

In this Edition:

- Collaborative Teams Pull Together During Organizational Challenge and Conflict

Page 1

- AGM and Conference

Page 2

- Ask an HRLR Consultant

Page 3

- Telus Latest Offer

Page 3

- Family Status Discrimination

Page 4

COLLABORATIVE TEAMS PULL TOGETHER DURING ORGANIZATIONAL CHANGE, CHALLENGE AND CONFLICT

By Charmaine Hammond, MA, BA, CSP



In the social services sector, the path of change is frequent, steady and ever increasing. This can create challenges for teams, including an increase in conflict and collaboration breakdowns. Change and conflict in the workplace can tear some teams apart yet some teams just seem to pull through the tough times with more ease.

What accounts for this difference?

Collaboration fuels a team to work towards a common goal, purpose or outcome. Several years ago I facilitated some team training and a team building session with a social services organization that was facing rapid and extensive change, including staff turnover and funding cuts. The leader knew from past experience that change often raises unresolved conflict, or new team conflicts emerge. Her approach as a leader is to apply what I call the 'triple P skill set,' that is to be Pro-Active, Prepared and People Oriented. This is a good recipe to resolve workplace conflict and help teams navigate through workplace change and some of the communication breakdowns that often accompany change.

STAY IN TOUCH

We welcome all suggestions and comments. Feel free to send your feedback to Doris Sun, Director of Communications, at: dsun@cssea.bc.ca.

The leader knew some of the changes that would be impacting the team and immediately took the following steps to reduce conflict and change resistance and increase engagement and communication, including:

- **Plan:** She created a plan, a schedule and action steps. This provided her with a tool to work from, and the team appreciated seeing how all the “little actions” were part of the “bigger picture.”
- **Frequent (and clear) communication :** The leader communicated updates (even if there was no update, she communicated “no update” at team meetings, through all team emails, and in one-on-one communications. This reduced opportunity for rumours and assumptions and created a heightened degree of trust and stability in the team.
- **Engagement:** She asked the team for their ideas. She facilitated conversations about how to roll out the changes, communicate with their clients, and to anticipate what questions the team may be asked. This engaged the team and reduced apprehension.
- **Q and A Tracking:** She kept track of the questions that were surfacing in the team so she could share with the leadership and change management team, and her Board of Directors.
- **Communication Corrections:** She corrected rumours and confronted gossip immediately, and addressed issues and concerns with immediacy instead of avoidance.

When the change was rolled out, the team was organized, prepared and ready. The leader’s approach, which was based in collaboration, set this team up for success.

Is your team facing change? Dealing with conflict and team challenges? Come see Charmaine’s presentation, *From Breakdowns to Breakthroughs: Resolve Conflict and Manage Difficult Situations* at CSSEA’s 2019 AGM and Conference. Only a few spots remain for her session on October 8, from 1-4pm!

2019 AGM AND CONFERENCE TO SELL OUT SOON



We are so pleased with the overwhelming response to our conference, *Imagining the Next 25*. Several sessions have already sold out and most of our remaining sessions will be selling out imminently. Act now in order to avoid disappointment! Register for one of our final few spots at: <https://conference.cssea.bc.ca/start.aspx>

Registration will officially close on September 27, 2019.

**We look forward to seeing you from October 8-10 at the Marriott
Vancouver Pinnacle Hotel!**

ASK AN HRLR CONSULTANT: VANESSA WONG

We have scheduled interviews and have been advised by the union that an applicant has requested an observer. What should we know?



The relevant article is *Article 24.6 – Local Union Observer*, which reads:

“The President of the Union or her designate may, upon an applicant’s request, sit as an observer on a selection committee for posted positions within the bargaining unit. The observer will be a disinterested party.”

An applicant to a posting may request an observer from the union. The union will arrange for someone not from the applicant’s agency to attend. The union will inform the employer who will be attending as the observer. The union will not disclose the identity of the applicant who requested an observer. The observer sits in all the interviews even if the other applicants do not want the observer present.

The role of the observer is to ensure the selection process is fair and consistent: all the applicants are asked the same questions and receive the same level of probing. Employers should avoid any editorial comments during the interviews. The observer does not have a speaking role in the interviews. The observer only takes notes and if applicable, documents anything of concern. The observer does not participate in or sit in on the employer’s

deliberations. They do not make hiring decisions. Employers make hiring decisions.



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WHAT EMPLOYERS NEED TO KNOW ABOUT FAMILY STATUS DISCRIMINATION

By Sara Grujin, Advocate

In all Canadian jurisdictions, human rights legislation prohibits discrimination in employment based on family status. Family status discrimination claims arise where an employee has a family-related obligation that conflicts with his/her ability to meet workplace standards. In BC, the test for determining whether discrimination has occurred on the basis of family status was established in *Health Sciences Association of B.C. v. Campbell River and North Island Transition Society*, 2004 BCCA 260. The validity of the Campbell River case has been the subject of controversy, and was recently tested in *Envirocon Environmental Services, ULC v. Suen*, 2019 BCCA 46. The Supreme Court of Canada's decision to deny leave to appeal in *Envirocon*, has concretely established that Campbell River is still good law in BC.

In *Campbell River*, the employee had a son with behaviour and medical needs that necessitated parental and professional care. The employer changed the employee's work shift such that she could no longer provide her son with after school care. The employer did not engage in accommodation discussions, and refused to reinstate the employee to her old shift.

In this case, the Court of Appeal held that a demonstrable case of family status discrimination is made when the employer imposes a change in a term or condition of employment, and that change results in serious interference with a substantial parental or other family duty or obligation. Based on the facts of this case, the Court held that the medical evidence presented of the employee's son's major psychiatric disorder, and the employee's evidence that caring for her son during after-school hours was an "extraordinarily important medical adjunct" to her son's wellbeing, satisfied the definition of a substantial parental obligation. The decision by the employer to change the employee's hours of work was determined to be a serious interference with her discharge of her substantial parental obligation, and a case of discrimination was established. The matter was then remitted to the arbitrator to address the employer's duty to accommodate.

In *Envirocon*, the employee alleged that his former employer discriminated against him when it assigned him to a remote work site for a period of eight to ten weeks after his daughter was born. The employer applied to dismiss the complaint before the BC Human Rights Tribunal based on the position that the employee did not meet the test for discrimination under *Campbell River*, namely, that there had been a change in a term or condition of employment imposed by the employer, and that the change had resulted in a serious interference with a substantial parental or other family duty or obligation of the employee. The Tribunal refused the employer's application to dismiss, finding that the employee had evidently established discrimination based on family status. Additionally, the Tribunal called into question whether the test outlined in *Campbell River* should continue to be followed in BC.

The employer then appealed the decision to the BC Court of Appeals. The Court of Appeals reversed the Tribunal's decision, and held that the employee was not able to establish discrimination based on the fact that the employee's child would not have care in his absence or that the child had special needs. The Court held that the employee was not able to establish a substantial parental obligation that necessitated the need for the Court to determine if a serious interference had occurred with that parental obligation. The Court held that the employee's desire to be close to home was a personal preference rather than a substantial parental obligation. The employee then applied for leave to appeal the decision to the Supreme Court of Canada, and on August 8, 2019, the Court dismissed the leave to appeal, signifying that although there are different approaches taken to family status discrimination across Canada, the applicable test in BC will continue to be the *Campbell River* test.

Impacts and Application to the Sector

Each claim for family discrimination should be determined on a case-by-case basis. One common example of a situation that may engage a family status discrimination analysis is child care obligations. To determine if a work requirement triggers family status protection, and therefore triggers the duty to accommodate up to the point of undue hardship, the employer will need to determine if the level of family status obligation that underlies the discrimination claim is a **substantial parental or family duty or obligation**, and that the level of adverse impact caused by the work requirement amounts to a **serious interference** with the employee's substantial family duty or obligation. Please contact your CSSEA HRLR Consultant or Advocate to discuss the specific facts of your situation to determine if family status protection is engaged.