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SPRING 2014 VOLUME 12, No. 2

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Nathaly Pinchuk, RPR, CMP
Executive Director

The Art of Teleworking

It's not just a benefit for employees anymore

It's hard to believe how many organizations still have problems with employees working from home. With all the new technology available, monitoring time and output is so much easier than it was years ago. That, along with a proper reporting system, makes it very difficult for employers to state that productivity or time spent on work drops when the employees are not on site at the office location.

Employers should carefully look at the benefits of telework—it's not just an employee perk. We experience long delays and dangerous travelling conditions. We get people calling in sick or having to stay at home with their kids because of bus cancellations or school closures. Even in summer months, we experience a greater number of severe weather issues with high humidity, heat, tornado warnings, etc. Wouldn't it be more conducive to have them work at home and get their deadlines met with a potential increase in productivity and job satisfaction? Beyond monitoring login times to corporate networks and output on certain functions, managers can schedule team meetings at regular intervals to review progress on projects and tasks.

Employees should also respect the fact that working from home is not the opportunity to slack off or take personal appointments without advising their managers and supervisors.

If you have a medical appointment booked during business hours, it is common courtesy to advise your superiors in case they need to reach you. It would be appreciated that if you took a few hours off for personal time, this time would be made up after hours so you don't fall behind. Just because your employer has your cell number doesn't mean that you don't have to communicate time away from work. There is nothing more frustrating for managers than trying to get hold of you on an urgent matter to discover that they can't reach you for hours due to a doctor's appointment.

For employees, working from home is definitely a benefit but certain conditions must be met. If there are core hours of the day where everyone should be on duty, those hours should be stipulated in advance. Meetings can now be conducted via the Internet which provides an excellent alternative to bringing people in, particularly with the severe weather changes. With instant messaging and email, you probably get quicker replies to your questions than waiting to see the other party in person or playing telephone tag.

Most employees who telework realize the big advantage. They truly make the effort to go above and beyond in their tasks even without overtime pay. They spend more hours each day on work. They may respond to emails

after business hours if this is an accepted practice. They see telework as a true benefit of working for their organization.

All conditions pertaining to work should be stipulated and discussed beforehand. Make sure that you don't change the game rules as you go along. Once you have the buy-in and have faith in your workforce, telework will be a win-win situation for all parties involved!

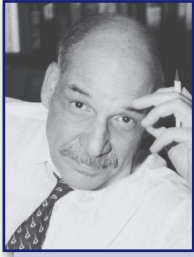
*Nathaly Pinchuk, RPR, CMP
Executive Director IPM
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and get deadlines met with a
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Review progress on projects at
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Brian W. Pascal
President

Baby Boomer Blues

What to do next

As the giant cohort of baby boomers reach their desired retirement age, many of them are wondering what to do next. They have been kings and queens of their domain for so many years that they are reluctant to give up their positions of power and influence. They are also in much better physical health than any previous generations. If they have been moderate in both the use of vices and regular exercise, they are likely to be in better mental health as well.

It's not surprising that many boomers are choosing to stay at work as long as they can and in some cases longer than their employers may want. That's too bad for employers, but with the near death of any form of mandatory retirement legislation, there is little they can do about it. Many more of this golden generation are glad to get out of the rat race of their current employment. The challenge they have is what to do next.

It seems to me that there are at least three possible cures for these baby boomer blues. One is to start your own business, either as a consultant to sell your knowledge and experience

back to previous employers or go into a completely new field. I don't have figures for Canada, but in the US over 10 percent of all new businesses are now being started by people over 65.

Alternately, they can start a new career- as a volunteer. Years ago I heard about a retired American CEO who took a job as a Wal-Mart greeter because he was bored. You could do that but it would be much more rewarding to give your

The other option is to go back to school. Maybe you always wanted to take a wood-working class or even learn to paint landscapes. You might have always wanted to get that second degree that you postponed when you ran out of time or money. You might even want to take the plunge and enrol in that doctorate program. You may never use it to teach or at work, but it is something you always wanted, so why not go for it?

