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CSIOP Reflections	1
2006 Convention Update	2
CSIOP Membership	3
CSIOP Student News	3
Royal Winnipeg Ballet v. Canada	5
Comments from the Editor	9
Job Posting	10

<p>CSIOP Reflections Joan Finegan, <i>Ph.D.</i> The University of Western Ontario</p>
--

My association with CSIOP began in the spring of 1994. I remember clearly the drive from London Ontario to Hamilton for the Long Range Planning Meeting that was being held at McMaster that year. This annual event gives the Executive of CSIOP a chance to meet face-to-face to discuss broad issues of concern to I/O psychologists as well as to solidify details of the upcoming conference at CPA. I have to confess that I faced that particular meeting with some trepidation. I knew members only by their substantial reputations and had not interacted with any of them. As it turned out, the meeting was a significant one for CSIOP. Rick Hackett expertly chaired the meeting where Theresa Kline discussed a position paper about I/O psychology in Canada that would eventually become a cornerstone in conversations about who and

what we are now, and Lorne Sulsky introduced motions to create important new positions on the Executive. This organization was clearly vibrant and on the move. As the program co-ordinator, my job was to arrange a slate of activities for members at our conference. I was happy to report at the meeting that Paul Muchinsky had agreed to come and that even though the policy of CPA at the time was that everyone, except invited speakers, was to give a poster presentation, I had convinced various members whose work had common themes to give a symposium and believed I had the support of CPA. Thus our program would include more than two invited talks and a poster session. From my naive point of view, I felt that the hard part of my job was done.

The conference that year was held in Penticton BC – a place unfamiliar to many of us Easterners. There was concern that people would not attend the meeting because it was not an easy destination to get to. Personally, I was quite excited by the location – I love the mountains and the chance to see a part of Canada that I might not otherwise see was an exciting prospect. Perhaps I should have listened to the concerns of others for it seemed that my initial optimism was misplaced. Anything that could possibly go wrong did. Weeks before the conference I discovered that CPA had converted the symposia back to poster sessions, leaving a very sparse program for our members. But still I clung to the fact that Paul Muchinsky and Dean Tjsovold were coming. Imagine my horror when I arrived in my hotel room to find a piece of

paper slipped under my door saying that Dr. Muchinsky was very sorry but he had to cancel because his wife was ill. While I respected his decision and could completely understand his priorities, this did leave me with an incredibly reduced program – one invited speaker, a poster session, and no symposia! On so many levels the conference was an organizational disaster -- yet you would have never have known that by looking at the people there. The strong camaraderie that I have grown to expect from CSIOP members was clearly in evidence, and I never heard or even sensed complaints about CSIOP's programme from anyone. I felt that the CSIOP community was behind us 100%. Of course, a cynic might say that the members were simply being polite and didn't want to say anything to me about what they really felt. Given my apparently dismal track record on organizing the meeting, they could have politely encouraged me to explore "other options". But that didn't happen. Instead, I was encouraged to continue with my two-year term.

And so began my long association with CSIOP. I have served in many positions and have attended many conferences. Through it all, I have been constantly impressed with the energy and support of our community. The program we offer at CPA has changed considerably since the days of Penticton. It has grown into a full-three day event, where students are given the opportunity to give talks in a supportive and nurturing environment. Two social events have become a particularly essential part of our program: The student-mentor session which gives students the opportunity to interact in small groups with established academics and practitioners, and the joint military-CSIOP social – a gathering that has grown to be the social highlight of the conference. These events provide us with the opportunity to learn more about each other and to develop those ties which bind us regardless of where we live in our vast country. I encourage you to become active in CSIOP. The rewards are invaluable.



2006 Convention Update
Steve Harvey, Ph.D.
Williams School of Business
Bishop's University

The conference is drawing near and the program is looking very interesting. CPA head office is still finalizing details on the overall program containing all of the accepted papers and we should see it soon. I have not seen the final program, but the numbers are very good again this year. We have over 35 posters, and nearly a dozen I/O related talks, symposia, conversion hours or workshops. In the meantime, you can view all of the invited program elements for our program and the other sections of CPA by visiting the CPA website. <http://www.cpa.ca/cpasite/showPage.asp?id=10091>

Also plan on the I/O & Military sections annual social as an opportunity to renew old friendships and acquaintances and meet new faces in our ever growing community. The social is currently being scheduled for Friday evening and details will be forthcoming at the conference.

