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SUMMER 2024 VOLUME 22, No. 3



Brian Faller  
RPR, CMP  
Manager,  
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# Oil and Water: Technology and Older Workers

*Take the reins and reap the benefits*

The stereotype about aging employees being unable to adapt to change or learn new technologies is a persistent one—and not entirely without merit. That said, I think that most active employees still committed to making an impact through their work have accepted technological advances as part of the package. Naturally, some difficulty may be inevitable, but there are many ways that you can make it easier on yourself. If you find yourself daunted by the introduction of new tech (or need to motivate a colleague who feels that way), here are some suggestions to get you thinking more productively about the whole endeavour and accept that technology is not the enemy.

## Successful people never stop learning

Don't you agree? No ambitious person would ever claim to have arrived at a point where they know everything they need to know and have no use for new knowledge or ideas. While most of us have met individuals who claim to know everything about anything and there is nothing you can teach them, we know that these people won't make it to the top in today's workplace. It is the same with technology as with any other aspect of your personal or professional life—you should continually be growing.

If you're the one trying to encourage the adaptation of new technologies, having career path discussions with employees of all tenures can go a long way to showing them the real benefits. It is also wise to offer varied training methods such as online training and mentorship. Everyone learns differently and at their own pace. Mentoring leaves room for more or less formality. It may involve assigning a mutual mentorship between an older and younger employee so they can learn from

each other. Why not? Let's make the most of the resources at our disposal.

Never underestimate your people. Everyone must remember that while older employees may not have grown up with new technologies like their younger and so-called digital native colleagues have, they are not totally illiterate in technology use. Make sure that those involved in teaching the new systems learn some basic "Train the Trainer" techniques. There is nothing worse than a seasoned expert with extensive knowledge in a particular area trying to teach a novice by yelling or using a flaring temper to get the message across. Even the less experienced deserve patience and respect.

## A good attitude goes a really long way

If, on the other hand, you are a veteran employee not feeling particularly enthusiastic about the technological changes being implemented, remember that this is largely about your attitude and frame of mind. Before getting overwhelmed, note that the desire to learn new skills is an essential attribute for succeeding in every aspect of your life. It might take you a bit longer than the Millennial or Gen Z to grasp new technology, but you can more than make up for this through commitment and a willingness to learn. Also, remember that you don't have to become a total tech genius to do your job well. Instead, focus on a few essential skills that will have immediate consequences for the tasks that lie ahead.

*Brian Faller is Manager, Administration for IPM [Institute of Professional Management].*

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*"Ms. Jenkins, please inform the 3rd floor I've decided to fire them, and tell floors 4, 7 and 9 that they're next if they don't get it in gear."*

Perspective



Nathaly Pascal  
RPR, CMP, RPT  
President

President's Message

# Problem Solving: Think Differently

*The same approach doesn't always work*

Some problems just won't go away. No matter what we try to do, they seem to come back up like weeds in our well-tended gardens or workplaces. The good news is that there may just be a way to resolve that problem once and for all. In fact, there may be many solutions. Sometimes, it's actually thinking about the problem that prevents us from getting to a workable solution.

One thing is certainly true. To solve a problem, you must first understand it. You can do that with any problem by asking questions and getting more information. The five "W" questions help: who, what, when, where and why. They may provide answers or clues that lead to a resolution of the problem at hand.

Applying the KISS principle helps. Keep it simple, stupid. How do you eat an elephant? It's one bite at a time. How do you solve a big problem? Focus on the smaller elements that make up the larger whole so that the task is manageable – one piece of the puzzle at a time. Select one aspect of the problem and solve that piece. Continue the process until each element is resolved and the puzzle is then complete.

Sometimes we cannot find the answer to some problems on our own. On those occasions, we should consult an expert advisor for insights and perspective. There may also be manuals or guides that can help or even tools or technology that can diagnose and solve the problem. Another strategy that works is to start with possible solutions and then work backwards through the problem to reach the solution. This sounds convoluted, but it shifts your thinking away from the problem to free up brain power on the solution side.

