Employee Relations Principles

The Need

Organizations seldom publish the principles which govern their employee relations practices yet they administer their employees' needs daily on an unwritten or implied model of fairness. Governments are moving to address this void through employment legislation which more and more frequently requires employers to publish certain policies and which, in many instances, encourages employee input into employee relations practices. A prudent employer needs to spell out its views and principles on this important subject so that employees will know what type of treatment they can expect.

A properly thought-out document on employee relations principles serves as an important checkpoint for all policy matters related to human resources. One need only ask the question “Is this policy consistent with our employee relations principles?” to determine whether a new policy subject is reasonable, or in fact, necessary.

Some employers encourage employees to challenge an employer's actions, without fear of reprisal, if those actions are inconsistent with the employer’s known employee relations principles. This type of encouragement is a constant reminder of the adage that ‘actions speak louder than words’. Positive employee relations are more than just words.

An effective employee relations policy often helps managers to adjust their management style to one that encourages employee initiative and involvement or to a style that is more acceptable to the organization.

Considerations

- Each employer must answer the questions of “How do we want to treat our employees?” and “How do we want our employees to perceive us as an employer?” When these questions are answered honestly and objectively, and after auditing the comparison of the real situation to the ideal situation,
most employers are able to develop an effective statement of principles for employee relations.

- If an employer wishes to advise employees that it desires to remain union-free, consider including in the policy statement a paragraph similar to Paragraph 1.02 shown in the sample. **A word of caution — if such a statement is to be included, it is prudent to seek competent legal advice when drafting the statement to ensure there is no violation of labour legislation.** Note that the scope of employer free speech on the subject of unionization varies greatly from province to province and the case law is still developing.

- The Ontario *Human Rights Code*, the *Employment Standards Act, 2000* and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) have significant legislative influence on an organization’s employee relations principles. Those statutes have a common objective of requiring employers to treat people with fairness, equity and without discrimination.

In particular, the AODA requires an employer to set out measures, policies, practices or other requirements for the identification and removal of barriers to those with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures, premises or such other things as may be prescribed, and for the prevention of the erection of such barriers, and to implement those measures, policies, practices or other requirements within the time periods specified in the standard. The AODA applies to both the public and private sectors. Any organization that provides goods or services to members of the public or other third parties and that has at least one (1) employee in Ontario must comply with the Act and its regulations. Presently, two accessibility standards regulations have been enacted—O.Reg 429/07, Accessibility Standards for Customer Service and O Reg. 191/11, Integrated Accessibility Standards which deals with general requirements, information and communications standards, employment standards and transportation standards. The Regulations may be viewed by searching the Ontario e-laws website at: http://www.e-laws.gov.on.ca/navigation?file=home&lang=en

Generally, all organizations in Ontario must comply with the general requirements contained in the Integrated Accessibility Standards Regulation by developing and implementing written policies and statements, including a statement of organizational commitment to meet the accessibility needs
of persons with disabilities in a timely manner. Those documents must be made available to the public, in an accessible format on request, by January 1, 2014 in the case of large private sector organizations (those with 50 or more employees in Ontario). Small private sector organizations must also develop policies (which are not required to be written nor must they include a statement of organizational commitment) by January 1, 2015.

Additionally, as soon as practicable, but not later than January 1, 2015 for large private sector organizations and January 1, 2016 for small private sector organizations, every organization is required to provide training on the requirements of the accessibility standards referred to in the Regulation and on the Human Rights Code as it pertains to persons with disabilities to,
(a) all employees, and volunteers;
(b) all persons who participate in developing the organization's policies; and
(c) all other persons who provide goods, services or facilities on behalf of the organization.

Legislated Requirements

• All employment-related statutes, in some way, deal with the subject of employee relations; however, there are no specific requirements to develop or publish an employee relations policy. It is good business practice to do so.

About the Sample Statement of Policy and Procedure

• The sample Statement is meant only as a thought-starter to help employers think through this important subject. It does, however, reflect the underlying philosophy behind many of topics contained in this book.

• Paragraph 1.02 of the sample may not be appropriate for all employers.
Note that although the changes made to the sample policy are shown to be effective January 1, 2012, the changes to paragraph 1.01 respecting those with disabilities are made under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). The appropriate sections of the AODA and Regulations are not effective until January 1, 2016 for large private sector organizations and January 1, 2017 for small private sector organizations.

Employers should review the timetables shown in the tables in the topic related to Accommodation on the Basis of Disability.

Note also that some of the “General Requirements” set out in the Integrated Accessibility Standards regulation of the AODA come into effect on January 1, 2014 for large private sector organizations and January 1, 2015 for small private sector organizations. As noted throughout this publication, employers should review all Integrated Accessibility Standards regulation requirements at:


The *Accessibility for Ontarians with Disabilities Act, 2005* may be viewed at: