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CORRECT ANSWERS ARE LOCATED IN THE 2ND HALF OF THIS DOC.

TRUE/FALSE - Write 'T' if the statement is true and 'F' if the statement is false.

1) The legal landscape for human resource management is complex and evolving, however the laws are identical among the various jurisdictions in Canada.
   - ◎ true
   - ◎ false

2) Having people of different backgrounds and experiences represented in the workplace refers to diversity.
   - ◎ true
   - ◎ false

3) "Inclusion" is another name for "diversity".
   - ◎ true
   - ◎ false

4) Federal, provincial, and territorial governments in Canada all play an important role in creating the legal environment for human resource management.
   - ◎ true
   - ◎ false

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5) Approximately 93 percent of Canadian employers and their employees are covered by provincial/territorial legislation.
   - ◎ true
   - ◎ false

6) In Canada, banks are covered by provincial/territorial legislation.
   - ◎ true
   - ◎ false

7) Hospitals, schools, colleges, and universities are covered by federal legislation.
   - ◎ true
   - ◎ false

8) Discrimination means to treat someone differently, negatively, or adversely because of their race, age, religion, sex, or other prohibited ground.
   - ◎ true
   - ◎ false

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9) Direct discrimination involves practices or policies that appear to be neutral but have an adverse effect on someone on the basis of a protected ground.
- ◎ true
- ◎ false

10) For a behaviour to be considered "harassment" it must be physical in nature.
- ◎ true
- ◎ false

11) According to a recent Insights West poll of working women in Canada, approximately 1 in 10 say they have experienced sexual harassment.
- ◎ true
- ◎ false

12) Women are an employment equity designated group.
- ◎ true
- ◎ false

13) The Personal Information Protection and Electronic Documents Act (PIPEDA) gives individuals the right to access and request correction of the personal information an organization may have collected about them.
- ◎ true
- ◎ false

14) The use of unpaid interns is likely a violation of pay equity legislation.
- ◎ true
- ◎ false

15) Pay equity is a principle of nondiscrimination in wages that requires men and women working the same number of hours to be paid the same.
- ◎ true
- ◎ false

16) The Canadian Human Rights Commission provides oversight and enforces human rights legislation in organizations that fall under federal jurisdiction.
- ◎ true
- ◎ false

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17) The effective management of health and safety in the workplace includes more than legal compliance.
- ◎ true
- ◎ false

18) Safety in the workplace is based on the foundation of an *external* responsibility system whereby governments are responsible for creating and maintaining safe and healthy work environments.
- ◎ true
- ◎ false

19) A health and safety committee is comprised of members from the government and participating organizations.
- ◎ true
- ◎ false

20) The top organizational concern about the legalization of recreational cannabis is testing.
- ◎ true
- ◎ false

21) The Workplace Hazardous Materials Information System (WHMIS) is related to the worker's "right to know."
- ◎ true
- ◎ false

22) Bill C-45 (Westray Bill) makes anyone who directs the work of others criminally liable for safety offences.
- ◎ true
- ◎ false

23) In addition to ensuring a safe physical working environment, employers are responsible for providing psychological safety for employees.
- ◎ true
- ◎ false

24) The number of time-loss injuries in Canada has declined each year since 2000.
- ◎ true
- ◎ false

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25) Experienced employees are unlikely to need safety retraining because they are familiar with the dangers associated with their work.
- ◎ true
- ◎ false

26) Employee assistance programs (EAPs) focus primarily on treating alcoholism.
- ◎ true
- ◎ false

27) Cultural and legal differences make it more difficult to ensure the safety of employees working internationally.
- ◎ true
- ◎ false

MULTIPLE CHOICE - Choose the one alternative that best completes the statement or answers the question.

28) _____ is about behaviour that creates an environment where people experience a sense of belonging, feeling respected, valued, and seen as who we are as individuals.
- A) Discrimination
- B) Diversity
- C) Inclusion
- D) Initiative taking
- E) Differential treatment

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29) Diversity can be calculated, tracked, and reported—it's about:
- A) inclusion.
- B) differences.
- C) similarities.
- D) safety.
- E) strategy.

30) What level or type of government plays an important role in creating the legal environment for human resource management?
- A) Municipal
- B) Territorial
- C) Provincial
- D) Federal
- E) Territorial, Provincial, and Federal

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31) Which of the following organizations are NOT covered by federal legislation?
A) Airlines
B) Television and radio stations
C) Grain elevators, feed, and seed mills
D) Retail and hospitality businesses e.g. stores and restaurants
E) Uranium mining and processing

32) Which of the following terms refers to the proportional participation at all levels of an institution?
A) Legitimate diversity
B) Conditional inclusion
C) Representational inclusion
D) Representational equity
E) Representational diversity

33) According to a recent survey of more than 1,500 respondents, _____of Canadians believe that inclusion is more important now than prior to the pandemic.
A) one-third
B) 10 percent
C) two-thirds
D) a quarter
E) 50 percent

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34) Which of the following terms refers to any person who actively promotes and aspires to advance the culture of inclusion to create affirming and welcoming environments for everyone?
A) Ombudsperson
B) Ally
C) HR Specialist
D) Social convener
E) Socialist

35) Which of the following events heightened awareness of workplace inequities and perilous conditions faced by some of Canada's critical workers?
A) The 2008 financial crisis
B) The war on Ukraine
C) The Trump Presidency
D) The COVID-19 pandemic
E) The 2021 recession

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36) In addition to heightening physical safety concerns of healthcare and other essential service workers, COVID-19 also raised awareness of which other aspect of employee safety?
A) Income inequality
B) Minimum wage legislation
C) Bill 124
D) Psychological safety
E) Employment standards

37) All of the following are protected (prohibited) grounds of discrimination under federal legislation, EXCEPT:
A) Religion
B) Gender identity
C) Weight
D) Pardoned conviction
E) Age

38) If a woman is denied a job on the basis that she has school-age children, but men with school-age children obtain employment, this is an example of:
A) respectful behaviour.
B) compassionate treatment.
C) differential treatment.
D) strategic recruitment.
E) the duty to accommodate.