I will be moving out of the program coordinator position this year. Before leaving I would like to encourage members to consider what to ask the incoming coordinator to think about adding, changing or modifying in our invited program to keep up with the membership interest and needs. At our last meeting, the section executive discussed the idea of adding an ongoing invited CPA session that focuses on professional issues in I/O psychology. This would be a way of staying attentive to issues of contemporary relevance to our field and practice. Other ideas or modifications to our program are possible, so I encourage you to attend the business meeting in Calgary to share your thoughts or alternatively e-mail some ideas to the new program coordinator. The program should be expected to evolve through time with input from the membership.

The RHR Kendall award deadline is drawing near (April 28th). Please help me encourage student participation. The award is described at the following website. <http://www.ssc.uwo.ca/psychology/csiop/kendall2006.html>

I look forward to seeing many of you at the conference in Calgary. Till then!



CSIOP Membership

Tracy Hecht, Ph.D.

John Molson School of Business

Membership Statistics

CSIOP's membership is currently recorded at 227 (151 full members, 57 student members, and 19 associate members). Renewals from CPA are still being processed and these numbers are likely to increase in the next few months.

Welcome New Members!

We welcome the following new members to CSIOP. Details regarding their contact information will be included in the next directory.

Full members

Thomas Foard

Richard Kercz

Daniel Labelle

Christine Wibak

Student members

Surbhi Bhanot

Stephanie Hastings

Matthew McDowell

Jozanne Walker-Battick

Associate members

Mathieu Baril

Marilyn Buchanan

Membership Directory

The first version of the 2006 annual membership directory was recently distributed. The second (and final) version will be produced in the summer following the annual CPA conference. If your "directory information" (i.e., addresses – regular mail and e-mail, work phone and fax numbers, when/where you received your highest degree, your areas of interest) has changed, please let me know. I can be reached by email, fax and/or phone:

Tracy Hecht

John Molson School of Business,

Montreal, Quebec, Canada, H3G 1M8

Phone: 514-848-2424 x.2785, Fax: 514-848-4292

Email: thecht@jmsb.concordia.ca

If your membership is through CPA (in other words, if you are a full or student member), please be sure to update your contact information with CPA directly as well. The CPA membership coordinator can be reached by email at membership@cpa.ca.

I look forward to seeing everyone at CPA in Calgary!



CSIOP Student News

Lance Ferris

University of Waterloo

Hello all,

Plans are underway for the annual CSIOP student-mentor social! "Student-mentor social? Tell me more!" you say? Certainly! The student-mentor social, generously sponsored this year by SHL Canada, is a chance for current IO Psych students to mingle with graduates of IO programs who have gone on to the working world, be it in academia or as HR/Consultants/etc. The setting is informal (usually a pub/restaurant) and structured so that students basically get a chance to sit down and hear what's it's like, post-degree, from people with experience under their belt.

You can get the answers to all sorts of questions, such as what places are hiring? what sort of organizations can I/O psychologists get hired in? what's the difference in working for a business school or a psychology department? what do I need in my resume to get hired? what kind of work will I be doing when I first start out? what do they expect me to know? how did you find your job? what's the job market like? should I get a master's or a PhD? how many hours do you normally work? what did you do while working on your degree to get prepared? how much consulting experience do I need? how many publications do I need? what are the worst things about the job? what are the best things about the job? and so on, and on, and on.

In essence, all those questions that you've wanted to ask people, you now can - and get some great advice to boot. Not only that, you can also share your school experiences with other students from across Canada. Thinking about

going to another school for your PhD? Maybe you'll meet someone who goes to one of the schools on your list, or has been there before! It's a great way to meet both your peers and people who you may one day be working with (or hiring you)!

