



# The Canadian Industrial & Organizational Psychologist

## Volume 31, Issue 1 (November 2014)

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<b>Chair's Column/Mot du Président</b> <i>Dr. Lori Francis</i> <i>Saint Mary's University/Université Saint Mary's</i>
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(La version française est à la suite de la version anglaise)

Hello CSIOP Members,

Welcome to the November issue of the CSIOP Newsletter. To start this issue I would like to thank some of the people who help to produce the quarterly CSIOP Newsletter. Lance Ferris provides instrumental support to the CSIOP executive by coordinating and editing the Newsletter. I think you'll all agree with me in saying that Lance does a fantastic job. Thanks Lance! Thanks to Arla Day for her longstanding contributions to the CSIOP News feature. It certainly helps to keep us in the loop with our CSIOP community. Remember, if you have news items, please let Arla know. I also acknowledge the efforts of Erika Ringseis, who for the past several years, has contributed a column to the newsletter. Erika and her coauthors

provide an I/O lens on recent legal rulings. Thanks also go to Lance Ferris and Silvia Bonaccio for their new columns. Lance highlights a recent Canadian research success in 'The State of Science Report' and Silvia edits a recurring column that illustrates the bridge between science and practice in 'Practice Makes Perfect'. Thanks to the members who are submitting work to the Practice Makes Perfect feature. Do you have an idea for a Newsletter Feature? Please let us know.

Over the past several months we have made progress on several of our ongoing CSIOP projects. The CSIOP member survey is open. Thanks to those members who have completed the online survey. If you haven't yet responded there's still time. The links to the English and French versions of the surveys are provided in the Membership Column. Led by François Chiocchio, we're making strides on our website makeover. We hope to launch the new site in the coming months. Members are taking the opportunity to submit "Psychology Works" fact sheets to CPA. Recently, a fact sheet written by Tom O'Neill, Deb Powell and Blake Jelley on Pre-employment Personality Assessment in Personnel Selection was published on the CPA website. And, we've been busy with our usual Fall activity of building the CSIOP program for the CPA Convention. Remember that the 2015 convention will mark the 40th CSIOP Program at CPA and we encourage a large attendance at CPA June 4-6, 2015 in Ottawa to help mark this anniversary. CPA submissions are due December 1, 2014.

As I write this column it is late October. It has been about a week since Corporal Nathan Cirillo was shot while standing guard at the National War Memorial. The same gunman who killed Corporal Cirillo proceeded to the Centre Block of the Parliament Buildings where a gunfight occurred. These events followed only two days after two Canadian soldiers were tar-

geted in a hit and run accident in St-Jean-sur-Richelieu, Que. Warrant Officer Patrice Vincent died in this attack and another soldier was injured. I offer condolences to the families and friends of Corporal Cirillo and Warrant Officer Vincent. I also acknowledge the loss and challenge to those CSIO members who are with the Canadian Forces and to our colleagues in the Military Psychology Section, many of whom are processing the full impact of these attacks on the Canadian Forces.

On the day of the Ottawa shootings, CPA released a bulletin on its website. In that bulletin they provided a list of resources for dealing with emergencies and managing severe stress. Tragic events like the shootings in Ottawa have far reaching psychological effects. These psychological effects reflect the complementary expertise of several sections of CPA: Traumatic Stress, Clinical, Counselling, Military, and I/O Psychology to name a few. As I watched news coverage of the MPs returning to Centre Block for their caucus meetings exactly one week after the shooting, I was again reminded that these events were very much episodes of workplace violence. Corporal Cirillo and Warrant Officer Vincent were attacked as soldiers of the Canadian Forces. Staff and MPs witnessed a gunfight in their place of work. The Sergeant at Arms and supporting security officers engaged with the shooter. As I/O Psychologists, we know from a large body of research on workplace violence, much of it conducted by our very own CSIO members, that there are substantial and persistent negative personal effects of exposure to violent episodes at work. Moving forward, it is my hope that those who were experienced this violent episode receive the workplace, family, and medical, and psychological supports they need to heal from this tragic day.