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39) How can companies avoid differential treatment?
A) Companies can ask questions and receive responses through written communication mediums exclusively.
B) Companies can advertise job openings to a single gender only.
C) Companies can evaluate the questions and investigations they use in making employment decisions.
D) Companies can ensure at least two HR associates are present during the interview and subsequent hiring decisions.
E) Companies can be more explicit on their preferred job requirements.

40) Is differential treatment of employees ever legal?
A) Yes, when employing people older than 55 years of age.
B) Yes, when there is a bona fide occupational requirement.
C) Yes, when employing people with disabilities.
D) Yes, when employees do not file complaints.
E) No, differential treatment of employees is always illegal.

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41) A bona fide occupational requirement (BFOR) must be:
A) an industry-wide, recognized practice.
B) a necessary, not merely preferred, qualification for performing a job.
C) acceptable to all managers and supervisors.
D) acceptable to all employees.
E) a preferred qualification for performing a job.

42) Who is responsible to prove the existence of a bona fide occupational requirement (BFOR) if any complaint of discrimination should arise?
A) Employer
B) Employee
C) Government
D) Lawyers
E) Privacy Commissioner

43) The employer's duty to accommodate extends to the point of:
A) inconvenience.
B) employer preference.
C) employee preference.
D) undue adjustment.
E) undue hardship.

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44) Harassment is a form of:
A) discrimination.
B) accommodation.
C) work style.
D) communication.
E) differential treatment.

45) Which of the following is NOT a designated employment equity group?
A) Women
B) Members of visible minorities
C) Elderly people
D) Persons with disabilities
E) Aboriginal peoples

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46) What federal legislation provides rules for how private-sector organizations collect, use, or disclose information about employees in the course of for-profit commercial activities in Canada?
A) Canadian Human Rights Act
B) Charter of Rights and Freedoms
C) Employment Equity Act
D) Personal Information Protection and Electronic Documents Act (PIPEDA)
E) Official Languages Act

47) Employment/Labour Standards legislation covers all the following areas, EXCEPT:
A) maximum wage.
B) hours of work and work scheduling.
C) minimum wage.
D) parental leave.
E) overtime pay.

48) The four criteria usually applied to pay equity include all of the following, except?
A) Skill
B) Experience
C) Effort
D) Responsibility
E) Working conditions

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49) Pay equity legislation is intended to address the _____ gap between men and women in the workplace.
A) skill
B) Education
C) pay
D) age
E) job satisfaction

50) The Conference Board of Canada reports the gap in income between men and women in Canada is:
A) successfully resolved.
B) negligible.
C) 19 percent.
D) 10 percent.
E) 28 percent.

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51) The _____ provides individuals under federal jurisdiction a means to resolve complaints of discrimination.
A) Canadian Human Rights Commission
B) (Office of the) Privacy Commissioner of Canada
C) Pay Equity Advisor of Canada
D) Canada Labour Code
E) Canadian Tribunal

52) Which of the following is NOT a role of Employment/Labour Standards offices?
A) Ensure that employees are paid fairly
B) Provide tools and online resources for employees and employers
C) Hear complaints
D) Conduct investigations
E) Address allegations of discrimination

53) Increasingly, organizations are taking a strategic approach to occupational health and safety by:
A) focusing on legal compliance.
B) avoiding responsibility for worker health and safety.
C) holding employees solely responsible for safe operations.
D) adopting a values-based commitment to safe operations.
E) both "focusing on legal compliance" and "avoiding responsibility for worker health and safety."

54) Safety in the workplace is based on the foundation of a(n):
A) external responsibility system.
B) government system.
C) internal responsibility system.
D) dangerous system.
E) worker at fault system.

55) Health and safety committees are _____ by the employer and employees at large (or union) to address health and safety issues in a workplace.
A) elected
B) randomly assigned
C) contracted
D) judged
E) jointly appointed

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56) At a minimum, employers, managers, and supervisors have a duty to provide a safe workplace. Their responsibilities include all of the following, EXCEPT:
- A) pay employees more if they are willing to perform unsafe work.
- B) identify the need for training for employees and themselves.
- C) supply personal protective equipment and ensure workers know how to use the equipment.
- D) take every reasonable precaution to ensure the workplace is safe.
- E) immediately report all critical injuries to the appropriate government department.

57) _____, especially in safety-sensitive roles, is the top concern for employers as Canada became the first G7 country to legalize and regulate recreational cannabis on a national scale.
- A) Data collection
- B) Safety
- C) Disclosure
- D) Cost
- E) Testing

58) The Workplace Hazardous Materials Information System (WHMIS) relates to the worker's:
- A) right to refuse unsafe work.
- B) right to know about actual and potential dangers in the workplace.
- C) responsibility to follow safety rules and regulations.
- D) right to participate in workplace health and safety activities.
- E) right to refuse all dangerous work.

