Resources] in place to answer employees' concerns.

There is nothing inherently wrong with continuing with some of the practices and procedures that were followed under the Collective Agreement, provided that they are a rational way to run the business and are seen by employees to be fair. For example, the concept of seniority or service should not be totally disregarded simply because it was a corner stone of the Collective Agreement. *It is the specific application of seniority and to what extent it may apply to decision making that must be looked at.*

Why Might Employees Choose the Decertification Route?

Notwithstanding the hurdles that might stand in the way of a decertification application, employees may choose to attempt to decertify their union for any of the following reasons:

- Union dues are expensive, sometimes running into the thousands of dollars per year for each employee.
- Employees may come to believe that the union is no longer relevant for them in the changed economy of the 21st century. With technology allowing employees to work in significantly unrestricted ways, and with compensation systems that are now designed to reward productivity and initiative, it is problematic to some employees that their union dues are too often spent on costly and lengthy arbitration cases in which the union seeks to protect the jobs and job security of less productive and non-motivated employees.
- Employees may come to believe that their employer has the credibility and maturity to treat employees fairly, without favouritism or arbitrariness, and that the existence of company rules and policies is sufficient to protect their interests without a formal Collective Agreement negotiated by a third party who may have contact with them only every two (2) or three (3) years when it comes to renegotiating the Collective Agreement.
- Employees may not believe that their union is accessible when they need their questions and concerns answered.
- Employees may resent the expenditure of their union dues on political movements or other activities. In the recent "Occupy" protests that occurred in both Canada and the United States, some unions candidly acknowledged that their funds were used to support facilities and equipment for the occupations, which allowed some to continue for several weeks.

Legal Overview and Process

Decertification is the term most commonly used to identify a legal process and result in which a union's bargaining rights are formally terminated, by the appropriate Labour Relations Board or Tribunal. As such, depending upon the jurisdiction, decertification is also referred to as revocation or termination of bargaining rights.

The effect of a decertification is that the union's bargaining rights are immediately ended. The employer is no longer required to bargain, or continue to bargain, with the union with respect to a Collective Agreement. If there is a Collective Agreement in effect, decertification renders the Collective Agreement inoperative, effective the date of the Board's decision decertifying the union. The decision is not retroactive. Thus, any grievances which were filed while the Collective Agreement was in operation may still be able to be legally arbitrated.

Relative to applications for certification, decertification applications in Canada occur much less frequently. The following are likely chief factors for this:

- If a certification application is unsuccessful, a decertification application is obviously unnecessary. However, if a certification application is successful, it often divides the workforce and creates acrimony among employees *who may be reluctant to go through that process in reverse.*
- If there is a lengthy bargaining relationship between the employer and the union, most if not all current employees may never have worked with that employer in a union-free atmosphere and *may not have ever considered the consequences, whether positive or negative, of working without a Collective Agreement.*
- The legal process (more is said about this below) requires certain steps to be taken by employees which generally will involve non-working hour investments of time for which they are not compensated. Often, feelings of apathy or inertia may prevent this from happening.
- Unlike an application for certification, which is funded by a union and run by experienced union organizers who can assist employ-

ees with advice and direction, employees who wish to engage in a decertification are very much on their own. The union will not obviously assist them, but *will endeavour to impede their efforts. Any assistance an employer might give may be examined in great detail by a Labour Relations Board to ensure that the decertification attempt is truly a voluntary step being taken by employees, rather than being a tool of an overzealous employer attempting to operate union-free.*

- Employees who may wish to decertify their union might feel intimidated or concerned that if the application fails, and the union retains its bargaining rights, *they will be identified and ostracized by co-workers or sanctioned, formally or informally, by the union.*

- Employees who are disillusioned with their union may feel motivated instead to replace their union with another union. This is generally known as a displacement application, which application is made by another union seeking to obtain bargaining rights. *Displacement applications are not common because of "no raiding" pacts that many unions in Canada are party to.*

In law, once bargaining rights are attained by a trade union, *they remain in place forever* (unless a successful decertification or displacement application occurs). Even if an employer closes or ceases operations, bargaining rights remain in place, regardless of the number of employees in the bargaining unit, and regardless of whether there is or ever was a Collective Agreement.