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Bonjour Membres de la SCPIO.

Bienvenue à cette édition du Bulletin de la SCPIO. Pour débiter ce numéro, je tiens à remercier certaines personnes qui aident à produire le Bulletin de la SCPIO. Lance Ferris fournit un soutien pratique à l'Exécutif de la SCPIO en coordonnant la production du Bulletin. Je pense que vous serez tous d'accord avec moi pour dire que Lance fait un travail fantastique. Merci Lance! Merci à Arla Day pour ses contributions de longue date aux Nouvelles. Elle contribue certainement à nous tenir au courant des activités de notre communauté. Rappelez-vous, si vous avez des nouvelles, laissez-le savoir à Arla. Je reconnais aussi les efforts de d'Erika Ringseis, qui depuis plusieurs années, a contribué à ce bulletin. Erika et ses co-auteurs fournissent une perspective intéressante des décisions juridiques récentes en lien avec la psychologie I/O. Merci également à Lance Ferris et Silvia Bonaccio pour leurs nouvelles rubriques. Lance met l'accent sur un récent succès de la recherche canadienne dans «L'État de la science» et Silvia édite une colonne récurrent qui illustre le pont entre la science et la pratique dans «la pratique rend parfait». Merci aux membres qui soumettent leurs travaux ;a ces rubriques. Avez-vous une idée de rubrique? Laissez-nous savoir.

Au cours des derniers mois, nous avons fait des progrès sur plusieurs de nos projets en cours. Le sondage auprès des membres de SCPIO est ouvert. Merci aux membres qui y ont répondu. Si vous n'avez pas encore répondu, il est encore temps. Les liens vers les versions françaises des enquêtes anglaises et sont fournies dans la rubrique Adhésion. Dirigé par François Chiochio, le projet de refonte de notre site web fait des progrès. Nous espérons lancer le nouveau site dans les prochains mois. Les membres profitent de l'occasion pour présenter des fiches «La psychologie peut vous aider» de la SCP. Récemment, une fiche écrite par Tom O'Neill, Deb Powell et Blake Jelley les évaluations de personnalité dans un contexte de sélection a été publié sur le site Web de l'SCP. Et, nous avons été très occupés avec notre activité d'automne habituelle de la planification du programme SCPIO dans le cadre du congrès de la SCP. Rappelez-vous que le congrès 2015 marquera le 40e anniversaire du programme de la SCPIO au sein du congrès de la SCP et nous vous encourageons à participer en grand nombre en Juin 4-6, 2015 à Ottawa pour marquer cet anniversaire. Les soumissions sont encore possible jusqu'au 1er Décembre 2014.

Alors que j'écris cette rubrique, nous sommes à la fin Octobre. Il y a une semaine environ le caporal Nathan Cirillo a été abattu alors qu'il se tenait en garde au Monument commémoratif de guerre. Le même tireur qui a tué le caporal Cirillo s'est dirigé vers l'édifice du Parlement où une fusillade a eu lieu au block central. Ces événements sont survenus seulement deux jours après que deux soldats canadiens ont été victimes d'un délit de fuite à St-Jean-sur-Richelieu, au Québec. Adjudant Patrice Vincent est mort dans cette attaque et un autre soldat a été blessé. J'offre mes condoléances aux familles et aux amis du caporal Cirillo et l'adjudant Vincent. Je souligne aussi les défis et les pertes encourus par les membres de la SCPIO qui sont dans les Forces canadiennes et à nos collègues de la division militaire dont beaucoup subissent encore les contrecoups de telles attaques sur les Forces canadiennes.