59) Bill C-45 (the Westray Bill) increased the maximum consequences to organizations and anyone who directs the work of others to:
- A) $25,000 fine.
- B) $100,000 fine.
- C) unlimited fines.
- D) life imprisonment.
- E) both unlimited fines and life imprisonment for serious offences.

60) Workplace safety includes both physical and _____ safety.
- A) psychological
- B) regulated
- C) legal
- D) future
- E) informal

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61) The well-publicized case of Metron Construction Corporation exemplifies:
- A) PIPEDA
- B) Due diligence
- C) A bona fide occupational requirement
- D) Bill 124
- E) Bill C-45

62) According to a recent survey conducted by Catalyst, approximately what percentage of Indigenous persons report not feeling psychologically safe at work?
- A) 20 percent
- B) 40 percent
- C) 60 percent
- D) 80 percent
- E) 99 percent

63) According to the Mental Health Commission of Canada, in a typical week, _____ Canadians are unable to work due to psychological issues.
- A) 10,000
- B) 50,000
- C) 100,000
- D) 250,000
- E) 500,000

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64) Which of the following is a primary component of a safety awareness program?
- A) Identifying and communicating hazards
- B) Reinforcing safe practices
- C) Promoting safety internationally
- D) Identifying and communicating hazards, reinforcing safe practices, and promoting safety internationally.
- E) Only "identifying and communicating hazards" and "reinforcing safe practices."

65) The safety technique that involves breaking a job down into basic elements, then rating each element for its potential for harm or injury is known as:
- A) job design.
- B) job hazard analysis technique.
- C) job analysis.
- D) hazard analysis.
- E) technic of operations review.

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66) The first step of a technic of operations review analysis of an accident is to:
A) establish the facts surrounding the incident.
B) identify the basic elements of the job.
C) rate each of the basic job elements for its hazard potential.
D) identify the single, systemic failure that most likely contributed to the incident.
E) identify two or three secondary factors that likely contributed to the incident.

67) What type of worker is particularly vulnerable to workplace injury or illness?
A) Women
B) Young and new
C) Older
D) More experienced
E) All types of workers are equally at risk.

68) One common technique for reinforcing safe practices is implementing a _____ to reward workers for their support and commitment to safety goals.
A) safety incentive program
B) safety awareness program
C) performance pay program
D) productivity incentive program
E) bona fide occupational requirement

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69) Organizations that place a strategic emphasis on corporate wellness achieve all of the following economic benefits, EXCEPT:
A) reduced injury insurance costs.
B) enhanced productivity.
C) reduced costs due to less employee turnover.
D) increased absenteeism.
E) reduced disability insurance costs.

70) A confidential, short term, counselling service for employees with personal issues that affect their work performance is called a(n):
A) employee health and wellness program.
B) operations review.
C) employee assistance program (EAP).
D) job hazard analysis.
E) safety audit.

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SHORT ANSWER. Write the word or phrase that best completes each statement or answers the question.

71) Demonstrate your understanding of diversity and inclusion.

72) Outline the legal framework of human resource management in Canada.

73) Discuss DEIB metrics.

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74) Select any one of Canada's Best Diversity Employers from 2022 and describe their initiatives to promote diversity within the organization.

75) Define discrimination. Differentiate between direct and indirect discrimination. Provide an example of each type of discrimination.

76) Discuss paternalistic behaviour in the context of sexual harassment.

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77) Define sexual harassment, identify and discuss the two major types of sexual harassment, and indicate four steps firms may take to ensure workplaces are free from sexual harassment.

78) Employment equity legislation attempts to eliminate employment barriers to four designated groups. Demonstrate your knowledge of employment equity by identifying and briefly explaining who is included in each of the designated groups.

79) Which factors are often sited to explain the wage gap between men and women?

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80) Discuss the Meiorin case insofar as it applies to a bona fide occupational requirement.

81) What are some examples of contemporary workplace hazards and safety issues discussed in your textbook? Briefly discuss the implications of each of the examples identified.

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82) Employees have both rights and responsibilities with respect to workplace health and safety. Identify and briefly describe employees' rights and responsibilities that are protected by occupational health and safety legislation.

83) How can wearable technology be used to monitor occupational health and safety risks?

84) What is the role of employers to reinforce safe behaviours? What practices do firms implement to reinforce safe behaviours in the workplace?

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Answer Key

Test name: Chapter 02

1) FALSE
2) TRUE
3) FALSE
4) TRUE
5) TRUE
6) FALSE
7) FALSE
8) TRUE
9) FALSE
10) FALSE
11) FALSE
12) TRUE
13) TRUE
14) FALSE
15) FALSE
16) TRUE
17) TRUE
18) FALSE
19) FALSE
20) FALSE
21) TRUE
22) TRUE
23) TRUE
24) FALSE
25) FALSE
26) FALSE
27) TRUE
28) C
29) B
30) E
31) D
32) D
33) C
34) B
35) D
36) D
37) C

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38) C
39) C
40) B
41) B
42) A
43) E
44) A
45) C
46) D
47) A
48) B
49) C
50) C
51) A
52) E
53) D
54) C
55) E
56) A
57) B
58) B
59) E
60) A
61) E
62) C
63) E
64) D
65) B
66) A
67) B
68) A
69) D
70) C
71) Short Answer
Diversity refers to having people of different backgrounds and experiences represented in the workplace. Diversity is about differences that can be calculated, tracked and reported. On the other hand, inclusion refers to behaviours that create an environment where people experience a sense of belonging, feeling respected, valued, and seen for who they are as individuals.