One must bear in mind that the process of a union attaining and possessing bargaining rights, and ultimately losing those bargaining rights through decertification, are governed by statute. In Canada, Labour Relations matters are subject to provincial jurisdiction for approximately ninety percent (90%) of employees. The remaining ten percent (10%) of employees, who work in such areas as inter-provincial transport, banking, and aeronautics, are governed by federal legislation (the *Canada Labour Code*). Despite the existence of ten (10) provincial pieces of labour legislation plus the Canada Labour Code, there are consistent similarities with respect to the process of decertifying a trade union in all the legislation. The common themes can

be summarized as follows:

[i] Decertification of a union is an action which must be taken by employees. The employer cannot bring a decertification application, except in specified circumstances where the union has allegedly abandoned or slept on its bargaining rights.

Employees wishing to bring a decertification application should first determine whether their employer is governed by federal legislation (in which case the application is made to the Canada Industrial Relations Board); otherwise, the application is made to the provincial Labour Relations Board in the province in which the employees in the bargaining unit work. Generally speaking, the Board which issued the original certificate granting the union bargaining rights in the first place will be the Board to which the decertification application will be made, unless the nature of the employer's business has drastically altered since the certificate was issued.

The application should be made by a 'rank and file' employee or employees. While lead hands are generally in bargaining units, unions often argue that lead hands are perceived as members of management and thus the initiation of a decertification application by a lead hand might render such an application invalid (for more on this topic, see [vi] below).

An application that on its face is made in whole or in part by a member of management (other than an application alleging a union has abandoned its bargaining rights) is likely to be dismissed at first instance by the relevant Labour Relations Board (again, set out in [vi] below).

[ii] There are certain time frames, or windows, during which a decertification application must be brought. If the application is not made within the legal window, it will be dismissed regardless of any other merits it has. Labour Relations legislation allows a newly certified trade union a period of time (generally one (1) year or more) to negotiate a Collective Agreement. If a Collective Agreement is in place, the window closes and does not open again until near the expiry date of the Collective Agreement (generally the last three (3) months of a three (3) year Collective Agreement, depending on the individual legislation).

In cases where the union has failed to reach a Collective Agreement, the timeframe may be simple or more complicated, depending on the legislation which governs. Federally, the union is given one (1) year to reach a Collective Agreement, and the Canada Labour Relations Board would entertain a revocation application at that time if it was satisfied that the union has not made reasonable efforts to reach a Collective Agreement. In Ontario, a union is also given one (1) year to reach a Collective Agreement, but then the window opens automatically after one (1) year unless the employer or the union have successfully applied to the Ontario Ministry of Labour to appoint a conciliation officer. Once the conciliation officer has been appointed, the open period closes for a period of time and opens again thirty (30) days after the conciliation officer issues a 'no board' Report, but closes again if a strike/lockout occurs and will only re-open again on the later of six (6) months after the first day of a legal strike or lockout, or seven (7) months after the release of the no board report.

> *As the reader will appreciate, it is wise to consult the appropriate Labour Relations Board, either directly or through its website, to ascertain what the "open period" is with respect to the relevant legislation. All of the Boards have websites which should allow quick access to the necessary forms and locations where the applications need to be filed.*

[iii] A decertification application must be filed by an employee or group of employees who are members of the bargaining unit, in a form prescribed by the particular legislation and accompanied by a document (sometimes referred to as a petition or statement of desire) signed by employees, indicating in general terms that they no longer wish to be represented by the union. The minimum number of employees who must sign the document is based on a percentage of employees in the bargaining unit, and varies under the various legislation from 40% to greater than 50%. The forms, together with any applicable details, can be accessed from the websites of the appropriate Labour Relations Board.

