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Chair's Column



*Joshua Bourdage, Ph.D.
 University of Calgary*

Dear CSIOP members,

I hope that you are all doing well. Despite the hope that the pandemic would be in our rear view mirror this Fall, the ways that universities and businesses are operating is still in flux. At this point, there is quite a bit of variability across the country in terms of the situation, with some folks closer to “normal” than others. Some are back in the office or classroom, and others continuing to work entirely from home. Whatever challenges you’re dealing with, hopefully we are all able to be kind to ourselves and others as we continue to meet the challenges ahead.

As the CSIOP Chair, one thing that has been particularly noticeable to me is the central role that I/O psychologists have been playing in helping both businesses and individuals through the pandemic. This was particularly highlighted at our conference in the Spring, with some excellent sessions on COVID and the workplace. Moreover, we’ve seen several excellent publications by Canadian authors on topics related to COVID, and many of our members featured in the news. As a reminder, if we can ever spread the word on any appearances you’re making that would be of general interest, or new articles, please contact editor@csiop-scpio.ca. In addition, many practitioners in our country are working to help organizations pivot to changes in workplace arrangements, structures, recruitment, selection, and more. In essence, this pandemic, while challenging, has once again highlighted the importance of I/O psychology. Thank you for all of the work that you do!

Welcome to our Incoming Program Coordinator

I would like to welcome Dr. Anja Krstic as our new Interim Program Coordinator. Anja is an Assistant Professor at York University in the School of Human Resource Management. She earned her PhD in Organizational Behaviour and Human Resource Management from Wilfrid Laurier University. Her research focuses on gender and diversity in organizations, and critically important issues around gender equality, work-family policies, and maternity leave. Anja has kindly agreed to be our Program Coordinator for this year, and we are lucky to have her! Anja will be working with the Executive Team to put together a fantastic program for the CPA/CSIOP Convention this year (more on this below!).

CPA Conference

The next CPA/CSIOP Convention is scheduled to be in Calgary from June 17-19, 2022. The submission system has now opened, and the deadline for submissions is December 3rd. More information on submission types and requirements can be found at <https://convention.cpa.ca/>. We know that the flux around the pandemic (particularly in Alberta) certainly creates some uncertainty, although the hope is that things are in a much more stable position by June. According to CPA, the “format of the convention is still to be confirmed given COVID-19 and pending

guidelines from Alberta Public Health. In the interim, planning proceeds and the abstract submission system will open on October 1st, 2021.”

We will of course keep you abreast of any information on the conference. Regardless, we can commit that as usual we will have an excellent schedule of talks on important topics. Look to our website (csiop-scpio.ca) and social media (LinkedIn, Twitter, and Facebook) for any additional updates on the convention. If you have not been to Calgary before, as a born and bred Calgarian, I can attest that the city is typically beautiful this time of year, and would encourage you to book an extra couple of days for a trip out to Banff and the mountains.

Website

The last couple of years of virtual conferences have come with the down side that we have not been able to host many of the events that we typically would. One up side is that we have a bit more breathing room in our budget to undertake a much needed update to our website. Given this, we are currently in the process of looking to hire an individual to update our website. If you or somebody you know is interested in this, please reach out to editor@csiop-scpio.ca.

Job Advertisements

We have seen a number of organizations utilizing our updated job advertisement policy to find a match (<http://csiop-scpio.ca/career.html>). If your organization is looking to advertise for a new hire, please refer to the website for more information, or reach out to chair@csiop-scpio.ca.

Conclusion

I am pleased to present this edition of the CSIOP Newsletter. I would encourage you to look through the entirety of the newsletter, as we always have a number of excellent columns distributed throughout. Whether your primary interest is getting up to date on the research or practice, or news from our top graduate programs, there is something of interest for all! Thank you to all of our newsletter contributors for your interesting and important work!

