



The Canadian Industrial & Organizational Psychologist

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Chair's Column

R. Blake Jelley, PhD
University of Prince Edward Island

(La version française est à la suite de la version anglaise)

In 2011, the CSIOP executive committee was alerted to some contentious (draft) guidelines pertaining to psychological assessment of police officer candidates with potential implications for I/O practice. It became evident that professional affairs (e.g., guidelines, standards, licensure) would be one of the themes for my time as Chair. In this column, I will focus on general opportunities related to credentialing and licensure. First, a brief update on the catalyst for this discussion is in order.

Clinical Assessment Guidelines for Police Candidates

The latest version of the police guidelines document is called, The Pre-employment Clinical Assessment of Police Candi-

dates: Principles and Guidelines for Canadian Psychologists. Please see my columns in the August and November 2011 editions of the Canadian Industrial & Organizational Psychologist for some background information. Some CSIOP members provided feedback on different versions of those guidelines. They noted potential implications for I/O practice that could extend beyond the realm of policing, as well as inconsistencies with Standards (AERA et al., 1999) and Principles (SIOP, 2003) we endorse. Thanks to those who took time to review draft guidelines. Important concerns remain. Nevertheless, in my opinion, some key improvements have been made. In particular, both the title and the content now focus more squarely on “clinical” assessments. The Guidelines’ compiler, Dr. Dorothy Cotton, has received feedback from many people and is looking to have the Guidelines accepted or endorsed by a relevant organization (e.g., CPA). Contact me at bjelley@upe.ca if you want to see the latest draft, etc. These Guidelines will continue to be discussed, although I expect they’ll be put forward for some kind of endorsement sooner rather than later. For this column, I would like to focus on broader issues related to professional I/O practice.

An I/O Credential?

Licensure-related issues and the idea of an I/O-credential have been discussed at recent CSIOP executive committee meetings and in various communications with members. Indeed, a self-described “rather strong” critic (historically) of I/O-licensure suggested that it may be time to re-examine credentialing in light of what other, related organizations and professions are doing. We could think about credentialing more broadly than a license that restricts practice, perhaps as a voluntary certification.

I had heard something about a possible international I/O credential previously and asked Milt Hakel, president of the Alliance for Organizational Psychology, if he had any more information about that idea. He kindly requested feedback from his network about that possibility. It does not seem that will be one of the Alliance's first orders of business, given the complexity of credentialing issues. Nevertheless, if some kind of I/O credential is desired, my suggestion would be to (eventually) work with international partners through the Alliance to realize it.

The Agreement on Internal Trade and the APA Model Act for State Licensure of Psychologists

Even if a voluntary I/O-certification was to be designed, regulations concerning the title and practice of psychology remain issues to address. I think Canada's Agreement on Internal Trade (AIT), specifically the revised (2009) chapter on Labour Mobility, presents an opportunity to make licensure laws much more friendly and relevant to I/O practitioners. According to Industry Canada's web site (Nov. 18, 2011): "Qualifications of workers from other parts of the country will be recognized." Effectively, our governments replaced previous, unsuccessful efforts to reconcile differences in required occupational qualifications across jurisdictions with a mutual recognition model (Knox, 2010, *Who Can Work Where*, CD Howe Institute). "Mutual recognition is now the default position for all professions and trades, unless a government puts forward a specific exception to maintain a barrier along with a justification of the need for that barrier" (Knox, 2010, pp. 7-8).

The "thou shall license those licensed elsewhere in Canada" message was certainly received by a psychology regulator who presented at the CPA convention last year. Professional regulators, not just those in psychology, are concerned about a "race to the bottom" whereby the standards in the least onerous jurisdiction will come to define the qualifications for professional practice. (In terms of a disclaimer, I am not advocating that I/O professionals use knowledge of the AIT to circumvent local licensure laws. Knox's (2010) backgrounder outlines limits of the AIT that should be considered in that regard.)