[iv] If the appropriate minimum percentage of employees indicating their de-

*sire to no longer be represented by the union has been met, and subject to con-
cerns set out in [vi] below, the appropriate Labour Relations Board will order
a secret ballot vote in which employees will be asked whether they wish to
be represented by the union. If the appropriate employee percentage support
is not filed with the application, or the numbers do not meet the statutory
minimum, the application will be dismissed without a vote.* If there is a vote,
the same rules generally apply with respect to a certification vote, and the
decertification will be successful if a majority of employees voting indicate
they no longer wish to be represented by the union.

If an application is dismissed because the number of employees signifying
their desire to decertify the union does not meet the statutory minimum,
it may still be possible to file a subsequent application accompanied by the
evidence of the statutory minimum number of employees, provided that
the 'window' described above is still open.

*[v] Generally speaking, the evidence that the Labour Relations Board will
require as to employees wishing to decertify the union will consist of a doc-
ument indicating that employees who have signed and dated the document
being submitted no longer wish to be represented by the union.* The names
of the employees should be legible, and should be accompanied by their
signature and witnessed by an appropriate individual who should not be
a member of management and preferably should be a member of the bar-
gaining unit. *The document need not be signed by all interested employees
at the same time; but it should not be signed in the presence of management
or on company time or company property.* The person or persons who have
carriage of the application and who presumably will be witnessing most if
not all of the employee signatures should expect the possibility of having to
attend at a Labour Relations Board Hearing to ascertain the circumstanc-
es under which the document was created and filed with the appropriate
Labour Relations Board. In cases where a workplace is multi lingual and
where some employees' knowledge of English or French may be suspect,
applicants may well be advised to have a document prepared in the lan-
guage that employees who sign the document are most familiar with.

*[vi] All the legislation, in different ways, provides that employer interference
or coercion with respect to the origination and completion of a decertifica-*

tion application may nullify the application itself or the results of a vote in favour of decertification. Although litigated cases on this point are very fact specific, it is safe to say that if an employer is found to have been directly or indirectly involved in the decertification application by rewarding employees for promoting the application or by coercing employees to support the application, it is likely that this type of employer conduct will negate a decertification and cause the application to be dismissed. This may be the case even if the conduct of the employer falls short of constituting an unfair labour practise.

In Ontario, for example, the legislation allows the Board to dismiss a decertification application if the Board is satisfied "…that the employer or a person acting on behalf of the employer initiated the application or engaged in threats, coercion and intimidation in connection with the application". If a union wishes to challenge the decertification application on the grounds that the employer's conduct falls within this description, the union will be required to particularize the specific conduct of the employer and, at a hearing, the union will be required to prove that the alleged conduct occurred. In the absence of such pleading or proof, the Board would normally proceed to deal with the application on the basis of employee support. As a practical matter, unions often will make additional allegations of unfair labour practices against an employer whom the union believes has been involved in originating or supporting a decertification application, and the litigation can be more complicated and lengthy than simply dealing with whether a decertification application was initiated or influenced by the employer.

Management is often in a difficult predicament when a group of employees seek to decertify a union. On the one hand, management is not permitted to initiate the application or engage in conduct which might amount to threats or coercion with respect to the application. On the other hand, if management attempts to remain entirely neutral, employees who support a termination application may perceive that management may be making a "sweetheart" deal with the union or that, at the very least; management is simply apathetic about the concerns of employees. It is suggested that in circumstances where employees begin a decertification application, or

even takes steps which indicate that such an application is forthcoming, *it is generally prudent for management to communicate to employees advising employees of their rights with respect to expressing their free wishes.* In these circumstances, it would be helpful for management to specifically site the provisions of the relevant labour legislation and indicate that it cannot initiate or otherwise engage in conduct which might be seen as threats, coercion or intimidation so that employees will have an appreciation of the limitations upon which management can act.

A brief synopsis of cases decided by the Ontario Board under the "Initiation and Coercion" language referred to above is set out below.

[vii] An employer was found to have influenced the filing of a decertification application where it expressed its disappointment with the union, informed employees that they could file an application to terminate bargaining rights, where management representatives signed the petition and where the employer paid employees for the time they spent in mailing the application for decertification.

[viii] A decertification application was dismissed by the Board where one of the applicants could not explain how the application was drafted, delivered and filed and why it had been filed shortly after a previous unsuccessful attempt to decertify the union.