72) Short Answer

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Approximately 94 percent of firms are covered by provincial or territorial legislation. 6 percent of firms are covered by federal legislation. It can be challenging to maintain compliance with legal requirements for firms with employees who work in more than one jurisdiction. Firms in the federal list include federal government departments, agencies, and most federal Crown corporations, airlines, banks, etc. (See Table 2.2). Provincially and territorially regulated organizations include retailers and hospitality businesses, hospitals, schools, colleges and universities and all other organizations not specifically listed as falling under federal legislation. (See Table 2.2). Areas covered by all federal, provincial and territorial legislation include human rights, employment/labour standards, privacy, and health and safety.

73) Short Answer
We have learned that diversity can be calculated, tracked, and reported.

Outcome Metrics: These metrics typically measure person count, and answer questions such as: How many people from the Employment Equity groups receive a job interview? How many are employed with the organization? What positions do they hold? These types of outcome metrics are important because they can create a baseline to measure progress and can signal potential indications of bias.
Process metrics: Process metrics are useful to identify problems with HR processes such as recruitment, selection, performance management, and career development.

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If the outcome metric reveals that an organization does not employ enough women, visible minorities, Indigenous peoples, or people with disabilities in senior professional roles, a process metric such as time it takes for advancing from entry level to senior technical analyst will provide insights on which HR practices need fixing to bring about meaningful change.

74) Short Answer
Table 2.3 - Sampling of Diversity Initiatives at Some of Canada's Best Diversity Employers (2022) – lists myriad examples.

For instance, the Business Development Bank launched six new partnerships to support Black entrepreneurs, including sponsoring the Rise UP Competition which provided resources, workshops, and $10,000 in capital funding to Black women entrepreneurs throughout Canada.

KPMG created new roles dedicated to inclusion and diversity recruitment including a dedicated recruiter for Indigenous peoples and McMaster University enhanced employment equity reports to include intersectional data, data by faculty rank, and leadership composition data. Data is used to measure progress, conduct gap analysis, and inform strategic planning.

75) Short Answer

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Discrimination means to treat someone differently, negatively, or adversely because of their race, age, religion, sex, or other prohibited ground. See Figure 2.1.

Direct discrimination: Policies or practices that clearly make a distinction on the basis of a prohibited ground e.g. not hiring the job candidate likely to be the highest performer because she is pregnant.
Indirect discrimination: Polices or practices that appear to be neutral but have an adverse effect on the basis of a prohibited ground e.g. a company that has a policy of not employing any part-time workers appears to be equally applied to everyone, however, the effect of this policy is not neutral because someone with family responsibilities would be denied the ability to reduce their work hours.

76) Short Answer
Paternalistic behaviour based on gender, gender identity, or gender expression which a person feels undermines their dignity position of responsibility, may also be determined to be sexual harassment.

For example, a Tribunal found an employer's repeated use of terms including "sweetheart," "little lady," "hun," "sweetie," and "dear" to be "terms of diminishment," and that, within the broader context of his other sexualized overtures, the use of these terms created a poisoned work environment.

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77) Short Answer
Sexual harassment refers to any conduct comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee.
The two major types of sexual harassment are:

1. Quid pro quo sexual harassment - perceived as placing a condition of a sexual nature on their employment
2. Hostile or poisoned work environment sexual harassment - offence or humiliation by another person's behaviour

Steps firms should take:

1. Develop a clear policy statement stating that sexual harassment will not be tolerated.
2. Ensure all employees are aware of the policy and receive training.
3. Develop a mechanism for reporting harassment in a way that encourages people to speak out.
4. Act promptly to discipline those who engage in harassment, as well as to protect the victims of harassment.

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78) Short Answer
1. Women - self-explanatory.
2. Indigenous people - an Indigenous person is a North-American Indian or a member of a First Nation, Metis, or Inuit.
3. Members of visible minorities - a person in a visible minority group is someone, other than an Aboriginal person, who is non-white in colour regardless of place of birth.
4. Persons with disabilities - a person who has a long-term or recurring physical, mental, sensory, psychiatric, or learning impairment.

79) Short Answer
Women tend to fall behind men in terms of experience. This is often because the woman has extended time away from paid employment after the birth of a child. Sometimes it is because it is the woman who leaves work to care for elderly parents.
Other factors used to explain the wage differential include: (i) Men tend to work longer hours, (ii) Men tend to have more education, and (iii) Mess are less likely than women to work part-time.

80) Short Answer
Tawny Meiorin is a female forest firefighter who lost her job when she took 49.4 seconds too long to complete a 2.5 kilometre run. In short, she failed to meet a required aerobic fitness standard that had been established by the British Columbia Public Service Employee Relations Commission.
This standard had been put in place as a minimum requirement for all firefighters.
Ms. Meiorin filed a complaint stating that the fitness standard discriminated against women because women usually have less aerobic capability than men.
Although the employer argued the standard was a bona fide occupational requirement of the job, the Supreme Court of Canada ultimately ruled the standard was not a BFOR—the fitness standard was not reasonably necessary to fulfill a legitimate work-related purpose.
Ms. Meiorin was reinstated to her job and received compensation for lost wages and benefits.