Le jour de la fusillade d'Ottawa, la SCP a publié un bulletin sur son site Internet. Dans ce bulletin, ils ont fourni une liste de ressources pour faire face aux situations d'urgence et la gestion du stress sévère. Des événements tragiques comme la fusillade à Ottawa ont de lourdes conséquences psychologiques. Ces effets psychologiques reflètent l'expertise complémentaire de plusieurs divisions de la SCP: stress post-traumatique, clinique, de conseil, militaire, et psychologie I/O pour ne nommer que quelques-uns. Comme j'ai regardé la couverture des nouvelles des députés qui retournaient à l'édifice du Bloc central pour leurs réunions de caucus exactement une semaine après la fusillade, cela m'a rappelé combine ces événements sont un exemple de violence au travail. Caporal Cirillo et l'adjudant Vincent ont été attaqués en tant que soldats des Forces canadiennes. Le personnel et les députés ont été témoins d'une fusillade dans leur lieu de travail. Le sergent d'armes et les agents de sécurité sont intervenus auprès du tireur. Ent ant que psychologues I/O, nous savons à partir d'un large corpus de recherché sur la violence au travail, en grande partie réalisée par nos propres membres de la SCPIO, qu'il y a des effets personnels négatifs importants et

persistants à être exposé à des épisodes de violence au travail. En pensant à l'avenir, j'espère que ceux qui ont vécu cet épisode violent reçoivent de leur milieu de travail, de leur famille et de leur médecin, et le soutien psychologique dont ils ont besoin pour se remettre de cette journée tragique.

*Thanks to Francois Chiocchio for the translation!*

**CSIOP Membership**  
*Damian O'Keefe, PhD*  
*Saint Mary's University*

As of 24 October, CSIOP has a total of 325 members, which consists of 17 CPA Fellows, 4 Lifetime Members, 2 International Affiliates, 9 Special Affiliates, 4 Retired Members, 103 Student Members, 22 Associate Members, and 162 Full Members.

### Renewal reminder

All current CSIOP members can expect to receive renewal reminders in the near future. If you are currently a member of both CPA and CSIOP, you will receive your renewal reminder from CPA.

If you are a member of CSIOP but not CPA (i.e., a CSIOP Associate), please send your membership renewal fees to the treasurer at:

Véronique Dagenais-Desmarais, Ph.D., psy., CRHA, Adm.A.  
Professeure en psychologie du travail et des organisations  
Département de psychologie  
Université de Montréal  
C.P. 6128, succ. Centre-Ville  
Montréal Québec H3C 3J7

### Changes to your Membership Information

If your contact information (e.g., email addresses, work phone number) has changed and you are a CPA member, please contact the CPA membership coordinator at [membership@cpa.ca](mailto:membership@cpa.ca). If you are not a CPA member, then please inform me at [damian.okeefe@smu.ca](mailto:damian.okeefe@smu.ca).

### Membership Survey

We are now conducting an online membership survey to get an understanding of your satisfaction with CSIOP and CPA, and to glean opinions of, and issues facing CSIOP members. Results from this survey may be used to guide planning and strategy set by the CSIOP Executive Committee.

If you have not already done so, you are encouraged to participate!

You can access the CSIOP membership through the following links:

English Survey:

[https://smupsychology.qualtrics.com/SE/?SID=SV\\_6rrapo32sfhnxP](https://smupsychology.qualtrics.com/SE/?SID=SV_6rrapo32sfhnxP)

French Survey:

[https://smupsychology.qualtrics.com/SE/?SID=SV\\_ezLfr7U-JuR49Lh3](https://smupsychology.qualtrics.com/SE/?SID=SV_ezLfr7U-JuR49Lh3)

