Burning Questions

E. Kevin Kelloway, PhD
Saint Mary’s University

This column is based on the four most important questions that I’ve had to deal with this far in my term as chair. I’d welcome your input on any or all of them.

Question #1: Where is the Chair’s Column?

This one was actually posed by David Stanley the Editor of our newsletter who has been extraordinarily patient with my delays in getting this column to him. If you noticed that the newsletter is later than it should be, I bear full responsibility, mea culpa.

Question #2: How can CSIOP raise revenue?

This seems to be an ongoing problem and, has been mentioned at previous section meetings, there is a steady decline in our small surplus. Thus far, the financial wizardry of Joan Finnegan has saved us from financial ruin but even Joan has her limits. Given that there is a limited return on raising section fees, the executive has been struggling for at least the last two years with how to put the section on a sound financial footing.

One model has us charging a fee for job ads or notices of vacancies. I am aware that some members object to this practice and see the distribution of such notices as a real service to members. The question then is distribution of ads a service to employers for which we should charge? Or is it a service to members, notifying them of career opportunities that should be provided as a part of their membership fees. I am not sure that there is an easy answer to this question and both sides have merit. The pressures on our budget have me leaning toward the revenue generating solution but I would welcome your input on the issue.

Question #3: Did you get your submission into CPA for 2009?

This year promises to be an exciting conference and Kibeom Lee is already planning the I-O program. We hope that you got (or will get depending on when you read this) your submission in and that we will have a full and varied IO program. See you in Montreal!

Question #4: How many IO psychologists does it take to change a light bulb?

I really wish I had a funny answer to that one but only have an answer based on clinical practice (Only one but the light bulb has to want to change). I’d welcome your response (and indeed will offer a modest prize to the funniest answer – answers will be judged by an impartial panel, the decision of the judges is final, employees of CSIOP are not eligible).
More seriously, CPA is has formed a small committee to look at the supply and demand of psychologists in Canada. Both Arla Day and I are members of the committee. We have been working hard to acquire sources on the supply side of the equation (number of graduates, number of registered psychologists etc) – amazingly enough there is no central source of such information that would allow us to say with confidence how many psychologists we are producing each year.

Estimating supply, however, is relatively easy compared to estimating demand. Especially in a field like IO where career paths can vary dramatically and demand is somewhat determined by business cycles it can be very difficult to estimate the demand side of the equation. Unlike the U.S. (APA believes they don't have a supply problem but rather have a problem of distribution), we suspect that there is an undersupply of psychologists in Canada but, as of yet, are unsure whether that is primarily a “clinical” problem or is more widely spread throughout the profession.

Again, if you have some insight on this issue – if you have hiring experiences that are relevant or know of some upcoming “boom or bust” in hiring practices, I'd be interested to hear from you.

More generally, if you have the answers to any of my burning questions – or would like to pose some of your own, please feel free to get in touch with me at kevin.kelloway@smu.ca

Slainte!

Kevin

CSIOP Membership
Aaron Schat, PhD
McMaster University

Membership Update

CSIOP has recently reached the 400 member mark! Included among this total are 235 regular members (CSIOP members who are also CPA members, including fellows), 4 international affiliate members, 6 special affiliate members, 28 associate members (CSIOP members who are not CPA members), and 127 student members.

Among these are eight new members who have joined CSIOP during the last several months. They are listed below. Please join me in welcoming them to CSIOP.

Full Members
Dada Adebayo
Joseph Schmidt
Chelsea Willness

Student Members
Alexandre Bouvette
Farshid Seif
Timothy Jackson
Vittoria Sgambelluri

International & Special Affiliate Members
Rama Srivastava

Membership Recruitment

Again this year, Leah Hamilton (the CSIOP Student representative) has initiated a recruitment drive directed toward I/O students. This year, she has broadened the invitation to include undergraduate students as well as graduate students. Undergraduate students have always been welcome to join CSIOP – and, indeed, some have – but the focus of CPA’s and CSIOP’s student recruitment efforts has usually been on graduate students. Please support Leah’s initiative by encouraging your undergraduate students – and, of course, your graduate students – to join CSIOP.

