



BEST HUMAN RESOURCE MANAGEMENT PRACTICES FOR THE BC FOODSERVICE INDUSTRY

≡ **BC RESTAURANT AND FOODSERVICES ASSOCIATION**



The British Columbia Restaurant and Foodservices Association is a dedicated resource to help restaurateurs grow and succeed in business in our province.

FOREWORD

Successful management of our Human Resources - our team, our employees - is the core of every restaurant. The people we employ are on our frontlines and behind the scenes making it all work. They are the first impression our customers have and they leave a lasting impression on guests through how they deliver service. Under our guidance, they determine the quality of our meals and they set the tone for dining experiences.

While we all know the importance of managing Human Resources, we don't necessarily have the financial ability to hire specifically for HR roles. Human Resources professionals come to us with post-secondary degrees from colleges and universities. However, we all need people to manage all the aspects of hiring, managing people and maintaining strong employee teams. As a result, the BCRFA has created this manual to give our members access to the core principles and practices of Human Resource management.

FACING COVID-19

Managing human capital through these times is extremely challenging. Even prior to COVID-19, the restaurant sector was facing considerable challenges including increasing business pressures, triple net leases and new taxes. We went from having a shortage of people in most positions to having to furlough a large percentage of staff in every conceivable position due to COVID-19.

Many of our business pressures and staffing issues remain constant. We know that having a good chef or cook and an appealing menu isn't enough to be successful in the foodservice industry. If an employee is unhappy, feels they aren't part of a team or aren't being guided to success, he or she will leave – or won't come back from being furloughed.

Operators across our province are now looking to rehire and to restart businesses. In order to compete for the best workers, every business owner, operator and manager needs to have and practice some basic human resource management skills. Reliable and productive employees and a strong set of policies and procedures will be at the core of a successful reopening. Now more than ever, we want to help business operators

tackle real issues head on, and guide you to solid actions and plans that will help you help your employees.

PREPARING FOR A CHANGING WORLD

In a world with a fast spreading virus, it's important for businesses to be prepared to change policies and procedures for staff and guests to ensure the safety of both. As a result, updating and maintaining your businesses Code of Conduct and staff procedures becomes even more important than ever before. If we don't pivot to recognize the needs of physical distancing in our workplaces, to put in place increased cleaning regimens and to be aware of the need for physical space (and sometimes physical barriers) between people, it will be hard to build back customer confidence. Good human resources practices can help us react and respond with positions of strength when facing these incredible changes and challenges.

BCRFA IS HERE TO HELP

BCRFA is here to help you succeed in all aspects of your business. Your employees cost you 30% to 35% of your monthly operating expenses. When replacing an employee who has quit or you have had to terminate can cost thousands of dollars, good Human Resource management is a vital part of a restaurant's ability to succeed.

This manual is broken down into 19 Sections. Each tackling unique areas of managing people.

Contact us: If you have questions or need help with a Human Resource management issue, call us at 604.505.2374 or email gmacgregor@bcrfa.com. Your questions and concerns are completely confidential.

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NEW EMPLOYEES

The best human resource management practices start with good hiring procedures. Finding quality applicants can be challenging and is always a costly proposition. Placing ads can be expensive and the time it takes staff to make arrangements and conduct the hiring process adds up.

In British Columbia, the average cost to recruit and train a new person to full productivity in an entry level position is over \$3,000. For a skilled position, the cost can increase above \$10,000. If you involve a talent agency, the fees can exceed 50% of the first year salary of the new hire. Although the investment in strategic recruiting is significant, the long-term benefits are substantial. Understanding these costs will help establish stronger parameters around the entire recruiting process and will help to strengthen how much value is placed on orientation and training.

BECOME AN EMPLOYER OF CHOICE

Start your hiring process by positioning yourself as an employer of choice. This means becoming known as a leader in the foodservice community by:

- Paying your employees fairly and treating them well;
- Encouraging an open and encouraging workplace culture;
- Promoting from within;
- Having a supportive, upbeat and harassment free working environment;
- Offering predictive scheduling;
- Building a favourable reputation in the community as a supporter of charity and community events;
- Offering an attractive benefits program that includes a set number of days of sick leave;
- Maintaining a solid online and social media presence that reflects your brand and your values;
- Prioritizing a clean workplace; and
- Setting strong health and safety protocols.

By creating a strong workplace culture and a place where teamwork and effort are rewarded, you will attract a high caliber of employees and you will become an employer of choice.



OUTLINE YOUR EXPECTATIONS

Setting realistic expectations ensures that potential applicants are being set up for success through the process. Be authentic about everything you include in your posting.

- Have a strong job description;
- Define clearly the role and the required skills for the position;
- Identify clear reporting structures;
- Promote the opportunity to express creativity and talent (cooking and culinary arts in particular are considered creative fields);
- Make your core expectations clear and tie them back to your values;
- Show potential employees what will be needed for them to become valued contributors; and
- Talk about training and growth opportunities within the position for prospective employees.

Be clear about the steps of the hiring process. Say when you are planning to interview and when the position might start so that candidates can determine if it is a fit with their timeline.

It is also important to talk about your hours and where your company is located. Expectations about the time they will spend with you and the time it takes to get to your workplace will determine who will apply and be successful. If someone can't physically get to your workplace by transit or there isn't available parking nearby, then all the other expectations you set won't matter!

RECRUITING AND HIRING

TAILOR YOUR POSITION TO THE IDEAL CANDIDATE

When you are putting together your job description and your job posting, think like the person that you want to fill the position. Understand what expectations or values you need a potential worker to bring to your workplace that is non-negotiable. Be realistic about your ability to find someone that will match your needs.

DETERMINE YOUR CORE VALUES

Clearly communicating your company values will help you recruit and keep people who will fit your brand and your culture. Why do we know this? In the thick of the acute labour shortage, vegan restaurants were having no problems recruiting. Their menus and business concept communicated their values and attracted like-minded individuals.

Whatever your restaurant concept, you need to know and be able to communicate what motivates you, your business and your team to be successful.

Some core values include:

- * teamwork * reliability * loyalty * commitment * respect
- * openmindedness * consistency * honesty * efficiency
- * transparency * collaboration *

Guiding principals include:

- Being and supporting local
- Buying BC
- Sourcing the best ingredients
- Putting people first
- Committing to excellence and integrity
- Adopting sustainability
- Respecting diversity
- Committing to inclusivity in the workplace
- Committing to open, honest and frequent communication
- Valuing entrepreneurial spirit, flexibility and adaptability
- Being of service
- Leading in hospitality
- Inspiring continuous learning and improvement
- Valuing initiative

How do you communicate your values and principals in your job postings?

- Be proud of your workplace culture, be transparent about it and promote it as a feature of joining your business.

- Explain what you believe in and give people a reason to connect with your business. Having convictions and staying loyal to them builds respect in teams.
- Actually list your core values in your job listings. They will excite those who are right for the job and turn away those who are not.
- Don't be brief. Include enough details in your job postings to attract people who share your company values.

Ensure that you talk about what drives your business throughout the recruiting process from posting the job to interviewing and hiring. Don't underestimate the importance of your values to your success – and to that of prospective team members.

THINK BEYOND SALARY

Start your recruiting with a solid job posting

A great job posting starts with a good job description, a summary of the position and its role within your restaurant. Be sure to give an overview of your company and expectations for the position. Outline the types of activities and responsibilities required for the job so potential applicants can determine if they are qualified, or if the job is a good fit.

Here's a sample job posting for a server position:

Our busy, casual family style restaurant is looking for servers. Experience in a restaurant is an asset, but we will fully train applicants who show aptitude and enthusiasm. Families and older people are the majority of our guests, so people who are patient and like children will enjoy our cheerful and upbeat family atmosphere. We are located on a regular bus route in downtown and provide ample free parking for both staff and guests.

Our hours of operation are 6:00 a.m. to 9:30 p.m. We endeavour to give all employees predictive or flexible scheduling. We offer health and dental benefits to employees after 6 months of employment.

The successful applicant will:

- Take customers' food and drink orders in person, on the phone and from an order platform.
- Ensure that all orders are accurate and brought to each table or ready for pick up or delivery in a timely manner.

RECRUITING AND HIRING

- Suggest appetizers and meals to customers based on the menu and specials.
- Work closely with restaurant management to immediately address all customer concerns and create a pleasant dining experience.
- Confirm orders with the chefs and bartenders whenever clarification is requested.
- Set tables and rearrange tables to accommodate parties assuring COVID-19 physical distancing protocols are observed.
- Participate in sanitizing, cleaning and hand washing protocols to assure safety of our guests and other employees.
- Follow Serving it Right requirements to assure no guest is over-served alcohol.
- When required, pack food and beverages for take out or delivery, assuring cold and hot items are separate, all condiments and utensils are included in the package and that the package is properly labeled with the guests names.
- Operate systems for placing orders, delivering orders to the kitchen.
- Operate systems for payment.
- Work closely with the kitchen to assure orders are prepared in accordance with guest requirements.
- Be alert to guest food allergies and assure the safety of the food for the guest.

The successful applicant will be a person who is a cooperative team player willing step in to help co-workers when necessary; someone who will assure our guests are well fed and happy at the conclusion of the meal; a person who will willingly perform their share of the work around the restaurant. This position will suit a person who is punctual, has a cheerful disposition and enjoys interacting with our guests.

Here is a sample posting for a restaurant Manager position:

Our exciting and innovative restaurant promotes locally produced food and wine. We have been featured in a number of food publications and are popular in the local casual fine dining scene. We are recruiting a full time manager for our restaurant.

The position will suit a person with several years experience in the food service industry. Human Resource Management and budgeting experience or certifications are a plus.