### CSIOP News Items

*Arla Day, PhD*  
*Saint Mary's University*

*Congratulations to:*

- Michael Leiter and his co-authors, who are the winners of the 2013 Journal of Organizational Behavior Best Paper Award, for their article 'Organizational predictors and health consequences of changes in burnout: A 12-year cohort study'.
- Natalie Allen & David Stanley, who reached a milestone last week with the posting of their 100th WorkStory! Congratulations Natalie & David!! (For those of you not familiar with WorkStory, it is a project designed for people to share their stories about work to help others decide whether they may like that type of work. Natalie and David would love to connect with any colleagues who could help them and their WS Ambassadors share more stories from working young people talking about what they do, what they love about it, and the path they took to get there. Check it out... <http://www.workstory.net/>)
- Kevin Kelloway on his new book 'Using Mplus for Structural Equation Modeling: A Researcher's Guide' (Sage, 2014)
- Samantha Penney, Aleka MacLellan, Shauna Smith, Lenora Collins, and Katherine Berlinguette, who all graduated from the MSc program at Saint Mary's University.
- Kyle Cameron and Brittney Anderson, who graduated from the masters program at Western.
- Kevin Doyle and Justin Feeney (Western), who received OGS
- Nicholas Bremner and Matthew McLarnon (Western), who received SSHRC

The CN Centre for Occupational Health & Safety and Saint Mary's University hosted the Strengthening our Safety Culture Symposium in October in Halifax, bringing together international industry leaders in safety.

Tom O'Neill (Calgary) talked to CBC's radio show Spark

about videoconferencing (listen at: <http://fw.to/MQfyvxB>) and cyberslacking (listen at: <http://fw.to/qXlowpj>).

Western is happy to welcome a new grad student into the their program: Jose Espinoza did his undergrad at Western and is working with John Meyers.

Just as I am finishing my term in as Associate Editor at JOHP, Kevin Kelloway was named Associate Editor at Journal of Occupational Health Psychology along with the new editor, Peter Chen.

***Please send any I/O or program information, photos, congratulations, etc. you want to share with your colleagues to me at:***

Email: [Arla.Day@smu.ca](mailto:Arla.Day@smu.ca) Phone: 902-420-5854

### **The “State of the Science” Report**

*D. Lance Ferris*

*The Pennsylvania State University*

*Welcome back to “The State of the Science,” where we highlight recently published or in press research coming out of Canadian universities that is relevant to I/O psychology. Each issue, new research will be summarized for our readers who may not have time to read, or access to, the full articles. If you have any suggestions for research to cover in future columns, please see the contact information at the end of this column.*

Who are the impression managers among us? In a recent article that is in press at the Journal of Applied Psychology, CSIOP’s own Josh Bourdage (who I swear did not send me this article!), along with his colleagues Jocelyn Wiltshire and Kibeom Lee (all at University of Calgary), took a disposition approach to impression management. In particular, Bourdage and colleagues examined the relation between the HEXACO personality traits and various types of impression management behaviors towards others – including self-promotion behaviors like boasting; ingratiation behaviors like compliments and favors; exemplification behaviors that show you are an exemplary employee such as trying to appear busy even when work is slow; intimidation behaviors like trying to appear hostile or angry; and supplication behaviors like trying to be seen as meek and unthreatening.

Bourdage and colleagues argued (and found) that one particular personality trait – honesty-humility – would be associated with the underlying tendency to generally engage in all of these behaviors, because those low in honesty-humility are more likely to try and manipulate and take advantage of others given they are motivated by self-advancement and power. In addition to this finding, other personality traits were also found to uniquely relate to individual types of impression management behaviors (for example, agreeable individuals were more likely to use ingratiation but less likely to use intimidation behaviors,

and extraverted people were less likely to use supplication and more likely to use self-promotion behaviors).

As Bourdage and colleagues note, there is a troubling implication to the idea that people who are low in honesty-humility are the most likely to use impression management tactics. In particular, given impression management tactics have been shown to be effective in creating positive impressions in the recruitment process, this means that companies are more likely to hire people who are low in honesty-humility. Given those who are low in honesty-humility are also more likely to be deviant or counterproductive workers, these are exactly the type of employees organizations do not want to hire. Moreover, in supplemental analyses, Bourdage and colleagues also found that coworkers could not systematically detect when impression management tactics were being used – meaning that it could well be quite difficult to identify and keep these impression managers from being hired.