81) Short Answer

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Psychological health and safety is at the forefront of safety issues in a post pandemic world. A psychologically safe workplace is "one that does not permit harm to employee mental health in careless, negligent, reckless or intentional ways." Workplace violence is a particular problem for certain occupational groups including health care workers, correctional officers, social service employees, teachers, and retail employees are some of the occupational groups more at risk. Legalization of cannabis for recreational use is a significant organizational concern for a variety of reasons including workplace safety; impairment or intoxication at work; increased use inside and/or outside of work; testing; accommodation and disclosure; and associated cost.

Use of mobile devices relates to the associated potential hazards and distractions.

Worker fatigue has also emerged as a significant issue due to the connection between hours of sleep and workplace injuries.

82) Short Answer
Responsibilities: The internal responsibility system assigns responsibilities for health and safety to both employers, managers/supervisors, and employees. Employees' responsibilities include working in compliance with OH&S requirements, using personal protective equipment as directed by the employer, reporting workplace hazards and dangers, and working in a manner as required by the employer, and using the provided safety equipment.

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Rights: All Canadian workers have three fundamental rights that are protected by occupational health and safety regulations:

1. The right to refuse unsafe work.
2. The right to participate in the health and safety in the workplace through a health and safety committee or as a health and safety representative.
3. The right to know or the right to be informed about actual and potential dangers in the workplace.

83) Short Answer
In safety-sensitive work environments, wearable technologies can be used to monitor fatigue including signs of impairment, for example:

1. Wearable devices that use sensors can monitor brain activity relative to fatigue.
2. Wearable devices that use cameras can monitor visual fatigue cues, including eye movement and “microsleeps.”
3. Fatigue monitoring analytics that use activity and sleep data from wearables can calculate fatigue levels and predict potential impairment.

84) Short Answer

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To ensure safe behaviours, employers should not only define how to work safely but also reinforce the desired behaviour. One common technique for reinforcement is implementing a safety incentive program to reward workers for their support and commitment to safety goals. Such programs generally start by focusing on monthly and quarterly goals and encouraging suggestions for improving safety.

Programs can then be expanded to include more wide-ranging, long-term goals. Employers may distribute awards for safety in public such as company or department meetings. Besides focusing on specific jobs, organizations can target particular types of injuries or disabilities, especially those for which employees may be at risk. For example, organizations may target eliminating eye injuries through a combination of job analysis, workplace policies, safety training, protective eyewear, rewards and sanctions, and management support.

For companies that operate internationally, the organization will need to use strong communications and oversight to protect workers' health and safety. This is especially true when operating in countries that may have different cultural values related to safety and/or may interpret corporation-wide safety policies differently.

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Chapter 2: The Legal Context for HRM and Creating Safe and Healthy Workplaces

Lecture Outline

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LEARNING OBJECTIVES

LO1: Explain the legal framework for human resource management in Canada.
LO2: Discuss major areas of employment legislation with a focus on equity and fairness in the workplace.
LO3: Examine the overall context for workplace health and safety, including legislation, rights and duties, organizational requirements, and implications.
LO4: Describe current and emerging workplace health and safety issues, and types of workplace programs used to support an organization's commitment to safe operations.

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INTRODUCTION: L'Oreal Canada: EDGEplus Certificate for Equity and Inclusion

- One of Canada's first employer to recognized with EDGEplus Gender & Intersectional Equity certification for its commitment to "*measure, accelerate, and progress on issues pertaining to gender identity, ethnic origins, LGBTQIA2S+, and working with disability status*."

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THE LEGAL FRAMEWORK FOR HRM

In Canada, the federal, provincial, and territorial governments have set some limits on how HRM can be practised

- Requirements intended to foster fairness in hiring and employment practices and protect the health and safety of workers
- Can gain competitive advantage over competitors by linking to business goals and going beyond just legal compliance

Federal, provincial, and territorial employment-related laws tend to be similar, however, there are some differences among jurisdictions

- **Approximately 6% of Canadian workers are covered federally**
  --e.g., Federal government departments, agencies, and most federal crown corporations; banks; air transportation; marine shipping, ferry, and port services; radio and television broadcasting; telecommunications; railways; many First Nation activities; grain elevators, feed, and seed mills; uranium mining and processing, etc.

- **Approximately 94% of employers/employees are covered by provincial/territorial legislation**

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-- All other businesses e.g., retail and hospitality businesses; hospitals; health care providers; schools, colleges, and universities; and most manufacturers

VALUING DIVERSITY, EQUITY, INCLUSION, AND BELONGING

- Canada is a diverse nation and becoming more so. Also, many Canadian companies have customers and operations in more than one country
- A diverse workforce provides a competitive advantage that brings a wider pool of talent and greater insight into the needs and behaviours of diverse customers
- Diversity—having people of different backgrounds and experience represented in the workplace. Can be calculated and tracked
- Equity – involves "achieving parity in policy, process, and outcomes" i.e., accounts for diversity
- Inclusion—a sense of belonging and feeling respected, valued, and seen as individuals
- Behaviour i.e., the "how" that creates the environment people experience

MOVING DEIB FORWARD WITH ALLIES AND ALLYSHIP

- HR has a significant role in ensuring the employer's policies, practices, and systems are inclusive
- Allies and allyship may hold the keys to moving DEIB forward in the workplace
- Allies -- "*is any person who actively promotes and aspires to advance the culture of inclusion to create affirming and welcoming environments for everyone*."
- Allyship promoting equity, fairness, and inclusion in the workplace through relationships and public acts of sponsorship and advocacy

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DEIB MERTICS

Outcomes Metrics:

Create a baseline to measure progress and can signal potential indications of bias

- How many people from the Employment Equity groups receive a job interview?
- How many are employed with the organization? What positions do they hold?