Josh Bourdage, PhD
CSIOP Chair

CSIOP Membership



Aleka MacLellan, Ph.D.
J. D. Irving Limited

As of October 4th CSIOP has a total of 215 members. This consists of 109 Full Members, 72 Student Affiliates, 16 CPA Fellows, 8 Section Associates, 3 Retired CPA Fellows, 2 CPA Retired Members, 2 CPA Special Affiliates, 1 Honorary Lifetime Fellow, 1 International Affiliate, and 1 International Student Affiliate.

CSIOP News



*Samantha Hancock, Ph.D. Candidate
Wilfrid Laurier University*



University of Calgary

- Lorena Solis (lead content creator and video producer) and Elaine Atay (content creator, video editor, and voice narrator) have completed the second video of their whiteboard video series, entitled “Defining Diversity.” Check out the video here.
- Sam Jones and Tim Wingate were recently featured in a podcast called Restaurant Relevance for their research. It is about translating hospitality research into practice. Check it out here.
- We welcome our new students: Jose Espinoza (Post-doc), Alvan Yuan (MA), Madeline Springle (MA), Chris Davie (MA), Mel Grier (MA)
- We wish to congratulate our graduating students! Alexandra Lukic, Elaine Atay, Jenelle Morgan, and Ben Moon successfully defended their MSc. Theses! Clara Lee successfully defended her dissertation!

University of Guelph

- Jess Sorenson successfully defended her PhD dissertation: “HR practitioner design of selection interviews: A qualitative and quantitative investigation of the decision-making process of designing interviews”
- Successful MA thesis defenses:
- Christina Gilbert: “How do people use meaning making to cope: Clarifying the meaning making construct”
- Kyle Planche: “Rater Reactions to Forced Distribution Rating Systems”
- Jordan Moore: “The Influence of Situational Factors on Interview Anxiety”
- Hannah Teja: “Mitigating Gender Differences in the Success of Self-Promotion Tactics in Employment Interviews Through the Use of a Structured Rating Process”
- Welcome to our new MA students: Caren Colaco, Ralitzia Dimova, Rahul Patel, Parisa Sharif-Esfahani

University of Waterloo

- Waterloo’s I/O group is very excited to welcome four new graduate students as of September 2021: Amy Li, Amrit Kaler, Shane Gibson, and Harshadaa Deshpande. Welcome aboard!
- Congratulations to Carlo Isola, Amy Barron, and Sarah Towers for beginning their PhDs at Waterloo.
- Congratulations to Sean Chisholm, Igor Mitrovic, and Maria Nazeer for finishing their MASc degrees.
- Congratulations to Arden Flow (MASc student) for receiving the Canada Graduate Scholarship-Master’s (CGS-M): “Is energy recovery on your to do list?”
- Congratulations to Midori Nishioka (PhD candidate) for receiving the Ontario Graduate Scholarship (OGS) (CGS-D): “Why do difficult goals cause unethical behaviour? Working speed as a key mechanism”
- Congratulations to Jaydum Hunt who has been named the Interim Director of the Waterloo Indigenous Studies Centre (WISC)!
- Congratulations to Xiao (Frank) Mu (PhD), Vincent Phan (PhD), Lexi Brunner (MASc), and Lauren Holt (MASc) for convocating this summer!

Saint Mary’s University



- Damian Canagasuriam (PhD student in Industrial-Organizational Psychology) was awarded a Nova Scotia Graduate Scholarship
- Congratulations to graduating MSc students: Maddy Blazer, Megan Manels-Murphy, and Ehsan Etezzad

Western University



- Congratulations to Dr. Kabir Daljeet! Kabir successfully defend his dissertation and PhD requirements this summer. Dr. Daljeet has accepted a tenure track position at the Université de Montréal!
- Congratulations to Dr. Natasha Ouslis! Natasha successfully defended her dissertation and PhD requirements this summer. Dr. Ouslis has accepted a consulting position at McKinsey & Company.