The full citation for the article is as follows:

Bourdage, J. S., Wiltshire, J., & Lee, K. (in press). Personality and workplace impression management: Correlates and implications. *Journal of Applied Psychology*.

*Are you or one of your co-authors a researcher at a Canadian university? Do you have an I/O-relevant research article that has been recently published (i.e., roughly within the last 6 months), or is in press at, a peer-reviewed academic management journal? Would you like to have your research summarized in a future edition of this column? If so, please contact Lance Ferris at [lanceferris@gmail.com](mailto:lanceferris@gmail.com) with a short (1-4 paragraphs) summary of your article, similar to the above.*

### **Communications Update**

*Joshua Bourdage, PhD*

*University of Calgary*

I hope you’re all doing excellent, and those in academia are surviving the fall semester!

From the Communications side, things have begun to heat up a bit. As I mentioned in my first newsletter post, one of the major strategic areas where we feel CSIOP is lacking is in the area of using social media to enhance our profile. Several related groups have been able to really make a splash and enhance their visibility through social media. For instance, SIOP’s twitter account currently has over 3,500 followers, while APA’s account has over 30,000 followers. While many of our methods of communication, such as the newsletter, are fantastic for those who already know who we are and what we do, my hope is that using social media, we’ll be able to widen the audience that we’re able to attract, and increase the profile of CSIOP and I/O psychology in Canada and beyond.

Although there are many goals that social media can help us

accomplish, there are several goals that we hope to use this tool for. First, as an overarching goal, we hope to use social media to reach a broader audience, including media outlets, organizations, practitioners, academics, and students. Second, we hope to highlight the work that Canadian academics are doing, including connecting with the blogs and social media presence that many of our members already have, linking to articles profiling our members and their work, providing increased visibility for Lance's "State of the Science" section of the newsletter, and potentially original content highlighting different I/O labs in Canada. Third, we hope CSIOP can become a hub for important discussions or exchanges of ideas on relevant topics. Fourth, we aim to use social media to increase the profile of content we already generate, such as the newsletter, as well as to draw traffic to the website that Francois and others have been working tirelessly on.

At this time, I'm going through the process of creating a rollout plan and drawing up the various policies and guidelines surrounding the use of social media, to ensure we're using it responsibly. Other issues include how much original content we will generate, versus linking to existing information. To date, I've had some advisement from a social media consulting firm on these matters, and am formulating a strategy around the rollout. Currently, the plan is to take a three pronged approach to social media, emphasizing Twitter, Facebook, and LinkedIn. The first step will be a Twitter account, followed by the other two.

In sum, watch for these initiatives to move along over the next couple of months, and I may be contacting those of you who are already effectively using social media for input and advice. Combining these initiatives with the website, I am incredibly optimistic about the visibility of our discipline and CSIOP moving forward. If you have any suggestions or questions, please don't hesitate to get in touch with me.

### **Student Update**

*Isabelle Tremblay*

*Université de Montréal*

Hi Everyone! I hope your submission season is going well. As you might all have been very busy with your classes, teaching and research, I would like first to take a look at the upcoming conference and second to delve into a taboo subject: what does an I/O practitioner do?

### **CPA**

This year's conference will be held so close to us, I hope to see all of you there! Last year's conference was a big hit with the great experience of the student-mentor social and the wide range of interesting topics covered throughout the conference. This year we plan to continue the great tradition of the student-mentor activity, but drawing on your input from the need assessment that was conducted (here if you have not completed it yet: <https://www.surveymonkey.com/s/PVKRP3T>) we will

try to mix things up. There will be numerous opportunities for networking with peers and professionals, so make sure to venture out of your comfort zone and meet new people, learn about new research topics and build a strong network for your future. You never know when it will come in handy to know this girl or that guy in that field. Moreover, the conference is held in our capital: thus, on top of being relatively central, it's set in a beautiful city.