In addition, if you have other academic or professional colleagues that have I/O related interests but who are not yet members of CSIOP, please extend them an invitation to join CSIOP as well.

Renewal Reminders

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 (e.g., a CSIOP Associate), then your renewal reminder will come directly from CSIOP. These renewals will be processed by Joan Finegan, CSIOP’s Treasurer, so please remit your payment to her at the following address:

Joan Finegan
Department of Psychology
Social Science Centre
The University of Western Ontario
London, Ontario
N6A 5C2

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. If you are not a CPA member, then please inform me (schata@mcmaster.ca) or Joan Finegan (finegan@uwo.ca) of the changes.

Enjoy the rest of 2008!
The 2009 CPA convention will be held at the Fairmont The Queen Elizabeth hotel in Montreal, Quebec from June 11 to 13 (http://www.cpa.ca/convention/). We can now provide a preview of some of the highlights of the CPA and CSIOP programs.

The CPA has announced three keynote speakers in Montreal: Dr. Matthew Sanders (University of Queenslands), Dr. David Barlow (Boston University), and Dr. Elizabeth Loftus (University of California at Irvine). Dr. Loftus, the author of the award-winning book, Eyewitness Testimony, will give the Family of Psychology Keynote Address titled “Rich False Memories”, a topic of interest for CSIOP members working in the area of eyewitness testimony.

Regarding the CSIOP conference program, we are very pleased to announce that Dr. Gary Johns of the Molson Business School at Concordia University has accepted our invitation to be the Section Keynote speaker. As we all know, Dr. Johns’ influential work on absenteeism has been instrumental in shaping the field of absenteeism to the present day. I will update the details of his talk in the January issue of the newsletter. Again, we are thrilled to welcome Dr. Johns to the CSIOP conference.

We are also excited to announce that Mr. Alain Forget of Analys Organizational Psychology Inc. has agreed to run the invited practitioner workshop program. Mr. Forget is an I/O psychologist with two decades’ experience, specializing in the psychological assessment of leadership and the development of leadership competencies. He is also the vice-president (and president-elect) of Société Québécoise de Psychologie du Travail et des Organisations (SQPTO, http://www.sqpto.ca), the largest professional organization representing I/O psychologists in Quebec. We look forward to having Alain Forget as the presenter of the Practitioner Program!

We have an invited symposium titled “The Effects of Organizational and Managerial Practices on Job Performance” organized by Dr. Tracy Hecht of Concordia University. This symposium includes four very interesting empirical studies that examine the effects of organizational and managerial practices on in-role and extra-role job performance. This symposium will be of great interest for many CSIOP members. Details will follow in the next newsletter, and we thank Tracy for organizing the excellent symposium!

The tradition of the pre-conference I-O Institute will continue in Montreal. A half-day CSIOP Institute will be held again before the CPA convention on June 10, 2009. Dr. Jacques Forest of Université du Québec à Montréal and Dr. François Chiocchio of Université de Montréal are currently organizing the event whose theme will revolve around “optimal human functioning at work”. Updates about this event will be posted regularly on the CSIOP website (www.csiop.ca). Please consider coming to CPA a day earlier and joining in the I-O Institute.

More details about the CSIOP conference will be updated in the upcoming issues of this newsletter. Please stay tuned! Look forward to seeing you all in Montreal next year!

Greetings!

I hope the first two months of your semester have been going very well and that you’ve managed to complete your SIOP submissions and scholarship applications. It’s amazing how fast the fall semester flies by!

After the initial craziness of the new school year passed, I sent all I-O students an invitation to join CSIOP. I encourage you to pass this invitation on to your colleagues in related fields. This year, I am making an extra effort to increase our representation of undergraduate students. I was fortunate enough to meet several undergraduate CSIOP members this summer at CPA and I was impressed with their enthusiasm and dedication to the field. From what I heard, they benefited greatly from activities like the CSIOP student-mentor social and general conversations they had with I-O graduate students from across the country. To me, this illustrated that membership in CSIOP can be a very enriching experience for students at all levels of their education.