CPA would like to see greater uniformity in terms of the standards to enter professional practice in Canada, but has concerns about the AIT (see www.cpa.ca/practitioners/practiceregulation/). The desire for greater uniformity in licensing requirements is a long-standing position of CPA, but is also a current issue. For example, the CPA Board endorsed the doctoral standard for entry to practice psychology at its November 2011 meeting.

I am suggesting that the pressure put on regulators by the revised Labour Mobility chapter of the AIT could expedite efforts to reconcile entry to practice standards. I hope that such efforts lead to a renewed focus on the least restrictive standards that protect the public. Incidentally, standards that are too stringent could harm the public by reducing cost-effective access to professional services (Competition Bureau, 2007).

The APA Model Act for State Licensure of Psychologists (2010) has some carefully crafted language that could provide a useful starting point for discussions on a better, more consistent psychology licensure model in Canada. Specifically, the APA model act differentiates health service providers from general applied psychologists and includes an exemption from licensure for the latter category provided their "services are for the benefit of the organization, and does not involve direct service to individuals" (p. 10). I think the AIT and at least those aspects of the APA model act are worth considering in more detail.

En 2011, le comité exécutif de la SCPIO a été averti de pratiques litigieuses au sujet de l'évaluation psychologique dans un processus de sélection de policiers, et de l'implication potentielle pour la pratique en psychologie I/O. Il est devenu évident que les affaires professionnelles (p.ex. : directives, normes, règlements) seraient un des thèmes à traiter en tant que président. Dans cet article, je miserai sur les opportunités liées aux titres de compétence et aux permis d'exercice. J'aimerais commencer par une mise-à-jour sur le catalyseur de cette discussion.

Directives pour l'évaluation clinique dans la sélection des policiers

La version la plus récente du document sur les directives de la police s'appelle « The Pre-employment Clinical Assessment of Police Candidates : Principles and Guidelines for Canadian Psychologists ». Veuillez vous référer à mes articles dans les éditions d'août et de novembre 2011 du journal *Le Psychologue Industriel et Organisationnel Canadien* pour plus d'informations. Certains membres de la SCPIO ont fourni une rétroaction sur les autres versions des directives. Ceux-ci ont surtout noté les implications possibles pour la pratique en psychologie I/O au-delà du contexte policier, ainsi que les incohérences avec les Normes (AERA et al., 1999) et Principes (SIOP, 2003) sur lesquels nous nous appuyons. Merci à ceux qui ont pris le temps de réviser l'ébauche des directives – certes, des préoccupations demeurent. Toutefois, à mon avis, des améliorations importantes ont été apportées. En particulier, le titre, ainsi que le contenu, misent plus sur les évaluations dites « cliniques ». La compilatrice des directives, Dr Dorothy Cotton, a reçu du feedback de plusieurs personnes et travaille à faire accepter ou endosser ces directives par une organisation d'intérêt (p.ex. : la SCP). Veuillez me contacter par courriel (bjelley@upe.ca) si vous aimeriez voir l'ébauche la plus récente, etc. Ces directives continueront d'être sujet de discussion, par contre j'anticipe qu'elles seront mises de l'avant pour une approbation sous peu. Pour ce qui est de l'article, j'aimerais parler des enjeux plus globaux liés à la pratique professionnelle en psychologie I/O.

Un titre réservé à la psychologie I/O?

Les enjeux liés à aux permis d'exercices et l'idée d'un titre réservé à la psychologie I/O ont fait l'objet de discussions récents aux rencontres du comité exécutif de la SCPIO, ainsi

que dans diverses communications avec nos membres. En effet, une critique qui s'est dit « assez sévère » au sujet d'un permis d'exercice en psychologie I/O suggère qu'il est peut-être temps de réexaminer l'idée d'un titre réservé, surtout à la lumière de ce qui se fait dans d'autres organisations et professions connexes. On pourrait penser à un permis d'exercice dans le sens large - qui ne restreint pas la pratique, mais qui serait plutôt une forme de certification volontaire.