On a related note, if you have some research that you would like to showcase, don't forget to submit your proposal for the CPA convention. This is a great experience which allows you to develop your presentation skills in a supportive environment and it will help build your CV. I also encourage you to share this opportunity with other students in your program who may not possess a CSIOP membership. The deadline is December 1st. Moreover, if you had planned to submit a poster or paper this year, there are a number of awards you could qualify for. Indeed, CSIOP presents awards to the top three student posters each year. If you intended to submit a full paper, the RHR Kendall award is presented to the best submission overall and is valued at \$1000.

Now before you drop everything to work on the submission proposal I wanted to take some of your time to talk about the holidays. Not the Christmas fun part, but that awkward moment every grad student is afraid of and most specifically I/O psychology students: the interrogation time, ranging from questions about your dissertation topic to the dreaded question "So, when are you going to finish?" Fortunately, many blogs and cartoonists give us a few hints on how to handle these (e.g. the thesis whisperer, PHDcomics). However, there is no simple answer to the even more complex question: "But what exactly does an I/O psychologist do?" Instead of naming examples of practitioners you know, below you will find the fields in which such a creature can be found. Based on the work of Foucher and Leduc (2008), I have listed the 6 main fields in which I/O practitioners are involved.

### ***Selection and personnel assessment***

Either for hiring or development purposes, I/O practitioners in this field do recruitment, conduct personnel assessment and develop or improve recruitment and selection process. As specialist of both the individual and the organization, I/O practitioners are well equipped to highlight required competencies for a particular job and to determine the best way to tests for those competencies. Moreover, they are knowledgeable of the laws in selection and testing. In sum, I/O practitioners insure there is a fit between the individual, the position and the organization by using the best methods available.

### ***Diagnostic and organizational development***

In this field, I/O practitioners have mandates that require them to establish organizational diagnostics in order to evaluate the organization's efficacy, to elaborate and conduct organizational changes and to develop or improve management systems. I/O practitioners draw on their abilities to synthesize and analyse

large amount of information in order to identify the root of problems. In addition, they rely on their understanding of human behaviors to develop change interventions. Thus, I/O practitioners identify problems or areas of improvement and design programs to overcome them, while considering both human and organizational aspects.

### ***Training***

With their knowledge of how individuals learn, I/O practitioners are able to conceive or improve training programs and training activities, which are aligned with the client's real needs. They are also likely to train employees and to evaluate and manage the training program. Furthermore, they have a scientific rigor that allows them to develop appropriate and sound content. In sum, I/O practitioners rely on their knowledge of human behaviors to develop training programs and insure the fit between the training program and the training needs of the organization.

### ***Coaching***

As experts of human behaviors, I/O practitioners often have mandates in this field. In fact, in 2008 a survey showed that this was the field that generated most mandates for I/O practitioners (Foucher & Leduc, 2008). Relying on their knowledge of how individual change, they coach individuals in order to help them improve their performance and their management skills or to acquire new competencies. Moreover, I/O practitioners are involved in the development, improvement, management and evaluation of coaching programs. In essence, I/O practitioners conduct coaching programs based on their understanding and their ability to bring an individual to change.

### ***Career management***

In this field, I/O practitioners have mandates that require them to accompany individuals in their career transition. They do so by conducting personnel assessment for career management purposes and empowering individuals to develop a plan of development or career change. Workforce planning mandates are also quite common. I/O practitioners establish, improve and evaluate workforce planning systems and career management systems. Therefore, I/O practitioners rely on their understanding of the organizational environment to establish adequate workforce planning systems as much as they rely on their understanding of the individual to foster smooth career transition.

### ***Employee assistance program and psychological health at work***

Mandates in this field often have to do with developing, improving, managing or evaluating employee assistance programs. I/O practitioners are consulted for their expertise on the dynamic between the workplace and individuals' psychological health. They often do mandates that require a diagnostic of the workplace and the elaboration of interventions within the workplace to enhance employees' psychological health. In sum, I/O practitioners rely on their understanding of the organizational environment and psychological health to favor healthy

workplace policies and organizational climate.