In other news, I am very pleased to report that the 3rd Annual Southwestern Ontario I-O Graduate Student Conference took place on Saturday, November 8th at the University of Guelph. On this day, I-O students from Guelph, Waterloo, Western, and Windsor came together to discuss their interests and to present their research in an informal setting. In addition, for the first time, recent I-O graduates will be coming to the conference to discuss their work experiences. I am thrilled that this conference is happening for the third year in a row and I want to thank the Psychology department at Guelph, particularly the student organizers (Jessica Leal, Tom Oliver, and Erica Skinner) for all of the time they have dedicated to organizing this important event.

This year the CPA Convention will take place from June 11 to 13 at the Fairmont Queen Elizabeth in Montreal. As usual, the conference promises to be worthwhile. If your schedule permits,
I encourage you to create a submission for the conference. Unlike the more extensive SIOP submissions, for CPA, all that is required is a short abstract (see http://www.cpa.ca/convention/ for more information).

On a related note, many thanks to those of you who responded to my call for submissions to create a symposium. I received many high quality submissions and I believe we will be able to submit an interesting I-O student symposium that showcases our research.

I look forward to receiving any questions or comments you may have about the field of I-O Psychology or CSIOP in particular. I am also interested in receiving suggestions for the CPA Convention in June. If you live in Montreal and have any recommendations about where to hold the annual CSIOP student-mentor social (or anything else) I would love to hear from you!

Leah

Translated by Guillaume Duguay
Étudiant au doctorat, Université de Montréal

Salut à tous,

J’espère que les deux premiers mois de la session se sont bien passés et que vous avez réussi à compléter vos soumissions pour SIOP et vos demandes de bourses. C’est incroyable à quel point la session défile rapidement!

Après la folie initiale de début d’année, j’ai lancé à tous les étudiants en I-O une invitation à joindre la SCPIO. Je vous encourage à transmettre cette invitation à tous vos collègues étudiant en psychologie I-O ou dans des domaines connexes. Cette année, je désire faire un effort supplémentaire pour augmenter le nombre d’étudiants de premier cycle. J’ai eu la chance de rencontrer plusieurs étudiants de premier cycle membre de la SCPIO cet été au congrès de la CPA et j’ai été impressionnée par leur enthousiasme et leur dévotion envers notre champ d’étude. De ce que j’ai entendu dire, ils ont grandement profité des activités telles que l’activité sociale étudiant-mentor ou encore des conversations qu’ils ont pu avoir avec des étudiants au doctoral en psychologie I-O de partout au pays. Selon moi, ceci illustre bien de quelle façon l’adhésion à la SCPIO peut être une expérience très enrichissante pour des étudiants à tous les moments de leur parcours académique.

Dans un autre ordre d’idées, je suis heureuse de vous annoncer que le 3e congrès annuel des étudiants au doctoral du Sud-Ouest de l’Ontario se tiendra ce samedi 8 novembre à l’Université de Guelph. Durant cette journée, des étudiants en I-O de Guelph, Waterloo, Western et Windsor se rencontreront pour discuter de leurs intérêts et pour présenter leur résultats de recherche dans un contexte informel. En somme, pour la première fois, des anciens étudiants récemment gradués viendront au congrès pour discuter de leurs expériences de travail. Je suis enthousiasmée que ce congrès en soit à sa troisième année consécutive et je veux remercier le département de psychologie de Guelph, particulièrement les organisateurs étudiants (Jessica Leal, Tom Oliver, et Erica Skinner) pour tout le temps qu’ils ont consacré à l’organisation de cet évènement important.

Le congrès de cette année se tiendra au Fairmont Le Reine Elizabeth du 11 au 13 juin à Montréal. Comme toujours, ce congrès en vaudra la peine. Si votre horaire le permet, je vous encourage vivement à soumettre une présentation. Contrairement aux plus exhaustives soumissions pour SIOP, seulement un court résumé est nécessaire pour le congrès de la SCP (voir http://www.cpa.ca/convention/ pour de plus amples informations).

Sur une note plus personnelle, je remercie tous ceux qui ont répondu à mon appel de soumission pour créer un symposium. J’ai reçu plusieurs soumissions de qualité et je crois être en mesure de soumettre un symposium étudiant en I-O qui reflète notre recherche.