J'avais déjà entendu parlé d'un titre I/O international potentiel. J'ai demandé à Milt Hakel, président de l'Alliance pour la psychologie organisationnel, s'il avait plus d'information sur cette idée et il en a gentiment parlé avec les membres de son réseau. Il ne semble pas que l'Alliance en fera une priorité, étant donné la complexité de ce type d'enjeu. Toutefois, si un titre I/O est désiré, je propose de travailler (éventuellement) avec des partenaires internationaux de l'Alliance afin d'y arriver.

L'Accord sur le commerce intérieur et l'Acte modèle de l'État sur les permis d'exercice des psychologues de l'APA

Même si l'on créait une certification volontaire pour les psychologues I/O, les règlements concernant le titre et la pratique des psychologues demeurent un enjeu à traiter. Selon moi, l'Accord sur le commerce intérieur (ACI) du Canada, plus précisément le chapitre révisé (2009) sur la mobilité des travailleurs, présente un moyen de rendre les lois de permis d'exercice plus amicales et pertinentes pour les praticiens en I/O. Selon la page web de Industry Canada (18 nov., 2011), les qualifications des travailleurs de d'autres régions du pays seront reconnus. Effectivement, nos gouvernements ont remplacé les efforts précédents, qui ont échoués quant à la réconciliation des différentes qualifications occupationnels requises selon le système juridique, par le modèle de reconnaissance mutuelle (Knox, 2010, *Who Can Work Where*, CD Howe Institute). Selon Knox, la reconnaissance mutuelle est maintenant la position de défaut pour toute profession et tout métier spécialisé, à moins que le gouvernement mette de l'avant une exception précise pour maintenir la barrière, ainsi qu'une justification de la nécessité de cette barrière (Knox, 2010, pp. 7-8).

Le message qu'on devrait donner un permis d'exercice à tous ceux ayant un permis reconnu dans le reste du Canada a été reçu par un psychologue responsable de la réglementation, qui a présenté au dernier congrès de la SCP de l'an dernier. Les organismes de réglementation, pas juste ceux en psychologie, sont préoccupés par la « course au bas de l'échelle », c'est-à-dire par le fait que les normes du système juridique le moins lourd viendraient définir les qualifications d'une pratique professionnelle entière. (Notez bien, je ne suis pas en train de suggérer que les professionnels en psychologie I/O utilisent les connaissances de l'ACI afin de contourner les lois locaux. Knox (2010) souligne les limites de l'ACI, qui devraient être prises en compte.)

La SCP souhaite voir une plus grande uniformité quant aux normes pour l'entrée en pratique professionnelle au Canada, mais il en reste certaines préoccupations par rapport à l'ACI

(veuillez consulter le site www.cpa.ca/practitioners/practice-regulation/). Le désir d'avoir une plus grande uniformité dans les exigences des permis d'exercice demeure la position de la SCP, toutefois la question demeure un enjeu très actuel. Par exemple, à sa rencontre en novembre 2011, le conseil d'administration du SCP a appuyé le niveau doctoral comme étant nécessaire à la pratique de la psychologie.

Je propose que la pression mise sur les organismes de réglementation par le chapitre sur la mobilisation des travailleurs de la ACI soit redirigé vers des efforts de réconciliation des normes pour la pratique. J'espère que de tels efforts mettent l'accent sur les normes les moins sévères, mais qui protègent toujours le public. D'ailleurs, des normes trop strictes pourraient nuire au public en réduisant l'accès rentable (rapport coût-efficacité) aux services professionnels (Compétition Bureau, 2007).

L'Acte modèle de l'État sur les permis d'exercice des psychologues de l'APA (2010) utilise un langage précis afin servir de point de départ intéressant pour l'idée d'un modèle de permis d'exercice plus cohérent au Canada. Plus particulièrement, l'Acte modèle de l'APA différencie les services de santé de la psychologie appliquée, cette dernière étant exemptée du permis d'exercice si les services offerts servent à l'organisation, et n'incluent pas un service directe aux individus (p.10). Selon moi, l'ACI en plus des aspects soulignés de l'Acte modèle de l'APA méritent une considération plus poussée.