- Congratulations to Cullen McCurrah, Jocelyn Brown, Jennifer Lynch, Zhuo Li, and Leonid Vadimovich on successfully defending their MSc thesis!
- Congratulations to Eva Kwan on publishing a recent report on racialized women leaders in manufacturing!

Wilfrid Laurier University



- Congratulations to Dr. Su Kyung (Irene) Kim who recently defended her dissertation: “Constructively Deviant: Examining the Positive Consequences of Pro-Social Rule Breaking” Advisor: Yujie (Jessie) Zhan

Practice Makes Perfect



Ameetha Garbharran, Ph.D.
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Have you ever wanted to learn more about how I-O Psychologists apply their expertise in the realm of people analytics? Are you interested in how applied I-O Psychology research could be leveraged to inform strategic people decisions in organizations? Then, you are in the right place. In this article, Dr. Ashlyn Patterson, Associate Director, People Analytics and Insights at OMERS walks us through her experience in applied research and people analytics and provides a wonderful practical overview of this increasingly popular field.

Applying I-O Skills in the World of People Analytics

Ashlyn Patterson, M.A., Ph.D.
Associate Director, People Analytics & Insights,
OMERS

I have always been fascinated by I-O psychology and the focus on how we can use research to understand and improve people’s experiences at work. Throughout graduate school I loved research but wanted to see a more direct impact of my work on the people I was studying. Over the last 4 years I had the opportunity to work in applied research and people analytics at OMERS and Rogers Communications.

Introduction to People Analytics

At its core, people analytics is about using data to tackle questions about people with the goal of helping leaders make more informed decisions, drive meaningful improvements, and move their business strategies forward. In my experience, I tackled questions such as, how engaged are people? How inclusive is our culture? Do people feel supported by their leaders? By using data to provide insight to these types of questions, leaders can make more informed decisions about their people.

As Jim Collins highlighted in *Good to Great*, to build a great organization you have to have the right people on the bus, the right people in the right seats, and then figure out where to drive the bus. With the critical role of people in business success, there is no shortage of questions leaders have about their teams. Most recently, employee wellness, implications of returning to the office in the midst of COVID-19, and high turnover have been top of mind for many leaders.

In a recent HR of Tomorrow conference, European CHROs and C-suite leaders identified career pathing, training and development, recruitment and onboarding, and diversity and inclusion as top areas where they saw people insights most improving the employee experience. Many of these areas are staples of IO psychology and a great opportunity to bridge the research-practice gap.



Applied vs. Academic Research

Applied research, in my case done internally within an organization, is similar to but different from academic research. The main similarity is the approach to research - specifically leveraging the scientific method. I always start with a leader's question (i.e., why are people leaving the organization?), then understand the theories they may have already (to inform a hypothesis). Often, I also look to external research and I-O psychology theories that could inform the hypothesis we need to test. Next, I figure out what data we need to answer their question. This may involve using data that already exists or collecting new data. I primarily use surveys, a very common research method in I-O psychology. Lastly, we analyze the data (often using regression analysis) and provide results to the leader, specifically focused on concrete insights and actions they can take.

There are tradeoffs, however, in applied research. We likely cannot have a control group, often need results quickly if we want to influence decision making, and we can only use short surveys, so we do not take up too much of people's time. It can also be challenging to reach employees who work in frontline or customer facing roles (e.g., in a retail store or call centre). It is not perfect research by any means, but it is practical research that has enough rigor to provide insights to leaders when making important decisions.

Influencing Decision-making

My passion for people analytics comes from the impact I can have to influence decision making among senior leaders. For example, if we can use data to identify the best ways to create a more diverse and inclusive culture, and leaders invest time and money based on our research insights – that's pretty powerful.

Conducting applied research, however, is not enough to drive decision making. You need executive buy-in for the projects and questions you are tackling. If leaders do not care about the question you are trying to answer, they probably are not going to be invested in the results you find. It is important to build a foundation and understanding of analytics with leaders so that it is not just about data for the sake of data. It is about meaningful data that leaders can use to inform their strategies and decisions.