J’attends avec intérêt toute question ou tout commentaire que vous pourriez avoir à propos de la psychologie I-O ou de la SCPIO en particulier. Je suis également intéressée à recevoir vos suggestions pour le congrès de la SCP de juin. Si vous habitez à Montréal et que vous avez des suggestions sur l’endroit où tenir l’activité étudiant-mentor annuelle de la SCPIO (ou tout autre chose), j’aimerais que vous m’en fassiez part!

Leah

Hello again from the centre of the I-O world. Fall is here, albeit there is snow in Ontario, but without the expected avalanche of Canadian I-O information from members... (perhaps you were hoping I would stay in west Africa). Tell us what is happening to you and any I-O leaning students. For instance at Memorial University, was Sean Schofield-Hurwitz’ award winning honours thesis actually supervised by Waterloo professor Ramona Bobocel? and where is Sean now? We do know that Catherine Leconte, a doctoral student at l’Université de Sherbrooke, won an award from the French language AIPTLF,
whilst being supervised by François Courcy. Hmmm, have François and Steve Harvey talked to her about a CSIOP membership? Meanwhile most of us, at least the academics, expected Vic Catano to be busy with the media following the release of his study on workplace stress at Canadian universities. CPA noted that media outlets from Vancouver to Montreal covered the story but mentioned none east of next year’s CPA host city. At least SMU’s Arla Day, a fellow of ours, was quoted in The Halifax Daily News about parental leave, inspired no doubt by our Jungian-like collective knowledge of work-family balance. Having once contributed to a chapter in a stillborn book called The Will to Work, albeit not about “Spirituality at Work”, I wonder what the latter’s author, Martin Rutte, used as empirical arguments with businesses about possibly banning email use by employees in order to boost productivity. Spirit versus Spirituality? My vocabulary preferences aside, I think I would rather wait for output from l’UQAM’s Jacques Forest’s study on the antecedents of “la passion du travail” funded by his new researcher award from the FQRSC. Moving still westward (i.e. away from the navel) this month’s information about I-O seems to get ever more sparse. I thought one exception that would stimulate an empirical Canadian-Dutch duel with Natalie Allen and John Meyer, would be Acadia’s Michael Leiter’s co-authored position paper with Wilmar Schaufeli linking work engagement and occupational health. However Michael and Wilmar wind up defining work engagement in terms of their own three factors: absorption, dedication and vigour and then occupational health as the absence of job burnout. So, it’s back to relying on Saturday nights’ with Sarah Palin’s friends for our entertainment. Oh did anyone attend the Human Factors and Ergonomics Society’s in Amsterdam conferences? Cheers from down east, John (Tivendell). Ta for now.

Editor’s Editions:

Congratulations to Amanda Poole (PhD Candidate, University of Western Ontario) who married Ryan Stirling in London, Ontario on October 12th.

Marylène Gagné (John Molson School of Business – Concordia University) and Jacques Forest (ESG-UQAM) are taking care of an email listserv of people interested in motivation at work (in the self-determination theory framework). Right now, 65 researchers and consultants from 17 countries (Canada, United States, France, Belgium, Holland, Italy, Norway, Finland, Denmark, Germany, Switzerland, Japan, China, Hong Kong, Singapour, Australia, and Sénégal) are on this listserv and members of CSIOP interested in this theory applied to work can write directly to: forest.jacques@uqam.ca in order to be added to this list.

Competition Clauses

Erika Ringseis, LLB, PhD
McCarthy Tétrault LLP

Damages Awarded at Trial are Reinstated: The Supreme Court of Canada gives its ruling in RBC Dominion Securities Inc. v. Merrill Lynch Canada Inc. et al

Erika Ringseis¹

On October 9, 2008, the Supreme Court of Canada released its ruling with respect to the former employees of RBC Dominion Securities Inc. (RBC): There is no general duty for employees not to compete post-employment, but there is a duty to give reasonable notice prior to resigning from their employment, and employees are bound by the duties of confidentiality and good faith. Damages will flow from high-handed resignations — including, in this case, a mass departure organized by a former manager.