Some approaches can even help you think better while you are trying to solve a problem. Brainstorming is popular and often highly effective. It can be a useful tool to bring a team together, giving rise to plenty of ideas – some of which may provide a viable solution. If your head hurts after thinking about a problem, then give it a break. Try not thinking about the problem for a whole day. You may be surprised at the results.

Finally, give it your best effort but let go of the result. Some problems are easy and you will solve them in a snap. Others take time. At the end of the day, be satisfied with your efforts. Tomorrow is a new day and there will be new problems to solve.

Always remember Albert Einstein's advice: "Problems cannot be solved at the same level of awareness that created them."

*Nathaly Pascal is President of IPM [Institute of Professional Management].*

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**Howard Levitt**  
LL.B.  
Senior Partner,  
Levitt Sheikh LLP

ASK THE EXPERT

# Worst Mistakes in Providing References

**Q** | *What are the worst mistakes employers make in providing references??*

**A** | **1) Refusing to provide one**  
References are one of the best motivational tool employers have. After all, if an employee knows that, however hard or however lazily they worked, the reference would be the same, why bother?

Canadian employers do that out of fear of being sued for defamation. As I will discuss, that is entirely unfounded. Even if you say something terrible and are wrong in what you say, as long as you had an honest belief and were not entirely negligent, the employee has no recourse even if they can prove that your false reference cost her or him a job.

Also, employees have obtained additional money in wrongful dismissal claims because of the employer's refusal to provide a deserved reference.

**2) Not providing a reference when you are sued for wrongful dismissal**

Not only will this potentially result in a larger award to the employee, but a reference can help the employee find other work and reduce your damages.

**3) Providing a reference with a gaping hole.**

If an employee actually stole from you, there is nothing legally improper in saying that in a reference. If instead you provide a nice reference extolling, for example, their work ethic or punctuality but leave out the fact that they stole, and then an employer relies on that reference and hires that employee. If the new employer is stolen from and learns that the employee had stolen from you as well, that employer can sue you for negligent non-disclosure. Therefore, if you are going to provide a reference, you can't leave out the glaringly bad.

**4) Providing a reference to an employee who then sues you.**  
Too many cases of discharge for incompetence are lost because a compassionate employer provides a nice reference. The employee sues, you raise their incompetence and the employee's lawyer responds with your reference saying precisely the reverse. If you might be sued, do not say anything in a reference that might destroy your defence.

**5) Providing a bad reference if you wish to preserve goodwill.**

If word gets out that you provide superficial references, it might be extremely demotivating to your workers. As well, providing a terrible one rather than none at all will create an enemy for life in that employee. Is it really worth it?

References are strategic and should not be awarded without consideration of all the implications.

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References are strategic and should not be awarded without consideration of all the implications.

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# Scaling HR for Start-Ups and Small Business

## *Strategies for Success*



**Carla Hurley**  
M.Ed., CPHR,  
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*Hurley HR*

Feature

**S**caling Human Resources (HR) for start-ups and small businesses is a challenge that can make or break its trajectory. This article offers insights and strategies to help start-ups and small companies scale HR operations.

### **Meet them where they are**

Strategic HR scaling begins with assessing the organization's current state, short and long-term goals and maturity of HR practices. By understanding the company's present circumstances and future aspirations, HR practitioners can develop a strategy and roadmap that aligns with the growth, speed and trajectory of the business. Early HR engagement enables evolution in parallel with the organization.

### **Compliance is a table stake**

Moving beyond the initial stages, these enterprises require support in comprehending the intricate landscape of legal requirements, statutes and ethical considerations surrounding various HR functions. As the business evolves from a one-person operation to a workplace comprising diverse teams, HR professionals provide guidance on compliance matters, identify potential risks and implement mitigation strategies to safeguard the organization's interests.

### **Partner with business leaders**

HR can be misperceived as a bureaucratic obstacle and enforcer of rules rather than as a strategic partner and facilitator of business growth. Effective HR professionals can change this by engaging with business leaders, understanding their objectives, managing risks and aligning HR strategies. By actively collaborating with business leaders, HR can contribute to business efficiency and effectiveness.