Although I lead a small team dedicated to people analytics, conducting this type of research is often a very collaborative project involving many teams. Sometimes data you want to use sits within another team, so you have to build trust and relationships to use that data. Other times, collecting new data involves approval from leaders to survey their teams. I also work closely with internal communications teams to figure out how to embed insights into communications to employees and leaders.

The Importance of Data Governance

Although there are no official research ethics boards in applied research and people analytics, there is still a strong need for data governance. Data regulations vary by country and working for a global organization requires knowledge and compliance with regulations across the globe (e.g., General Data Protection Regulation, or GDPR, in the EU). These often inform how we obtain employee consent to fill out surveys, what types of information we can collect, how we store employee data, and the process to delete or destroy data over time.

How data is used to inform decisions is also critical. There are many examples of well-meaning projects going wrong – Microsoft's AI chatbot Tay that had to be shut down, Amazon's biased AI recruiting engine, and even biased predictive algorithms used in America's criminal justice system. This reinforces the need to think critically about the research questions we undertake, the advantages and limitations of the data we collect, and implications of results we find.

Conclusion

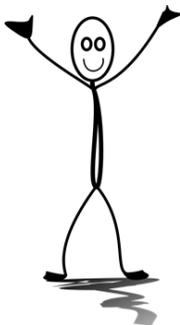
As we have access to more and more data, the desire and interest in leaders to invest in people analytics is high. Taking questions from leaders, finding the right data to answer their questions, and providing them meaningful and practical insights in return is incredibly valuable. A background in I-O psychology is incredibly beneficial, can add a lot of value, and have a meaningful impact on some of the biggest questions leaders face today.

About Ashlyn Patterson, Ph.D.

Dr. Ashlyn Patterson is an Associate Director, People Analytics & Insights at OMERS, one of the largest defined benefit pension plans in Canada. Ashlyn and her team use data to understand and improve the employee experiences of our global employee population. Prior to joining OMERS, Ashlyn worked at Rogers Communications and

previously received a Master of Arts and PhD in Industrial and Organizational Psychology from the University of Guelph. Her research has been published in book chapters and academic journals and presented at conferences in Canada, the US, and Europe.

Do you have ideas on how to merge the science and practice of I-O Psychology to advance the interests of organizations and their people? Would you like to share your practical perspectives with us? We would love to hear from you. Please contact Dr. Ameetha Garbharran at ameetha@expsyt.com if you have comments, suggestions or would like to contribute an article to the Practice Makes Perfect column in an upcoming issue of the CSIOP newsletter.



State of the Science

*Lance Ferris, Ph.D.
Michigan 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.

When we think about why people might lie in interviews – be it exaggerating their accomplishments, omitting unflattering information, or even making up fake stories to tell in the interview – we usually ascribe the basest of motives to these people. They are trying to deceive, they are unscrupulous, they are power-hungry and willing to do anything to get what they want. But what if it turns out there is a more benign explanation: they were just nervous?

A paper recently published in the *Journal of Business and Psychology* sought to examine the role anxiety plays in leading to what is more formally referred to as “deceptive impression management.” Co-authored by a mix of past, present, and incoming CSIOP Chairs – Deb Powell (incoming, at the University of Guelph), Josh Bourdage (current, at University of Calgary), and Silvia Bonaccio (past, at University of Ottawa) – their work argued that not only may anxiety lead to greater deceptive impression management, but that it may explain why certain people are more likely to engage in deceptive impression management in interviews.

In particular, they argued that interviewees may engage in deceptive impression management as a way to mitigate the anxiety they are understandably feeling in a high-stakes evaluative context (i.e., an interview). Because deceptive impression management is a way to put forth a better (albeit dishonest) version of oneself that may align better with what they think organizations are looking for, such tactics may effectively manage the anxiety that arises from interview contexts. An implication of this is that people who are more or less prone to experiencing anxiety in interview contexts may be more or less likely to engage in deceptive impression management.