Process Metrics:

- Identify problems with HR process such as recruitment, selection, performance management, and career development

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CREATING A CULTURE OF HEALTH & SAFETY

- Organizations are increasingly taking a strategic approach to occupational health and safety
- Benefits of adopting a values-based commitment to safe operations
  --e.g., costs savings by reducing worker injuries, fatalities, occupational disease, and property damage; improved employee relations; reliability; and productivity

PROTECTING HUMAN RIGHTS AT WORK

All jurisdictions have human rights legislation—purpose is to remove discrimination

- **Discrimination**—treating someone differently, negatively, or adversely because of their race, age, religion, sex, or other prohibited ground
- **Direct discrimination**—Policies or practices that clearly make a distinction on the basis of a prohibited ground i.e., race, national or ethnic origin, colour, religion or creed, age, sex, sexual orientation, etc.
- **Indirect discrimination**—Policies or practices that appear to be neutral but have an *adverse effect* on the basis of a prohibited ground
  -- e.g., a company with a policy of not employing part-time employees appears to have a policy that can be equally applied to all applicants and existing employees. However, the effect of this policy is not neutral—someone with family responsibilities would be denied employment or denied the opportunity to reduce their work hours

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PROHIBITED GROUNDS OF DISCRIMINATION

Prohibited grounds of discrimination in employment: *Partial list*

- Race; Colour; National or ethnic origin; Religion or creed; Age; Sex (gender, pregnancy, gender identity, gender expression); Sexual orientation; Marital Status; Family Status; Disability (physical or mental); Pardoned conviction

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HOW WOULD YOU KNOW?

Often management depends on HR expertise to help in identifying how to comply with legal requirements

- **Differential treatment:**
  —differing treatment of individuals where the differences are based on a prohibited ground
- **Bona fide occupational requirement (BFOR):**
  -- Legal form of differential treatment/discrimination
  -- A necessary (not merely preferred) requirement for performing a job
  -- Employer has the responsibility to prove that a BFOR exists
  -- **Mandatory retirement** has become discriminatory unless a BFOR exists
- **The duty to accommodate:**
  -- An employer's duty to consider how an employee's characteristic e.g., disability can be accommodated—extends to the point of *undue hardship*

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-- May involve restructuring jobs, ensuring workplace facilities are accessible, modifying equipment, self-accommodation (e.g., service dog)

WHAT ABOUT HARASSMENT?

Human rights legislation prohibits all forms of harassment

- Harassment—a form of discrimination that involves any unwanted physical or verbal behaviour that offends or humiliates you
- Sexual harassment—any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee; or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion. Media spotlight (#MeToo) has created a catalyst for examining organizational culture and practices
  --*Quid pro quo* harassment refers to conduct, comments, gestures or contact of a sexual nature that they perceived as placing a condition of a sexual nature on their employment
  -- *Hostile (poisoned) work environment* is more prevalent e.g., making sexual jokes, unwanted touching, questions, or discussion about sexual activities, spreading sexual rumours, leering, displaying, or circulating sexual pictures or cartoon, etc.

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EMPLOYMENT EQUITY GROUPS

- Women
- Members of visible minorities—person other than an Aboriginal person who is non-white in colour/race, regardless of place of birth
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- Aboriginal peoples—an Aboriginal person is a North American Indian or a member of a First Nation, Métis, or Inuit
- Persons with disabilities—person who has a long-term or recurring physical, mental, sensory, psychiatric, or learning impairment

WHAT OTHER PROTECTIONS?

- Protection of Privacy
  --PIPEDA (Personal Information and Electronic Documents Act) is a federal law that sets out ground rules for how private sector organizations may collect, use or disclose personal information.
  -- Establishes standards for privacy that have implications for HRM including responsibility to safeguard employee information

- Employment/Labour Standards
  Federal, provincial, and territorial laws are in place to provide minimum standards for employees
  -- e.g., Minimum wage, overtime pay, hours of work and work scheduling, general holidays, annual vacations, parental leave, etc.

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- Pay Equity
  Provides for ***equal pay for work of equal value*** i.e., men and women doing work of equal value must be paid the same
  Attempts to address the *wage gap*—the difference between the earnings of women working full-time versus the earnings of men working full-time

HOW ARE THE LAWS ENFORCED?

1. Human Rights Commissions
   The federal government, provinces, and territories have Human Rights Commissions to provide oversight and enforce laws
   Have the power to receive and address Human Rights complaints

2. Privacy Commissioners
   Ensures compliance with relevant legislation
   e.g., Office of the Privacy Commissioner of Canada; Office of the Privacy Commissioner of Alberta
   -- Establish guidelines for emerging issues e.g., "Guidelines for Social Media Background Checks"

3. Employment/Labour Standards Offices
   Officers hear complaints, conduct investigations, and make actionable rulings

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WORKPLACE HEALTH & SAFETY

Occupational Health & Safety Act - Each of the jurisdictions in Canada, federal, and each of the provinces and territories have their own occupational health and safety legislation.