It's not surprising that many boomers are choosing to stay at work as long as they can and in some cases longer than their employers may want.

time and energy to a worthwhile cause. There are community and educational organizations right in your own community who could benefit from your expertise. You didn't work all your life so that you can end up with a blue apron greeting customers, did you?

There are almost as many ways to cure the baby boomer blues as there are boomers. And that's a lot. Find your own remedy by finding your own passion. Then you can enjoy the next twenty years of life even more than your working career.



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Hendrik Nieuwland LL.B.

Partner,
Shields O'Donnell
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Brandin O'Connor, J.D.

Associate,
Shields O'Donnell
MacKillop LLP

Feature

Don't Fan the Flames with Workplace Investigations

Avoid costly damages in the courts

In the modern workplace, companies are often faced with the unenviable task of investigating serious accusations against their own employees. Typically, the alleged wrongdoing takes one of two forms: harassment of fellow employees, as in the context of a human rights complaint, or misconduct requiring disciplinary action up to and including termination, as in the case of fraud.

Either type of investigation places intense strain on the employment relationship. However, if the employer fails to act with measured grace under pressure, a court or adjudicator could hand down serious aggravated or punitive awards against the company. Some recent cases have cast light on the type of behaviour that will attract the ire of the courts.

the following to her..." The investigator should not state: "You have been accused of sexual harassment".

In *Chandran v. National Bank of Canada*, 2011 ONSC 777, a bank interviewed workers for a survey of employee satisfaction. The bank discovered that many employees considered their supervisor to be a volatile bully. Management began to explore a demotion before it had even interviewed the supervisor, and when it did, it refused to give any examples or details beyond the allegation of "bullying." The bank demoted the supervisor. Litigation ensued and a court found that the employer had reached damning conclusions without the benefit of a proper investigation. In the circumstances, the employee could not properly answer the allegations. The result of this botched investigation was a finding that the

and learned only later through his son – also an employee – that he had been accused of sexual harassment. The complainant in this case was an employee that the supervisor had previously reassigned to a new work area in order to address certain performance issues and separate her from her boyfriend. She vowed to get even. Unfortunately for the supervisor, the complainant's father was the manager and the manager decided to appoint his long-time friend to investigate the allegations. The friend had little experience investigating harassment.

This leads to our next point: an investigator should be experienced and impartial. Bias may be actual or perceived – in the Home Hardware case it was both. The investigator failed to explore concerns that the allegations were retaliatory and declined to interview any number of employees who had signed a petition in support of the supervisor. The investigator refused to let the supervisor's lawyer attend the interview and later admitted this was because he was hoping to obtain a confession. In ensuing litigation the supervisor was cleared of any misconduct and, unsurprisingly, he walked away with \$75,000 in punitive damages.

Even experienced investigators must guard against preconceived notions about an employee's guilt. In *Chapell v. Canadian Pacific Railway*, 2010 ABQB 441, the Director of Human Resources investigated allegations of fraudulent expense claims by one of the railway's employees. The employee was fired. However, the alleged "fraud" involved only a

The investigator failed to explore concerns that the allegations were retaliatory ... refused to let the supervisor's lawyer attend ... hoping to obtain a confession... the supervisor was cleared ... and, ... walked away with \$75,000 in punitive damages.

First, a proper investigation provides an opportunity for the accused employee to properly answer the case against him or her – no matter how credible the initial allegations appear to be. In presenting the allegations to the accused, the investigator must be careful to reiterate only the facts without characterizing the allegations. For example, the investigator should state: "The complainant said that last Monday you said

supervisor had been constructively dismissed.

In *Elgert v. Home Hardware Stores Limited*, 2011 ABCA 112, a supervisor at Home Hardware was accused of sexual harassment. He was immediately suspended without being told why; the investigator simply quipped "you know what you did." The supervisor was not allowed to gather his belongings, some of which were lost,

continued ...

