



BARRISTERS AND SOLICITORS

Recruiting - The Good the Bad and the Ugly

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Agenda

1. The Business Case
2. Legal Considerations
3. Candidate Assessment
4. Orientation
5. Conclusion





The Business Case

Why you should never sacrifice on people?

- The economic impact to your bottom line
- The creation of a positive culture and climate
- Poor hiring decisions are costly, even more so, for small Employers
- You can differentiate yourself from your competition through the quality of your staff



Costs of Turnover

Direct Costs

- Severance Costs
- Recruitment Fee
- Costs of temporary replacement workers
- Advertising Vacant Position
- Screening and pre-employment testing
- Costs of on-boarding or orienting new hires



Costs of Turnover - con't.

Indirect Costs

- Lost knowledge and skills causing increased errors
- Lost productivity
- Dissatisfied patients during transition

Research suggests indirect costs are 2-5 times higher than direct costs



The Numbers

- Studies show that the cost of turnover is roughly 15-25% of the salary of the departing employee
- If a \$100,000 per year person leaves your business, the recruitment cost is roughly \$15,000.00 - \$25,000.00
- This is made up of both direct and indirect costs



The Numbers con't.

Employee Cost
Annual Salary \$100,000
Benefit Costs 30% or \$30,000
Loss of Productivity
33% of daily salary x number of days vacant = \$5,460
Costs to Hire
Hiring Manager Salary \$42.00/hr.
Total hours to fill the position screening, interviewing etc. 40 hrs.
\$1,680
Training Costs
\$42.00 hr. salary
assuming 5 training days
\$1,595
Total Cost \$15,390



What does this mean?

- Hiring the right people is critical to your business
- Finding the right people is a wise investment for any business
- Sacrificing on hiring practices means you are not optimizing your business
- Hiring mistakes are costly and should be, to the extent possible, limited



Advantages of Hiring the Right People

- Increase Output
- Decreased Turnover
- Reduced Training Time
- Better use of a Manager's training and coaching time
- Increased time to practice dentistry





Legal Considerations

Legal Considerations

Human Rights

- The Code states that **every person has a right to equal treatment with respect to employment** without discrimination or harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability.
- The right to “equal treatment with respect to employment” **covers every aspect of the workplace environment and employment relationship, including job applications, recruitment**, training, transfers, promotions, apprenticeship terms, dismissal and layoffs. It also covers rate of pay, overtime, hours of work, holidays, benefits, shift work, discipline and performance evaluations.



Human Rights

- Avoid questions regarding a candidate's age, race, ethnic origin, religion, marital status, children, sexual orientation or generally any question of a personal nature
- You can ask questions about work, both current or previous positions, including why they left a position and what salary they were earning
- Ask the same questions to each candidate for the role
- Ensure you make notes that record the facts as stated by the candidate and not your own opinion or observations



Legal Considerations

Inducement

- Because of your strong assurances of long term stable employment, you “induce” someone to give up stable and secure employment
- The employee is terminated a short time later
- Inducement off-sets short service for purposes of determining how much severance an employee should receive
- You as the new Employer would assume all or a significant part of the employees prior service



Tips on Inducement

- The average employee stays with one Employer for 3 years
- Be careful not to make long-term commitments to any candidate
- There are no guarantees in employment



Written Offers of Employment

Considerations

- Absent a written contract of employment, the employee is subject to an oral contract of an indefinite term
- Implied terms - in absence of just cause, may only be terminated for reasonable notice or pay in lieu - can be up to as much as 24 months
- You may want to displace the common law presumption of notice through an enforceable termination provision
- You may also want restrictive covenants (non-solicitation and non-compete) which can only be attained by contract



Employment Agreements - Tips

- For new hires, provide the entire contract well in advance of the start date
- Ensure the contract complies with the Employment Standards Act of Ontario, including the termination provision
- Do not rely on a clause buried in an employee handbook or policy
- Draft with your audience in mind - ensure everyone knows what you mean





Interviewing

Interviewing Skills

- Interviewing is the most common method of selecting the successful applicant
- We do more research to buy an appliance than to hire a person
- Most Employers act on “gut feeling” rather than applying any science to the decision making process
- A general conversation will not give you the results you are looking for
- Pretending to be an amateur psychologist to interpret questions and answers generally fails