### **Balance best practice, next practice and fit**

HR professionals must adeptly balance their understanding of the current state of the organization, prevailing best practices, emerging HR trends and the concept of "next practice." They work to craft and 'fit' a scalable customized strategy that meets current operational demands and expands with the company. This helps to prevent overwhelm that can come along with rapid business expansion.

### **Establish consistent and replicable processes**

The lack of documented processes hampers efficiency and introduces potential risks as inconsistent practices become the norm. This can also breed perceptions of unfairness, erode trust and dampen morale among employees, ultimately hindering the organization's ability to attract and retain top talent. HR professionals can play a key role in ensuring fairness, consistency and transparency by instituting consistent processes, thereby bolstering employee engagement and satisfaction as well as organizational resilience.

### **Accomplish short term goals and simultaneously plan for long term**

In the initial stages, businesses are consumed by the urgent tasks of operational set-up, such as hiring employees, establishing payroll systems and ensuring regulatory compliance. However, the success and sustainability of the business also hinges on having a clear vision for the future and aligning HR programs and services. Neglecting long-term planning leaves the organization ill-prepared for maturation, growth and expansion. HR professionals must balance addressing pressing needs while dedicating sufficient time and resources to plan strategically. This dual emphasis ensures that the organization remains agile and adaptable as it progresses along its growth trajectory.

### **Automate where possible**

Even if investing in a comprehensive Human Resources Information System (HRIS) may not be initially feasible, assessing how third-party systems can support various aspects of HR such as recruitment, payroll and time tracking is crucial. While sophisticated solutions may integrate employee lifecycle processes, businesses should prioritize exploring automation opportunities consistent with maturity and budget. By adopting a pragmatic approach to automation, start-ups and small businesses can enhance operational efficiency, reduce manual workloads and lay the groundwork for future scalability and growth.

### **Build flexible HR resource capacity**

Start-ups and small businesses may not require nor can they afford a full-time HR professional. One

*continued on page 7...*



**Lorelle Binnion**  
J.D.

Senior Associate,  
Borden Ladner Gervais  
LLP

Feature

# Federally-Regulated Employers Now Obligated to Supply Menstrual Products to Employees

*Employers comply or pay the penalties*

Federally-regulated employers in Canada are required to provide menstrual products, including clean and hygienic tampons and menstrual pads, to employees at no cost with the amendments to the *Canada Labour Code* regulations in December 2023.

Workplaces are currently required by legislation to provide toilet and washing facilities as well as necessities such as toilet paper and soap. For the approximately 35% of the federally-regulated employees who menstruate, including cis-gender women, non-binary individuals, trans-gender men and intersex people, menstrual products are equally necessary to their participation in the workforce. The requirement for employers to provide such products aims to make life more affordable and workplaces more equitable for those who menstruate.

These regulations are also expected to improve the mental health, performance and productivity issues at the workplace that can occur when employees do not have access to menstrual products at work due to an unexpected start to a menstrual period, financial barriers or other reasons.

## What is required by employers?

These new Regulations apply to both public and private federally-regulated employers in Canada who are subject to the jurisdiction of the *Canada Labour Code*. Federally-regulated employers are those who work in industries under federal jurisdiction, including but not limited to interprovincial and international transportation such as airports, railways, trucking, maritime and pipelines, telecommunications and broadcasting, banks, postal services, feed, flour, seed and grain, First Nation Band Councils and Indigenous Self-Governments, and federal Crown corporations.

Federally-regulated employers must ensure menstrual products are placed in each toilet room at the workplace, regardless of marked gender. The requirement applies to all workplaces, including office, mobile and remote workplaces. If it is not feasible to provide

menstrual products in a toilet room, the employer must provide them in another location that is controlled by the employer, accessible by employees at all times and offers a reasonable amount of privacy.

In addition, employers will be required to provide a covered container for the disposal of menstrual products in each of the toilet room compartments, regardless of gender. Currently, containers for the disposal of menstrual products are only required in toilet rooms provided for use of female employees. These changes will ensure that all people who menstruate will have equal access to and use of menstrual products regardless of their gender identity.