To test their ideas, they examined whether anxiety mediated the effect of two personality traits, extraversion and honesty-humility, on deceptive impression management. They argued that both extraverts and those high on honesty-humility would experience less anxiety in an interview setting, because they would feel more secure in evaluative interpersonal environments (for extraverts) or more secure that they were already the type of people organizations would seek to hire (for those high on honesty-humility). Using a sample of approximately 200 actual applicants who applied and were interviewed for a research assistant position, they found general support for their predictions: more anxious people were more likely to indicate they had engaged in deceptive impression management, and extraversion and honesty-humility both had negative indirect effects on deceptive impression management via their negative relation with anxiety.

For those interested in the complete paper, the full citation for the article is as follows:

Powell, D. M., Bourdage, J. S., & Bonaccio, S. (2021). Shake and fake: The role of interview anxiety in deceptive impression management. *Journal of Business and Psychology*, 36, 829-840.

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.



Student Update

*Rachael Jones-Chick, M.Sc.
Saint Mary's University*

Hello CSIOP student members!

Whether you are attending classes virtually or in person, I hope you have all had a great start to the new school year!

CSIOP Student Research Profiles

Our social media coordinator, Samantha Hancock, is starting a new series on the CSIOP social media platforms featuring our student members and the work you are doing! We are open to posting about whatever you would like to share. For example, are you on the job market? Do you have a cool study you would like to share? Would you like to introduce yourself to the CSIOP community to share your research interests and network?

Please reach out to Sam Hancock, our social media coordinator at hanc7610@mylaurier.ca or socialmedia@csiop-scpio.ca and she will get the process started!

2021-2022 CSIOP Student Initiatives

I want to make sure that you as student members have access to the initiatives and resources that you need/want most. To identify what you would like to benefit from this year through your CSIOP membership, I have created a short survey asking about your preferences for different initiatives and topics. The survey includes questions about your opinions on current initiatives, preferences for future initiatives, and open responses to share your ideas for new additions.

Please consider filling out the survey at the link below so that we can plan future initiatives accordingly:

https://smuniversity.qualtrics.com/jfe/form/SV_9WxKTKjxNJU3kYR

I look forward to hearing your thoughts and suggestions!

Have a great 2021/2022 School Year!

As always, remember to use your knowledge of occupational health psychology to stay well this school year – build breaks into your schedule and take the time to recover and recharge so that you can continue to learn!

Update On: Alliance for Organizational Psychology



*Lynda Zugec, M.A.
The Workforce Consultants*

The Alliance for Organizational Psychology: Connecting IWOP-P Societies Around the Globe

Sharon Glazer¹ & D.J. O'Donnell²

¹The University of Baltimore

²Independent Consultant

The Alliance for Organizational Psychology (aka. Alliance) is a federation of industrial, work, organizational, and personnel psychology (IWOP-P) societies, started by the International Association of Applied Psychology (IAAP) Work & Organizational Psychology Division, the Society for Industrial and Organizational Psychology (SIOP), the European Association for Work and Organizational Psychology (EAWOP), and the Canadian Society for Industrial and Organizational Psychology (CSIOP).



The aims of the Alliance are to:

1. Advance the science and practice of IWOP-P internationally;
2. Develop more effective communication and collaboration among the federated societies;
3. Enhance the contributions of IWOP-P to global society through improvements to the quality of work life and the effectiveness of individuals and organizations.

In order to achieve these aims, in 2021, the Alliance established The Big Tent, a term borrowed from the language of the circus where all contributors, participants, and audience are not only watching with excitement for the presentation to unfold, but are, in fact, actively part of the experience. In the case of the Alliance's Big Tent, it is a network of Industrial, Organizational, Work, and Personnel Psychology related societies and associations. People who join this group are typically representatives of their respective societies or associations.