The position requires a person who will:

- Recruit front of house team members and, in cooperation with the owners and our chef, will participate in recruiting back of house staff;
- Set up training programs for new front of house employees and in cooperation with the chef, training programs for back of the house employees;
- Set budgets for each department and assure budgets are adhered to in cooperation with the chef and the owners;
- Work with two front of house supervisors to schedule front of house employees;
- Maintain personnel files for each employee;
- Conduct regular appraisals of all employees under their supervision;
- Provide regular day to day feed back to employees based on job performance;
- Assure the restaurant is maintained in a clean and attractive manner and that all COVID 19 cleanliness and spacing protocols are adhered to;
- Conduct regular staff meetings to reinforce alcohol service and COVID cleanliness protocols;
- Create innovative short workshops for employees to retain their interest and meet their training needs.
- In consultation with the owners and the Chef, create and execute special promotions and advertising campaigns, charitable donations and participation in special events; and
- Oversee website advertising and monitor all social media where our restaurant is mentioned.

The successful candidate will be capable of fostering a workplace that is open, caring, inclusive and free of harassment or bullying of any kind. The successful candidate will be a mentor who attracts loyalty and encourages employees to have pride in their job and their workplace. The ideal candidate will be quick and timely in their praise of employees. When discipline is necessary, the ideal candidate will approach the situation calmly and professionally. The restaurant is located in downtown Victoria. Parking is at a premium but there is reliable public transit from surrounding areas.

The successful candidate will be expected to work up to 45 hours per week. Salary is negotiable depending on experience in the 50K to 70K range. After 6 months of employment the employee will be offered a benefits package that includes medical supplements (prescriptions, eye care etc.) and dental coverage. Three weeks annual vacation will be offered after one year of employment.

RECRUITING AND HIRING

BE TECH AWARE

New workers are tech savvy: set application requirements so that the application can be submitted from a smart phone or a tablet. If you use technology in your business to reduce touches, increase efficiency or create physical distance, talk about the intersection between the prospective worker, their tasks and the technologies.

Make sure your company's brand and social media are aligned before you post a position. Next Gen workers will look up your company online and research your brand.

Your website and social media are valuable recruiting tools because anyone thinking of applying for work with you is going to go to your online presence first. Sell your restaurant as a great place to work as well as to eat and be sure to put a link to your job posting on your restaurant website.

POST YOUR POSITION WISELY

A "help wanted" sign in your window is not an effective way of attracting workers. At best, it will gather dust, and at worst, it may turn away customers who might worry they are not going to have a good dining experience.

Best practices to advertise your job posting:

- Put an ad in a community newspaper.
- Ask your good employees if they have anyone they would recommend.
- Go to your local college and ask them to refer some students to you: Culinary Arts students are ideal.
- Post your position online. If you are expanding your search outside your community, there are plenty of online sites, such as Indeed, where you can post the position.
- Post your position on the go2HR job board. This job board is available to employers in the hospitality industry looking to post their vacant positions.
- Look outside your regular pool of employees to First Nations people, seniors, people with physical and mental challenges and new immigrants. For information about how to reach out to these people and attract them to your team, the BCRFA can offer advice and contact information.
- Consider hiring foreign workers. Contact us for more information about our Skilled Foreign Worker program. This program allows you access to skilled, pre-screened workers who will be committed to you for a minimum of two years while they pursue legal permanent residency.

- Your local WorkBC Centre (www.WorkBC.ca) may have trained and employment ready people looking for jobs with employers like you. WorkBC also provides on-going support and training at the workplace, to individuals who are physically or intellectually challenged.

PROMOTE YOUR COMPANY PERKS

While high-tech companies offer video games and free snacks, restaurants and hospitality businesses have a history of welcoming people and providing quality experiences. Make sure you know what lifestyle perks you can reasonably offer to improve the employee value proposition without increasing your bottom line.

To start to think about perks, see if you can answer these questions:

- Do you allow your staff to host family and friends for a meal at your restaurant at a discount?
- Do you have a mentorship program?
- Do you offer business coaching and financial management training for senior positions?
- Do all of your kitchen team members participate in menu development and designing new drinks and flavours?
- Do you host food and beverage tasting so staff experience the menu and features before they have to sell them?
- Do you have partnerships with other businesses in your neighbourhood that are a benefit to your staff? Discounts at spas, fitness centres, clothing companies, and taxis all offer perks that employees can benefit from.
- Do you support your employees' charities?
- If you are a family restaurant, do you provide opportunities for parents and grandparents to showcase their pride in their kids and grand kids through notice boards or family focused events?

LOOK FOR ATTITUDE AND ADAPTABILITY

If you get resumés coming in, we recommend you look for attitude and adaptability first and aptitude second. We also suggest you look at candidates who can grow into your position with some guidance and on the job skills training. People who grow into positions and have the ability to build new skills and experience are likely to stay longer in a position than those that are applying for a job role they have held in the past.

PRO-TIP: Don't reject an applicant without experience.

Eager and trainable is often as good as experienced.

INTERVIEWING TECHNIQUES

Congratulations! You've attracted some applicants. There are interviewing techniques that both assure you are hiring the best applicant and that you are complying with BC's human rights and privacy laws.

CONDUCT THE INTERVIEW IN A QUIET AREA WITHOUT DISTRACTIONS

Interviewing should always be done in a quiet location where there will be no interruptions. This shows the applicant you are a professional and taking the interview seriously. Nothing is more off putting than an interview being interrupted by trivial things, regardless of the interview being conducted in person or on an electronic platform. If this isn't possible in your restaurant, look at having the interviews elsewhere, such as a hotel meeting room or a borrowed office.

HAVE TWO PEOPLE CONDUCT THE INTERVIEW

The first person should be the owner or the prospective boss. The second person can be a manager or a trusted senior employee. One person asks a set of prepared questions, and the other takes notes of the answers. The two people can switch tasks during the interview. You should always have the list of questions prepared in advance and every person interviewed should be asked the same questions.

Always introduce yourself and your colleague to the applicant. If the meeting is in person, have drinking water available and provide the applicant with some notepaper and a pen. A bottle of hand sanitizer is a thoughtful touch.

BE AWARE OF THE APPLICANT'S SITUATION

The applicant in front of you may have several job offers to choose from. Use the time to understand what the job seeker is looking for in a position and how that aligns with what you need. Even if your posting is clear, there may be a mismatch.

THINK ABOUT FIT WITH YOUR EXISTING TEAM

Remember you are hiring a person who, if all goes well, may be part of your team for years. You are going to invest training and money in someone who is going to be a representative of your business in your community and is going to be working side by side with people you have already invested in. You owe

it to your business and your current employees to do the best job you can selecting the person you will hire.

LOOK FOR PERSONALITY AND SKILL

Know what skills you can train for and understand what training you can offer in-house. This will allow you to hire for people who can grow into the job. This is essential to having new team members stay with you longer and commit to your business' success.

CONDUCT SMART INTERVIEWS

The new reality is that an interviewee will be interviewing you as much as you are them. That means you must use the interview as a marketing opportunity to showcase your company and your workplace culture. It's as important you sell yourself as a good employer as it is for the applicant to sell themselves as a good employee.



INTERVIEWING TECHNIQUES

SAMPLE INTERVIEW QUESTIONS: FRONT OF THE HOUSE

1. *Why do you want to work in the food and beverage industry?*

Good answers include:

I like to make people happy.

I like being hospitable and friendly.

I like people and want them to have a good time while I'm serving them.

I love food and am fascinated by the restaurant industry.

I like restaurant culture.

I enjoy it when I feel I've made a guest have a great time.

2. *Tell me about your most memorable experience as a guest in a restaurant.*

Look for a thoughtful, detailed answer – be it a positive or negative experience – as this shows the applicant has thought about restaurant work and has an understanding of how things can go well (or badly).

3. *What does “hospitality” mean to you?*

The dictionary defines hospitality as “the friendly and generous reception and entertainment of guests, visitors, or strangers.” A good candidate will sum this up in their own words.

4. *Tell me about an occasion where you were hospitable in a work setting.*

Your candidate should be able to give an example of being hospitable. It doesn't need to be in a restaurant, any work setting will do.

5. *A customer has asked about the special or chef's creation of the day. Using a favourite dish of your own, describe this dish to the customer.*

The candidate should be able to articulate the construction of the dish in a way that makes it sound really good.

6. *How would you respond if a customer wrote something negative about your service or food online which you know to be inaccurate?*

The focus of their reply should show an understanding of the customer's perspective, or understanding how they might handle a situation better in the future to make things right. Take note if the answer aligns with how you would like staff to handle conflict resolution.

7. *If a customer presents you with a coupon that clearly states “not valid with other offers,” and they try to use it with another offer, how would you handle that?*

The candidate probably doesn't know the policy when it comes to special offers at your restaurant, and you may not even have offers in the first place! The “correct” answer lies in their reaction. Do they clam up, get nervous? Or do they stay calm and keep a smile on their face?

How they react to this question is a great indicator of how they'd react under pressure. If a candidate can't keep their cool here, how are they going to do so in the middle of a busy service when the level of pressure is much higher?

8. *What do you do when you're not working? What are your hobbies, sports interests etcetera?*

The ability to build a relationship with guests often depends on having common experiences or interests. Having interests outside of work is essential for making small talk, as well as maintaining a healthy work-life balance. **NOTE: it's important not to take note of interests such as religion or party politics.** It's okay if they say they're active in their church or in civic politics. Never ask what the church is or what their political affiliations are.

9. *Tell me about a conflict you've had to deal with involving your co-workers and how you handled it.*

You may want to give an example of a conflict and ask how the applicant would deal with it

Here are a couple of examples:

EXAMPLE 1:

There are window tables that guests favour. The servers assigned to window stations tend to get better tips. These tables are assigned on a rotation basis. You believe it is your turn to have the window tables today but when you arrive, the chart shows you are assigned to the back of the restaurant again. How will you deal with this?

INTERVIEWING TECHNIQUES

GOOD RESPONSE:

You will want the applicant to reply that they will work the tables they are assigned to, verify from their own records it actually was their turn for window tables and to quietly and politely approach their Manager or team leader to discuss their concern.

EXAMPLE 2:

You don't like working late with Val because Val always tells jokes you find offensive, but here you are, assigned to close with Val again. How will you deal with this concern?

GOOD RESPONSE:

You want the applicant to tell you they will first tell Val the jokes are offensive. If Val doesn't stop the behaviour immediately, the applicant should then raise the concern with a Manager or Supervisor. The applicant should show that they understand they have the right not to be subject to offensive jokes and that they can trust their employer to assist them in this conflict.