Employers may decide what brand of products to provide and are not required to consult employees on their preferences. Employers also have a significant amount of flexibility under the Regulations to decide how specifically the menstrual products will be stored and accessed by employees, in a way that makes sense for each individual worksite. While not specifically required, this may include the installation of menstrual product dispensers in workplace bathrooms.

The precise cost of this program to employers is difficult to estimate because it is hard to know what the uptake rate will be in any particular workplace. Some employees may prefer to use their own reusable or environmentally friendly products, whereas others may prefer to use a particular brand. Particularly if employers opt to provide cheaper and arguably inferior menstrual products, it may be that employees use them only as a last resort.

## Risks of Non-Compliance

Employees may make an internal complaint to their employer that the rules regarding provision of menstrual supplies are not being adhered to. If the employer does not adequately resolve the complaint, the employee may then submit a

*continued next page...*





# Bite Off a Chunk



Members  
Quarterly  
Staff Writer

## Create the chunking design in your training

Do you remember when we were young kids? We used to learn things a bit at a time. Well, it turns out that no matter how old we get, that's still the best way to learn new things. We have fancier names for some of these methods now, but one that is popular in the training industry is chunking.

Chunking is the process of breaking down instructional materials into smaller, bite-sized pieces and then arranging those pieces into a sequence. By arranging the pieces into a sequence, you make it easier for your learners to remember the material.

## How chunking works

How many things can you remember at a time? Most people can only remember four to seven bits of information from one moment. Chunking helps pass this limit by creating meaningful patterns from the information we're learning, thereby connecting the dots of all the small details into one big piece of information.

Once a meaningful pattern has been created, our brain codes and stores the information. This is called pattern recognition, and it not only feeds your creativity, but it also boosts your brainpower. This is the essence of chunking — creating links between pieces of information to create one big piece of information. For example: combining your grocery list into a word, like FLOAT — figs, lettuce, oranges, apples and tomatoes.

## Memory types and how we learn

There are three memory types: sensory, working, and long-term.

Our sensory memory collects information from our environment, such as people in a room and the temperature of the room. Our working memory gathers fractions of information from sensory memory. What's collected in our working memory is conscious and being processed by our brain in that moment, hence 'working on.' Then there's our long-term memory, which stores pieces of information from our working memory—this is called encoding.

Where the learning bottleneck happens for us is with our working memory. The working section of our memory can only hold information for a short time and becomes easily overwhelmed if there's too much to process. Once our working memory

is overwhelmed, the information we're trying to store has less chance of becoming long-term.

This is where chunking helps. Chunking avoids overwhelming the working memory by creating small chunks of information for the memory to process. As a result, it encodes the information into the long-term memory. This is why chunking works for training. If you create meaning and a pattern from the information you're teaching, while also linking the smaller information to a bigger piece, the trainee will have a better chance of encoding the material into their long-term memory.

## Chunking and training materials

Let's take a look at the chunking method when designing training materials. First, know your group. Are they novices? Are they experts? If your training group are novices, it's suggested to break the material into four smaller chunks because you'll need to teach the group the foundation of the material. If they're experts, which means they have existing knowledge and patterns of the information already stored in their brain, you can break the material into four larger chunks.

Here are some suggestions for creating a 'chunking design':

### Break it down

Start by looking at your training material as a whole. What are the important bits of the curriculum? What are the pieces of information that make up the topic or concept? Review all the details: What are topics of the modules? What are the lessons within the topic? Are there any activities to connect the lessons or e-learning initiatives? Once you've identified the big pieces, break them down into smaller, logical items.

**Tip:** Consider how you want the trainee to understand the information. Try to create a logical flow by building the foundation of the material or drawing from existing knowledge to create new patterns. You can do this by organizing the material from simple to complex or familiar to unknown.

### Organize and filter

Once you've divided and organized the material, begin to revise the individual parts, removing any unnecessary pieces. Ask yourself: Is this related?