Leadership of organizations that are members of The Big Tent are invited to:

1. Share news, content (e.g., blogs) about activities, events, or current issues occurring in your association (e.g., an organizing committee for an international workshop to be held under the auspices of a group of network partners).
2. Distribute content to relevant parties in their organization.
3. Engage with recent and timely societal topics via open dialogue, questions and/or requests to the community as relevant.
4. Ask globally-relevant questions of the community to promote benchmarking.
5. Exchange resources and seek advice from The Big Tent community and/or inquire about best practices.
6. Participate in various Alliance initiatives.

The Alliance Big Tent committee, chaired by Sharon Glazer and vice-chaired by D.J. O'Donnell, has been inviting leadership representatives from IWOP-P associations around the world to join. We are reaching out, one by one, to leadership to explain who and what we are and to ask them to identify the key person(s) from their association to be part of the listserv. We then invite those individuals to join the listserv. If you are in a leadership role in your IWOP-P related association/society and would like to join The Big Tent, please email Sharon Glazer at sglazer@ubalt.edu with the subject line "Alliance: The Big Tent."

It is important to note that this is not a listserv for membership of associations, but a listserv for leadership (or designees) of associations to exchange information.

Ultimately, by networking with associations and societies around the globe, we are hoping to simplify information access. The Big Tent serves to support members of each of the associations by being a platform for information exchange, whereby leadership from every society or association that is part of The Big Tent can share information

onward to its constituents. Members of associations that have information to share with the community around the world should work through the society/association they are a member of to determine if the content is relevant for sharing with member organizations of The Big Tent.

***New Alliance for Organizational Psychology (AOP) White Paper:
A Swiss Army Knife? How Science Challenges Our Understanding of Mindfulness in the Workplace***

Access the White Paper Here:

<https://img1.wsimg.com/blobby/go/0567b461-ac8d-411b-b8fe-abb7b43bd87d/downloads/Mindfulness%20in%20the%20Workplace.pdf?ver=1622859763419>

Aims and Objectives of the White Papers

The aims of the Alliance for Organizational Psychology (AOP) white paper series are to:

- Address globally relevant topics that are of interest to policy and decision-makers
- Highlight key areas where Organizational Psychology can make a substantial contribution to practice
- Feature contributors offering international perspectives and viewpoints



The intended purpose of these White Papers is to share information about the value of Organizational Psychology (OP) and how OP can be used to improve the well-being and performance of people and organizations with non-OP HR and business practitioners and leaders.

Special thank you to the Alliance White Paper Subcommittee members (Angela Carter, Hazel McLaughlin, Maree Roche, and Lynda Zugec) for their efforts and support in making the white paper series a reality.



SIOP Foundation Celebrates its 25th Anniversary

It might be hard to imagine SIOP without the awards, grants, and scholarships offered by the Foundation. Yet, it wasn't until 1996 that the Foundation was established with a \$25,000 donation from SIOP Fellow, and 1969-1970 SIOP President, Bill Owens.

Of course, whether to start a Foundation was not an easy decision to make.

Owens would only make the donation if it could be tax deductible, so the Executive Committee (which we refer to today as the Executive Board) discussed that at a meeting held in 1995. Committee member Elaine Pulakos put forth a report showing that the only way to do this would be to establish 501(c)(3) status. Upon hearing this, the Executive Committee actually turned down the request. What happened next can be found on page 87 in this TIP article, but ultimately the decision was approved and there began the SIOP Foundation.

Next steps included gathering donations, deciding how to distribute money to winners, finding a way to pay for expenses, and similar preparations. Gathering data and donations was successful enough that by December 31, 1996, the planning steps had been completed and the SIOP Foundation funds totaled \$52,787. Next steps included locating a board of trustees and officers and receiving the proper tax designation.

The field of I-O has certainly evolved over the last 25 years, and the Foundation has supported the research that contributed to these advancements. When the Foundation was finally ready to start distributing scholarships, there were only three awards: The William A. Owens, The M. Scott Myers, and the John C. Flanagan awards. Today, that number has increased to 37.