All of this being said, I am sure listing all of these opportunities to your relatives around a turkey plate won't make you popular. However, I hope this helped you to get the general portrait of the variety that is tied to our profession. Remember the list above does not even consider academia or the type of organization you will be working in or with. On a final note, if you have any questions regarding the CPA submission, feel free to email me at [isabelle.tremblay.12@umontreal.ca](mailto:isabelle.tremblay.12@umontreal.ca). Enjoy the rest of your fall semester.

### **The Convention Corner/Le coin du congrès**

*François Chiochio, PhD*

*Telfer School of Management, University of Ottawa*

Hello everybody. The fall is an eventful time of the year for scholars and business alike. Profs and students must prepare for classes and submit grant proposals. Internal and external consultants initiate new projects with tight deadlines. The executive has been busy as well. The CSIOP portion of the Ottawa 2015 CPA program is shaping up. Along with the regular elements of our program, we will hold 3 special events. First we will honor a special CSIOP member for a lifetime achievement award. More on this later! Second, the invited practitioner forum will focus on complex, large-scale competency-based selection and development management. The next column will reveal more of the content and who we invited! Third, because 2015 will mark the 40th anniversary of a CSIOP program at CPA, we have assembled past CSIOP chairs for each of the four decades. They will reflect on challenges of "their" decade and offer insights on where they think we should take CSIOP in the future. I hope you are as excited as we are about summer conference in our nation's capital. You still have time to submit. Submission deadline is December 1, 2014.

Bonjour tout le monde. L'automne est un moment de l'année riche en événements pour les chercheurs comme pour les entreprises. Professeurs et étudiants doivent préparer leurs cours et soumettre des demandes de subvention. Les consultants internes et externes doivent initier de nouveaux projets avec des délais serrés. L'exécutif a été bien occupé aussi. La partie SCPIO du programme de la SCP d'Ottawa 2015 se dessine. En plus des éléments réguliers de notre programme, nous allons organiser trois événements spéciaux. Nous allons d'abord rendre hommage à un membre spécial de la SCPIO avec le prix pour sa grande contribution à notre association. Nous vous en révélerons davantage plus tard! Deuxièmement, le forum des praticiens invités mettra l'accent sur la gestion complexe et à grande échelle des compétences relative à la sélection et au perfectionnement du personnel. Le prochain bulletin plus au sujet du contenu et de nos invités! Troisièmement, parce que 2015 marquera le 40e anniversaire du programme de CSIOP à la SCP, nous avons réuni des présidents passés de la SCPIO

pour chacune des quatre décennies. Ils se pencheront sur les défis de “leur” décennie et offriront leurs impressions sur où nous devrions nous trouver à l’avenir. J’espère que vous êtes aussi enthousiastes que nous le sommes pour notre rendez-vous estival dans notre capitale nationale. Vous avez encore le temps de se soumettre vos propositions. La date limite de soumission est le 1er Décembre 2014.

**“We Have an Agreement:” A Discussion of Remedy Drug Store v. Farnham<sup>1</sup>**

*Erika Ringseis<sup>2</sup>*

**Facts:**

It was a dark and stormy night. Well, actually, it was a brisk, sunny morning in October when Ms. Farnham showed up for her last day of work as General Manager and Executive Vice President, Pharmacy Services, at Remedy Drug Store (“Remedy”). She may have packed up her potted plant, favourite pens and framed degrees but, more importantly, before she left the building she deleted approximately 50,000 email messages from her Remedy computer and forwarded over 500 messages, including attachments containing sensitive materials, to her home email account.