WHMIS – Workplace Hazardous Materials Information System
Canada's national hazard communication program consisting of symbols and warnings—WHMIS 2015 incorporated the Globally Harmonized System of Classification and Labelling of Chemicals
Safety data sheets (SDSs)--detailed hazard information concerning a controlled (hazardous) product

Workplace Fatalities and Injuries
Legislation has been successful in raising awareness, and workplace fatalities has generally trended lower since 2005, however, there were still 925 workplace fatalities in 2019 (Figure. 2.6). There has been a significant reduction in time-loss injuries in recent years. (Figure. 2.7)

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Increasingly organizations are approaching occupational health and safety with a values-based commitment to safe operations to protect people:

- Internal Responsibility System
  Philosophy whereby employers and employees share responsibility for creating and maintaining safe and healthy work environments
- Health and Safety Committee
  --A key feature of the internal responsibility system
  -- A committee jointly appointed by the employer and employees at large (or union) to address health and safety issues in a workplace
- Employers, managers, and supervisors have a duty to provide a safe workplace—examples include:
  -- Establish and maintain a health and safety committee
  -- Take every reasonable precaution to ensure the workplace is safe
  -- Train employees about any potential hazards; how to deal with hazardous substances, and how to handle emergencies
  -- Supply personal protective equipment and ensure workers know how to use the equipment
  -- Immediately report all critical injuries
  -- Appoint competent supervisors who set standards and ensure safe working conditions are observed

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EMPLOYEE RIGHTS AND RESPONSIBILITIES

Three key employee rights and responsibilities:

- The right to refuse—unsafe work TBEXAM.COM
- The right to participate—in workplace health and safety activities through a health and safety committee or as a representative
- The right to know—or the right to be informed about actual and potential dangers in the workplace

Employees also have responsibilities:

- Working in compliance with OH&S acts and regulations
- Using personal protective equipment and clothing as directed by the employer
- Reporting workplace hazards and dangers
- Working in a manner as required by the employer

ENFORCEMENT OF OCCUPATIONAL HEALTH & SAFETY REGULATIONS

Enforcement responsibilities exist within the federal, provincial, and territorial governments

Occupational Health and Safety Officers/Inspectors

Bill C-45 (Westray Bill)—amendment to the Criminal Code (named after the Nova Scotia mining disaster) making organizations and anyone who directs the works of others criminally liable for safety offences (maximum conviction includes life imprisonment for failing to provide for workplace health and safety)

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CURRENT WORKPLACE HEALTH & SAFETY ISSUES

Psychological health and safety

- Has more recently become a significant focus
- Human rights legislation prohibits behaviours such as harassment
- Workplace violence is a broad problem
  --Is a particular problem for certain occupational groups e.g., health care workers, correctional officers, social service employees, teachers, retail employees, EMS workers
  --includes threatening behaviour, verbal or written threats, verbal abuse, and physical attack

Use of mobile devices

- Distractions and hazards include driving and other sensitive-safety tasks

Worker fatigue

- According to a recent Canadian report, organizations are encouraged to think about the safety risks of fatigue e.g., annual injury rates for workers who got less than 5 hours of sleep were almost 4 times higher than workers who got 7.0–7.9 hours of sleep

Legalization of cannabis for recreational use

- Canada is the first G7 country to legalize and regulate recreational cannabis on a national scale Conference Board of Canada reports that workplace safety and impairment or intoxication at work are top concerns

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HEALTH AND SAFETY TOOLS AND PRACTICES

1. Identifying and Communicating Job Hazards

- Job hazard analysis technique
  --Safety promotion technique that breaks down a job into elements, then rates each element for its potential for harm or injury
- Technic of operations review (TOR)
  --Method of promoting safety by determining which specific element of a job lead to a past accident
- Various groups have risks
  -- New and younger workers vulnerable to injuries
  -- Shift workers (e.g., nurses) at greater risk for obesity and diabetes
  -- Experienced workers may become complacent

2. Reinforcing Safe Practices

- Safety incentive program to reward workers for supporting safety goals
- May focus on specific jobs or types of injuries

3. Employee Health & Wellness Programs

- A set of communications, activities, and facilities designed to change health-related behaviours in ways that reduce health risks

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- Aim at reducing health risks e.g., high blood pressure, smoking, obesity—by encouraging preventive measures such as exercise and good nutrition

4. Employee Assistance Programs (EAPs)
   - Confidential, short term, counselling service for employees with personal problems that affect their work performance—may overlap with health and wellness, and lifestyle-related programs

5. Promoting Safety Globally
   - Organizations need to ensure safety of their employees wherever they are located
   - Employees may interpret policies differently because of cultural differences
   - Laws, enforcement practices, and political climates vary from country to country—many countries have standards that are far less strict than Canada

Summary

- Explain the legal framework for human resource management in Canada.
- Discuss major areas of employment legislation with a focus on equity and fairness in the workplace.
- Examine the overall context for workplace health and safety, including legislation, rights and duties, organizational requirements, and implications.
- Describe current and emerging workplace health and safety issues, and types of workplace programs used to support an organization's commitment to safe operations.

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Critical Thinking Questions

1. Some people say that Millennials and Generation Z are more likely than other generations to "notice the absence of inclusion than when it exists." Millennials and Generation Z have also been credited as seeing inclusion as "more about varying ideas and workstyles than it is about skin colour, religion, or ethnicity." Do you agree or disagree with these statements? Why or why not? *(LO1)*

   Answer: The responses provided will vary. However, all responses should indicate understanding of the concepts. Organizations recognized as one of "Canada's Best Diversity Employers" may be more likely to attract and retain a diverse workforce. The variety of responses given by students should lead to a lively discussion about the form valuing diversity may take in an inclusive organization.