Don't Fan the Flames with Workplace Investigations

... continued

handful of irregularities in almost 2,200 expense claims. The employee explained, quite credibly, that he had simply made mistakes. Unfortunately, the internal investigator became pre-occupied with unrelated past conduct (an off-site altercation involving alcohol) and engaged in offensive speculation about the employee's financial obligations to his family and whether he was an alcoholic. The investigator's bias culminated in an attempt to unfairly "blind-side" the employee during his interview, ambushing him with dozens of new impugned expenses for which he had no previous notice.

Even experienced investigators must guard against preconceived notions about an employee's guilt.

The railway's biased investigation cost the company \$20,000 in punitive damages at trial. Particularly troubling was that the investigator had attempted to access confidential personal records from the Employee Assistance Program. In this case, that attempt simply factored into bad faith damages for wrongful dismissal, but it now appears that such behaviour could constitute a tort action for breach of privacy.

A recent arbitral decision, *Alberta v. AUPE*, [2012] A.G.A.A. No. 23, interpreting Ontario's new privacy tort of "intrusion upon seclusion", suggests that employers may be liable when their investigators breach employee privacy by using or disseminating sensitive information obtained by virtue of the employment relationship. The test is whether intentional conduct on behalf of the employer

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Hendrik Nieuwland will be presenting with Malcolm MacKillop on:

Today's Critical Issues in Employment Law

at IPM's Toronto May 7 - 2014 Conference.

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Marcel Bellefeuille
Professional Coaching
Consultant

ASK the Expert

Joint Planning: The Path to Success

Involve all stakeholders in the process

Q: As a former professional CFL Head Coach, what experiences and advice in joint planning can you share with us?

A: Joint strategic planning is essential to producing a winning formula. In sport or business, it is critical to the overall success of every organization.

The April 2013 Annual Meeting of the Association for Strategic Planning of top non-profit organizations found that 93% of successful organizations reported that strategic planning has "some to critical impact" on overall success.

There are many facets to joint planning. The number one ingredient is to be diligent in the planning stages.

To be successful, a project requires chronological or calendar time to be allotted on two main segments: planning and execution. The rule says that 55% of the time should be assigned to planning with the balance applied to execution. Intuitively, that means much more time should be taken to plan than often happens.

There are many models for joint planning. One factor is not discussed enough. This is the relationship between the project leader and all the levels of management within an organization. It is often the middle manager that has all the

responsibility accompanied by all the accountability. Personal experience has taught me that during the planning stages, these relationships are crucial to the overall environment.

Influence in the management tree

As middle managers, we are often at the mercy of not only those people above us but also those below. The key to success is to create and maintain influence in the management structure. "Yes, I know", easier said than done. As a professional, your greatest triumphs and worst defeats will depend on that concept.

Devise a plan to include all levels of management

The concept of joint planning (cooperative or strategic planning can also be used) refers to all levels of management developing a plan for the project at hand. If every level of management has input and contributes to the plan, they will have shared ownership of the outcome. This type of responsibility for the outcome should create shared levels of accountability. The best chance for success comes if all the leaders involved have a shared stake in the success of the outcome. Success can only happen if the strategy is planned jointly.

5 simple steps to engage all levels of management:

1. Clearly define what a successful outcome to the project means to every level of management.

2. Determine what resources each level of management is willing to assign to the project based on their vision of success.
3. Ask for guidance as to who will be responsible for the execution of each project phase.
4. Develop an acceptable timeline for completion of the project and have it agreed upon by all levels of management.
5. Get buy-in on an appropriate maintenance plan.

Apply a project management process

The challenge is to ensure proper execution of the plan. There needs to be a structured set of processes (a project management approach) that steers the plan and keeps all levels of management on the mark. You should set dates for execution agreed upon by management for each phase of the plan, assign dates for completion and assign responsibilities to each level of management. You should also hold maintenance and review sessions with management at strategic points in the plan.