**Law:**

Regardless of any code of business ethics or contractual obligations, an employee owes a duty of confidence to her employer. Taking data belonging to an employer, or deleting the employer’s information in bad faith, is a violation of such confidence. Further, an employee at an executive level is a fiduciary of the employer and owes an even higher duty of care to protect the information of the company, even upon leaving its employ. These duties held by an employee exist whether or not the employee is wrongly terminated, appropriately terminated with appropriate notice or chooses to resign. As such, there is little doubt that Ms. Farnham was in violation of her obligations as a former employee and executive vice president of Remedy. The case does not end here, however.

**Further Facts:**

Upon discovering what Ms. Farnham had done, Remedy launched a court action against Ms. Farnham. Rather than engage in protracted litigation, which had a low probability of

success for her, Ms. Farnham negotiated with Remedy Drug Store to reach an agreement outside of the court process. At some stage their lawyers were involved in the communications, but ultimately a flurry of email exchanges occurred between Ms. Farnham and the President of Remedy. The final email Ms. Farnham sent declared that, “[W]e have an agreement”. The parties had seemingly agreed to Ms. Farnham paying for a full technological audit of her computer to prove to Remedy Drug Store that all files, emails or information belonging to Remedy had been deleted. Ms. Farnham also agreed to swear an affidavit stating that she had not used the information contrary to Remedy’s interests.

Usually settlement agreements between the parties result in a more positive outcome than an externally-imposed court order. In order to be a successful agreement, there has to be actual agreement between the parties. In this case, Ms. Farnham and Remedy ended up in front of the court arguing about what the actual terms of their agreement.

Remedy insisted that Ms. Farnham had agreed to a full forensic analysis of her home computer, including an analysis of any forwarding or copying of documents to others. Ms. Farnham insisted that she was only supposed to have an audit to show that she had deleted all Remedy items, under the terms of the agreement. The lawyers likely were saying “told you so” and thumbing their noses at their clients for trying to deal with matters on their own at that point.<sup>3</sup>

**Outcome:**

The court engaged in a detailed analysis of the full sequence of emails exchanged between the parties. Ultimately, they concluded that a settlement had been reached, and Ms. Farnham’s interpretation of the settlement was correct. She only had to engage an independent expert to review her computer and prove any items belonging to Remedy had been deleted; she did not have to pay for a full sweep of the systems in order to document what she had done with every piece of Remedy information taken.

**Analysis:**

Often in employment disputes, parties are encouraged to reach a settlement rather than engage in protracted, expensive litigation. A firm handshake, or email acknowledging agreement, is insufficient if the parties are not aligned on the terms of the settlement, however. Likely we can all remember a time when we have misinterpreted an email received. In the rush to come

2015 Conference Dates	Name & Location	Website
Aug 7-11	Academy of Management, Vancouver	<a href="http://aom.org/annualmeeting/">http://aom.org/annualmeeting/</a>
Aug 6-9	APA, Toronto	<a href="http://www.apa.org/convention/index.aspx">www.apa.org/convention/index.aspx</a>
June 13-16	ASAC, Halifax	<a href="http://www.asac.ca">www.asac.ca</a>
June 4-6	CPA, Ottawa	<a href="http://www.cpa.ca/convention">www.cpa.ca/convention</a>
Feb 26-28	Society for Personality and Social Psychology, Long Beach, California	<a href="http://spspmeeting.org/2015/General-Info.aspx">http://spspmeeting.org/2015/General-Info.aspx</a>

to an agreement, and in this age of abbreviated and immediate electronic communications, employees and employers alike are wise to ensure that clear terms are captured in writing.<sup>4</sup> Agreed?

<sup>1</sup> 2014 ONSC 4391

<sup>2</sup> Erika Ringseis is a lawyer in Calgary with a Ph.D. in Industrial Psychology. She is currently the manager of HR Compliance, Diversity and Global Mobility at TransCanada.

<sup>3</sup> Note that this is pure speculation on behalf of the author.

<sup>4</sup> A lawyer might note here that legal advice and assistance in appropriate documenting of a settlement agreement might cost a bit of money in the short term, but save a lot of time, stress and money in the long term...



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