10. What will your references say about you?

When you contact the references, see how the applicant's answers line up with the references. Under no circumstances should you ever skip the very important step of checking references. It's a pain when you need the position filled yesterday, but checking references can avoid nightmares down the road.

11. What are your career goals?

It isn't necessary for a candidate to want to spend the rest of their life in a restaurant. Honestly is the key with this answer. Perhaps they need the pay cheque to pay for education - that's okay. What you should look for is a person who actually has goals and dreams, can articulate them and is making positive progress in the direction of their goals. If those goals are in the foodservice industry, so much the better. You are looking for enthusiasm and ambition to do something well.

12. Ask the applicant to participate in a real world exercise.

For a server, recruit some friends or staff to roll play as guests - make them a bit problematic - food allergies, complicated substitutions, in a hurry etc., and see how the applicant handles the guests. You are not looking for accuracy; you are looking for a friendly and "I will do what it takes to make you happy" attitude.



INTERVIEWING TECHNIQUES

SAMPLE INTERVIEW QUESTIONS: BACK OF HOUSE

1. *Tell me about a job where you have had pressure to deal with multiple tasks in a short period of time?*

The applicant should be able to give an example of a job where they had to multitask and how they handled the multitasking.

2. *Hands on exercise: Put these tasks in order that you would complete them.*

Give the applicant a list of common tasks that they would perform in the kitchen and ask them to put them in order. This list of things should be printed out and handed to the applicant so they can think about the answer they want to give and make a few notes.

Example: Put these tasks in order of importance and explain why you chose the order you did.

- A server has brought a meal back because the steak is overdone.
- The Chef wants more parsley garnish NOW.
- The dishwasher is in the weeds and the kitchen is running out of clean plates.
- Someone has dropped an entire bucket of ice on the kitchen floor, creating a serious slip hazard.
- There's been a run on shrimp. There is shrimp but it's still frozen. Servers are complaining the shrimp orders are backing up.
- The salad prep has run out of salads and is asking for help.

While the applicant may not actually have all these responsibilities, you want to know they understand how these things erupt when in the kitchen. You want them to understand the guests' meals come first and then prioritize the various disasters in the kitchen.

3. *Have you dealt with conflict with a co-worker, classmate or family member? How did you deal with it?*

Conflict in the high-pressure rush is inevitable. You want employees who will deal with conflict with grace, won't let it stop their focus on the tasks at hand and won't carry a grudge.

A good response to this question will show that the applicant will use a collaborative rather than confrontational approach and that they are willing to ask a manager for help to deal with the conflict.

Here's an example of a conflict you could use - Chef has asked you and another kitchen worker to prep 50 salads in anticipation of an early rush. You've done your part of the prep, but your coworker has wandered off somewhere. This is typical of this person, leaving others to finish work they are responsible for. What would you do to address this problem?

4. *What do you like (or think you will like) about working in a restaurant kitchen?*

They must have some reason to want the job. This is where you want to hear about their passion for food, their desire to learn about how a kitchen operates, their career goals and ambitions.

5. *What don't you like about working in a restaurant kitchen?*
You also want a candidate to be able to show their knowledge of the whole job. They should be able to say that work has frustrating and unpleasant moments - like cleaning a grease spill in the middle of busy service or running out of a key ingredient.

6. *What are your career goals?*

As for the front of house, the goal here is to understand the goals and expectations of your potential employee and have them give you some key insights into who they are and who they want to become.

7. *Tell me what you like to do when you aren't working.*

This question will indicate if the employee has healthy out of work interests. Avoid questions about religion or party politics. You are looking for sports and cultural interests, reading, keeping up with world news, gardening, taking their dog for a walk, playing with their children, tinkering with cars etc.

INTERVIEWING TECHNIQUES

8. Ask the applicant to try a real world exercise.

As with front of the house, “show me” is an excellent way to test your candidate. If possible, give them a simple task, targeted to the job they are applying for. Watch for organization thoughtfulness, economy of movement, knife skills, safety awareness and end product. It is also important to look for use of sanitizing facilities such as hand washing and sanitizer. If you decide to go with the “show me” piece of a job interview, don’t spring it on the applicant. Make them aware you will be doing this so they come appropriately dressed to show their kitchen skills.

TRIAL SHIFT

A trial shift is something that was quite popular when we weren’t in a labour shortage. It gives you a better sense of an applicant’s skill set and their ability to fit in with the team.

If you plan to work a candidate for a trial shift (not just a short demonstration of their skills), you must pay them at least minimum wage for that shift.

Some TIPS about reference checking

- If the applicant has provided you with names of references, they have given you permission to contact them. You don’t need additional permission.
- Always contact references at their place of business rather than on a personal cell phone. You really don’t know who is on the other end of a personal cell: it could be your applicant’s roommate or sister.
- One of the very best questions to ask in a reference check is “would you rehire this person?” Why or why not?

Contact us - the BCRFA is here to help you in all aspects of your HR management. If you have questions or need assistance, call or email our HR Advisor, Gillian Macgregor. 604.505.2374 or gmacgregor@bcdfa.com

SOME LEGAL CONSIDERATIONS FOR INTERVIEWS

The law requires you keep interview notes for a year.

You cannot ask questions about race, ancestry or country of origin, sexual orientation or family status (such as asking if the applicant is married or single or living with a partner and if they have children). You may ask about dependents only if you hire the applicant and need contact names and Income Tax deduction information.

You cannot ask about religious or political beliefs or disability. You may ask if the applicant would be available to work all available shifts. If an applicant says they are unavailable for certain times or days, you must consider this if it would be a hardship for your restaurant, but you cannot automatically reject the applicant on availability.

You can ask applicants if they have any physical limitations that would interfere with their ability to perform the job. If they state they can’t lift heavy items, this may mean they can’t do certain jobs.

It is a better plan to modify the job or the workstation to accommodate an individual’s special needs rather than to reject the applicant. Many employers report that hiring special needs individuals and making some adjustments to their workstation has resulted in excellent, reliable, long term employees who are valued team members.

NEW EMPLOYEE ORIENTATION

A solid and practical orientation for new employees sets the tone for the employment relationship. This important process tells the employees the rules, the company standards and gives them an insight into your culture.

This is a task made considerably easier by having an employee manual that sets out your company's policies, procedures and requirements in a single document for new employees to read. If you don't have an Employee Manual, we recommend you go to the BCRFA online member resources section. BCRFA has a template to help you build a custom Employee Manual.

Each restaurant is unique: not only in terms of objectives and goals but also in terms composition and service. It is important for your restaurant, your brand and your culture that employees, both experienced and inexperienced, learn your way of doing things. Orientation helps employees familiarize themselves with the restaurant's best practices, goals, history, philosophy and layout.

ONCE YOU HAVE MADE AN OFFER

- Have a contract that employees sign.
- Provide every new employee with a workplace code of conduct that employees must agree to that talks about culture and expectations.
- Have a strong welcome package that you go through with new hires that includes best practices.
- Have an onboarding meeting with the new employee to set a series of short-term and long-term goals that you can work together on. This sets a new employee up for success, allows them to strive for growth and be excited about their role.
- Offer a training program that is comprehensive and helps bring people up to speed quickly.

THE ORIENTATION BASICS

At the start of the new person's first shift, welcome them in person and thank them for choosing to join the team. Give them a small notebook and a pen and tell them to jot down things like names, titles to jog their memory and to make note of any questions they might have.

Walk the employee through all the departments. It's important to give them a brief description of the flow of the restaurant - from reservation to satisfied guest going out the door - and the role every employee has in the process. It may be obvious that the kitchen prepares the food, but how the kitchen operates may differ from place to place.

- Introduce the new employee to their co-workers.
- Assign a mentor. The new employee's mentor must commit to being available for the new person's first several shifts to help, advise and encourage them.
- Tell them:
 - o where the washrooms are,
 - o when they will be paid,
 - o how they are expected to dress on shift, and
 - o what the hand washing and cleaning protocols are.
- Walk through a complete checklist of what the new hire needs to know and provide them a copy of the list.

CREATE FORMAL MENTORSHIPS

Shadowing is one of the most effective ways to learn in the restaurant industry. Once the new employee has been given an introductory walk through, it's time to turn them over to their mentor. A mentor program at your restaurant can soften some of the bumps every new hire experiences.

The mentor can show new hires certain tasks they will face on a day-to-day basis. For front of house, they can model offering great customer service, selling specials, dealing with complaints and other important issues. Back of house mentors can help new people carve out their own space in the kitchen and settle into the routine and rhythm of the kitchen.

Usually 2 or 3 shifts will allow the mentor sufficient time to be sure that the new employee can do the job on their own. The mentor should be available to help the new employee for several weeks in case the new team member runs into a situation they aren't sure how to handle.

- Have the new employee work shifts alongside the experienced worker completing the same tasks so they absorb your company's way of operating.
- Introduce the new employee to a range of experienced employees across your operation.

NEW EMPLOYEE ORIENTATION

New employees should know who is in charge of each department, who they should ask if they have a question.

- Ask each person to explain what they do and how they fit into your team.
- Set out a framework for the kinds of questions that the mentor can confidently answer.
- Give the new hire a survey after the first couple weeks and encourage them to provide feedback on what they've learned, how the training process was helpful, and how it could have run smoother. This may give you valuable insight into what is being learned and taught in your restaurant.

If an employee shows interest in advancement opportunities, a mentoring program can help employees learn the skills that will help them move up the ladder in the industry.

Sample Introduction:

"This is Ali. He will be a server with us. Ali, meet Jane. Jane is our dishwasher. When tables are bussed, the dirty dishes go onto this trolley and is delivered to Jane - the trolley goes on Jane's right side and she organizes the dishes to go into the washers. Jane is also in charge of the laundry hampers which are located here."

Give Ali and Jane a minute to greet each other and share some information about themselves. Remember, you're building a team of people who respect and work well with each other.

Do the same with core people in each department.

DEFINE SUCCESS

Young workers report that they want to have a clear discussion about successes, expectations and exactly what their job is when they join a new work team. This presents an easy win for an employer who invests as little as 15-30 minutes with each new employee.