Maintenance is a must

Project review meetings consist of all levels of leadership sharing their recent and upcoming achievements and challenges, and reviewing them with the other leaders to determine if they are in line with the previously established plans and strategies.

1. Structured meeting times and agenda with all levels of management to review the plan.

To be successful, a project requires chronological or calendar time to be allotted on two main segments: planning and execution.

continued ...

Joint Planning: The Path to Success

... concluded

2. Rewrite or change any deviation in the plan.
3. Review the changes and get buy-in from all levels of management.
4. Maintain communication and progress from those doing the heavy lifting. They are your eyes, ears and barometer to success.

Challenges

It will always be a challenge to set the direction of a project as a middle manager or on-site worker. The people to whom you are accountable and those who are responsible for the execution will have different motivations. Finding ways to link all levels of the organization will be your shining moment!

Marcel Bellefeuille, RPR is a Professional Coaching Consultant and can be reached via email at marcel@coachmb.com.

Marcel Bellefeuille will be presenting on:

Time Management: The New Focus

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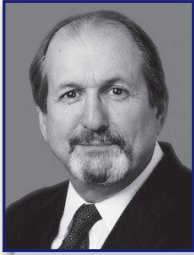
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Philip H. Gennis,
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Pension and Retirement Funds Impact Mergers and Acquisitions

HR's role in the due diligence process

One area that has a major impact on any merger or acquisition activity is in the risks and liabilities associated with company pension plans and retirement funds. According to Philip Gennis, commercial insolvency & restructuring specialist with msi Spergel Inc., pension liabilities for all companies in all sectors can be as much as 200% of the value of the company. That's a lot of money. It's also why organizations considering a merger or acquisition should look very carefully at all existing retirement and pension plans before any deal is finalized.

Ensuring that all facts and factors in both organizations are considered when it comes to such issues is not only the role of the financial and legal experts. Human Resources can and should play an important part in conducting due diligence in this area. All existing and projected retirement benefits and costs need to be examined closely and there cannot be any skeletons left hidden in the closet. This review should consider administrative, legal and financial aspects of these plans and any side deals or special payment arrangements should be disclosed to both parties.

On the legal side of the ledger, there are requirements that have to be met under the appropriate pension legislation which is usually under provincial jurisdiction unless the merger partners are in federally regulated industries like banking or transportation. There are provisions and regulations for transferring of pension assets and liabilities and governing the wind-up of either of the plans in the case they are being combined within the new entity.

"Special consideration should also be given to dealing with any excess or surplus funds coming out of these proposed changes," says Philip Gennis. He notes that there are several recent court rulings on this matter that should be considered before making any assumption that the newly merged organization can utilize any of these monies for anything but pension or retirement related purposes. The pension actuarial firm should also be asked for their advice before making any changes to existing pension plans as they too should be fully updated on all pension plan legislation.

The actuaries for any existing pension plan should also be asked for their financial advice about the overall health of any existing plans and whether they are funded adequately to meet current and future obligations. If there is going to be a merger or

are de rigueur these days and sometimes only HR will know all of the details of these special payments. These special arrangements may involve millions of dollars in liabilities about which only the corporate executives and HR staff will have knowledge."

Another very important role that HR should play in retirement issues when it comes to mergers and acquisitions is to ensure that the general proper administration of all benefit and compensation plans continues throughout the M & A process. This should include communicating to all employees about possible changes and the impact of their retirement and pension planning processes. You don't want an employee revolt over changes to a pension plan to cause even more turbulence through what is already a difficult period.

Pensions and retirement funds can be major cause for concern in M & A actions but only if you don't have full disclosure and a complete due diligence process.

combination of the plans within the new company, they can also provide their projections on how much money is required to be set aside to cover existing claims against the plans.