Today, the Foundation's assets have grown, with endowment contributions and pledges exceeding \$3.7M, plus \$2.9M more in market earnings. Funds distributed have surpassed \$2M.

A lot has been accomplished in the last 25 years, but where do we go from here?

"In the next couple of years, I'd like to see us double or triple the volume of annual payouts from the Foundation," Milt Hakel said. "In the past 3 years, we've been much more effective at gathering pass-through gifts. The Anti-Racism Grants are an excellent case in point, because that's just a little over a year old now, and we've put \$100,000 into research grants that have gone to nine different winners. Most particularly, I'd like to see that double or triple in the next couple year."

Hakel also has goals beyond the next few years.

"My hope is that 25 years from now, I-O professionals will still be giving at the office, in the form of their time, treasure, and talents, and the SIOP Foundation will be around to help focus philanthropy where it is needed," he said. "The biggest benefit of having a Foundation comes in people being able to make investments into the future of the field. We've been able to benefit so much from the people who come before us."

More information on becoming a SIOP Foundation donor and how to apply for an award can be found here. Keep an eye out for additional Foundation articles and social media posts as we celebrate this Silver Anniversary.

Masking the Truth: Human Rights and Masks in Stores During a Pandemic¹



*Erika Ringseis², Ph.D.
Inhaus Legal LLP*

A mere 18 months ago, masks were worn by those in the construction or similar industries facing dust, debris and chemicals, or occasionally by overly cautious travellers on airplanes. If you did a search for "mask" on Amazon, your search would likely find scary and funny silicone face coverings for Halloween excursions. In 2019, individuals did not walk down Canadian streets wearing masks, or pull a mask out of their pockets or purses before entering a store in workplace. And now, mask mandates are common, coming and going as the COVID-19 numbers change, and many businesses require masking indoors even when not mandated by the government.

Two recent decisions out of the Alberta Human Rights tribunal represent a sampling of legal challenges businesses and employers are facing with respect to the masking rules. In both, the Human Rights Commission of Alberta dismissed the complaints of the individuals, who both appealed that dismissal. The Chief Commission of Human Rights in Alberta considered both cases under section 26 of the Alberta *Human Rights Act*,³ which allows for a review of a dismissal. In both cases, the dismissal of the case was upheld and neither case will proceed to a human rights tribunal hearing.

In the Peoples case,⁴ the complainant, Mr. Beaudin, entered a Peoples Jewellers store in Edmonton without a face mask in October of 2020. Mr. Beaudin was unable to wear a mask because he had a disability that prevented him from wearing face masks. At the time, there was no mandatory order in place in Alberta that required face masks to be worn in retail stores. The salesclerk asked Mr. Beaudin to put on a mask or leave the store. Mr. Beaudin

¹ A review of two recent decisions of the Human Rights Tribunal of Alberta

² Erika Ringseis is senior legal counsel at Inhaus Legal LLP, a virtual law firm where remote work is the norm. Erika's background in Industrial/Organizational psychology and her experience leading a team overseeing human resources governance have been helpful in her practical approach to addressing the return to work after COVID-19 restrictions began to lift across Canada and employers begin to consider their masking and vaccination rules.

³ Available online: <https://www.qp.alberta.ca/documents/Acts/A25P5.pdf>

⁴ *Beaudin v Zale Canada Co o/a Peoples Jewellers*, 2021 AHRC 155, available online: <https://www.canlii.org/en/ab/abhrc/doc/2021/2021ahrc155/2021ahrc155.html>

explained that he had a disability and could not wear a mask. The salesclerk told him he could use telephone or online shipping with free delivery or curbside pick-up, but he absolutely could not stay in the store without a mask.

Peoples had a comprehensive policy in place in response to COVID-19 that required all people in the store to wear masks. The accommodations available for those who could not wear a mask or did not want to wear a mask were as the salesclerk had described to Mr. Beaudin.