CSIO P NEWS ITEMS

**Do you have news items you would like to
would like to share? Contact:**

Arla Day, Saint Mary's University

Email: Arla.Day@smu.ca **Phone:** 902-420-5854

CSIOP Membership

*Deborah Powell, PhD
University of Guelph*

Thanks to everyone who has renewed their memberships for 2012! If you haven't already done so, please complete your renewal as soon as possible. If you are currently a member of both CPA and CSIOP, you will have received your renewal reminder from CPA. If you are a member of CSIOP but not CPA (e.g., a CSIOP Associate) then your renewal reminder came directly from CSIOP.

I'd like to extend a warm welcome to our newest members of CSIOP:

Full Members

Carole Alphonso	Elizabeth Oddone Paolucci
Kimberley Black	Marie-Hélène Pelletier
Barbara Chambers	Alain Reid
Tracy Cocivera	Natashya Sherbot
Shannon Costigan	Alexandra Thompson
Jennifer Frain	Tanya Ferguson
JoAnn Leavey	
Jennifer Newman	

Student Members

Ola Alanqar	Yanhong Li
Mathieu Albert	Christina McGrath
Jelena Brcic	Timur Ozbilir
Nicholas Bremner	Ashlyn Patterson
Amanda Deacon	Jill Pattison
Xiaolei Deng	Monica Ravina
Lise Gallant	Twiladawn Rutherford
Carolyn Hass	Travis Schneider
Genevieve Hoffart	Rima Tarraf
Kevin Leung	Wanda Wilson

CSIOP News Items

*Arla Day, PhD
Saint Mary's University*

CONGRATULATIONS to Julian Barling and Theresa Kline, who will be honoured at the CPA Convention in Halifax as being elected Fellows of CPA.

Funding News

Mandi MacDonald and Jennifer Wong (SMU Masters students) were awarded Nova Scotia Health Research graduate scholarships. Jennifer also won the Quest Award from the NSHRF for the most promising health researcher.

New Students

The I/O psychology program at UQAM welcomed 9 new students in the fall: Marjolaine Beaudry, Julie Charest, Lise Gallant, Andréanne Laframboise, François-Albert Laurent, Jean-Sébastien Ricard-St-Aubin, Nathalie Rousseau, & Roxane Sinclair.

PhD Defences

Kate McInnis successfully defended her PhD thesis entitled "Psychological contracts in the workplace: A mixed methods design project."

Stephanie Hastings completed her PhD at UWO and has taken a position as a Research & Evaluation Consultant at Alberta Health Services in the Workforce Research and Evaluation Unit.

New Jobs

Saint Mary's University welcomes Damian O'Keefe to the I/O department! Although Damian is officially starting in June, he is so keen that he is currently teaching part time and working closely with the faculty on research and consulting projects!

Josh Bourdage from the University of Calgary has joined Western's faculty as an Assistant Professor in I/O psychology.

Congratulations to Natasha Scott, a SMU PhD student, who is the new Director of Scientific Instruments, Applied Science at Pascal Metrics in Washington, DC. She will be working with healthcare organizations to reduce patient harm and health care costs.

(continued)

Awards

Dr. Gary Johns will be recognized with the CSIOP Distinguished Contributions Award in Halifax and will present an invited talk the following year in Quebec.

Justin Feeney has won the Flanagan award for the best student contribution to the upcoming SIOP (2012) conference. The poster is Gender Differences in Job Interview Anxiety, Performance, and Coping Styles by Feeney, J., Goffin, R.D., & McCarthy, J. M. Also, after a SIOP media release about this research there has been a flurry of interest in the media resulting in five media interviews and articles so far.