2. On the basis of your knowledge of diverse religious practices and/or beliefs, what types of accommodations should an employer be prepared to provide to create a more inclusive workplace? *(LO1)*

   Answer: The students' responses will vary, however should reflect an understanding of the diversity of religious practices that may require accommodation in the workplace. Some examples include allowing head coverings such as scarves and kippahs to be worn in the workplace; and providing modified breaks, a private area for prayer, and/or flexible hours to accommodate religious observance. Employers may also accommodate employees' religious practices by providing additional leave such as unpaid leave. Encourage students to share their knowledge of diverse religious practices and how an employer could provide accommodation.

3. What is your reaction to the #MeToo movement? Do you think it has reduced the stigma of reporting sexual harassment? Why or why not? *(LO1)*

   Answer: Student answers will vary but should demonstrate connection to chapter concepts and information provided including data about the prevalence of sexual harassment and the relatively low percentage of reporting sexual harassment (See Figure 2.3).

4. Research minimum wages across various jurisdictions in Canada; for example, Alberta, New Brunswick, Saskatchewan, and Ontario. What are your observations and conclusions about minimum wages and employer responses to recent changes? *(LO2)*

   Answer: Students should be encouraged to explore current minimum wage rates as well as any announced upcoming changes to minimum wage for the various jurisdictions. Students should also be encouraged to looks for news articles that discuss employer comments and/or actions about minimum wage increases.

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5. Do you think that employers violate current or prospective employees' privacy rights when they use social media sites such as LinkedIn, Instagram, or Twitter to conduct informal background checks on employees or job candidates? Why or why not? *(LO2)*

   Answer: The responses given should provide for in-depth discussion among the students about their expectations of privacy when using social media. Consider presenting this question as a debate in the class.

6. Have you ever experienced harassment at work or been injured on the job? What happened? What was the short- and long-term impact on you? *(LO2)*

   Answer: The responses provided by the students will vary contingent upon their experiences and perceptions. Instructors may engage students in a general discussion about the short- and long-term impacts of harassment or on the job injury.

7. What are jobs that you consider particularly hazardous? What types of hazards and hazardous activities might workers experience in these jobs? What is your advice to reduce or eliminate the hazards and hazardous activities identified? *(LO3)*

   Answer: Student answers will vary but should demonstrate connection to chapter concepts.

8. Why do you think young and new workers are more likely to be injured on the job? *(LO3)*

   Answer: Student responses will vary but are likely to reflect a variety of potential reasons including inexperience and/or lack of knowledge about hazards associated with the job, and greater willingness to follow a boss's instructions without question. Responses may also reflect positive qualities of younger employees such as eagerness and enthusiasm to complete job requirements in the fastest way possible. Reference the "Did You Know" feature: Young and New Workers Have Higher Rates of Injury may serve as a helpful starting point for the discussion.

9. Do you think that fatigue is a form of impairment? Why or why not? What should organizations do about worker fatigue to protect all stakeholders; e.g., employees, customers, contractors, and the general public? *(LO4)*

   Answer: The student responses given for this question will vary. However, all answers provided should demonstrate the individual student's understanding of the chapter concepts and data provided e.g., prevalence of fatigue and correlation of hours of sleep and annual injury rates.

10. For each of the following occupations, identify at least one possible hazard and at least one action employees could take to minimize the risk of any injury or illness related to that hazard. (LO4)
    1. Server in a restaurant
    2. Warehouse worker
    3. Data scientist working remotely

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4. Employee in a personal care home

Answer: The student responses given for this question will vary. However, all answers provided should demonstrate the individual student's understanding of the chapter concepts.

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CASE STUDY: EVIDENCE-BASED HRM

SODEXO EXAMINES THE IMPACT OF GENDER-BALANCED LEADERSHIP ON PERFORMANCE

Case Summary:

This case examines research conducted by Sodexo, a global food services and facilities management company, about the organizational outcomes associated with gender-balanced leadership teams.

Answers to Questions:

1. **What is your reaction to Sodexo's goal that by 2025 at least 40 percent of senior global leaders will be women? What could go wrong? What must go right?**

   The student responses given for this question will vary. However, all answers provided should demonstrate the individual student's understanding of the chapter concepts.

2. **Why do you think Sodexo teams with gender-balanced leadership have achieve higher levels of performance than teams that do not have gender-balanced leadership?**

   Student answers will vary but should result in a thoughtful discussion that connects to chapter concepts.

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CASE STORY: EYE ON TECHNOLOGY

SUNCOR ENERGY CEO: "I OWN THIS"

Case Summary

This case discusses how Suncor Energy implemented a new technology to help make the company safer.

Answers to Questions:

1. **What technologies discussed in this chapter may be useful to making mine sites safer? Could any of these technologies create potential privacy issues?**

   The case provides information about a new technology that is used globally in mining that will detect and manage fatigue and avoid collisions. Students may be asked to debate potential privacy issues of using technology in this case.

2. **Should employees be concerned when technologies that protect their safety result in a loss of privacy? In your opinion, do the benefits (of improved safety) outweigh the risks (of reduced privacy)?**

   Student answers will vary but should result in a thoughtful discussion that connects to chapter concepts. Students can debate to explore different viewpoints.

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RUNNING CASE: INDIGENIZING THE WORKPLACE

Chapter 2: Thinking Indigenously

See the "Indigenizing the Workplace Instructor's Manual" on Connect.

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