Background Facts

A manager from RBC and the majority of investment advisors and support staff of RBC’s branches in Cranbrook and Nelson, B.C. were approached by a direct competitor, Merrill Lynch Canada Inc. (Merrill Lynch). The manager brazenly organized a group departure, such that all of these RBC employees left en masse without giving any notice. Further, at Merrill Lynch’s direction, prior to resigning, the RBC employees copied confidential client records for use with their new employer. RBC’s operations in Cranbrook and Nelson were crippled.

None of the departing employees were fiduciaries. They did not occupy senior positions at RBC, so were not obliged to act in the best interests of RBC and did not have any restrictive covenants within their employment contracts, such as non-competition or non-solicitation clauses.

Lower Court Decisions

Even without written restrictive covenants, the trial judge found that the employees had breached their obligation to give reasonable notice, had competed unfairly and were liable for damages. Merrill Lynch was also liable for these damages in addition to punitive damages because of the wrongful copying of confidential records.

The Court of Appeal, however, noted that brokerage houses may not put their interests ahead of the client’s interests. As RBC did not have a property right in any client, the employees could prepare their own client contact lists and remove these lists from the office. Thus, although the Court of Appeal agreed that a breach of confidence had occurred, the breach was limited to the taking of inappropriate papers belonging to RBC. The investment advisors’ communications with the former clients did not breach their duty to RBC. The Court of Appeal also noted that there is no obligation to compete fairly in the

¹ Erika Ringseis
absence of express restrictions in written employment contracts.

The Court of Appeal agreed with the trial Court, however, that the employees had breached their duty to give reasonable notice prior to resigning from their employment. The Court of Appeal held that RBC was entitled to the amounts earned by its former employees during the 2.5 weeks' notice that the employees should have given to RBC, but not entitled to compensation for loss of profits due to unfair competition. In the end result, the Court of Appeal upheld the punitive damages awarded against Merrill Lynch but greatly reduced the compensatory damages levied against Merrill Lynch and the individual former employees.

The Supreme Court of Canada Decision

RBC appealed the BC Court of Appeal's decision on two grounds: (1) that the Court of Appeal had improperly overturned the award of damages against the former RBC manager and employees and Merrill Lynch for losses caused over a five-year period; and (2) the Court of Appeal had improperly set aside the award against the former manager on the finding of breach of a contractual duty of good faith.

The Supreme Court stated that, for the purposes of this case:

The Supreme Court found that the trial judge had been wrong in law to award damages based on the employees being bound by a general duty not to compete, and that the Court of Appeal had incorrectly applied the law when assessing damages. Thus, the appeal was allowed in part, reinstating the trial judge's decision with respect to damages, except those in which the trial judge found payable by the investment advisors for losses due to unfair competition -- based on their actions during the reasonable notice period. The Supreme Court agreed with the Court of Appeal on the competition issue.

Thus, the damages reinstated by the Supreme Court included damages in the amount of $1,483,239 for the loss of profits RBC suffered as a result of the former manager's failure to perform his duties in good faith, specifically, his orchestration of the departure of virtually all of RBC’s investment advisors. This amount was calculated based on five years of damages assessed by experts for the lost business and devastated operations.

All punitive damages were upheld; every level of Court expressed its displeasure with the actions of the former employees and the new employer.

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Lessons for Employers

This case carries some broad implications for any business operating in an environment where competition, especially competition by former employees, is a concern:

1. No general legal duty to compete fairly applies to former employees who are not fiduciaries.

2. Restrictive agreements like non-competition and non-solicitation agreements should be used in appropriate circumstances of high competition. However, employers must take care to ensure that restrictions on an employee’s right to compete are reasonable. This includes restrictions as to the length of time and the geographic area in which the employee is prohibited from competing.

3. Employees do have an obligation to give reasonable notice prior to resigning, although damages may be limited during this notice period. Including notice-of-resignation requirements in written contracts may be appropriate for a business that will suffer if reasonable notice is not given by the employees.

4. Employees owe a duty of confidentiality to their employers. The Courts are not impressed with high-handed behaviour such as copying client records inappropriately and will award punitive damages for such activities.

5. Further, orchestrating a mass departure that will cripple a former employer is contrary to the common-law obligation to act in good faith. Damages will be awarded by the courts and may include hefty obligations to compensate for lost business.

6. The duty of confidentiality does not necessarily extend to preventing departing employees from taking client contact information, particularly where the client’s interests so indicate.