HR should also be asked to provide information and documents on any of the side deals that the companies may have negotiated with their employees, in particular additional payments upon retirement or resignation to their senior executives. Philip Gennis says that "these types of arrangements

Pensions and retirement funds can be major cause for concern in M & A actions but only if you don't have full disclosure and a complete due diligence process. Philip Gennis feels that this is one area where due diligence is worth every penny and every hour you spend. "If you don't look after this properly, you may find that you are building your new corporate house on a very unstable foundation."

*Members Quarterly
Staff Writer*

Feature

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Suzanne Nourse
Founder & Director,
The Protocol School
of Ottawa

ASK the Expert

Bereavement

Suggested Protocol

Q: My co-worker's sister recently passed away. No one at work knew her and we were uncertain about attending any services. What protocol would you suggest in this scenario?

A: This can be an uncomfortable situation. No policy and procedures manual will give you the guidelines. This one comes from the heart.

If you work with the bereaved or know them well, consider attending the visitation and possibly the funeral as well. You will show your colleague that you care about them and are sympathetic to their loss. No one likes attending visitations or funerals. It's something we do because it says "I'm here for you".

Attend the visitation with another co-worker if it makes you more comfortable. Just remember how much harder it is for the bereaved. Be prepared. Know what to say and what not say:

Avoid making the following statements.

He's in a better place now.

To the one who has lost a loved one, there is no better place than with them, in their arms.

At least she's not suffering any more.

True, they're no longer suffering but they're not here.

God needed him more than we do.

To the bereaved, their need for their loved one can't be measured.

Heaven has another angel.

Again, this may be true, but your co-worker may be thinking that Heaven could have waited just a bit longer. They need the person too. Also, be cautious of religious expressions unless you are certain of their beliefs.

Call me if you need anything.

We say this with complete sincerity. But will the person call you? We doubt that. Instead, tell them you will call them on a specific date and then do so. After the funeral, life goes on as normal for everyone else except the bereaved. Stay in touch.

If you will be attending any service or observance of a death that differs from your own faith and customs, do a little

homework. A quick internet search can give you some useful dos and don'ts. Don't be afraid to ask someone of the same faith what you should do. If you are unable to do any of these, then follow the lead of other attendees. You can't go wrong with a warm smile, a hand and a sincere "I am so sorry."

When your colleague returns to work, acknowledge their loss even if you don't know them very well. It's the polite and thoughtful thing to do. If they wish to talk about their loved one, listen. Take your cue from them.

Attending visitations and funerals of the loved ones of co-workers is not something that can be dictated by office policy. Attend if you feel you want to show your support. You will be amazed at the impact your presence may have.

Suzanne Nourse is Founder & Director of The Protocol School of Ottawa and co-author of "The Power of Civility". She can be reached via email at snourse@etiquetteottawa.com.

Attending visitations and funerals of the loved ones of co-workers is not something that can be dictated by office policy.

Suzanne Nourse will be presenting on:
The Annoying Co-worker – Civility in the Workplace
at IPM's Toronto May 7 - 2014 Conference.
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Dmetri Berko, RPR
Principal and Learning
& Development
Manager, DMA Canada

Feature

Recruiting on a Deadline

Use a proven methodology that works

In the business of Contingency Recruiting, you become accustomed to the 'Rush Order'. This is affectionately called being 'behind the order'. At times, no matter how hard you run to catch up, success is just beyond your reach. Clearly this is not an ideal situation.

Fortunately, by building appropriate client relationships and aiming to become a trusted partner in someone's business, you are afforded the ability to pre-plan and execute recruitment efforts quickly, effectively and at times with great success.

In 2012, we were approached by a client to staff an imaging project that was planned to digitize old paper records for a pending divestiture to another organization. The idea was to have the project run 24 hours (3 shifts) for one month. In the end, we would have digitized several thousand records, completed the project and dissolved the contracts.

Whether your client is internal or external, give daily progress updates.