If you are going to the conference in Calgary, I highly recommend the student-mentor social. If you would like to attend, kindly contact me at dlferris@uwaterloo.ca so I can plan ahead of time to know how many seats to reserve. However, we usually reserve extra so feel free to drop by unannounced! I will send out an email closer to the date of the conference with more details about the student-mentor social, including time and location (tentatively scheduled for June 9th, probably at Brewster's, which is a pub near the conference hotel, but I will provide final details later). Also watch for posters at the conference.

This year, we have a number of mentors lined up for the big event, including:

Pat Ferris (no relation to me), who works as a consultant for the Calgary Psychology Group;

Ann-Marie Ryan, psychology professor at Michigan State University and CSIOP's guest speaker at the conference this year;

Marjory Kerr, Business Manager for SHL Canada (and current CSIOP Chair);

Stephane Brutus, Associate Professor at the John Molson School of Business (and incoming CSIOP Chair).

More mentors will be added as we get closer to the date!

On a final note, another year has gone by for the Student Rep, and my term is officially up. I am happy to do it for another year, but if there are others who are interested, please email Marjory Kerr (Marjory.Kerr@shlgroup.com), the CSIOP Chair, by June 1st to express your interest. I can also provide more details about what the position entails to anyone who is interested. A student rep will be chosen at the conference in Calgary. See you there!



Traduit par Jacques Forest, étudiant au doctorat en psychologie du travail et des organisations à l'Université de Montréal et représentant étudiant de la Société Québécoise de Psychologie du Travail.

Bonjour à toutes et à tous,

L'organisation de la rencontre annuelle étudiant-mentor de la SCPIO va bon train! "Rencontre étudiant-mentor vous dites? Certainement! Donnez-moi des détails!" La rencontre étudiant-mentor, généreusement commanditée cette année par SHL Canada, est une occasion pour les étudiant(e)s en psychologie I-O de rencontrer et d'échanger avec des diplômés en psychologie I-O qui sont maintenant sur le marché du travail, que ce soit dans le milieu universitaire ou comme consultants. Cette rencontre est informelle (elle se tient habituellement dans un pub ou un restaurant) et est structurée de façon telle que les étudiants ont la possibilité d'apprendre, de la bouche de quelqu'un qui a de l'expérience, ce que la vie nous réserve après avoir obtenu un diplôme.

Vous pourrez obtenir des réponses à toutes sortes de questions, telles que : Quels endroits embauchent des psychologues I-O? Dans quelles sortes d'organisations les psychologues I/O peuvent-ils travailler? Quelle est la différence entre travailler dans une école de gestion et dans un département de psychologie? Quelles informations doivent être présentées dans mon CV? Quel type de travail vais-je effectuer à la sortie de l'université? Quelle expertise les employeurs attendent-ils de moi? Comment avez-vous trouvé votre premier emploi? À quoi ressemble le marché du travail? Devrais-je obtenir une maîtrise ou un Ph.D.? Combien d'heures travaillez-vous normalement? Comment vous êtes-vous préparé à votre premier emploi lorsque vous étiez étudiant(e)? De combien d'heures d'expérience en consultation ai-je besoin? Combien de publications est-ce que j'ai besoin? Quels sont les aspects négatifs au sujet du travail? Quels sont les aspects positifs? etc, etc, etc.

Essentiellement, vous pourrez poser toutes ces questions que vous n'avez jamais voulu demander... et obtenir des réponses et de bons conseils. Non seulement vous pouvez trouver réponse à vos questions mais vous pouvez également partager votre expérience universitaire avec des étudiant(e)s venant de partout au Canada. Vous pensez fréquentez une autre université pour votre doctorat? Peut-être rencontrerez-vous quelqu'un qui va présenter à cette université ou qui y a déjà été! C'est une belle manière de rencontrer des personnes avec qui vous allez peut-être un jour travailler!

CSIOP Social

Celebrating 30 years of I/O Psychology in Canada. Again this year, we will hold our social with our friends from the Military. This year is special as we are celebrating our 30th year of existence!

