

# CSSEA NEWS

COMMUNITY SOCIAL SERVICES EMPLOYERS' ASSOCIATION

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## Managing Social Networking in the Workplace

Bela Barros, Legal Research Analyst

It is important for employers to be aware of the risks associated with their employees' online activities. A carefully drafted social media policy can be of assistance to employers trying to manage those risks.

Employees can inadvertently create significant potential liability for their employers by making careless online comments. The primary areas of risk are generally related to:

- Maintaining a respectful and harassment-free workplace;
- Maintaining standards of appropriate and ethical communication;
- Protecting the employer's confidential information and trade secrets; and
- Protecting employee and customer privacy. (Roper Greyell, Issue no. 51, March 2011)

Employers should create and enforce a social media policy distinct from an information technology policy ("IT policy"). An IT policy is a general guide for the use and management of information technology equipment, software and services. An IT policy may address responsible business and personal use of computer equipment, proper internet and email usage guidelines and data retention principles.



A social media policy addresses a specific concern within the IT policy: appropriate employee communication on the internet. A social media policy provides employees with responsible use guidelines, prevents and deters inappropriate conduct and sets out consequences for a breach of the policy. Employers should adopt and enforce a social media policy that is made clear to its employees.

A carefully drafted social media policy should:

- Clarify the purpose of the policy: i.e. to establish expected standards of conduct about employee use of social media; and the rationale for the policy: i.e. to protect the employer's reputation and other legitimate interests.
- Explain who the policy applies to, when it applies to those people and whether different employees are subject to different guidelines.
- Define what social media is. Since the types of social media are always changing, it is prudent to create a broad definition.
- State that social media communication may easily become public, anonymity on the internet is unlikely and that statements are likely impossible to retract once made.

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If your email address has changed, please notify us at [cssea@cssea.bc.ca](mailto:cssea@cssea.bc.ca)

Executive Editor  
Kathie Best

Editor  
Doris Sun

Contributing Writers  
Bela Barros  
Gentil Mateus  
Parm Sandhar

To contribute suggestions, articles or photos, contact:

Doris Sun  
604.601.3113  
[dsun@cssea.bc.ca](mailto:dsun@cssea.bc.ca)

Community Social Services  
Employers' Association  
800 Two Bentall Centre  
555 Burrard Street, Box 232  
Vancouver, BC V7X 1M8

TEL 604.687.7220  
1.800.377.3340  
EMAIL [cssea@cssea.bc.ca](mailto:cssea@cssea.bc.ca)  
WEB [cssea.bc.ca](http://cssea.bc.ca)



# From the CEO



Though December is typically the month when organizations slow down their operations to give clients and staff the opportunity to enjoy the holiday season, we at CSSEA have been excelling our pace.

A key reason for the ramped-up efforts is due to our upcoming reorganization. Our new structure will realign the HRLR department into distinct specializations, HRLR Services and Legal Services, which will allow consultants to develop subject matter expertise. In addition, consultants will be organized along geographical regions to gain specialized knowledge of local issues. The transition is to be completed by March 1, 2012 and your current consultant will work with you every step of the way to ensure it is seamless and orderly.

Our new focus will also see us exploring advanced methods of data collection to support bargaining. As you know, government relies on CSSEA sectoral

data when making funding-related decisions, therefore it is essential to position ourselves as the data repository for the sector. To that end, CSSEA has created a Research and Knowledge Management department that will be dedicated to data collection for research and costing purposes. The new department is headed by Eric Peraro, formerly of HEABC. His key priority will be a streamlined data collection process that assures we generate reports on aggregate data for the sector, thereby safeguarding your agency's privacy.

I am also extremely pleased we are wrapping up the year with the ratification of the Aboriginal Services collective agreement, for which we relied heavily on the work of Bernadette Spence, Robert Donahue and CSSEA staff. The official results will not be in until December 6 but the initial reports give the indication of a positive vote. Despite our collective relief this round of bargaining appears to be completed, there is little time to sit back, as Bargaining 2012 is just around the corner. We are in the midst of finalizing the

2012 Bargaining Committee members and will embark on a series of regional meetings in the New Year to discuss and finalize the employers' proposal.

On the staffing front the year ended with a number of changes, with some familiar names like Doug Starr and Sandi Case leaving CSSEA to take on new professional challenges, and others such as Jessica Gregory taking on a new role in January as Director of HRLR Services. Change can be difficult as new dynamics are introduced, but it is also an exciting time of renewal. I thank Sandi and Doug for the wonderful contribution they made to this sector. I would also like to take this opportunity to remember Bill Nelson. His passing was devastating and staff are still trying to cope with the huge loss. Bill's absence will mean that in the short term we will reassign his clients among the HRLR consultant group. We ask you for your understanding in the next few weeks if your calls are delayed.