Drawing on previous successes using IPM's Recruiter program methodology, we designed a project plan that was built around fast tracking the recruitment process. Though the client had pre-determined steps and on-the-job-training already available, through the course of our Position Analysis, we uncovered the tasks involved in this project were fairly simple:

1. File Preparation (PREP)– Remove all paper clips and staples, anything under 8.5" x 11" should be photocopied onto full-size paper, anything oversized scanned separately, insert colour-coded dividers
2. File Scanning and Quality Assurance (SCAN) – Use a high-speed / high-volume

scanner with appropriate imaging software. Check to ensure that the scans are straight and clear.

3. File Reconstruction (RECO) –Remove all colour-coded dividers, re-staple and clip sheets, return file to original state.

Now comes the hard part. We had to identify and secure the 35-40 person team, working on three consecutive shifts, 24-hours per day, 6 days per week, as soon as possible. Because of our client's timeline, we needed to have the entire team assembled and ready to work within two weeks.

evening-PREP and night-RECO. This meant that if skills pre-determined the candidate's shift and they weren't able or willing to meet that timeslot, they were disqualified.

Each candidate was interviewed in-person. Before coming to our office, they had completed multiple assessments. Some would feel that the interview was an incidental requirement in this case. In reality, several candidates were subsequently screened out of the process based on this crucial step. Using a scoring model that integrated the performance from testing and self-assessments, candidates

Drawing on previous successes using IPM's Recruiter program methodology, we designed a project plan that was built around fast tracking the recruitment process.

Don't be afraid to call-out candidates on the phone

Here's how we did it:

By using a modified version of IPM's resume scoring model, we were quickly able to shortlist candidates into groups according to PREP, SCAN and RECO. Resumes were pulled from several sources including our existing database, job boards and by referral (during a screening call).

Shortlisted Resumes were phone screened to ensure validity of information, assess fitness for the role(s), explain the parameters of the position, schedule an in-person interview for the following day and deliver the required testing. For the sake of workflow, the client had chosen daytime-SCAN,

were slotted into a shift based on skills and experience. During a successful interview, the candidate's paperwork for the contract was reviewed and IDs were scanned for background checks. Upon leaving, each candidate simply needed a start date to begin the work. Data verification was done immediately along with a background check.

The outcome of this was a summary spreadsheet which included a list of project resources, the candidates' self-assessment in all performance areas, assessment from their references, results of their formal testing, completed checklist of paperwork and emergency contact information.

continued on page 15



Carla Hurley
Executive Coach
and Owner of
Inside Out
Leadership



Gail Boone
Executive Coach and
Owner of
Hold Them Big

Feature

The Art of Powerful Questioning

Move toward powerful thinking and positive change

This segment in the Energy on the Frontline series builds on the two previous concepts – shifting from manager to leader and examining our attitudes about how we think about others' capacity. How do we do that? We develop the skill of the single most powerful tool in the manager's toolbox – powerful questions. By employing powerful questions, we move from telling to teaching, doing to being and expert to coach. This means shifting our role and engaging powerful questions to build capacity, resiliency and accountability in others. Powerful questions generate powerful thinking. Powerful thinking generates positive change. Let's explore how.

Listening is the Key to Questioning

Listening is the foundation to generating questions. In particular, active listening (listening for **their** story) is the key to forming questions that will delve deeper and create introspective thinking. Move beyond your own curious agenda and hear just enough to enable you to offer your own experience. Give others the gift of your full, focused and undivided attention so they feel seen, heard and understood. Listening is the launch pad of powerful questions.

Get at the Emotional Root

Behavioural change comes from the place of awareness and desire. If an employee doesn't have an emotional connection to the change they need to make, then they won't make that change. Active listening will allow you to both hear what's on the surface and understand what's deeper. Is there a common thread, theme or topic that keeps showing up regardless of the direction of the conversation? Identifying,

naming and asking questions about that theme will enable employees to get at it. Delve deep to unearth that 'root' stimulating further opportunity to ask the tough questions necessary to create awareness - that essential condition for personal and professional growth.