The social will be take place Friday the 9th at 6pm, at the Mewata Armoury. The Armoury is located at 801 11th Street S.W., a short cab ride from the Westin Hotel.

As usual, a light buffet has been ordered and a paid bar will be available.

SCPIO Cocktail

Cette année encore, nous nous joindrons à la section Militaire pour notre rencontre sociale. Cette année nous célébrerons un événement spécial: les 30 ans de CSIOP!

La soirée aura lieu vendredi le 9 Juin à 18:00 heures au Mess des Sous-officiers du Manège Militaire Mewata. Le manège militaire est situé au 801 11th Street S.W, à quelques minutes en taxi de l'hôtel Westin.

Comme à l'habitude, un buffet léger sera offert ainsi qu'un service de bar payant.

Si vous allez au congrès à Calgary, je vous recommande chaudement d'assister à la rencontre étudiant-mentor. Si vous voulez y assister, contactez-moi à l'adresse dlferris@uwaterloo.ca Ceci me permettra de planifier à l'avance le nombre de sièges à réserver. Cependant, nous réservons habituellement des places supplémentaires... n'hésitez donc pas à venir même si vous n'êtes pas inscrit(e)s! Quelques jours avant le congrès, j'enverrai un courriel afin de vous donner plus de détails au sujet de la rencontre étudiant-mentor. Je vais inclure dans ce courriel l'endroit et l'heure de la rencontre; provisoirement, nous avons déterminé que la rencontre aurait lieu le 9 juin, au Brewster, un pub situé près de l'hôtel où a lieu le congrès.

Cette année, nous avons eu la confirmation de la présence de différents mentors:

Pat Ferris (aucun lien de parenté avec moi), qui travaille en tant que consultant pour le groupe de psychologie de Calgary;

Ann-Marie Ryan, professeur de psychologie à la Michigan State University; cette dernière sera la conférencière invitée du congrès 2006 de la SCPIO;

Marjory Kerr, directrice commerciale pour SHL Canada (et présentement à la tête de la SCPIO);

Stephane Brutus, professeur adjoint à l'école de gestion John Molson de l'Université Concordia (M. Brutus sera à la tête de la SCPIO l'an prochain).

D'autres mentors s'ajouteront d'ici la conférence.

Pour terminer, je désire rappeler que mon mandat à titre de représentant étudiant est terminé. Je serais heureux d'occuper ce poste une autre année, mais si d'autres personnes sont intéressées, elles sont priées d'envoyer un courriel à Marjory Kerr (Marjory.Kerr@shlgroup.com) avant le 1er juin pour signaler leur intérêt. Je peux également fournir aux personnes intéressées plus de détails au sujet des exigences de cette fonction. Un nouveau représentant étudiant sera choisi au congrès du mois de juin. On se voit à Calgary!



Independent Pirouette: Summary and brief analysis of the case of Royal Winnipeg Ballet v. Canada (Minister of National Revenue - M. N. R.)¹
*Erika Ringseis, Ph.D.*²

With the tax season just around the corner, it seemed to be an opportune time to discuss a recent decision granted by the Federal Court of Appeal with respect to the ongoing issue of employees versus independent contractors.

In law, it makes a significant difference if an individual is considered to be an employee of the employer or an independent contractor. The distinction affects taxation as well as obligations upon the termination of the relationship.

Additionally, human rights obligations may be limited in an independent contractor relationship, although some case law suggests that human rights legislation will be interpreted broadly so as to include independent contractors. Whether or not an individual is deemed to be an employee or an independent contractor also affects his or her rights with respect to employment standards.

Any human resources professionals involved in the drafting of employment contracts or otherwise creating the employment relationship will need to take great care to ensure that the appropriate relationship is created given any particular set of circumstances. Business decisions, such as which resources to dedicate to whose training or performance evaluations, may also be affected by the relationship existing between the employer and the employee or independent contractor.