Being transparent in those discussions and talking about targets (food costs/business costs/salaries/incentives) helps new team members support the goals and understand the

business. In addition, it makes them feel that they have been invested in from the beginning and that, as an employer, you are keen to invest in their success so that they, in turn, should invest in your business' success.

OFFER HANDS-ON EXPERIENCE WITH SUPERVISION

When an employee seems ready, give them reign over the floor, whether it be back-of-house or front-of-house but don't leave them alone. Offer hands-on coaching experience that focuses on supervisors offering tips and advice if needed and providing constructive and innovative suggestions that will help the new hire excel in their position.

This will give new employees a chance to prove themselves. If there are no mistakes, they are ready to work without being watched. If there are mistakes, someone else will be there to make sure nothing goes wrong.

PRO-TIP: Avoid turnover with new workers.

Students we spoke to during our labour shortage thought that 6 months was a long time to stay at a new job. When we asked what would lengthen the time spent in a particular position, the students unanimously felt that ongoing mentoring, setting goals and learning expectation from day one would allow them to stay longer and contribute more.



EMPLOYEE RECORDS

As a restaurant owner or manager, it is important to keep up to date records for all your employees.

BC LAW REQUIRES YOU KEEP THE FOLLOWING:

- Employee's personal details including:
 - o Name,
 - o Date of birth,
 - o Current telephone number,
 - o Email and
 - o Up to date residential address.
- Employment contract details:
 - o Start date,
 - o Title,
 - o Wage rate, whether paid hourly, on a salary basis.
 - o Benefits paid to the employee by the employer.
- Payment Details:
 - o Employee's gross and net wages for each pay period.
 - o Deduction made from the employee's wages and the reason for it.
- Hours worked by the employee each day, regardless of whether the employee is paid on an hourly or other basis; this means you must keep records of the Managers' hours too.
- Dates of the statutory holidays taken by the employee and the amounts paid by the employer.
- Dates of the annual vacation taken by the employee, the amounts paid by the employer and the days and amounts owed.
- How much time the employee has taken from the employee's time bank, how much remains, the amounts paid and dates taken. A time bank is where employees opt to take time off in lieu of being paid overtime. The time off must be given at the rate it is earned. 2 hours worked at overtime (time and a half) translates to 3 hours off.

Payroll records must be in English, kept at the principal place of business in BC (not a lawyer or accountant's office or at an out of province or country head office). All records must be kept for 4 years.

In the employee's file, it is important to keep any certificates the employee is required to have to complete their job, including:

- Up to date Employee Contact information including email, phone and physical address.
- Up to date Emergency Contact information including name, phone and email.
- FoodSafe
- Serving it Right
- Any educational certificates they have earned: Certificate of Culinary Arts, Certified Chef de Cuisine (CCC).
- Performance reviews and meeting notes, both the good and the not so good.
- Copies of any formal written notices.
- Complimentary notes or comments from guests and co-workers.

SOCIAL MEDIA

When you ask for contact info, you may ask for information about social media accounts but employees aren't required to give that information to you.

SHARING RECORDS:

Only a direct report manager or the owner should have access to and the ability to add information to an Employee's File. Other employees are not eligible to access other people's files for any reason.

Sometimes, an employee will ask to see a copy of their file. Employers aren't required to show the file, but it's a reasonable request and employers should be transparent and allow them to see it if they want.

PRO-TIP: It's a really good idea to send out a memo every 4 to 6 months asking employees to update their contact details. People often forget to tell their employer that they have moved.

PERFORMANCE REVIEWS

Performance reviews and appraisals are an important exercise. A performance review evaluates the employee's attitude, efficiency, strengths and weaknesses. This process should be treated as a conversation between an employer and a valued employee: not a one-way exercise where you provide feedback and they listen.

The main goal of this process is to encourage employees to stay and grow with you. It should be a review of the good and the not so good and include discussion and planning for the future. Employees should be encouraged to tell you about their work goals and any concerns they have. Ultimately, this process is designed to help create a work environment that makes employees look forward to coming to work, reduces absenteeism and motivates people to do their jobs well.

Your formal appraisals should loosely follow a script so that it is repeatable and helps you assess whether staff members are meeting goals, expectations and performance metrics. Done right, the formal conversation doesn't have to be complicated, especially if you treat employee assessment as an on-going conversation. Good behaviour and poor behaviour should both be dealt with when it happens or as soon as possible. Every time the employee is praised for good behaviour or spoken to about poor behaviour, a note, detailing the circumstances, should be placed in the employee's personnel file. This can be either an electronic or paper file. Having this track record will help you to assess your team member's strengths and weaknesses when the time comes for a formal review process.

NEW EMPLOYEE PROBATION REVIEW

An initial performance review should be done before the employee's 3-month probation period ends. By three months you should know if the employee is turning into a good team member. You cannot, by law, extend a probation period. If you keep the employee past three months, you must give them notice or compensation if you decide to let them go after the 3 months period has lapsed.

ANNUAL PERFORMANCE REVIEWS

Times are changing regarding performance reviews. There are two ways to look at the review process: annual or semi-annual performance reviews and ongoing coaching sessions.

The traditional option is the performance review, at least once a year, and preferably twice a year. This can be done with a formal question and answer template that is provided in advance and that is reviewed in person between the employee and their direct boss.

Millennials and Generation Z, who make up the largest portion of our workforce, drive the coaching model for feedback and performance assessment. Speaking generally, these workers are keenly interested in receiving regular feedback. The coaching model relies on an ongoing dialogue between employer and employee. It works through setting goals and skills development and creating a culture of conversation and engagement.

With this process, we suggest having an annual goal setting meeting where you work with each employee to set up to 5 goals and/or skills that can be worked on for the coming 12 months. In order to assure success in meeting these goals and learnings, we suggest having short (5-10 minute) monthly meetings (or coaching sessions) to check in and revise and update the plan. It's an organic process but it builds trust and bonds between employers and employees through shared expectations.

GENERAL TIPS FOR SUCCESSFUL PERFORMANCE REVIEWS

- Conduct discussions in a quiet place where there will be no interruptions.
- Ensure that all cell phone notifications are turned off.
- Keep good notes of an employee's performance and refer to specific instances of success or need for improvement.
- Don't allow the review to be open ended. Have a list of specific questions you want to ask and comments you want to make.
- Give employees ample time to prepare for any questions.
- Make goal setting an important part of your process.
- Encourage feedback about your company and its workplace culture.
- Listen to any suggestions openly and see if you can incorporate employee ideas into your processes.
- Repeat the process regularly so that it encourages employee growth and opportunity for advancement.
- Take some notes and include them in the employee's personnel file. Refer to these notes at future meetings.

PERFORMANCE REVIEWS

- Encourage financial literacy as a skill. This is a value-added management skill that every employee and employer can benefit from. It is a great learning to include in annual goal setting and staff investment in finding savings and efficiencies can help ensure your business' financial success.
- If you notice a change in an employee's behavior, ensure that your team member isn't just bored. Apathetic employees aren't necessarily slacking. They might simply be looking for a challenge. You can address this in a performance review.

To create an efficient and useful performance review scenario, create a form that notes the key parts of the employee's job and note what was discussed about each part of the job.

SAMPLE QUESTIONS THAT YOU CAN ASK DURING A REVIEW

1. What are your goals for the upcoming year?
2. What skills or interests to you want to pursue in your current role?
3. Do you have any current challenges that you are working to overcome?
4. What kind of additional training are you interested in?
5. Are you getting along well with the rest of the team?
6. Do you have any suggestions for changes or improvements for systems that you work on to improve productivity or reduce waste?
7. Do you have any ideas for promotions or menu items that will enhance our offerings?
8. Do you have idea for enhancing the guest experience?
9. How are you handling/finding the new protocols that we have introduced as a result of COVID-19?

In order for both you and the employee to prepare for the meeting, it can be valuable to complete an appraisal form to review key metrics and achievements.

AN EMPLOYERS APPRAISAL FORM FOR REVIEWING A SERVER COULD ASK THESE QUESTIONS

1. Does the employee usually report for work on time and ready to start their shift?
2. Does the employee interact positively with their coworkers?
3. Does the employee interact positively with our guests?

4. Does the employee upsell menu items to our guests?
5. Does the employee pitch in and help coworkers who are in need of assistance?
6. Does the employee interact positively with their supervisors and managers?
7. Are there any courses or training that you would like to suggest for this employee to help them reach their goals?
8. Is the employee enjoying their job?
9. Does the employee handle stress and change well?

You have your ideas about what an employee's attitude and work performance is. The goal of the appraisal exercise is to make talking points and be prepared for an in person review. Has an employee been late a few times? Now might be a good time to find out why. Maybe they have day care issues or are caring for an elderly parent. Do they upsell? If not, why? Are they shy or are they not confident about the menu and need training? Do they get along well with their co-workers or are there conflicts? If there are conflicts, what is the reason from their point of view?

Use your annual appraisal or goal setting meeting for formal recognition of excellence and areas in need of improvement. Everyone wants feedback and being recognized helps build employee loyalty. Regardless of the process you choose, once a year you should combine your appraisals with an annual bonus for satisfactory performance. We know your margins are narrow, but offering a bonus will cost you less than recruiting to replace great people.

Pro-Tip: Performance reviews and coaching are about maximizing your relationships with your employees and creating pathways for long term relationships between employees and employers. Failure to pay attention to your employees can deeply influence the success of your restaurant so regular coaching and performance reviews are essential to both your success and your employees.

People don't leave bad companies, they leave bad managers. At the core of the performance review process is creating a feedback loop that provides an opportunity for you to coach your team members while they provide you feedback on your systems and processes. If done right, this process results in employee loyalty and longevity. The feedback you gain and action can improve your business processes and improve your profitability.

BUILDING A WORKPLACE CULTURE YOU CAN BE PROUD OF

Here are some of the ideas that you can use to help build a team culture in your workplace:

BE HONEST WITH EMPLOYEES

Have staff meetings in which you tell employees how things are going in the restaurant. You don't have to share the balance sheets with them, but employees do care about their jobs and the business they work for. If things are going well, share the good news. If things are tight, let the employees know. Be sure to mention employees who have contributed to successes and publicly thank them.