Behavioural Interviewing

- Use past behaviour to predict future behaviour
- Identify the critical job requirements for the position. The knowledge, skills or behaviour required to be successful
- Organize selection elements into a system to probe around job requirements and behaviours that you are looking for
- Behaviours include past actions and accomplishments as well as his/her actions and reactions during the interview process
- Behaviour includes the situation under which the action occurred, the action itself, and the result of the action



Advantages of Past Behaviour to Predict Future

- There are 3 ingredients to every discussion or question about past experience or accomplishments
 - Situation or Task (Responsibilities) leading to the action
 - The specific Action Taken as it relates to the Task, and
 - Results or changes caused by these actions
- Ask the candidate to recall specific instances where they were faced with a set of circumstances and how they reacted



An Example, Dental Hygienist

Q. Can you tell me about your most satisfying experience to gain a Dentist's support of an idea or proposal. What was the situation and how did it turn out?

- I obviously am well versed in performing all of the necessary tasks such as cleaning and scaling, x-rays and prepping the patient for the Dentist's review and assessment. In addition, the Dentist I worked for wanted me to do some general office and administration. (Situation) I knew what my time was worth, so I said "sorry" when asked to do that work. Did he get mad! I won't even tell you what he said to me. (Action) He went away and when he came back he said "This doesn't make good business sense" and he apologized. It was the first time that he thought about what my time costs and how to effectively and efficiently run the office. (Result)



Other Considerations

- Assessments
 - Low cost - online assessments add an element of science
 - Uses a series of standardized, objective and validated questions to assess talent, work history and probability of success
 - Get details on the candidates core character traits, education, employment history
 - Role specific screening tools lead to successful recruiting outcome
 - Saves time by screening out unqualified applicants
 - Real time reporting tells manager if candidate is likely to succeed in a position
 - Only those statistically likely to perform are given a “green light” and move forward in selection process



Testing

- Depending on the position, you can consider testing
- For example, an administrative assistant needs good typing and reading and editing skills - prepare a paragraph that they will be required to edit or test their computer skills





Orientation

On-Boarding - Orientation

- You have very few opportunities to make a lasting impression on an employee
- “Yesterday we were recruiting, now you have the job”
- Checklists will keep you on track
- New Hire Checklist
- First Day on the Job



New Hire Checklist

- Send or give an offer letter to the employee prior to their first day
- Include all applicable workplace policies or employee handbooks as part of the offer package
- Ensure that the employee knows their scheduled shift(s) for their first day/week of work and knows where to report when they arrive
- Create an employee record / file
- Notify payroll that the employee will be joining the company.



New Hire Checklist con't.

- Order uniform for new hire (if applicable)
- Prepare or arrange for any required training materials
- Prepare or assemble any “sign up” materials which are required (payroll forms, etc.)
- Set up a training plan
- Create any technical “pieces” that the employee requires in order to be productive in your workplace (i.e. computer logon ID, e-mail account, swipe cards)



First Day on The Job

- Welcome address - review the orientation plan with the employee and explain the training they will receive
- Overview of the practice including history, vision, mission, values, etc.
- Review position description and job expectations
- Compensation and benefits overview. Review:
 - rate of pay
 - How and when the employee will be paid



First Day on The Job con't.

- Salary review process (timing, what increases are based on, etc.)
- benefits sign up and overview of benefits plan (if applicable)
- Health and Safety orientation / training. Includes:
 - Review of employer health & safety policy and rules
 - Review of common hazards – slip and fall, cuts, proper lifting techniques, etc.
 - Housekeeping expectations
 - Review of any personal protective equipment required



First Day on The Job con't.

- Process for reporting workplace injuries
- WHMIS and handling of hazardous materials
- Facility Operations overview:
 - expectations regarding reporting to work
 - where to park
 - expectations regarding dress code / uniform
 - Hours of work and call in procedure



Conclusion

- Never compromise in the recruitment process
- Good hiring practices should improve your business results
- Mistakes can be costly, so use the tools and techniques that improve your chances for success
- Documentation regarding the recruitment process and an employment contract will mitigate against any risks
- A positive orientation program will help to set the relationship off on the right foot



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