Summary of the Case

The Royal Winnipeg Ballet appealed a taxation decision finding that the dancers engaged by the ballet were employees and not independent contractors for taxation purposes. The ballet dancers hired for particular seasons by the Royal Winnipeg Ballet do not have any contractu-

al instrument indicating that they are either employees or independent contractors. The Canadian Ballet Agreement is an umbrella agreement between the Royal Winnipeg Ballet and the Canadian Actor's Equity Association ("CAEA"). The CAEA is recognized as the exclusive bargaining agent for all dancers, narrators, singers, choreographers, stage managers, assistant stage managers, ballet masters and ballet mistresses that the Royal Winnipeg Ballet engages. The CAEA, the Royal Winnipeg Ballet and the dancers themselves had understood at all times that the dancers were independent contractors and not employees. As such, Canada Pension Plan ("CPP") contributions and Employment Insurance ("EI") premiums were not deducted from dancers' pay cheques.

The Law and Analysis

There are a variety of tests available for determining whether or not an individual is an employee or an independent contractor. What can sometimes be quite confusing is that an individual may be considered an employee in one circumstance, such as for the purposes of the employment standards legislation, but may be considered an independent contractor in other circumstances, such

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CPA Convention Update

CSIOP
Business
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Meeting

Many people mistakenly believe that the convention CSIOP Business Meeting is only for the Executive when it's really for the general members. Don't let a bad name get in the way -- join us for the CSIOP Business Meeting and let your voice be heard.

as for taxation purposes. However, the factors generally considered regardless of context are: **control; ownership of tools; chance of profit; and risk of loss.**

The element of control is often deemed paramount. Of concern is who controls what work will be done, how it will be done, when it will be done by whom it will be done and the other details with respect to the completion of the particular task. So, for example, an employee generally receives direction from the employer, is expected to be at work between particular office hours, receives a regular pay cheque on specified dates and performs job duties under some degree of supervision. An independent contractor, on the other hand, invoices for work completed, chooses what contracts to accept and when to complete the necessary elements and performs its duties relatively unsupervised.

Ownership of tools is also a telling feature. Independent contractors generally own and supply their own tools. Employees, on the other hand, use the facilities and tools provided to them by their employers.

Employees generally don't have a chance of profit or risk of loss, except as perhaps built into commission schedules or bonus plans. Independent contractors, however, have an opportunity to face loss or extra gain based on the efficiency of their performance or other factors.

Since the first consideration of these factors in the 1960's, case law has elaborated upon these categories and added additional elements for consideration. Thus, the courts will also consider, depending on the context, how integrated the individual is within the employer's operations

and how essential that employee is to the outcome. Further, any contractual documents or the intention of the parties may also be considered.

In the present case, the dancers were subject to a fair amount of control. The Royal Winnipeg Ballet chooses what dances will be performed, chooses the time and location of the performances, determines the location and time of rehearsals, determines who will dance in which roles, provides choreography and also directs each performance. Thus, it appears that there is a large degree of control exercised by the Royal Winnipeg Ballet. Further, the dancers do not have any management responsibilities and bear little financial risk for their performances. Chances of profit are minimal because remuneration is based, in the majority of cases, solely on the Canadian Ballet Agreement. The dancers do bear a number of costs, including gym memberships to stay in shape, practise clothing and other necessary incidentals. However, the Royal Winnipeg Ballet provides performance shoes and costumes, including tights and wigs and other items necessary for the actual performances.

Whether or not an individual is permitted, and indeed encouraged, to seek work elsewhere is also indicative of whether or not that individual is an employee or an independent contractor. Generally employees are not encouraged to work simultaneously for other employers whereas independent contractors may have contracts with a number of competing businesses.

Royal Winnipeg Ballet dancers have freedom to accept other dancing contracts although there are a number of

restrictions, including the need for consent by the Royal Winnipeg Ballet.

When all of these factors are considered, the balance appears to weigh in favour of the dancers being found to be employees. Indeed, the initial decision of the tax court was that the dancers were employees and the Royal Winnipeg Ballet therefore needed to withhold and remit CPP and EI premiums. However, the Federal Court of Appeal disagreed. This case provides a cogent reminder that the particular contextual circumstances of any given case are important.