PROVIDE HEALTH CARE BENEFITS

While these can cost you, it is a good thing to consider. Employees with a medical and dental plan will stay longer than those without these valuable benefits. The BCRFA can direct you to cost effective plans that can be offered even to part-time employees.

OFFER COMMUNITY BENEFITS

Negotiate discounts with local businesses your employees might use, like a local spa for foot massages. The spa will be delighted to give your employees a discount especially if you give their employees one in return.

KEEP TRACK OF YOUR YELP AND TRIP ADVISOR REVIEWS

If an employee has been singled out for their good service, make sure you acknowledge it too. You should always know what your customers are saying.

CREATE A CULTURE OF LEARNING

Keep learning a part of your workplace by inviting people to come to share knowledge with your staff. Many will come for free, like financial planning consultants, government safety experts and wine and food experts. Host a learning session once every few months.

SHARE YOUR VALUES BY CREATING CONNECTIONS BETWEEN YOUR EMPLOYEES AND YOUR SUPPLIERS

If you offer local wine and local food, take your employees to meet the producers. It will enhance their ability to promote and sell local products but also to connect with your business values. This type of event can be a great employee team building exercise. If it's not practical to take them all out, invite the producers to your restaurant to show and tell.

REWARD FINANCIALLY WHEN YOU CAN

If you have a particularly good season, share it with the employees in the form of a pay raise. Even a small raise shows appreciation. If you can't give a raise, a bonus cheque, hosting a meal for their family or a gift card are a nice thank you. If a time comes when times aren't so good, your employees will stick with you to help turn the situation around.

CONNECT PERSONALLY WITH YOUR TEAM MEMBERS

Take time to meet employees one on one and get to know them. The more you know and genuinely care about your employees, the more loyal they will be to you.

Once you know about your team, you can create targeted events that connect with what brings them joy and satisfaction. For example, if many of your team have young kids in their lives, encourage employees to bring in their children's, nieces, nephews, younger siblings art work. Frame the art in frames from the dollar store and have a show in the slow part of the day in which the kids see their art framed.

PRACTICE PREDICTIVE SCHEDULING

Many people leave our industry because they can't have a life outside of work due to long hours and erratic schedules. As much as is possible, schedule employees to the same days and hours consistently. Employees will appreciate this and you will become a preferred employer.

BUILDING A WORKPLACE CULTURE YOU CAN BE PROUD OF

OFFER FLEXIBLE SCHEDULES OR COMPRESSED WORKWEEKS

Flexible schedules and compressed workweeks can be offered to a single employee or a group of employees. Common schedules are 4 ten-hour days followed by 3 days off. Overtime isn't payable to employees who work the hours of a flexible schedule. The employees forfeit their right to overtime to enjoy longer time off. You can contact the BCRFA for help in setting up flexible schedules and compressed workweeks.

CREATE UNIQUE TEAM BUILDING EXERCISES

Team building exercises offer an opportunity to build a workplace culture that you can be proud of. They are the way that you can showcase your business values to your employees. They can be a strong way to engage with your employees as peers and they encourage all your team members to bring their whole selves to work. It's an investment in your people that will be rewarded through loyalty and dedication. **Ideas include:**

- Internal competitions around creating new menu items, seasonal dishes or feature cocktails,
- volunteering as a group for a community event,
- having a sponsored sports team in a local league,
- selecting a local charity and engaging in active , fundraising,
- hosting an end of summer afternoon barbecue with families, and
- hosting a kids day at the restaurant where employees can host their kids, nieces/nephews or grandkids for an afternoon social.

PRO-TIP: Retreats and parties that involve alcohol are a bad idea as is anything that involves staying overnight. Parties and retreats should not encourage reckless drinking. As the employer and host, you may be held legally liable if something goes wrong.

CONNECT WITH CAUSES THAT MATTER

Make a point of knowing your employees preferred charities. Once a month, select an employee and donate 10% of a specific dish to their charity. A picture of the employee, their charity and the 10% offer should be slipped into the menus that day. It honours the employee, helps the charity and drives sales.

MAKE SURE EVERYONE HAS A SAFE RIDE HOME

If a shift runs long, offer to pay for a ride share or taxi to get someone home after hours. This extra concern shows you are aware of an employees commute and the time involved and will increase the team member's ability to work late.

SHARE SHORT 15-MINUTE LESSONS DURING PRE-SHIFT MEETINGS

Yes, you should make pre-shift meetings mandatory. They are an opportunity to revisit lessons learned in training, to talk about the menu specials that night and to refresh teams on any menu or protocol changes. They set the tone of learning and development. Foster camaraderie by letting the chef teach the lesson for the night, or the hostess, or the bartender. Everyone can learn from each other. These extra minutes must be paid time, but they are worth it in team building and training opportunities.

FOSTER FRIENDLY COMPETITION BETWEEN STAFF OR BETWEEN MULTIPLE RESTAURANTS

If you have multiple restaurant locations, you can hold friendly competitions between them. For example, track which venue can get the most net sales in an hour. This can also be a great team-building exercise for your employees, as they're learning how to reach towards a goal and perform under pressure.

Other ideas for competitions: Which server can sell the new special the most? How many perfect cheques (appetizer, main, desert and beverage) are sold? How long can your kitchen last without having a meal sent back?

A prize for the winner(s) is always welcome, even if it's just a large and funny trophy that's passed back and forth.

BUILDING A WORKPLACE CULTURE YOU CAN BE PROUD OF

IMPLEMENT A 360-DEGREE PEER REVIEW PROGRAMS

Even your veteran team members need feedback. As a restaurant owner, you should be reviewing your employees' performance often; however, peer review programs are another great way to collect feedback. After all, employees are interacting with each other all the time, observing behaviour and working together to solve problems.

A 360-degree peer review program includes feedback from all areas of the organization and gets team members being accountable to each other – not just to owners or managers. By being open to critical assessment of your management style is a great way to build a strong team culture. It's a sign that you are leading from within and not a top down strategy.

A quick survey of employees who work closely with each other can be beneficial when evaluating quarterly performance. You may also consider requiring self-reviews, asking employees to reflect on their own work.

ENCOURAGE CROSS TRAINING

Spend some time every month engaging employees in cross training so they can be exposed to other positions in your business. This serves you well as employees will be able to cover for an absent worker if necessary and it gives your employees opportunities to learn the various positions within the industry. This is culturally important because it brings learning and development into your day to day operations.



ADVANCEMENT AND PROMOTION

Providing team members with opportunities for advancement and promotion is a precursor to increased retention. Showing your employees that they are valued, that your company believes in them and it has a plan for their development within your enterprise encourages those employees to shift into long-term thinking.

An open door policy that makes sure employees know they can come and talk about the direction they want to go with their position with you is vital. A student you hired as a kitchen helper who was going to college in the fall may decide they've fallen in love with kitchen life and surprise you with a request for a full time job and red seal training. Don't disappoint them. Plan ahead for that conversation and start carving out a unique path for each person to grow with you.

Our industry is not known for having a uniform career path. However, many restaurant operations can have their own unique ways to foster skills and development in their employees. Developing a strong internal management program contributes to the future of our industry.

Offering a clear career path from trainee to supervisor to manager is essential to becoming a preferred employer and to keeping employees engaged and interested. How do you do this? Talk about moving upwards. Start with opportunities for cross training, continuing education and online training. Hire for aptitude and attitude, not strictly skills, and promote from within.

TALK CAREERS

Our discussions with hospitality students told us that when they look at working in restaurants, they don't see a clear career path. On the other hand, when they think of hotels, they see a clear path to how they can move up within an enterprise. Tackling the challenge of defining a career ladder within your organization and developing a path by which individuals can grow in their careers will lead to retention and employee loyalty.

It's about thinking about your employees as a long-term investment. If you frame your positions in terms of how someone can grow with your company, rather than grow out of

your company, you can begin to frame up positions in career terms. In previous job markets, the belief was that if we trained people, they would leave for a better job somewhere else. In this job market, if people aren't learning and growing in their position, they won't stay – they will leave for a position that is willing to help them develop their skillset.

If you make that shift in thinking, your staff will too. People stay a short time and invest very little in **jobs**; however, people across the board invest time and energy in their **career** and their personal development.

In our labour shortage research, we found that talking about careers matters. Restaurants who support Red Seal training and mentorship report strong retention and staff loyalty.

DEVELOPMENT

The path to advancement starts with empowering your teams. Employee development shouldn't end with the first week, or first day, of on the job orientation and training. Solid learning and development programs can be in-house or through the support of existing apprenticeship training models.

Opportunities that enhance in-house training include digital training resources such as videos, online quizzes and online courses. Registering for apprenticeship programs can be coordinated through local colleges. Professional designation programs can be through industry associations or degree granting institutions (colleges and universities).

If an employee indicates that they are interested in registering for a professional program or apprenticeship, their learnings and education goals should be part of the employee feedback process. New career and skills development goals should be set to align with their coursework. We talk about this in the employee review section.

Consistency matters with this strategy. If you offer mentoring or management training programs, it is key to support an employee's development with opportunities for additional responsibilities, raises and/or promotions that follow with the successful completion of training programs. Development must be an investment on both sides.

ADVANCEMENT AND PROMOTION

BACK OF HOUSE DEVELOPMENT

Some companies have built in-house programs that emphasize learning and development of culinary skills at all levels through sharing of knowledge by existing chefs and cooks. This is something that is transferrable to small independent operations as well.

One of the independent operators we spoke to during our labour shortage research had remarkable success with mentoring and creating a network of other chefs around the world that he sends his top cooks to for stages and ongoing growth. The key to in-house programs like this is to be innovative and see opportunity in your relationships, your people and your networks.

Many chefs and cooks have culinary training but they may not have management and people skills. Connecting and implementing management training is a great way to offer advancement in kitchens and helps to ensure that new hires are delivered a strong message and a set of expectations. When these skills are applied in the kitchen setting, they help all members of the team understand what they are going to get out of their kitchen work experience.