Academic Works

Dr. Blake Jelley, his UPEI colleague, Dr. Wendy Carroll, and Dr. Denise Rousseau of Carnegie Mellon University have written a chapter on teaching evidence-based management (EBMgt) for the forthcoming Oxford Handbook of Evidence-based Management. Drs. Jelley and Carroll use an integrated approach to teach EBMgt in UPEI's Executive MBA program.

Kevin Kelloway and Cary Cooper have a new edited book: Occupational health and safety in small and medium sized enterprises. Elgar (2011).

Upcoming Conferences & Events

July 16-19, 2012: Portland State University will host its 1st Annual Occupational Health Psychology Summer Institute. One of the sponsors is the CN Centre for Occupational Health & Safety at SMU. *Check out their site:*

<http://www.ohsu.edu/xd/research/centers-institutes/croet/oregon-healthy-workforce-center/ohp-summer-institute.cfm>

Please send any information you want to share with your colleagues to me.

Email: Arla.Day@smu.ca Phone: 902-420-5854

Communications Update

*Tom O'Neill, PhD
University of Calgary*

In keeping with the spirit of my recent discussions involving evidence-based management, I am interested in sharing an idea that has been simmering in my mind recently. First, and as I have mentioned in earlier columns, it seems that the scientist-practitioner model requires that we make some effort to communicate and disseminate our research findings to practitioners. The case for this has been made elsewhere and in my earlier columns, so I will not use my space here to review the logic underlying it. The question becomes, how do we communicate our evidence-based findings in such a way that managers will actually attend to it?

Clearly there are numerous avenues for sharing the implications of our research, and probably we should draw on marketing, recruitment, and social/cognition research bases for informing our strategies. Notwithstanding those options, how about we also scrutinize some already highly influential individuals and products in the corporate world? You know those people, books, tests, and so forth that are routinely "name dropped" by HR specialists as if the claims made were sent from some divine being that cannot be questioned. Examples I am referring to include Daniel Pink's work on job motivation, Marcus Buckingham's work on strengths, OC Tanner's work on engagement, Patrick Lencioni's Five Dysfunctions of a Team, The Myers-Briggs Type Indicator (MBTI), Jack Welch's book on Winning, and so forth.

My intention here is not to discount, or lend support for, the advice and frameworks offered by the above sources. My suggestion is to discover how these sources have potentially become mainstream terminology in organizational lexicons. In other words, perhaps our research could be even more far-reaching if we could identify the strategies used by some

2012 Conference Dates	Name & Location
April 11-13, 2012	10th EAOHP Conference, Zurich, Switzerland
April 26-28, 2012	27th Annual SIOP conference, San Diego, CA
May 24-27, 2012	APS conference, Chicago, IL
June 1-2, 2012	CARWH, Vancouver, BC
June 9-12, 2012	ASAC conference, St. John's, NF
June 14-16, 2012	CPA Conference, Halifax, NS
June 26-28, 2012	3rd Biennial IWP Conference, Sheffield, UK
July 22-27, 2012	30th International Congress of Psych, Cape Town, SA
August 2-5, 2012	APA Convention, Orlando, FL
August 3-7, 2012	Academy of Management conference, Boston, MA
September 2012	British Academy of Mgmt, Cardiff, UK

highly influential individuals and consulting organizations (e.g., through content analysis), and then borrow as appropriate? As the saying goes - if you can't beat 'em, you might want to join 'em. My sense is that there is something of value lurking in the packaging of the materials presented that has captivated the attention of managers. No, I am not suggesting we forgo the scientific method in favor of making promises with no empirical foundation. But, if we weave in some important scientific messages into a communication that is palatable, as per the effective strategies employed by the aforementioned sources, we can only increase the available options for influencing organizational practice. My position is that we might find it advantageous to learn a bit about how to better compete with managers' multitude of attention-grabbing issues. We could use these strategies as a conduit for helping to turn our research into usable practical information that solves HR problems.

As I am simply putting some feelers out there regarding this and other related activities that could be useful for evidence-based management, I welcome your feedback.