Let them Lead

It's essential not to focus on your agenda. How many conversations have you been part of where you feel the other person would benefit from your experience, knowledge of how you handled a situation or advice on how they might approach a similar situation? That's NOT what coaching is

critical thinking skills they can transfer to other situations.

Keep them Open

Questions should invite a response beyond 'yes' and 'no'. Open questions usually start with 'what' or 'how'. They are designed to dig deeper and enable a more thoughtful response. The individual has to critically think, create ownership in the solution and accountability for the outcome.

Consider the difference between the following: "Do you think the situation with the customer went well?" "What stands out for you in this customer interaction?"

Powerful questions generate powerful thinking. Powerful thinking generates positive change.

all about. Listen to their story and use questions to explore their reality. Recognize and suspend your need to be the expert. Demonstrate your expertise in using powerful questions as a tool to support their self-discovery and growth.

Don't embed your answer in the question. An example: "If you were to approach that situation, would you do X or Y"? This leads the employee to make a choice between your two options. What if they had other options? Reframing the question to "What are the options to approach this situation?" leaves it open and creates space for the person to explore and innovate. Additional powerful questions can assist in weighing the pros and cons of each option. The employee becomes an active participant in their development. They develop

The first question is 'closed'. It requires only 'yes' or 'no' without further exploration. The second prompts examination of the customer experience. It asks the employee to think out loud about what makes a customer experience stand out. That's information to be used in the future. The person identifies, names and shares what's important. Just this small nuance in how the powerful question is asked can have 'staying power'. Coaches develop that question style intentionally so that they can be a catalyst enabling employees to grow.

Questions for Clarity

Questions asking 'who', 'when', and 'where' are used to gain additional information, add detail and advance the conversation. These questions should

continued ...

The Art of Powerful Questioning

... concluded

be used in moderation. Sometimes, we can overuse clarification questions which keep us 'on the surface' of the conversation and away from exploring the root or what's underneath.

Avoid Rapid Fire

Powerful questions often create intensity. When delivered in succession, the employee can feel like they are being interrogated. Multiple questions can invade the safe space and lead to the person feeling overwhelmed and uncertain of what question to tackle. If you notice yourself doing this, name it and offer choice: "I just asked you two questions, which one would you like to answer"? This accomplishes several things. It sends the message that there's no perfection in coaching, it lets them lead and it deflates the 'interrogation room' feel. This is a situation where less is more to enable creating the safe space where the employee can explore and develop.

Reframe the Why

'Why' questions tended to be loaded! They can send the message of judgment, interrogation and usually elicit a defensive response often not conducive to learning and growth. A quick technique to avoid asking why is to reframe to "What are the reasons for" or "What about this approach feels right to you"? This subtle difference can shift the space so the individual can reflect, learn and move forward.

What feels different between the following questions? "Why did you approach that situation the way you did"? "What are the reasons you approached that situation in that way"?

Reframing the 'why' with a 'what' question is an open invitation for exploration and will establish more productive conditions for a developmental conversation.

Silence is a Question

Silence can be the largest tool in the exploration tool box. It is also really uncomfortable. As a coach, asking a question and then letting the space hang waiting for the answer creates a place where the employee can really examine what's going on for them. Wait long enough and they will engage. Some of the most profound statements and learning often emerge from that quiet place of introspection. Feel free to give space and resist the urge to fill it up.

Silence can be the largest tool in the exploration tool box.

Enable Exploration of Barriers and Impact

Powerful questioning can also provide a 'test run' and allow an employee to safely explore potential challenges and implications to their plan of action. Asking questions to identify what will get in their way, how their approach might be perceived by others and the implications of their actions gives the person the place to critically think through their plan. Anticipating the pitfalls and giving thought to potential strategies to address them will position the employee for future success – that 'staying power' after they leave your office.

'A' is for Accountability

Powerful questions need to inspire action and ownership. A conversation without the person positioned for forward movement is a nice interaction but it is not coaching. To make it last, the employee needs to leave your office with definitive action. Asking questions about next steps, time frames for completion and follow-up are key to the employee's accountability including application and

transferability of learning. Employee accountability honours their capability and creates independence.