[ix] The employer did not violate the initiation or coercion language of the Act when it phoned employees, urging them to vote at the termination vote ordered by the Board, and did not encourage them to vote either for or against the termination application, nor did it express a preference. The Board rationalized this on the basis that an employer is entitled to take an interest in its workplace and how collective bargaining may affect its interests under the Act.

[x] The Board dismissed a termination application where the employer asked the employee involved to file the decertification application, where the employer helped the applicant prepare his submissions and promised to pay the individual money if he was successful in decertifying the union.

[xii] The Board dismissed a termination application where the conduct of the employees would lead a reasonable person to believe that the employer directly supported the application and such support was so obvious that this would be considered "initiation" under the legislation.

[xiii] As indicated, every decertification application must at least go to a secret ballot vote in order to be successful. One might legitimately query why in some jurisdictions (as in the federal jurisdiction) a union can be certified on a card based system (without the necessity of a secret ballot vote) whereas a union cannot be decertified without the necessity of a secret ballot vote. This is a matter of legislative policy which of course is always open to the governing party to amend. While we have seen legislation amend the certification process from a card based system to a vote based system (as did Ontario in 1995, although it later reverted back to a card based system in the construction industry), it is unlikely that any legislature will promote a decertification process based on a "document only" basis.

[xiv] A decertification application affects all employees in the bargaining unit. Even if for some reason they are not union members, everyone in the bargaining unit is impacted in exactly the same way. Either a decertification application is successful (in which case the union does not represent anyone in the workplace, whether or not they are union members) or it is unsuccessful (in which case the union continues to represent all employees in the bargaining unit, whether or not they are union members). Most Collective Agreements in Canada do have provisions requiring that all employees become and remain union members. A successful decertification application does not preclude any particular individual from remaining a member of the union.

> *Management is often in a difficult predicament when a group of employees seek to decertify a union. On the one hand, management is not permitted to initiate the application or engage in conduct which might amount to threats or coercion with respect to the application. On the other hand, if management attempts to remain entirely neutral, employees who support a termination application may perceive that management may be apathetic about the concerns of employees.*

If a Vote is Ordered, is the Employer Entitled to Campaign?

If a vote is ordered by the relevant Labour Relations Board, it will generally be held as soon as possible. An employer is entitled to campaign in a vote, subject to the usual rules that it cannot use coercion, intimidation or undue influence.

The following is a list of **acceptable employer conduct** and it is suggested that an employer should engage in the following activities:

- advise employees of the date, time and location of the vote.
- advise employees of their right to cast a vote (it will be by way of secret ballot) and that the vote will determine whether or not the union will remain the bargaining agent.
- advise employees that management will not interfere with their elective course of action and that they are free to continue to have the union as their bargaining agent or to terminate the union's bargaining rights. In either case, the employer will respect their decision and will at all times act in accordance with the law.
- employers are entitled to express their views. It is not unlawful, in and of itself, for an employer to express the view that the employees may be better off without a union, after all factors are considered. Employers are quite entitled to promote the idea that they do not require a third party to better their interests. *Employers should avoid making attacks on the union but rather should express their views in a constructive, balanced manner.* An employer should always keep in mind that if the decertification vote goes in the union's favour, the employer will be required to bargain again with the union and poisoning the relationship in communications with the employees will make that matter problematic.
- advise employees that it is a majority of employees who vote which determines the issue. Employees, who choice not to vote, are letting others make the decision for them. In the event that the vote is tied, the status quo will be maintained (the union will remain in place).

Employers are recommended not to take the following actions in a secret ballot representation vote:

- offer promises or rewards to employees if they decertify the union.
- threaten to transfer business elsewhere, close the facility or otherwise punish employees if they do not decertify the union.
- seek to identify how employees voted, or indicate it will become aware of how employees voted.