One employer we met with offered their senior chefs across the province access to one-on-one business coaching services. The cost versus impact assessment proved this was a great investment as it led to sought after professional growth.

HIRING FROM WITHIN

Whenever you have a job vacancy make sure all your employees know about the vacancy. Make it clear from the time you hire new people that you prefer to promote people from within. Show this is true by doing it: a loyal employee who is looking to improve themselves may be wanting to be promoted from being a server to a supervisory position; a promising kitchen helper may have their eye on becoming a sous-chef.

In most cases, additional training will be needed. However, we believe that the cost of training will be offset by saving the cost of recruiting and the loyalty you gain from a dedicated long-term employee.



EMPLOYEE TRAINING

Your employees are the face of your business. They come into contact with the customers during serving or hosting but they market the restaurant through other means: food preparation, food delivery, dishwashing or bussing. A strong orientation and training process can ensure that they are the best ambassadors possible for your business.

As leaders today, our role is to work to create a culture where values - how people treat each other – is as important as results. A strong training protocol is the fastest and easiest way to showcase your company's values, to show your employees that you recognize their contribution and encourage a climate that fosters professional growth.

Training is an important way to build retention and loyalty. You never want to let your staff get to a place where they plateau. If you see a staff member who looks ready to take on a challenge, you can start by offering to sponsor or reimburse additional management training or certifications.

Don't assume your employees want to leave you, your restaurant, and the industry to pursue other opportunities. Foster a culture that creates and promotes professional growth opportunities for all of your staff members. Whether it's inviting in an expert (like a mixologist or a licensed dietician) to teach new skills, hosting a restaurant industry networking event, or providing access to a hospitality focused e-learning platform, helping your employees learn, expand their skillset, and hone their craft also helps your restaurant in the short and long term.

Through understanding each employee's strengths and weaknesses, you can help guide them to success within your team. How they interact with guests and each other and how well or poorly they are performing their work are clues that you need to focus on to guide you on future training opportunities.

This commitment to fostering and maintaining a workplace culture built on support, ambition, and growth will also breed loyalty and help you retain staff. Here are 10 steps that will guide you when training new restaurant staff. These ideas will supercharge your restaurant staff-training program.

1. DETERMINE YOUR TRAINING PLAN

A restaurant owner or manager's main objective is to ensure that the business thrives and becomes a popular place in their community. An important part of being a success is to have well-trained, efficient and confident employees. For this to happen, you must create a training plan. You just cannot hope this will happen. Throwing a bunch of information at a new employee and hoping much of it will stick usually won't work.

Start by setting the goal of creating and executing a solid training plan that builds on industry best practices and connects to your personal business model. Your training plan should cover all the different aspects in your restaurant. To be effective, your employees should know the whole picture, not just their small part of the picture.

Your training plan should outline all the steps required to successfully run your restaurant. Make sure you answer any questions about processes and procedures that staff may have if owners or managers are not available. It should include job description and must include your business' methods for completing core tasks. Areas to cover include:

- Front of House: hosting, greeting customers, waiting on customers, bartending, serving and taking payments.
- Back of House: food preparation, plating, dishwashing, sanitizing.
- Cleaning: clearing dishes, hand washing protocols, sanitizing stations for customers, washing tables, deep cleaning kitchen and dining rooms, cleaning counters and payment machines.

For new hires, it's important to write out a checklist of what every server, busser, sous-chef, dishwasher or hostess needs to know by the end of the initial training process.

With the world changing as a result of COVID-19, operators should place extra importance on training staff on cleanliness. Cleanliness and cleaning protocols will be a core part of building back consumer confidence and are essential to your WorkSafe BC restart Safety Plan.

EMPLOYEE TRAINING

2. POSITION SPECIFIC TRAINING

Take time to make sure you're giving ample time and opportunities for your staff to learn your restaurant processes and protocols. Untrained staff members are your worst assets. They mess up orders, move at a snail's pace during your busiest rushes, or simply don't embody your restaurant culture. While these staff members are bad at their job, in many cases, that doesn't mean they're unqualified or don't have the potential to succeed. They may just be inexperienced, under-prepared, and unsure of how to do their work productively. These people need to be properly trained and given a more comprehensive playbook or tool kit that will help them anticipate situations and make better decisions.

Aligning training with a detailed job description is crucial. We've already talked about how important a job description is in the hiring process. The job description gives employers a reference point to determine if the new hire is meeting the basics of the job and indicates where any additional training might be needed.

There are courses available in BC to help restaurant employees enhance existing skills and obtain new skills. go2HR are the resource for people in tourism and hospitality and have information on low cost, high impact, hospitality and tourism focused training to your staff. Visit www.go2HR.ca. Many courses are available online and employees may take them at their own speed.

Some hands-on courses are required for restaurant workers. Anyone handling food must have a Food Safe Certificate and anyone handling liquor have an up to date Serving It Right certificate.

www.responsible-service-bc.ca/serving-it-right-course

www.foodsafe.ca

www.go2hr.ca/training-education/foodsafe-by-distance-education

3. DEVELOP IN-HOUSE TRAINING MODULES

In-house training can be developed using online tools, formal apprenticeships and/or partnering with online education providers that can customize programs for your needs. A strong in-house program, particularly for back of house,

should include education time, hands on learning goals and digital training resources such as videos, online quizzes and online courses. Creating a package that combines your teams expertise with community resources can make the difference to keeping your team members engaged and learning. When possible, align your in-house training program with a professional program or formal accreditation. For example, Professional Cook is a red seal trade through the Industry Training Authority (www.itabc.ca) and three levels of courses are available. Hands-on training is essential with this program. Having kitchen team members earn a professional certification will benefit both the staff member and the team they work with.

If you are developing in-house training, for both front and back of house, make financial management or financial literacy a core-learning outcome. As employees advance with your company, having the ability to work to enhance the bottom line and understand the financial impact of decision-making is essential.

By connecting your employees to their impact on profitability, it helps employees understand how they contribute to the restaurant's bigger picture and see value in their role. We can't reiterate enough that financial management is a value-added skill that every employee can benefit from. Understanding the financial picture encourages individual responsibility and provides opportunities for individuals to find savings and efficiencies. By connecting your staff with the financial picture, you are also helping to foster an environment of trust and growth.

4. OFFER ONGOING GUIDANCE AND OBSERVATION

Training should be an ongoing process. It does not end with the provision of instructions and orientation. Managers and mentors must offer ongoing guidance and feedback on the contributions and actions of both new and current staff. Supervision and thoughtful oversight help ensure that employees are following company best practices and protocols.

A few days or weeks of training at the beginning of employment is not enough. Make learning and training a regular part of every employee's daily routine and their annual performance objectives.

EMPLOYEE TRAINING

For back of house, those interested in pursuing Red Seal designations can register for apprenticeship programs through local colleges and the Industry Training Authority.

5. OFFER CROSS TRAINING

Cross training emphasizes the importance of training employees to do more than one job in the restaurant. This benefits both the employee, who learns new skills, and the employer, who can call on a trained employee to perform a different job. In times like COVID-19, properly cross trained staff who understand your whole business and are able to pitch-in in a variety of roles are truly valuable resources. They can step in when someone is away – or they can take on a new role that includes a range of tasks.

Ideally, the positions the employee will be cross-trained for will be at a higher level. For example, train the dishwasher to be a kitchen helper, a server to be a shift supervisor, a busser, host or hostess to be a server, a server to be a bartender etc. We suggest you ask employees to tell you what other position they might like to learn and about their external interests. It is possible to harness a wide range of interests into restaurant roles, including special interests in technology, marketing, design, social media or training in the restaurant setting. Finding suitable skills and interest matches for cross training encourages your employees to be motivated and to become valued members of your team.

By training up, you are planning for the future as well. The person can grow into new roles with your company if you train them throughout their time with you. In addition, an employee who sees potential for upward mobility, feels they are progressing and is challenged is more likely to stay working for your company for longer.

When possible, accompany cross-training with an incentive, a bonus, a new title and/or pay raise.

6. EMPHASIZE THE IMPORTANCE OF SOFT SKILLS

Hard skills are learned skills through education or apprenticeships that are directly relevant to a specific job or career. They are often more quantifiable and often testable. A hard skill for a chef would be the ability to properly cut an onion or bake a soufflé.

Soft skills differ in that they are those skills that we all need to succeed at work. They allow us to interact with other people, communicate effectively and manage time and resources. Regardless of the job, applicants will need at least some soft skills. When we are managing in a hospitality setting, soft skills are very important. Managing through or after a crisis situation will rely heavily on these kind of people skills.

For the restaurant setting, soft skills to cultivate are:

- Effective Communication is the ability to speak clearly and politely in person and by phone.
- Active listening: This helps us hear and understand staff and customer needs.
- Negotiating: Teaches individuals to manage difficult situations between people as well as when setting contract terms.
- Critical thinking: Being able to analyze situations and make informed decisions is core to being quick thinking. Critical thinking ensures that team members combine the information they have available with previous experience and knowledge in a timely manner.
- Adaptability and flexibility help team members switch gears or take on various roles within an organization and respond to situations with poise as they arise.
- Leadership: Developing leadership is important at every level of restaurant work. Having the ability to set a positive tone, to think clearly with the team in mind, to make smart decisions, to give clear directions and to resolve conflicts when necessary allows team members to develop strong relationships with others based on trust and confidence.

EMPLOYEE TRAINING

7. MAKE THINGS REPEATABLE WITH TECHNOLOGY

Technology helps to make work easier and plays an important role in all industries and establishments. A restaurant is no exception. Restaurants have advanced past touch screen point of sale systems. Customers can make orders on mobile apps and request delivery to their homes or offices. Kitchen staff are able to receive and fill orders using technology. Inventory can be kept online and supplies ordered online. Scheduling apps help you keep track of employee availability. Smart kitchen technology exists to help you make your dishes consistently repeatable with digital displays showing steps and ingredients to make individual dishes with accompanying photos. Combi-ovens and induction cook methods can reduce the ambient temperature in your kitchen and the time it takes to cook. There are endless tasks that technology can make easier.