The Supreme Court of Canada has ruled: former employees have no legal duty not to compete unfairly against their former employer. Employees must, however, give reasonable notice of resignation and cannot breach their duties of confidentiality and good faith in the manner of resignation.

This paper originally appeared in modified format as an article published by Erika Ringseis and Hena Singh of McCarthy Tétrault LLP and is copyright McCarthy Tétrault LLP, reprinted with permission. Erika Ringseis has her Ph.D. in Industrial/Organizational psychology from Penn State and her LLB from the University of Calgary. She currently practices law with the labour and employment group in McCarthy Tétrault’s Calgary office.
Assistant or Associate Professor

Industrial-Organizational Psychology

The Department of Psychology at the University of Guelph invites applications for a tenure-track position in Industrial/Organizational Psychology to begin July 1, 2009.

The position is open at the assistant or associate professor level with a preference for a mid-career scholar. The appointee will have a Ph.D. from a recognized program in I/O Psychology or possess equivalent training. The successful candidate should have a well-established research program as evidenced by strong peer-reviewed publications and grant funding. All candidates with expertise in Industrial/Organizational Psychology will be considered: research area open. Consulting experience is an asset. The successful candidate should be willing to teach and supervise students at both the graduate and undergraduate levels.

Applications should include a curriculum vitae, a statement of research and teaching interests, a summary of relevant applied experience, and preprints/reprints. Three letters of recommendation must support the application.

All application materials should be submitted by December 1, 2008. The search will continue until a suitable candidate is found. Submit applications to:

Harvey H. C. Marmurek, Chair
Department of Psychology
University of Guelph
Guelph, Ontario, Canada, N1G2W1

More information about the Department can be found at www.psychology.uoguelph.ca and about the Industrial/Organizational Area at: http://www.researchpracticeguelph.ca/

Appointment is subject to final budgetary approval.

All qualified candidates are encouraged to apply; however, Canadians and permanent residents will be given priority.

The University of Guelph is committed to an employment equity program that includes special measures to achieve diversity among its faculty and staff. We therefore particularly encourage applications from qualified aboriginal Canadians, persons with disabilities, members of visible minorities and women.

Deadline: December 1, 2008
Position Opening: Associate, HR Research and Measurement, TD Bank Financial Group

Hiring Contact: Roy King

Location: 55 King Street W, Toronto, ON

Hours: Full time, M - F

Responsibilities: The HR Research and Measurement team is responsible for providing research that gives our business leaders confidence that people decisions are being made with the best available information and with an appropriate level of statistical and methodological rigour. HR Research and Measurement is directly responsible for the design and delivery of employee opinion surveys, and analysis of HRIS information.

Reporting to the Senior Manager of HR Research and Measurement, the HR Measurement the Associate will be responsible for leading employee research and analysis projects, and HR metrics initiatives. The role will lead research projects from the beginning through completion. This will involve analysis of information from a variety of sources to assess the impact of HR programs on the employee experience, organization culture, and financial implications.

Many projects will require cross-functional teams to be drawn together, and the HR Measurement Associate will be expected to develop strong relationships with business partners. Some projects involve in-depth quantitative analysis, requiring the HR Measurement Associate to be able to analyze data, draw reasonable conclusions, and make practical, actionable recommendations at an appropriate level for the audience, in a convincing manner. The HR Measurement Associate will be expected to present information to HR and line management.

The position will develop subject matter expertise in the areas of Human Capital Measurement, employee surveys, employee engagement research, etc, and be prepared to support the HR Measurement team and other HR teams with that expertise. The Associate will also be expected to anticipate and make proposals for useful, actionable employee and HR metrics research and analysis.

Qualifications:

- Strong analytical thinker with the ability to analyze and draw conclusions from both quantitative and qualitative sources of information.
- Ability to translate data analysis into practical recommendations.
- Excellent communication skills, whether representing information in presentation format, in written documents, in one to one or larger meetings, or in large presentations.
- Proven ability to communicate effectively and professionally with senior management.
- Good understanding of data management, analysis and its software tools.
- Proven relationship management and team building ability.
- HR experience an asset.

Please send resumes and cover letter to roy.king@td.com
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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.