*continued next page...*



*Bite Off a Chunk concluded from page 8*

Is it important or just nice to know? A good rule of thumb is when in doubt, leave it out.

**Tip:** There are different styles of organizing you can use, such as categorization, lists and task sequence flow, which is breaking down each task to illustrate how the flow of the process works as a whole.

### Structure and design

Next is the designing process. Ideally, you want to design and structure the information into moments. One piece of information is one moment. Use this structure and design for slides and e-learning screens. Keep in mind that one slide or screen equals one piece of information. Always remember that our memory can only absorb four chunks of information at a time.

**Tip:** When designing the material, consider drawing trainees back to the main concept or key points of the material. This is a learning strategy called return and repeat. The return and repeat strategy solidifies the information in the trainee's brain by connecting individual pieces to the main concept or topic.

### Review with four chunks in mind

Once you've finished designing the training material, step back, take a good break and then review again. When reviewing the material, ask yourself: Is this in a logical order? Is it too much information or too little? Is there enough context? Do learners have an opportunity to break before learning the next topic? Always keep in mind that we can only store four chunks of information in our memory at a time. ■

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Feature

# Unjust Enrichment in Wrongful Dismissal Cases

*Challenge for employees to meet the unjust enrichment test*

## Introduction

Employees facing wrongful dismissal claims have creatively attempted to recover damages from employers through various avenues. In *Chaudry v. Bank of Montreal*, 2023 ONSC 4829 (“*Chaudry*”), the Ontario Superior Court of Justice held that while wrongful dismissal claims can result in numerous forms of compensation, including lost wages and benefits, they must be limited—particularly when it comes to claims related to unjust enrichment.

## Background

The Plaintiff, Mr. Chaudry, was employed as a senior executive when he was terminated without cause and without advance notice after 17 years of employment with the Defendant, the Bank of Montreal. At the time of termination, Mr. Chaudry’s salary was approximately \$275,000 as well as employee benefits and participation in several incentive programs. These programs provided more than \$4 million in total compensation to the Plaintiff in each of the three years prior to termination.

When Mr. Chaudry was terminated in May 2019, he sued his former employer for wrongful dismissal. He also claimed that the Bank had been unjustly enriched because Mr. Chaudry worked up to the termination date without being paid his incentive payment. In his claim, he sought a 36-month reasonable notice period and claimed damages for breach of contract in the amounts of \$2.5 million for unpaid compensation; \$15 million for compensation during the reasonable notice period; \$250,000 in general damages; damages to replace employee benefits; reimbursement of mitigation expenses; and pre- and post-judgment interest and costs.

Mr. Chaudry later sought to amend his claim to include an additional \$10 million for unjust enrichment, seeking the return on equity earned by the Bank. In the alternative, the Plaintiff sought disgorgement in that amount—an equitable remedy that is commonly awarded to prevent

unjust enrichment and make illegal conduct profitable.

## The Decision

The motion judge considered the law regarding the test for leave to amend, unjust enrichment and disgorgement, and concluded that the pleading amendment should only be refused as legally untenable if there was a complete impossibility of success. The motion judge also concluded that the pleading did not disclose an action that supported the claim of unjust enrichment or disgorgement.

These issues were also considered on appeal. In considering these issues, Justice Matheson confirmed the proper test for amending pleadings was administered by the motions judge.

On the issue of tenability, Matheson J. determined that the motions judge properly relied on *Kerr v. Baranow*, 2011 SCC 20, to find that such a claim requires an enrichment or benefit to the defendant, a corresponding deprivation of the plaintiff and the absence of a juristic reason for such enrichment. The motion judge was found to have been correct in holding that there was no corresponding deprivation of Mr. Chaudry in this instance. Mr. Chaudry put forth submissions that amounted to the argument that in every wrongful dismissal claim, a plaintiff can claim unjust enrichment and explore the defendant’s rate of return on investments; however, Justice Matheson found this cannot be the case because the plaintiff has not suffered a loss based on the Bank’s return on investment.