Student Update

*Tom Oliver
University of Guelph*

We are entering an exciting time of year. For many of us, there will be conferences to attend. For others, there may be summer internship or research opportunities to seek out. These are all activities where it will be beneficial for us to draw upon our student peers - not only within our respective programs - but also across all of the Canadian I/O programs. To increase opportunities for I/O students to network with each other, I have created the social network group 'Canadian Society for Industrial-Organizational Psychologists - Student' on LinkedIn. Within this group CSIOP Student members can connect and share information over a range of topics, including: internship opportunities, personal insights, research, and arranging plans to meet-up at conferences. The group will be an 'invite-only' group open to all CSIOP-Student members - so we will have a private forum to connect with only I/O students. Some of you have already received an invitation to join the group. For those of you who not yet received an invitation, later this March I will be sending out further invitations to all active CSIOP-student members with a LinkedIn account. Maybe this will serve as some extra incentive for you to create/update that LinkedIn account - and make sure you have joined/renewed your CSIOP membership :)

I want to call attention to a terrific in-person networking event

that took place last November at the University of Guelph. The 6th annual Southerwestern Ontario I/O student Conference was attended by approximately 40 students from Guelph, Waterloo, Western, Windsor, and York. Highlights from the conference included keynote presentations from Dr. Greg Chung Yan (Windsor) and Dr. Charles (Chuck) Evans (Evans Group) and research presentations from eight I/O students. I believe the key reason for the ongoing success of this conference has been that it provides an informal and relaxed forum for I/O students to network and share their research. Based on discussions I've had with other CSIOP members, I believe that next year there will be an opportunity to open this conference to all I/O students from across Canada.

I am on pace to defend my dissertation later this year (knock on wood!). This means that I will be stepping down as the CSIOP Student Representative after the CPA convention in Halifax. Therefore, I am seeking nominations for this position. Serving on the CSIOP executive is an excellent opportunity to promote I/O Psychology in Canada and work with academics and practitioner I/O Psychologists from across our country. If you want to find out more about this position, or if you want to nominate yourself or someone else, then please send me an email (toliver@uoguelph.ca) by Friday May 11.



Conference Update

*Kevin Kelloway, PhD
Saint Mary's University*

As I move toward the end of my term as CSIOP Program Co-coordinator, I am pleased to announce that planning for the 2012 annual meeting is effectively complete. We have a full I/O program and are introducing several innovations at this year's conference - all designed to make the trip to Halifax well worth your time.

As in previous years, we begin our CSIOP programming with the CSIOP Institute to be held on Wednesday, June 13th from 1-4 at a location to be announced (somewhere on SMU campus). This year we are pleased that Dr. Michael Leiter will present on "The Respectful Workplace" - as I am sure you know Michael is a Tier 1 Canada Research Chair at Acadia University who is well recognized for his work on burnout. In this year's session he will discuss the lesson learned from his implementation and evaluation of the CREW (Civility, Respect and Engagement at Work) program (see his recent JAP publication for some empirical results and the CSIOP Listserv for details on registration). The Institute has already attracted a great deal of interest and I am sure that it will be an informative and enjoyable session.

The formal CPA program starts on Thursday, June 14th and we have many of the traditional components of the I/O program already in place. Our section speaker is Dr. Julian Barling of Queen's University who will discuss his recent research on leaders' mental health and how it affects their performance in organizations. We have also teamed up with the Social and Personality Section of CPA to bring in Michael Norton of Harvard Business School as a second section speaker. Dr. Norton will give a talk entitled "Prosocial incentives increase employee satisfaction and team performance". John Meyer and Bob Vandenberg have agreed to present our invited workshop on "person-centered analysis" (e.g., latent profile analysis) which is shaping up to be the "next big thing" in organizational research methods. Arla Day has agreed to organize our invited symposium focused on the employment experiences of young workers. In the latest incarnation of our newest tradition, the graduate student symposium will highlight research being conducted by students in a variety of Canadian I/O programs. All of this plus, workshops, posters, symposia and conversation sessions – whether you are an academic or a practitioner (or both), you are sure to find something useful and informative this year in Halifax.