Remember that even if a decertification application goes to a vote (because the union does not challenge employer interference or does so unsuccessfully), the union can still contend that the employer's conduct in the decertification vote was an unfair labour practice, and seek to set aside the results of that vote. An employer's integrity will be seriously undermined with its employees if it campaigns in an over aggressive style, resulting in the Labour Relations Board nullifying what otherwise might have been the genuine desire by employees to terminate the union's bargaining rights.

NOTES

Chapter 9

Moving Forward

When a manager or leader adds his/her subjectivity and anger to labour relations matters, the outcome, in the vast majority of cases, is negative. For example, the process by which a group of employees selects, supports and votes for a union, is likely subjective for the employees. However, once an employer becomes emotionally and not rationally involved, the union has just been given a gift [the employer's anger and subsequent behaviour]. The same is true when a group of employees wishes to reverse the certification process. *Managers/leaders must never overtly attempt to alter the employees' wishes to form a union or to terminate their existing union.*

By and large unions do not operate on the principle of subtlety. Usually when they have something to say or do, they say it or do it. In doing so, they are likely responding to how they think their audience [your employees] wishes them to behave. Your management team should not make the same assumption.

Leaders have the organization's Values and Guiding Behaviours to shape their thinking and responses. As such they should avoid the pitfalls of subjective thinking and bringing their anger into play. Being subtle, while using clear communications, is well within the realm of possibility. Using the example of a 3-year Collective Agreement, *the employer has 33 months in which to correct the situations that led to the union while **strategically and methodically introducing Positive Employee Relations.***

Positive Employee Relations is not a substitute for a legal contract. It is a philosophy, an approach as to how to make decisions about your employees. It has all to do with your Values and how you subsequently interact with employees. *It is about positive relationships — building and maintaining them.* With this goal in mind, managers should not charge ahead as the proverbial 'bull in a china shop'. By getting the relationships right, *one works from principles [Values] and methodically builds respect, trust and transparency into the relationship.* Not something that happens overnight. It is critical to develop a plan — what, where, how and when — for a Values-base to Positive Employee Relations.

As you have read in the previous chapter [A Question of Decertification], Labour Boards have clearly spelled out the 'rules and regulations' they have established for the decertification process. *There should be **no** doubt that interference or support by one or more management personnel will cause the Board to terminate the employees' application for decertification.* However, this does not mean you can do nothing!

We are all aware of the rule in science [and in life] that every action has a reaction or consequence. Your leadership team should be strategically thinking about the positive consequences that will improve your culture [holistic working environment] and thereby influence employees to view management in a more positive light. Even with a Collective Agreement in place, there are a myriad of actions/behaviours that managers can take to favourably influence employees. Let me list a few examples:

- Candidates should be treated as customers. The interview should be a discussion — not an inquisition. When the candidate asks specific questions, provide information [assuming you are interested in the candidate]. Do not go out of your way to hire a candidate who has a track-record of being a union supporter.
- Parts of the orientation [on-boarding] might include the spouse — eg: benefits discussion, facility tour, an up-lifting presentation by the CEO, etc.,
- Employee Newsletters should be mailed or emailed to the employee's home — content should be news not history, relevant to the audience. For example, stories about the child the company and/or

employees is supporting overseas or pictures that have not been on the bulletin boards, etc. This could also be handled electronically.

- When a candidate is hired — and with their approval — post their picture and brief bio on the bulletin boards. This supports the introduction of the new employee to other employees. This could be handled electronically as well.

- Have the Front Line Leader [Supervisor] take the employee out for lunch or have lunch in a separate cafeteria space — at the end of week one. To quietly and discretely determine the employee's perceptions about the company, training, work, culture, etc. "Does the employee understand the Values of the company and how do they fit with the new employee's Values?" "How does the employee feel at the end of the workday and why"? Etc.

A similar 'event' can take place at end of three weeks hosted by a representative of Human Resources. A further three weeks and the next-level manager can host the employee. Simply stated: do whatever is needed to make the newly hired employee a success!

If you have hired correctly and followed steps similar to the above, management will be demonstrating their response to the 'people vs profits' question. You will be establishing a working relationship built on critical factors for the employee's betterment [this is not what a union would do!].

The three [3] month probation discussion and decision should now flow logically, accurately and with no surprises.