The Court recognized that the Supreme Court of Canada (“SCC”) had already underscored the limits on damages for wrongful dismissal in *Honda Canada Inc. v. Keays*, 2008 SCC 39. According to the SCC, recoverable damages include the loss suffered by a plaintiff for the failure to give proper notice and, when appropriate, compensation for the wrongs associated with the manner of dismissal. As such, Justice

*continued on page 12...*



Gail Boone  
MPA, CEC

Next Stage Coaching  
and Facilitation

ASK THE EXPERT

# Leading from an Emotionally Regulated Space

Learn how to manage acute stress

**Q** | *Everyone has their moments. Being managers, we should be leading by example. How do we emotionally regulate in these stressful circumstances?*

**A** | Managers have moments when circumstances get the better of us. We all have moments when we lose our patience, get frustrated and feel like walking away from the situation. It's in those moments when our ability to emotionally regulate becomes extremely important. We need to be able to lead by example.

**Develop the self-awareness to know when your body is telling you that you are activated or stressed.** Our body has a natural and healthy way of responding to short-term stress. It gets us ready to respond. Our brain is the first to notice when our body is exposed to something that causes stress. It prepares us for fight or flight by sending an alarm signal to the adrenal glands located at the top of our kidneys. These glands are responsible for secreting the stress hormone called cortisol. Cortisol is distributed throughout and causes the whole body to respond. Our heart rate speeds up. Our breath becomes shallow and fast. These work together to move more oxygen throughout our body. Digestion slows because it is not necessary when we need to fight or flee. When this happens, we cannot think clearly. Our pre-frontal cortex, the executive functioning and decision-making part of our brain, is temporarily short-circuited by the work of the amygdala, our emotional response center. We don't make good decisions when we are stressed. Period!

**Know what's normal.** In short-term or acute stress, as the body releases stress hormones and we respond appropriately, the stress hormones get used up, and the body returns to a natural steady state (rest and digest). This is normal. Chronic stress occurs when there is a consistent state of stress and overwhelm. When chronically stressed, the cortisol is not all used up, gets stored in the tissues and adverse health effects result. Our bodies are not designed for chronic stress. In chronic

stress, fight-flight never gets turned off. Our foot is always on the gas and never touches the brake.

**Notice your thinking.** What we think also affects the body's response. Our brain acts differently depending on how much control we feel we have over a situation. If we believe we have greater control, our body will release less stress hormones than if we feel we don't. How much is released relates to what we think about the situation.

**Name the emotion.** Accept that you are emotionally activated. Identify what you are feeling and develop the understanding that you are not the emotion. Emotion is information from the body asking you to pay attention. Don't make it wrong. Instead, choose how you will respond in the moment. Noticing one is angry is not the same as behaving in an angry way. Noticing and naming allows for an appropriate response.

**Learn strategies to influence the body's response.** One way to influence our body's response to stress is to learn to control or manage our breath. Controlling or managing our breathing can affect how we respond to stress, calm our amygdala and help us shift our nervous system from fight or flight to rest and digest.

**Practice coherent breathing.** Coherent breathing involves shifting our breath's rate, depth and evenness. Breathing coherently means breathing low, slow, with an even flow. Low means breathing deeply into our belly, with the stomach rising on the 'in breath' and collapsing as we 'breathe out.' Breathing this way will take practice because most of us naturally breathe into our throat or chest. We typically ignore how we breathe unless we do yoga, the many types of martial arts, dance, swimming, singing, meditation or some other activity that requires us to be aware of and control our breathing.

"Slow" means extending the inhales and exhales to a count of 4, 5, or 6. So, when you inhale, count to 4, 5, or 6, and then exhale for a count of 4, 5, or 6. "Even flow" means that the inhale and exhale are the same length, without a pause between

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## Leading from an Emotionally Regulated Space

... concluded from page 11

breaths. Ideally, you would be breathing through your nose, which boosts the amount of oxygen distributed as it humidifies and filters/warms the air entering your body.