Once you decide to activate appropriate technologies, teach your staff to use them. If you don't have the skills, the providers of the technology should provide training to your employees to support your purchase.

PRO-TIP: Don't over-automate your training. Investing in software and apps that'll help you save time and energy sounds like an ideal solution; but the vast majority of employees want to be offered some personal training. Hospitality is about people. Monitor staff performance before and after training and consistently ask for feedback about what staff like about your training processes and what you could be doing better.

8. USE TEAM BUILDING EXERCISES TO SUPPORT TRAINING

If possible, team building events should be included in your training plan for employees. It helps to create opportunities for the employees to learn together and build personal and professional connections with their colleagues. There are many activities employees can do during team building exercises.

We recommend:

- participating in community cook offs or culinary competitions,
- going on a local wine or beer tasting trip as a group to learn about featured local products,
- visiting a farm producer to see where the feature ingredients come from and how things are grown or produced.

9. CONDUCT ROLE-PLAY FOR COMMON (OR UNCOMMON) RESTAURANT SITUATIONS

With regular staff meetings or pre-shifts, it's a good idea to engage in some role-play to make sure that all team members are engaging in ongoing training and that protocols are being tested and refined as needed. This is especially important in times of crisis.

Have veteran staff from both front of house and back of house role-play certain situations staff may face. For example, how do servers handle rude customers? What's the best response to, "What do you recommend?" How does kitchen staff react when they accidentally send out a wrong order, and what are the steps to fix this issue? How do you promote a feature dish or pairing?

Group problem-solving exercises only need to last 10 minutes. The idea is to make the roll-plays both be fun and educational.

Here's a fun exercise: switch out the back-of-house and front-of-house staff (when customers aren't there) and see what happens. After being ramped up on their own job, have employees see what it's like to work on the food line, behind the bar (if possible), as a dishwasher, a server, a host or hostess. This way, they can appreciate the unique challenges every position faces. Employees can then be flexible in your restaurant, and help out others when needed.

10. TRAIN EMPLOYEES TO GO ABOVE AND BEYOND

Some people are natural overachievers. Others need a gentle push. When reinforcing training, encourage your restaurant employees to go above and beyond when serving customers or preparing food. Simply sharing your vision for the restaurant and your excitement for its future can create a great team morale.

Reward excellence with bonuses or treats like certificates for massages, parking passes, Uber ride certificates, show or game tickets. Allow employees to spoil their best customers with extra sides or a free glass of wine. Reward kitchen employees who suggest new recipes that are used, who suggest more efficient methods, who keep the most efficient stations, and/or who receive compliments from guests.

EMPLOYEE TRAINING

HOLD REGULAR MEETINGS TO COMMUNICATE AND REINFORCE TRAINING

Have at least a weekly meeting where the highs and lows, mistakes and jobs well done are reviewed and learned from. Weekly service meetings, quarterly product workshops, and staff focus groups are a great way to reinforce restaurant staff training. For these hands on learning sessions, encourage employees to submit ideas to increase sales and productivity.

Use them if they are good and praise reward the employee who thought it up. Praise ideas even if you don't use them. Explain why you can't use them. (I liked your idea of fresh flowers on the tables, Ali. I checked it out and it's too expensive in the winter, but come spring, let's look at it again.)

Part of this can be to maintain a regular on-the-job skills training calendar. Offering training every 3 to 6 months will help you to both maintain lower turnover rates by increasing loyalty and leave you with employees ready to get their jobs done efficiently.

You can choose to require staff individually partake in training at different points in their tenure (like 60 days on the job, six months on the job, nine months on the job, and so on) or you can have the whole team come together for training you feel would benefit the group as a whole.

PRO-TIP: Ask your staff what kind of training they want. Ask staff to give you a wish list of training they'd be interested in pursuing, then incorporate this feedback into your employee training and development plans.

YOU AREN'T TOO BIG OR TOO SMALL TO SUPPORT A STRONG TRAINING PROGRAM

Don't fall into the trap of thinking that a small restaurant with only a handful of employees can't have training programs. Our labour shortage research found that some of the smallest companies had the most innovative training programs because they were using their networks effectively – and that extended to international stages for chefs and cooks and destination learning trips to absorb new culinary traditions and styles.

Innovation is key to success in hospitality and with your training program. Create something that is the right size for your business. Having happy, well-trained workers that are loyal to you is worth every penny you invest in them. If you haven't started a comprehensive training and learning program, start by speaking to your team to find out what your employees would like to learn and do what you can to offer it to them.

Remember: Training doesn't always need to be job related.

Encouraging your staff to set well-rounded goals will only enhance what they contribute to your team. Employers could consider occasional offerings of courses like financial management and investing course that will help employees handle their money well. A restaurant worker with good money management knowledge can become financially better off than a higher paid professional.

Final note on training, offering training and education grants to your employees even if you know the education will eventually cause the employee to move on, is a good investment. It seems counterproductive to help employees obtain the skills they need to leave you. However, your reputation for assisting employees obtain education will get around and you will have no trouble filling vacant positions with outstanding candidates.



RECOGNITION

Simply put, recognition and appreciation go a long way to improve the morale of teams in every situation from facing chronic labour shortages to handling a downturn. Regular recognition and feedback drive successful employee engagement and advancement. Operators who invest in training and good salaries but don't recognize individuals for their efforts will not gain the full advantage of either process.

Emphasizing recognition is key to a strong workplace culture. It can be made without costing money and have a positive impact on the bottom line. Sharing feedback with your full team, especially in times of crisis like we have been facing with COVID-19, and including them in the decision making process helps to build stronger ties and understanding around difficult decisions. Acknowledging the teams' contribution to success when facing adversity or challenges will reinforce the staff's impression that they matter to the success of the business and to your success as a manager or owner.

As we mentioned in the section on performance reviews, the next generation of workers, both Millennials and Generation Z, are keen to have feedback about their performance and are interested in opportunities to advance. As a result, having management confidently express appreciation and recognition regularly has taken on a much more important role in Human Resources management. It motivates Next Gen employees to be more efficient and productive.

The BCRFA Labour Shortage Study found that team members who are happy and feel recognized enjoy their work more. Employees and hospitality students we surveyed said they would put more effort into their work if they received acknowledgement of a job well done. From a management perspective, these same people produce more consistent results and recommend their workplace to friends and colleagues.

Nurturing an environment where employees are engaged and feel recognized has the strongest potential for real change within any organization. Keeping employees engaged matters because the loyal customers they create drive business profitability.

WAYS TO RECOGNIZE EMPLOYEES

Employee of the Month: It sounds cliché and a bit corny, but it's nice to be told you're the top employee. To make the program more rewarding, a small cash bonus or a gift card for a neighbouring business are great options.

Shout Outs: Recognize the special efforts of your team on social media or on your website. If someone on your team has achieved a milestone, contributes to the community with active volunteering or is celebrating a career or education goal, recognize it publicly.

Praise Publicly: Thank yous are important. Recognize your people publicly by calling out good performance and the achievement of goals at regular meetings. Keep some cards in a drawer and if you witness an employee making a difference give them a card saying thank you. We also encourage offering passing thank yous where you catch an employee doing something well and comment on it.

Acknowledge Special Occasions: Make yourself aware of your employees' special occasions. Birthdays, anniversaries of their start date with you, graduation, birth of a child, etc., all merit a treat of some sort and a short gathering to congratulate the employee. It doesn't have to be a cake - any little snack is just as nice. It's the acknowledgement that makes the employee feel appreciated.

RECOGNITION

WAYS TO PROVIDE FEEDBACK

Both positive and negative feedback play an important role in recognizing your team contribution. Passing feedback is especially important for today's workers.

"You handled that group really nicely."

"I noticed that you moved the service along quickly without ever once appearing hurried."

"Good catch on the allergies and ensuring the customer got a suitable allergy free meal."

Poor performance should also be commented on, to adjust the behaviour before it becomes a bad habit. Just as we believe praise should be public, we believe feedback should be private. If someone needs speaking to, constructive feedback is the key and it must be done with discretion so that other workers are not able to be part of the conversation. Gone are the days when you can say something was wrong and provide no context. Today, managers must explain a situation or a decision with context so that the employee is invested in a better outcome. There is an example:

"When you bus the tables, Ali, please remember to scrape the organic waste into the green bin. It helps Roberto get the dishes into the washer faster. It would be a disaster to run out of clean dishes, so scraping the dishes benefits the whole team."



TO REWARD GOOD PERFORMANCE:

- Set fair targets.
- Offer simple perks that reward good attendance and teamwork: if an employee has worked six months without missing a shift – consider a gift card or a day off to recognize their commitment.
- Create retention rewards (bonuses for staying for 1 year for example).
- Celebrate work anniversaries.
- Never let your staff get to the place where they plateau in their work. Allow workers to challenge themselves so they continue to strive for more success.
- Offer to sponsor or reimburse additional management training or certifications. That way, your staff will feel invested in your restaurant and driven to put the skills they have learned into action.
- Encourage staff to understand the financial picture so that they are invested in helping find savings and efficiencies.
- Foster an environment of trust and growth through appropriate recognition and feedback.

Showing off your connection and dedication to your employees is a part of recognition. **You can earn their loyalty in return by:**

- Doing something good for your people;
- Taking real risks for them;
- Getting them what they need (the tools) to do a good job;
- Standing up for them;
- Being there for them when they need you to provide direction, guidance and recognition; and
- Helping them realize their goals and dreams.

PAYING EMPLOYEES

BC law requires all employee must be paid at least twice a month. **The pay cheque must include:**

- Pay for all hours worked;
- Any overtime worked (hours in excess of 8 in a day);
- Vacation pay earned (whether paid out on each cheque or paid when the employee takes vacation); and
- Any statutory holiday pay earned and paid.

Employers are not permitted to deduct anything from an employee's pay cheque other than:

- Statutory deductions (Income Tax, CPP and EI);
- Court ordered deductions (such as child support); and
- Deductions the employee has agreed to which are for their own benefit (such medical or dental plan contributions, charitable donations, savings bonds retirement plans etc.).