In this particular factual setting, the Federal Court of Appeal noted that the parties understanding as to the nature of their legal relationship was crucial. The Royal Winnipeg Ballet, the CAEA and the dancers themselves all believe that the dancers were self employed and they acted accordingly. Further, although the degree of control exercised appeared to be great, it was worth noting that the degree of control was no more than would be

necessary to stage a series of ballet performances over a planned season. If the Royal Winnipeg Ballet were to produce a ballet using guest artists for temporary dance performances, arguably a more defensible argument for independent contractors, the same elements of control would still be present. It is the nature of the business.

Conclusion

As a result of the Federal Court of Appeals' decision, with one judge dissenting, the Royal Winnipeg dancers are considered in the eyes of the law to be independent contractors. Just as they are responsible for the calluses on their toes and the muscular aches and pains in their bodies, they are responsible for their own CPP and EI premiums. This case reminds us of the four key factors to consider when determining whether or not an individual is an employee or an independent contractor. Further, the case suggests that in some circumstances, control will not be the deciding factor, as has often been considered by the legal profession to be the case.



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Whenever considering the human resource issues at an organization, it is essential to consider whether or not those performing the work in the organization are employees or independent contractors. Whether for tax, training, performance appraisal or termination purposes, a proper evaluation of the roles played by the individuals of the organization is essential. We should consider the initial importance of a determination of status akin to that of a preliminary job analysis.

1 [2006] F.C.J. No. 339 (C.A.), available online <http://decisions.fca-caf.gc.ca/fca/2006/03.shtml>.

2 Erika received her Ph. D in Industrial/Organization Psychology from Penn State University and consequently completed her law degree at the University of Calgary. She is now a practicing lawyer in the area of Labour and Employment Law at Fraser Milner Casgrain LLP, in Calgary.



Comments from the Editor

*David Stanley, Ph.D.
University of Guelph*

As we finish this issue I realize that we haven't had a chance to draw your attention to the fact that we have a new url for our website. The new url was subtly inserted on each page of this issue. However, to make sure that the message gets out, I've placed a second subtle sign on this page.



Visit us at our new internet address!

www.csiop.ca
www.scpio.ca

Visitez-nous à notre nouvelle adresse internet



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We are looking for an individual with a doctorate degree in I/O Psychology or a closely related discipline as well as relevant consulting experience. Provincial licensure would be an asset. Compensation is to be negotiated with the OMS Board of Directors.

Reporting to the Board of Directors, The Senior Consulting Psychologist's main responsibilities include:

- Supervise and engage in the professional development of research consultants and staff, through mentoring, development and goal setting
- Market and sell consulting services, coordinate projects, develop budgets and business plans and maintain financial controls (with assistance from the Business/Office Manager)
- Work with graduate students, faculty, and associates in designing and delivering I/O Psychology interventions

Secondary responsibilities include:

- Engage in continuous quality improvement of OMS structure, process and ideas
- Report to and work with the Board of Directors in directing the future of OMS
- Conduct performance appraisals with, and deliver feedback to, staff and consultants
- Have a working knowledge of client project demands & skill requirements

The successful candidate must have a willingness and capability to:

- Support, advocate and work within the OMS Mission, Purpose and Values statements
- Engage in a participative style of management
- Promote and maintain an innovative "idea" culture
- Work within the ethical, technical, procedural, and regulatory constraints set down by the College of Psychology of Ontario and the University of Guelph
- Work with the Business/Office Manager to market and sell research and consulting services to business, industry and government
- Accept primary responsibility for generating income to further OMS goals and support business operations

Operating out of the beautiful, quiet town of Guelph, only a short drive from Toronto, Organization and Management Solutions is a not-for-profit, research-based, human resources management consulting firm. Working in association with the Industrial/Organizational Psychology graduate program at the University of Guelph, a major purpose of OMS is to provide opportunity for graduate students to gain practical consulting experience while at the same time provide business and industry with research and theory-based consulting services.

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For more information about OMS, the I/O graduate program and the City of Guelph please visit the following websites:
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Please submit a detailed Curriculum Vitae to:
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Deadline for applications is May 15, 2006

CSIOP

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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.