**Seek other strategies to help you find calm.** Find something else to combine with coherent breathing to help influence your ability to respond to stress. Mindfulness, meditation, walking, taking breaks, listening to music and those mentioned above will all help.

We all face situations where our body kicks into gear to respond to an acute stressor. Learning how to manage acute stress in a healthy way helps prevent the onset of chronic stress. Once we learn about ourselves, it becomes easier to understand and embody the

strategies that will help us move to rest and digest and display emotionally aware leadership.

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## Unjust Enrichment in Wrongful Dismissal Cases

... concluded from page 10

Matheson held that the motions judge was correct in limiting the claim to such damages. The alternative remedy of disgorgement was not considered on appeal given Justice Matheson's findings on unjust enrichment.

### Takeaways for Employers

The decision in Chaudry reiterates that the threshold remains very high for an employee to succeed on a claim of unjust enrichment and disgorgement. Although not impossible, it continues to be a challenge for employees to meet the unjust enrichment test. It is not sufficient to simply demonstrate that an employer has experienced a gain or benefit, and employees will generally struggle to show the court that they have endured a loss that corresponds to an employer's gain.

While Chaudry serves as a reminder that the remedies of wrongful dismissal claims can be limited, it also brings attention to the importance of meeting legal standards for pleading a claim. In particular, it is critical that a claim is thoroughly considered from the outset and sets out a tenable action that can be supported by facts. Above all, the decision bolsters the notion that employee dismissals, particularly at the executive level, can quickly become legally complex and that employers should always consider HR policies and/or legal advice to navigate these complexities effectively.

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# The Challenges of Elder Care - *How employers can help*



Members  
Quarterly  
Staff Writer

Caring for one's parents, older relatives or loved ones is an experience most people will have. It is also one for which we receive little to no preparation. As this problem continues to escalate, it has become clear that issues relating to elder care require creative responses by government in terms of legislation, programming and funding. From an employer's point of view, employees need workplace flexibility and other accommodations to ensure that caregivers are supported in their provisions of care. Here is an overview of why this issue matters and what employers can and should do to support their employees who are dealing with the added stress of elder care.

## **Accept that this issue is not going away**

As the population continues to age, hospitals will be forced, as a matter of routine, to discharge patients at a faster rate due to limited capacity. Throw in the fact that inadequate provincial funding is available to community-based health care providers and you've got the makings of a very difficult situation for home care workers and caregivers. As this becomes the new norm, families will need to step up and accept an increasing level of responsibility for their aging relatives. As it stands, we acknowledge maternity leave, paternity leave and childcare programs as important components of employee wellness programs. The growing number of caregivers providing elder care presents an impending crisis for corporate productivity and employee retention if their needs are not acknowledged.

## **Understand the toll that caregiving takes**

As anyone who has dealt with the situation themselves knows all too well, caregiving is a stressful and emotionally draining undertaking. Particularly when family members do not have the necessary training to provide appropriate care for their aging relative, the stress is further compounded and can cause both anxiety and depression. Accepting the reversal of roles can be extremely difficult for both the family and the older person, as it causes them to feel like a burden. In terms of the cost it has for employers, the reality is that workers who care for their aging parents are likely to be less productive, take more time off and arrive to work late on a regular basis. This should be concerning for companies of any size, as lower productivity often equates to lower revenue.

## **Account for the unpredictable nature of elder care**

If the pandemic years have made anything clear, it is that circumstances can change quickly and those who are most adaptable will be in the best

overall position. Employees can become caregivers overnight if a parent or loved one falls ill or has a condition that worsens suddenly. A person can go from being fully independent to realizing after one visit that they are needed in the role of caregiver. On top of that, the unpredictable way in which symptoms accelerate or decelerate means that each day presents new challenges and can be extremely taxing on the person providing the care.

## **Make changes to accommodate elder caregiving**

Currently, the legal extent of an employer's duty to accommodate employees who care for older persons remains somewhat unregulated. As the issue becomes increasingly common though, it is in an organization's best interest to address the matter head on by coming up with creative solutions that could apply in the workplace and beyond. One of the easiest and most effective ways that employers can do this is through increased job flexibility. Similar to the current provisions for maternity leave, temporary leaves and reassignments should be expanded to help employees address caregiving obligations.