I thank you all for your continued support and wish you a joyous holiday, surrounded by all the delights this time of year brings. ■

Amendments to the Workers Compensation Act were proposed on November 3, 2011 by the provincial government. The changes include:

- broadening compensation coverage for mental stress conditions arising in the workplace;
- adjusting compensation for injured apprentices;
- granting survivor benefits to common law couples; and
- confirming recent inflation adjustments.

For more details on the amendments, please see the link below to Bill 14.

Regarding the expansion of mental stress coverage, the proposed legislation broadens compensation for mental stress arising from the course of the worker's employment to go beyond the current requirement of "an acute

reaction to a sudden and traumatic event" and include the reaction to:

**PROPOSED  
AMENDMENTS TO  
THE WORKERS  
COMPENSATION  
ACT EXPAND SCOPE  
OF MENTAL STRESS  
COVERAGE**

**by Bela Barros**  
**Legal Research Analyst**

- one or more traumatic events;
- a significant work-related stressor; or
- a cumulative series of significant work-related stressors.

Mental stress resulting from an employer's decision about the worker's employment will continue to be excluded from coverage. Such scenarios include: a decision to change working conditions or

the work to be performed and discipline or dismissal of the worker. Further, to be eligible for mental stress compensation in BC, a recognized diagnosis by a physician or psychologist also remains a requirement.

If enacted, the proposed amendments may have important implications for all employers in this province. WorkSafeBC will develop policies on when mental stress claims will be eligible for compensation. The extent of the expansion of coverage for mental health claims will depend upon the manner in which WorkSafeBC's policies apply the new criteria.

Bill 14 can be accessed at: [http://www.leg.bc.ca/39th4th/1st\\_read/gov14-1.htm](http://www.leg.bc.ca/39th4th/1st_read/gov14-1.htm). ■

## In Profile: Becon Support Services Ltd.

*Kristen Kay, Director of Quality Assurance and Practice, tells us how her agency went cyber*

**Tell us about Becon Support Services; how many employees do you have and what community you serve?**

Becon Support Services is based in Victoria and provides services to individuals throughout Vancouver Island. We currently have 119 employees, 29 contractors, and serve 89 individuals. Becon supports children, youths and adults who have developmental disabilities. We also have 8 staffed residential homes.



Becon Support Services staff at a dinner hosted in their honour.

**Your agency is now on Facebook. What motivated you to join the realm of social networking?**

We joined Facebook because we feel that connecting using social media is the wave of the future. It is, for the most part, safe and accessible for employees and service users to connect with each other and with Becon the same way they are connecting with people in other areas of their lives.

**How successful have you been in reaching out to your target audience and what challenges have you encountered?**

We have a facebook "group." I put it up a couple years ago, before facebook "pages" were the thing. I think we would hit more of our target audience with a page than a by-invite group, so it's on the list of

things to do in 2012. We currently have 80 members in our group, mostly employees of Becon, persons supported, family members of persons supported, and colleagues/connections from our field. This is our target audience.



Executive Director Rhonda Connell acknowledging a 10-year employee.

**What kinds of staff seasonal events do you have planned?**

Each year our executive director, Rhonda Connell, hosts the annual gala dinner and dance. We host this celebration at the beginning of the holiday season, but in order for it to be inclusive of all employees and care providers, it does not have a Christmas or other cultural theme. We honour employees who have been with Becon for 5, 10 and 20 years. This year 15 employees and services providers were awarded. We also host an annual Family & Friends Christmas dinner, where we invite all individuals supported at Becon, families and friends of individuals supported, and employees and care providers and their families. This is perhaps our most attended event of each year! There is a turkey dinner served, music DJ'ed by an individual supported who has started his own DJ business, and a visit from Santa and his elves with bags full of gifts.

Rhonda delivers a box of Purdy's chocolates, purchased from a fundraiser, to each residential services home for the staff to share.

Also, as an agency, we take part in a number of giving initiatives. For example, we have a competition between programs to see who can come up with the most non-perishable food items to donate to our local food bank, with the winning team receiving a prize!

**With your staff interspersed at various locations, how are you able to build a sense of team work?**

We talk about teams a lot at Becon starting with interview questions and new employee orientation script. Teamwork is a value we cherish, so we select new employees and contractors partly on their ability to, and interest in, being part of a team.



Employees attend a workshop on deaf culture.

**What goal or resolution do you have for 2012?**

There are so many! For individuals supported, I think it would be around personal goal achievement and maintaining this year's success of 100% of individuals supported achieving at least one of their personal goals. If we were to ask individuals supported that question, they would probably say to keep up all the social events and parties! For employees, we would like to maintain 100% satisfaction with their job with Becon. And as an agency, to have another super successful CARF survey in June, 2012. ■



2011 AGM  
Scrapbook

Thank you to all who  
attended and contributed  
to making the event a  
success!