And Remember, There's No Perfect Question

Finally, we believe that daring to be curious regardless of the 'perfect' question opens the space for collaboration, co-creation and innovation. Sometimes, as a coach you are more concerned about crafting the perfect question rather than just listening and trusting yourself to let them flow based on the

employee's needs. Even if a question doesn't quite land, it elicits some thought process in the receiver and opportunity for them to say "No, that's not quite it, it's more like this". Powerful questioning is about making space for them. If you 'hold them big', you trust that they are resourceful, whole, capable and able to find the solution themselves.

In summary, think of powerful questions as the wind in the sails. The leader as coach provides the environment through powerful questioning to safely propel the individual into uncharted waters. This questioning can supportively push the employee outside their comfort zone to a place of new opportunity.

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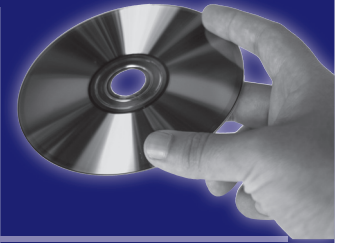
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Recruiting on a Deadline

... concluded, from page 11

Using this formal process, we were able to identify, recruit, screen, interview and on-board all guaranteed resources with 10 reserves ready to begin work within the specified timeline.

Here are some suggestions for recruiting on a deadline.

- **Get your team on board.** Make sure that everyone who touches this project is kept up-to-date on all the necessary information. Sometimes, the most important thing to remember is when to STOP recruiting. Otherwise, you waste time and effort on excessive candidates.
- **Cast a wide net and reserve the excess candidates.** When screening for a specific skill,
- most recruiters rely on Boolean searches to screen based on previous experience, skill, education or technology. For some skills, you need to broaden your search parameters to ensure you're casting a wide enough net.
- **Don't be afraid to call-out candidates on the phone.** People will put anything in a resume just to see if they'll get selected. Make sure you're not wasting your time by meeting with people who are not qualified for your immediate needs.
- **ZIP your paperwork into a folder and send it with your interview invite.** Put all the paperwork and testing

requirements in a common folder sent to each candidate before the interview. This way you ensure that nothing is left out of the requirements.

- **Whether your client is internal or external, give daily progress updates.** The worst thing that could happen is that you accomplish this great achievement to discover that the requirements have changed, the project has stalled, or that even though the request was ASAP, sometimes you can be too fast.

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Don't Fan the Flames with Workplace Investigations

... concluded from page 5

causes an unjustified invasion into the employee's private affairs such that a reasonable person would regard it as causing distress, humiliation or anguish. The invasion must be "highly offensive." Sensitive information could include health records, sexual practices and orientation, personal finances, a diary or private correspondence. In this particular case, an overzealous police detective was assigned by the Alberta government to investigate fraud. He used confidential employee information to obtain credit checks against dozens of government employees. Fortunately, the government was apologetic and proactive

following the breach, so the damages awarded by the adjudicator were nominal.

In most workplaces, investigators are never actual police officers, but they can be overzealous. Investigators sometimes overstate their case and threaten to involve police in an attempt to intimidate employees. It is an abuse of process and potential extortion to threaten criminal charges to obtain a resignation or release. Further, if charges are laid, an employer must provide any exculpatory information to the police or face potentially devastating civil liability for malicious prosecution: see *Pate v. Galway-Cavendish*, 2013 ONCA 669.

A proper workplace investigation will allow an employer to make the right decisions and move forward. However, a negligent investigation will be frustrating, disruptive and costly. Employers should carefully consider the scope of an investigator's mandate and ensure that the values of procedural fairness, impartiality and confidentiality are observed in any investigation.

Hendrik Nieuwland is a partner and Brandin O'Connor is an associate with the employment litigation firm Shields O'Donnell MacKillop LLP of Toronto.

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