Of course for those of you who focus on the social aspect of the conference, the joint I/O-Military Social will be Friday night at a location near the conference centre. At the social we will announce the winner of the RHR Kendall Award for best student paper. Watch the listserv for an announcement of this year's details. We are appreciative of RHR's ongoing support of this award. Friday will also see the student mentoring event at a downtown location. Both great ways to end a full day that begins with the I/O section meeting at 8 am on Friday. Attendees will have a chance to assess the activities and progress of the section and to participate in electing their representatives for next year!!! (OK, I don't like going either but it's a necessary evil :-)).

So all of the traditional aspects of our annual meeting are in place. But Halifax prides itself on both tradition and innovation and this year CSIOP is introducing two innovations to our annual programming. First, we are piloting the use of simultaneous translations (English/French) for the sessions on Friday afternoon (invited speaker and invited workshop). This is part of a long-term strategy to reach out to our Francophone colleagues and a "lead up" to CPA 2013 which will be held in Quebec City. The CSIOP executive would like to hear your opinion on translation and whether we should be providing these services in order to make our meetings and our society more inclusive.

Our second initiative is the introduction of a new award – well maybe resurrecting an old award. Although the RHR Kendall award will continue as an award for the best student paper, we are also bringing back the "best student poster" award. A panel of judges will be visiting posters during the poster session, asking probing questions about the research and ultimately deciding a winner.

So, it's all set. The papers have been submitted and reviewed. CPA has a draft schedule and if you have not heard on the status of your submission, you will hear in the very near future. From

my point of view the Halifax conference is "in the bag"now all we need is you!!!! Hope to see you in June.



Intrusion Upon Seclusion: a New Tort is Declared in Ontario¹

*Erika Ringseis*²

TransCanada PipeLines

Cue the sappy background music, this legal story starts with a soap opera set of facts. Ms. Tsige worked at the same Bank of Montreal (BMO) as Ms. Jones, although their paths did not cross at work. In 2009, Ms. Tsige discovered a new love of her life, who happened to be the ex-husband of Ms. Jones. Over the course of a year, Ms. Tsige snuck a peak at Ms. Jones' banking records about 174 times. Now, you may be wondering why she would do this...well, ultimately, Ms. Tsige was apparently interested in finding out details of personal transactions, including account balances, cheques written and deposited ("Hmmm, was Mr. Jones making the child support payments on time?" she may have wondered...). Ms. Tsige was also interested in Ms. Jones' date of birth, address and current marital status...

Upon BMO discovering Ms. Tsige's inappropriate computer use, Ms. Jones sued Ms. Tsige, claiming, among other things, "invasion of privacy." Prior to this case, "invasion of privacy" was not an existing tort in Canada. Because Ms. Jones did not suffer any harm, such as depletion of her bank accounts or identity theft, Ontario's lower court dismissed her case. The Ontario Court of Appeal, however, decided that a new cause of action was necessary and a welcome incremental step. A plaintiff should not need to show actual loss in order to succeed in an action alleging such a gross invasion of privacy. Indeed, today's electronically-connected society faces many potential privacy intrusions and the Court of Appeal recognized that our current law was lacking.

And so, Ms. Jones received damages of \$10,000 and the tort of "intrusion upon seclusion" was born.

Now, before you go running off to sue the annoying over-the-shoulder-newspaper-reader on the bus to work for intrusion upon seclusion, it is worth examining what must be proven for the tort to succeed:

1. The defendant's conduct must be intentional (or reckless), such as Ms. Tsige deliberately wanting to do some background research on Ms. Jones;
2. The defendant must actually invade the plaintiff's private affairs, without justification permissible by law, such as Ms. Tsige actually accessing Ms. Jones' bank records 174 times; and

3. The invasion must be highly offensive, causing distress, humiliation or anguish in the eyes of a reasonable person (I think we can all agree that it would be unnerving to find out that your ex-spouse's girlfriend reviewed your banking and personal information details once, never mind 174 times!).