- By progressively having a more positive and sustainable culture over months 1–33, you will be influencing your employees to see both you and your organization as an 'employer of choice'. After 33 months of revitalizing and living your Values, your workplace environment and employee-manager relationships have the potential to be seen as 'healthy'; and your employees will logically question "why are they paying monthly union dues?"

Once the majority of employees have reached a similar conclusion; and you are continuing to following the 'intent' of this book — an employ-

ee-sponsored decertification application is as good as it gets.

We have observed that employees (working at hourly paid jobs) are *not inspired* by a higher corporate net margin. They are *not even inspired* by increased market share. And they are *not inspired* — at least not for very long — by a pay cheque adjustment. None of these things will cause them to care more about the company or make the effort to increase their level of performance.

What is the missing component? A more rounded understanding of the economics and finances of how business works would certainly help. Education and knowledge can go a long way to influence perceptions. But there is still a missing component — something they **can believe in** that will alter this whole dynamic. What would employees believe in?

At our fictional Sherborne Company we manufacture the world-recognized Widget. How can an employee be passionate about something as mundane as a Widget?

A mistake we, as leaders, make all too often is to assume that employees will be *motivated* when managers say:
  a) "You have a job, don't you?"
  b) "We are not laying people off"
  c) "We have stopped outsourcing and are bringing jobs home"
  d) "We have a new and substantial contract to make private brand Widgets for Home Hardware", and so on.

Without a doubt employees can (and often do) understand your words and their implications, but they may not perceive the big picture the way you and managers and executives do. If, as a leader, your wages were not enough to get you from one pay cheque to another, you would have a much better understanding of why employees are *not motivated* by the success of the Widget. If the business could manage it and if the competitive situation could support it, more wages would certainly be helpful and appreciated. But we already know the psychological value of a wage increase. It can be measured in days, not weeks or months.

So we come back to where we started. *What is the missing component?* Unfortunately, there is no simple short-term 'fix' for this type of employee relations problem… but there is a long-term strategy — Positive Employee Relations™.

> *Every action and behaviour we take on behalf of the organization is connected to everything else in our business.*

There is a connection between who we hire, their pay grade, their orientation and training, and most importantly, their direct supervisor or Front Line Leader. These are not separate events — they are all interconnected sub-systems. To change one of these sub-systems will, in one way or another, affect other sub-systems. So to say, for example, that increased wages, will affect the passion an employee has about a Widget — is a stretch. The consequential change, however, may be positive or negative. All these parts (or sub-systems) are linked into a bigger Employee Relations system.

How can employees be motivated within your organization so that they have no need to turn to a union? The answer, we believe, lies in how leaders respond to three major components of your Employee Relations system:

Some Components of the Positive Employee Relations

1) **The employees we hire** — their characteristics, attitudes, attributes, aspirations, and needs. If there is a Values-match between theirs and the organizations.

2) **The leaders of these employees** — their characteristics, aspirations, etc., as well as their Values, training, experiences as a leader; and the competencies of their next-level direct manager.

3) **Understanding that *employee inspiration* and *commitment* equate to 'self-actualization.'** If any 'fool' could do the job or if a robot could do the job, don't expect an employee to be engaged/inspired by this job.

Really, the only question for the executive team now is, 'how will we go forward'?

To re-acquire a non-union environment, an organization's underlying management philosophy should be reassessed. It is an accepted management axiom that the core factors in any business are survival and growth. Unfortunately, this is sometimes interpreted by leaders to mean survival and growth at any cost. Such a short-term approach, which frequently leads to a dehumanized work environment, has created critical long-term labour relations problems for many companies.

Business must make a profit, but it must also devote equal time to satisfying the needs and aspirations of its employees. A pro-active Human Resource philosophy must embrace these two *equally important* goals: people *and* profit. *We cannot attain one without attending to the other.*

It is critical to move this philosophy out of the abstract.

The philosophy should be articulated clearly and thoroughly; a balance between economic and Human Resource goals. We must not only *say* we are going to be equitable and consistent in our Human Resource programs, but we must *demonstrate* consistency in the development and day-to-day implementation of these policies and practices. This state is achieved through intentions and behaviour: words and actions. *'Saying what we will do; and doing what we say.'*

Now is your opportunity: begin to develop a program of Positive Employee Relations and take every opportunity to communicate and reinforce the nature and rationale for policies that support this program.

Start at the beginning — the organization's purpose and Values, intentions and behaviours, and then move to the all-*important* leader. Finally, look at ways to address the apparent 'needs' imbalance.

Once a Positive Employee Relations Program™ has been communicated to employees, these stakeholders will be watching very closely to see how

managements' ideas translate into actions. *It's all very well for the company to express its desire to deal directly with employees without intermediaries, but it will only be through actual performance in carrying out its intentions that the company will gain credibility and thereby earn back its union-free status.*

The union will take every opportunity to: a] assume credit for your initiatives, or b] take action to prove you have — in some fashion — violated the Collective Agreement. ***Don't be intimidated by the union's bluster.*** Continue to treat every employee as though they were a valued customer. The satisfied customers [employees] will show their loyalty to the brand [articulated Values]; the dissatisfied customers will demonstrate their views through their behaviour. When this behaviour violates the culture or Values, act promptly — in an adult-to-adult manner and adhere to your principles.

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Biography
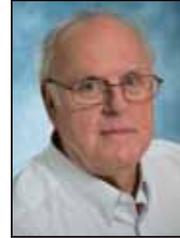
Lloyd Field, PhD
SPHR [US]; Fellow CIPD [UK]
CEO & Founder, Performance House International

As an international management consultant for the past 30 years, Dr. Lloyd Field has been challenged by some of the best leadership minds in the business community. With a rational understanding and values-based principals, he tactfully stands his ground, routinely convincing these same leaders to develop Positive Employee Relations™ strategies that have placed their organizations outside the need for a trade union. His union avoidance track record is also very impressive–on behalf of clients–he has NEVER lost to a union organizing campaign when his recommendations were followed. In all this time only two clients have not followed his advice… they were unionized within 3 months.

When asked if he is anti-union, Lloyd's response is "absolutely not! However, no company needs the added burden of union bureaucracy. If employees are treated as legitimate stakeholders, their needs will be met through Positive Employee Relations™ and engagement with their work. A union is then irrelevant."

Lloyd can be reached at lloyd@performancehouse.com or 519-725-5800.

Biography

Thomas Stefanik, LL.B.
Partner and Head of Employment and Labour Group

Tom is an active practitioner, speaker and trainer who brings an extensive background in employment and labour law to firms of all sizes.

On the labour relations side, Tom's practice involves counselling and representing employers in matters such as applications for certification by trade unions, unfair labour practice complaints, collective bargaining and arbitrations, human rights complaints, pay equity and privacy issues. In the employment area, Tom represents employers and employees in drafting employment contracts, litigating wrongful dismissal cases and dealing with post-employment issues such as restrictive covenants and fiduciary duties. Tom also represents employers with respect to occupational health and safety matters, including responding to orders and defending charges under the Occupational Health and Safety Act, as well as applications, appeals and other proceedings under the Workplace Safety and Insurance Act.

Tom regularly assists employers by proactively leading seminars and workshops for management on topics such as responding to union organizing campaigns and dealing with accommodating disabled employees. He also conducts workplace investigations as necessary to ensure that an employer's legal position is fully protected. Tom is a partner and head of the Employment and Labour Group at Torkin Manes, Toronto, Ontario 416-777-5430 or tstefanik@torkinmanes.com.

Contact Us

Lloyd or any of his colleagues would be pleased to respond to any questions that may occur during your use of this book.

Lloyd is also available for private consultation, executive coaching and speaking engagements on this and other leadership and management topics found on www.performancehouse.com.

Brock maintains a schedule of speaking and workshop engagements for Dr. Lloyd Field. Please contact Jay Martin at Brock Publishing to discuss your development or presentation needs.

Contact us at:

Jay Martin
Program Director
Brock Publishing
www.brocklearning.com
jay-martin@brocklearning.com