INTEGRITY
MANAGEMENT CONSULTING GROUP*

The Evolution of Human Resources over the Past Twenty Years

Reflections on how human resources management has evolved since the inception of our firm 20 years ago.

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As our firm approaches its 20th anniversary, I thought I would take this opportunity to reflect on some of the changes that I have witnesses during this period of time. Although my career in the fields of human resources and labour relations began about 25 years ago, many of the changes that I will cover herein come from my experiences in private practice.

In the early stages of our firm's foray in the field of human resources, pay equity was an important piece of legislation that affected both private and public sector organization throughout the province of Ontario. Much of our practice focused on assisting organizations in meeting their statutory obligations under the *Pay Equity Act*. For many organizations, pay equity represented a very invasive piece of legislation regarding the manner in which they remunerated their employees. It was a difficult for many to wrap their minds around the premise of the legislation, which was based on the concept of eliminating gender bias in pay by promoting equal pay for work of equal worth. This was quite revolutionary in the world of workplace compensation. Although there was a fair amount of dissension on the matter in the initial stages, the legislation generally addressed gender-based wage discrimination in the province of Ontario.

The fiscal austerity measures taken by former Ontario Premier Bob Rae in the mid 1990's were both controversial and necessary in light of the economic situation facing the province of Ontario and the rest of the nation at the time. Ontario was experiencing its worst recession since the Great Depression when the NDP took office in the provincial legislature. The bill enacted by Premier Rae's NDP government was called the *Social Contract Act, 1993*. The *Act* was composed of statutes that were meant to encourage or even force public sector employers to mitigate overall compensation spending by having employees take days off without pay for up to 10 days. These days came to be colloquially known as "Rae Days". The *Social Contract Act* created a great deal of dissension and opposition from the NDP's former allies – the unionized labour movement. The most vocal of these was the Canadian Union of Public Employees (CUPE) under the leadership of Mr. Sid Ryan. Many other public sector unions followed suit. Unions were quick to condemn the NDP government's austerity measures under the *Social Contract Act*. They criticised it for its perceived restrictions on the collective bargaining rights of unions and their bargaining units. In an unprecedented move, many unions, who traditionally supported the NDP party, changed their endorsement and encouraged their members to vote Liberal at the next provincial election. This tactic backfired on the labour movement during the 1995 elections culminating with the rise of Premier Mike Harris' Conservative government.

In the early 90's, we also witnessed an increase in the number of months provided to parents for pregnancy and parental leaves. The enhancements originally provided a mother giving live birth up to 12 months of combined pregnancy and parental leave. The initial amendment to the legislation also provided the spouse (typically the father) with access to parental leave. The changes were meant to provide both parents an opportunity to spend more time nurturing their child during his/her formative months of development without the worry of jeopardising employment. During subsequent years, their have been revisions to legislation to recognize the rights of adoptive parents as well.

The social and moral obligations shouldered by employers have also become more evident over

the past twenty years. Jurisprudence and case law from different tribunals and courts have laid the foundation for placing greater moral responsibility onto employers within the context of the employment relationship. Terminations have become more difficult to levy due to the greater evidentiary proof of cause. Tribunals (including arbitration boards) and courts have placed a greater duty on employers in substantiating dismissals for just cause. In general, I have found that as a result of this more lenient approach toward discipline and termination, employers have to be more vigilant and attentive when mounting a case against an employee. The bar for upholding discipline, let alone termination, has been substantially increased and employers simply need to be more careful in their approach to administering discipline. This greater moral obligation has also influenced human rights and worker compensation tribunals to place a greater onus on employers in meeting more onerous requirements in accommodating ill or injured workers in the workplace.

We have also witnessed changes in legislation meant to assist those in the "sandwich" generation to look after not only their children but also their aging parents. The baby boomers continue to move along the cycle of life with all the associated health concerns that come with aging. Coupling this with their children starting families later in their reproductive lives, means the familial obligations of the sandwich generation are caught between two (2) generations. They continue to have responsibilities toward their children with the added responsibility of looking after aging parents. In recognition of these social dynamics, governments have enacted legislation to allow for greater employment rights protection for people caught in this dilemma of caring for both younger and older generations. The *Employment Standards Act* of Ontario provides for a variety of leaves of absence in order to allow individuals to tend to their loved one without the fear of losing their jobs. For instance, the most recent amendment (still awaiting royal assent) to the *Employment Standards Act*, Bill 21 will provide employees with a critically ill child care leave of up to 37 weeks which they can take in addition to a family caregiver leave of up to 8 weeks.

Along with the changes described above, we have witnessed substantial changes to workplace arrangements dealing with a myriad of situations facing our modern workforce. Many employers have adopted many creative solutions in re-arranging work to accommodate employees' work-life balance. Arrangements such as flextime, compressed work-week, and telecommuting have become a popular means by which employers are attempting to strike a balance between the employees' needs for work-life balance and the organization's need for productivity and job satisfaction.

A more recent challenge facing many organizations in various sectors is the intergenerational communication gap. The gap in terms of how we communicate with one another has created a great divide between older and younger generations of workers within most organizations. The way we communicate is quite different between generations due in large part to the proliferation of smartphones, texting and social media. In much of my mediation practice, I am seeing more conflicts being incited by the communication gap between workers of different generations. The conflicts attributed to communication are less about the content of the messages but more the manner in which we communicate More mature employees write in complete sentences with little or no use of acronyms; while younger workers have become more accustomed to writing in short form and with less completeness. Moreover, personal (face-to-face) communication is being supplanted by the over-utilization of e-mail and texting. These modern communication tools have effectively depersonalized communication and have subordinated personal interaction and engagement. Many, including myself, would argue that communication is a vital element in ensuring the proper functioning of any organization and therefore, employers must pay close attention in reconciling the communication divide that currently exists.

In concluding this article, I would like to take this opportunity to thank each and every one of you for your past support in our achievements over the past twenty years. Each one of you has contributed in one way or another to our success and we are truly appreciative of your respective contributions. We look forward to maintaining our interaction and engagement with you for many years to come.