The Ontario Court of Appeal also indicated that the tort of intrusion upon seclusion is subject to some clear limitations:

1. The intrusions upon personal privacy must be deliberate and significant, such as highly offensive intrusions into such matters as health, finances, sexual practices and orientation, employment and private correspondence.
2. The right of privacy is not absolute and some cases may involve a delicate balancing of freedom of expression and freedom of the press as against any individual's privacy rights.
3. Monetary awards where the plaintiff has no quantifiable loss will rarely be more than \$20,000. Ms. Jones' award, therefore, demonstrates a midpoint for assessment of how "intruding" an action may be.

As this story comes to an end, like any good soap opera, I need to leave you at the edge of your seat, eager to know what happens next. The cliffhanger: This case is from Ontario. Will the rest of the provinces follow suit? What will happen? Tune in next time...

¹ Jones v. Tsige 2012 ONCA 32, available online at: <http://www.fasken.com/files/upload/C53577rere.pdf>

² Erika Ringseis has her Ph.D. in Industrial/Organizational Psychology from Penn State and her J.D. from the University of Calgary. She is currently Senior Legal Counsel at TransCanada, advising on issues of employment, immigration and privacy. Please note that Erika has no intention of intruding upon your secluding...if you don't want to read this article, please stop! :-)

Interested in being on the CSIOP Executive?

Contact CSIOP Chair, Blake Jelley, about how to run for a position on the the CSIOP Executive.

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www.degroote.mcmaster.ca

Human Resources and Management Tenure Track Position - Assistant Professor Level

The DeGroote School of Business at McMaster University invites applications for a Human Resources and Management Assistant Professor, tenure-track. The appointment will commence **July 1, 2012** or be advertised until the position is filled, subject to budgetary approval. Rank will depend upon qualifications and experience.

The DeGroote School of Business strives to create a strong, supportive and collegial research culture, building the research capacity of faculty and graduate students. The School hosts three research centers and a number of research chairs that contribute to the prosperity of society at large and provide value to business. DeGroote operates at two campuses, the McMaster University main campus in Hamilton, Ontario and a new state-of-the-art facility in nearby Burlington, Ontario, housing the MBA and executive programs. The successful candidate is expected to be active at both locations, teaching undergraduate and post-graduate courses as well as teaching in the School's professionally oriented executive development programs.

Preference will be given to candidates that have demonstrated leadership in research initiatives through supervision of graduate students, the proven ability to attract research funding and publication of research results in major scholarly outlets. Proficiency in English is required.

Candidates will have a PhD in Human Resources, Industrial Relations, Organizational Behaviour, or Organization Theory. Preference will be given to candidates with teaching interests in organizational behaviour, human resources management, negotiations, and management development and research interests in organizational and management issues.

All qualified candidates are encouraged to apply; however, Canadians and Permanent Residents will be given priority. McMaster University is strongly committed to employment equity within its community, and to recruiting a diverse faculty and staff. The University encourages applications from all qualified candidates, including women, members of visible minorities, Aboriginal persons, members of sexual minorities, and persons with disabilities.

Candidates should submit a cover letter, statement of research and teaching interests, curriculum vitae, research samples (published articles or working papers), evidence of teaching effectiveness, names and contact information of at least three references to:

Dr. John Medcof, Associate Dean
DeGroote School of Business, McMaster University
1280 Main Street West, Hamilton, Ontario, Canada L8S 4M4
Email: deanbus@mcmaster.ca phone: (905) 525-9140, ext. 24058; fax (905) 526-0852

DeGroote
SCHOOL OF BUSINESS





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Note: The articles in this newsletter do not necessarily reflect the opinion of the Canadian Society for Industrial and Organizational Psychology.