- Emphasize that computer use by the employee may be monitored by the employer, and that the employee should not have any expectation of privacy.
- Set out the circumstances when monitoring may occur and when an investigation into appropriate use may be initiated.
- Make employees aware of prohibited conduct including:
  - sharing of confidential information about the employer, its employees or clients;
  - posting of disparaging comments about the employer, fellow employees or clients;
  - engaging in workplace gossip online;
  - harassing or discriminatory comments;
  - use of the employer's logo or anything that would cause confusion as to whether the site is an official site of the organization; and
  - speaking on behalf of the employer or representing themselves as an agent of the employer when it has not be authorized.
- Clarify that the line between work use and personal use is not distinct. Employees are to govern themselves honestly, respectfully and ethically in both capacities at all times.
- List the other policies of the organization which the employees are subject to when using social media including the organization's code of conduct if available, confidentiality policies, anti-harassment policies, and conflict of interest policies.
- Remind the employee of the consequences of breaching social media standards and polices including the termination of the employee and civil liability to the employer and the employee.
- Obtain employee acknowledgement and acceptance of the terms of the policy. (FMC Law, May 11 2011)

Employers should tell employees what their organization's approach to social networking is, and remind employees of it regularly. Social networking has become so common that regular reminders of the workplace rules are needed. ■

## Sectoral Case Updates

**Class 4 driver's license – Issue:** Interpretation of Article 28.12, specifically, which costs an employer is obligated to pay. **Status:** A case management meeting is scheduled for January 23, 2012.

**Verbal warning reduced to writing - Article 11 – Issue:** Documenting a verbal warning. **Status:** Arbitrator Moore determined that a documented verbal warning is considered a written warning. A copy of the decision is on CSSEA's website, under LR Awards and Decisions.

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

**Use of sick leave by part-time employees – Issue:** Use of sick leave credits by part-time employees on days outside their regularly scheduled shifts. **Status:** CSSEA has requested an opportunity to respond to the union's case. Written submissions are being scheduled.

**Employee Exclusions – Issue:** BCGEU's organizing department is attempting to claim as members employees that have been excluded from the bargaining unit for many years. **Status:** CSSEA has objected to the inclusion of these staff in the bargaining unit. Submissions have been filed with the Labour Relations Board (LRB). This case has now been resolved by Vice Chair Ken Saunders.

**Variance of certification and declaration re: bargaining agency – Issue:** The HEU has attempted to file an application with the LRB to cancel the BCGEU's certification. **Status:** The parties are to file written submissions in January and February, 2012.

**Expedited Arbitration – Issue:** Arbitrator Wayne Moore has issued his review of the Expedited Arbitration Pilot Project. **Status:** CSSEA and the BCGEU have concluded a revised Expedited Protocol for the coming year. Expedited hearing dates are being set regionally for 2012.

## Ask an HRLR Consultant: *Parm Sandhar*



**Q:** *What are the significant changes to the harassment language in Article 29 of our new collective agreements?*

**A:** • The 2006-10 collective agreements included language that personal and psychological harassment had to be based on one of the prohibited grounds of discrimination under the Human Rights Code. There is a departure from this language in the 2010-12 collective agreements. The language now includes “behaviours” that are not based on the prohibited grounds but are consistent with the recent amendments to WorkSafeBC legislation.

- This language is not meant to capture one or a few single minor incidents; however, if the single incident is serious in nature, e.g. threatening to injure someone, the new language would capture this and consider it harassment.
- Giving directions, evaluating performance and even disciplining employees will not be considered harassment, assuming they are not carried out in an abusive, demeaning or hostile manner and have a legitimate work purpose.
- An employer improperly disciplining an employee, if acting in good faith, is also not considered harassment, as an employer is allowed to be wrong.
  - The employer can conduct an investigation of alleged harassment without involving an external consultant, as employers did under the previous collective agreements.
  - The complainant is required to provide written particulars of the harassment. This practice was adopted in order to minimize complaints that have no merit.
- Employers are advised to review article 29 of the new collective agreement as there are also minor changes in the harassment protocol procedure.

*Send your questions to [dsun@cssea.bc.ca](mailto:dsun@cssea.bc.ca)*

## Hellos and Farewells



We are sad to announce that after 10 years at CSSEA, our Director of HRLR Services, Sandi Case, will be leaving to pursue another opportunity. We thank Sandi for all her hard work over the years and wish her the best in her future endeavours. Sandi’s last day at CSSEA will be December 28.

Managing Consultant Doug Starr has also left CSSEA due our restructuring. We thank Doug for his 11 years of service and wish him all the best.

We are excited to welcome Eric Peraro as the Director of Research and Knowledge Management.

## Changes to Minimum Wage Rates



Employers are reminded that the following minimum wage increase is set to take place on May 1, 2012:

- Currently – \$9.50 per hour;
- May 1, 2012 – \$10.25 per hour.



*Seasons Greetings*

**On behalf of the entire staff at CSSEA, we wish you a safe and enjoyable holiday season!**