## **Other forms of support**

In addition, employers can consider providing support in the form of care subsidies. This benefit would help employees with the cost of elder care by providing subsidies covering either direct costs or backup care. Support groups are another way employers can assist workers in dealing with their caretaking responsibilities. It can often feel like a lonely and isolating task, therefore creating onsite caregiver support groups will allow employees to speak with fellow coworkers dealing with caregiving and hopefully find some value in communicating.

## **Discuss the financial burden**

The fact that the significant costs associated with elder care have not been formally recognized by current policies is causing many caregivers financial hardship. This can be an uncomfortable subject to broach, but the extra cost of care for an elderly loved one can mount up quickly. In the event that an employee is caring for a loved in their own home, the added cost of utilities, food and medicine can prove substantial. Employers can help people prepare for these situations by offering information sessions or workshops about planning for the added expenses associated with elder care. By knowing they have access to resources and support, employees will have greater peace of mind knowing that they're unlikely to incur debt they will be unable to repay. ■

Feature



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Feature

# Getting Working Relationships Back on Track

*Managing conflict in a collaborative way*

Conflict is a normal part of any healthy relationship at work (or home). As much as we would like, people can't be expected to agree on everything, all the time. We all have diverse perspectives and thoughts for solutions and that's great. Learning how to manage conflict effectively, rather than avoiding it or neglecting your needs, is a crucial competency for us all—especially in the workplace!

When conflict is managed in a respectful, collaborative way, it provides an opportunity to strengthen working relationships and allows us to be effective and productive at work. Unresolved conflict has a major impact on productivity for ourselves, our teams and others. Unresolved conflict can lead us down a path of destructiveness and stress.

Conflict arises from perceived differences and encompasses people's values, motivations, perceptions, ideas or desires. Sometimes these differences appear trivial, but when a conflict escalates, a deep personal need is often at the core of the issue. These needs can present in the form of reputation, transparency, job security or a need to feel respected and valued. The needs of both parties play important roles in the long-term success of working relationships, and each party deserves to have their needs met. Opposing or incompatible needs are often at the heart of unresolved disputes, but solutions can be found if we dig deeper.

We can have a different type of conversation if we become aware of our own and the other parties' needs and are open to examining them with a goal of building understanding. Let's move away from right vs wrong and defensiveness to dig beneath the surface for values, beliefs, hopes and desires. Our needs may be similar or may differ, so let's examine solutions that meet both parties' needs. Holding a conversation at this level can open pathways to creative problem solving, team building, and improved working relationships.

Acknowledging others can also shift the conver-

sation. Try these three questions to get at the root of the issue:

1. What more can you tell me about this?
2. What am I missing?
3. What's been the hardest part?

Some further points to keep in mind when resolving conflict:

- **It's not about you:** When someone approaches you passionately, it's about their unmet need, not yours. Can you determine the unmet need and shine a light on it?
- **Reactions can be strong in conflict:** Does the passion in the situation create a perceived threat (for you or the other party)? Think about how you want to respond instead of going with your first reaction which likely comes from the brain in its flight/fight/freeze state.
- **Conflicts do not disappear when ignored:** Because conflicts involve perceived threats to our well-being, they stay with us until we face and resolve them.
- **We respond to conflicts based on our perceptions** of the situation, not necessarily to an objective review of the facts (no matter how logical we think we are). Our perceptions are influenced by our life experiences, culture, values and beliefs. This can be referred to as the 'truth of your experience', which may differ greatly from the 'truth of someone else's experience'. That's okay too. Let's acknowledge those differences and focus on moving forward.

### **Conflicts are an opportunity for growth.**

When you're able to successfully resolve conflicts at work, it builds trust and helps us better understand ourselves and others. It's okay to ask for help if the conflict has escalated or the tools you have at hand are not working. Reach out to HR or an external conflict management specialist and that previously unresolvable conflict may be a turning point in your working relationship.

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