The Chief Commissioner considered the circumstances and noted in accordance with the *Meiorin* test of a *bona fide occupational requirement*:⁵

1. The policy was introduced for a valid purpose (safety of the employees and public);
2. The policy was introduced in good faith (not with any intention of discrimination against those who could not wear masks, but truly to protect everyone); and
3. There were no other reasonable alternatives to accommodate those negatively affected, without incurring undue hardship.

The Chief Commissioner dismissed the complainant's arguments that mandatory face masks were not necessary and noted at paragraph 17:

With respect, human rights law, including the *Charter of Rights and Freedoms*, requires a balancing of rights, with the obligation of an employer or service provider to accommodate the effects of a discriminatory policy, to the point of undue hardship. As noted above, here the respondent has developed a comprehensive and scientifically based policy. I appreciate that the complainant may not agree with the science supporting the respondent's policy, or have the resources to challenge it. But in the absence of information challenging the respondent's evidence about the necessity of a mandatory face mask policy to protect employee, customer and public health, I am unable to find there is a reasonable basis to have this complaint proceed to a hearing.

In a similar case a month later,⁶ a complainant, Mr. Szeles attempted to enter a Costco store without a mask because he had a disability that prevented him from being able to wear a mask. The Costco employee at the door offered that Mr. Szeles could wear a face shield instead of a mask, but Mr. Szeles refused. Costco also noted that on-line, home delivery and pick up options existed. Mr. Szeles became confrontational and the police were called to remove him from the store's premises.

In his submissions for the section 26 review of the Human Rights Commission's decision to dismiss his claim, Mr. Szeles noted that a face shield is not an effective preventative measure against COVID-19 in any regard, according to the scientific data, and requiring those with disabilities to wear one singles them out and is humiliating. He also noted that the other accommodations were not sufficient because some shoppers do not have credit cards, not all products are available online and a curbside pick-up option would also deny him the opportunity to consult with a pharmacist about the product he was obtaining.

In an analysis similar to the Peoples case, the Chief Commissioner concluded that:

1. The policy was introduced for a valid purpose (safety of the employees and public);
2. The policy was introduced in good faith (not with any intention of discrimination against those who could not wear masks, but truly to protect everyone); and
3. There were no other reasonable alternatives to accommodate those negatively affected, without incurring undue hardship.

The respondent had submitted scientific evidence to show that the face shield, although not as good as a mask, did provide some protection. Further, the pharmacist could have been consulted over the telephone. Finally, there was no information offered by the complainant to show that he had been affected by a requirement to use a credit card

⁵ For more information about the *Meiorin* test, see the AHRC bulletin available online: [https://www.albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/bulletins/Documents/Duty%20to%20accommodate%20\(April%202021\).pdf](https://www.albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/bulletins/Documents/Duty%20to%20accommodate%20(April%202021).pdf)

⁶ *Szeles v Costco Wholesale Canada Ltd.*, 2021 AHRC 154.

or that any product he wanted was not available through an on-line option. As such, the dismissal of the human rights complaint was upheld.

The Chief Commissioner concluded with a paragraph that is very important as we navigate through the COVID realities and changing rules:

Finally, I would note that this decision is based on the respondent's policy in force in November 2020, and the information related to the status of the pandemic at that time. It is obvious that public health guidance, as well as evidence about various aspects of the pandemic, change over time. It is also important to note that this decision is based on the information on the record before me. Therefore, I make no decision on what outcome might be appropriate in other circumstances.⁷

Employers have a difficult task ahead of them, adhering to provincial rules, protecting the health and safety of their staff, customers and other members of the public and avoiding unnecessarily discriminating against anyone when trying to keep their environment safe. With the current call for vaccination passports and mandatory vaccinations occurring across the country, we anticipate more legal challenges and decisions coming soon to a "new normal" workplace near you.

⁷ At paragraph 21.

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