Every employee, whether a resident of Canada, a visitor with a work permit or a foreign worker must provide you with a Social Insurance Number. As the employer, you should verify this number is valid.

It's not legal to enter into a deal where employees are paid cash without deductions.

PAY ESSENTIALS

- The pay cheque must be on time. The worst thing a restaurant can do is fail to pay their employees the money they are owed on time. Late pay cheques will destroy any loyalty you build up with your team.
- Employees must be paid money. You cannot trade meals, food, accommodation or any other goods or services for work.
- You can charge employees for the meals they eat in the restaurant or accommodation you provide but that transaction must be separate from their wages.
- Employers must deduct and remit the employees portion of their Income Tax, CPP and EI.
- Employers must pay no less than minimum wage. We strongly recommend that employers are realistic and attract good employees by paying better than minimum wage, particularly back of the house positions: kitchen team, chefs and cooks and dishwashers who earn

minimal tips.

- For front of house, where tips apply, you still must pay minimum wage.
- You may never deduct or require payment for business expenses. This includes any loss or breakage.

EXAMPLES OF ILLEGAL DEDUCTIONS

SAMPLE SCENARIO 1:

At a local fine dining restaurant, employees are required to wear a specific brand pants, shirts and ties. The employer "loans" money to new employees to purchase these items at a specific store and then charges them back for the loans through their pay cheques.

This deduction is illegal because an employer must provide these uniform items at no cost to the employees. An employer may ask employees to wear a white shirt and black pants and not have to provide them. The rule of thumb is usually "is it likely or reasonable to expect the employee has this particular item in their closet?" This usually covers common items like white shirts of any style and black pants of any style. Most employees don't own specified outfits by a specific designer so those must be provided.

SAMPLE SCENARIO 2:

A local wine bar sells a wide range of wines ranging from inexpensive to very expensive. Unfortunately, the bottle that slipped out of the server's hand was one of the very expensive ones. When she got her pay cheque, the price of the bottle of wine had been deducted.

This is an illegal deduction because the server cannot be required to pay for the cost of doing business. Breakage is an inevitable cost of doing business.

SAMPLE SCENARIO 3:

A big restaurant collects 10% percent of the server's tips for what they call the "Social Fund". In reality, the fund is used to pay for "dine and dash" and breakage.

This is illegal. Tips cannot be used to pay the cost of doing business. Dine and dash and breakage are costs of doing business.

PAYING EMPLOYEES

The minimum wage in BC is \$14.60 per hour as of June 1, 2020. The next scheduled increase of \$0.60 is June 1, 2021 will bring the minimum wage to \$15.20 per hour.

The minimum wage for an Employee Serving Liquor is now \$13.95 per hour, moving to \$15.20 on June 1, 2021.

For comparison, the current minimum wage in neighbouring Alberta is \$15.00 and in Yukon is \$13.71.

Minimum wage applies regardless of how employees are paid – hourly, salary, commission or on an incentive basis. If an employee's wage is below minimum wage for the hours they worked, the employer must top up their payment so that it's equal to minimum wage.

In British Columbia, employers must pay staff a minimum of semi-monthly (2 times per month). You can choose to pay every two weeks or every week depending on your business model. The employee must receive their regular wages within eight days after the end of each period.

The minimum wage laws are not intended to be the amount of wage employers will pay. They represent the minimum or

starting point. In restaurant and foodservice, operators have been facing systemic labour shortage. This coupled with high costs of living in cities in our province has put upwards pressure on the prevailing wage.* Employers have had better success recruiting and higher retention rates by increasing their starting wage and combining it with a strong benefits program.

Facing COVID-19 has changed the employment landscape. That said, best practice remains to pay your employees the best your business can afford.

Note: Prevailing wage is defined as the hourly wage, usual benefits and overtime, paid to the majority of workers within a particular area.

THE FOLLOWING RULES APPLY TO PAYING AND SCHEDULING WORKERS IN BC:

PERIOD	RATE
Minimum Daily Pay	If as required by an employer an employee reports for work on any day, the employer must pay the employee for a minimum of 2 hours at the regular wage or 4 hours at regular wage if employee was scheduled to work more than 8 hours, whether or not the employee starts work unless the employee is unfit to work.
Overtime	Paid after 8.00 hours/day or 40.00 hours/week.
Overtime Rate	1 and 1/2 times the employee's regular hourly rate of pay.
Double Time	Paid after 12.00 hours per day.
Double Time Rate	2 times regular hourly rate of pay.
Break Period	1/2 hour per consecutive 5 hours worked. Breaks do not have to be paid but they have to be provided.
Rest Period	A minimum of 8.00 hours between shifts.

EMPLOYEE LEAVES

In BC, employees are entitled to certain leaves that must be granted upon request. These leaves are job protected - this means employees cannot lose their jobs or face discipline for taking them. Vacation entitlement continues to accrue during these leaves and length of service also continues to accrue. Employees who take approved leaves must be allowed to return to their job at the same rate of pay.

Eligible Leaves and Jury Duty are covered under Part 6 of the Employment Standards Act Chapter 113. Find full information here: www.bclaws.ca/civix/document/id/complete/statreg/00_96113_01

PERSONAL ILLNESS OR INJURY LEAVE

Employees can take up to three days of unpaid, job-protected leave each year for employees who can't work due to personal illness or injury. This leave applies to employees who have worked for their employer for at least 90 days. An employer is entitled to require reasonable proof they are ill or injured and entitled to the leave.

This leave does not accrue for subsequent years. The year begins on the day the employee starts to work for the employer. For example: an employee starts work on January 1. Their 90th day of employment occurs on April 1. Between April 1 and December 31, they are eligible for 3 days unpaid sick leave.

PREGNANCY LEAVE

Pregnant employees can take up to 17 consecutive weeks of unpaid maternity leave. An employer may request a note from a doctor or nurse practitioner that states the expected birth date, the actual birth date, or any other reasons for the leave.

Before the birth: Leave must begin on or before the date the baby is born. It cannot start earlier than 13 weeks before the expected birth date.

After the birth: Leave continues for at least six weeks after the birth. A certificate from a doctor or nurse practitioner is required if an employee wants to return to work sooner. If the employee is unable to return to work for reasons related to child birth, the leave can be extended for six weeks (for a total of 12 weeks).

End of a pregnancy: Employees can take up to six consecutive weeks of leave starting on the date a pregnancy ends. An employer may request a note from a doctor or nurse practitioner that says when the pregnancy ended. If the employee is unable to return to work for reasons related to the pregnancy ending, the leave can be extended for six weeks (for a total of 12 weeks).

PARENTAL LEAVE

Employees can take up to 62 weeks of unpaid parental leave. Both parents can take one full period of parental leave.

Parental leave can begin at any time within 78 weeks of a baby being born or a child being adopted. It can be extended by up to five weeks if the child needs more care due to a physical, psychological or emotional condition.

An employer may ask for proof that an employee is entitled to parental leave or an extension of parental leave – for example, they can ask for a certificate from a doctor or nurse practitioner.

Pregnant employees can take maternity leave and parental leave sequentially as follows:

17 weeks of unpaid pregnancy leave

PLUS

Up to 61 weeks of unpaid parental leave

For a total of 78 weeks (18 months)

Parental leave must begin immediately after pregnancy leave ends, unless the employee and employer agree to a different date.

EMPLOYEE LEAVES

COVID-19 LEAVE

An employee can take leave related to COVID-19 if they're unable to work for any of the following reasons:

- They have been diagnosed with COVID-19 and are following the instructions of a medical health officer or the advice of a doctor or nurse
- They are in quarantine or self-isolation and are acting in accordance with an order of the provincial health officer, an order made under the Quarantine Act (Canada), guidelines from the BC Centre for Disease Control or guidelines from the Public Health Agency of Canada
- Their employer has directed them not to work due to concern about their exposure to others
- They need to provide care to their minor child or a dependent adult who is their child or former foster child for a reason related to COVID-19, including a school, daycare or similar facility closure
- They are outside of BC and unable to return to work due to travel or border restrictions

The COVID-19 leave is retroactive to January 27, 2020, the date that the first presumptive COVID-19 case was confirmed in British Columbia. During this public health emergency, employees can take this job-protected leave for the reasons above as long as they need it, without putting their job at risk. Once it is no longer needed, this leave will be removed from the Employment Standards Act.

FAMILY RESPONSIBILITY LEAVE

An employee can take up to five days of unpaid leave in each employment year (an employment year begins on the date the employee started work) to help with the care, health or education of a child under the age of 19 in their care.

An employee can also ask for this type of leave to care for the health of any other member of their immediate family. Family responsibility leave does not accumulate from year to year.

CRITICAL ILLNESS OR INJURY LEAVE

An employee can take unpaid leave to care for a family member whose health has significantly changed as a result of an illness or injury, and the life of the family member is at risk. The employee can take up to 36 weeks to care for a child and

up to 16 weeks to care for a family member over the age of 19.

Step 1: The employee must request the leave from their employer. They do not have to make the request in writing or to give the employer advance notice. However, the employee should speak with their employer about the need to take the leave when they first become aware of it.

Step 2: The employee must get a medical certificate and give it to their employer as soon as is reasonably possible. The certificate does not need to be given to the employer before taking the leave.

The medical certificate must confirm that:

- The health of the family member has significantly changed and as a result, the life of the family member is at risk.
- The care or support of the family member can be provided by someone who is not a medical professional.
- The period of time the family member will need care or support. The employee can only take leave that is equal to this period of time and get another certificate if it is for less than the maximum leave time allowed

The leave starts on the first day of the week that the certificate is given, or from the first day of the week that the health of the family member significantly changed.

Step 3: The employee takes the leave. If the employee takes a leave before getting the medical certificate, the time taken will be included in the period covered by the certificate.

Step 4: The leave ends on the last day of the week in which the family member dies or recovers sufficiently to care for themselves or 52 weeks after the leave began – whichever comes first.

If the life of the family member is still at risk at the end of the 52-week period, an employee may take more leave after they get a new medical certificate.

EMPLOYEE LEAVES

COMPASSIONATE CARE LEAVE

Employees are entitled to take up to 27 weeks of unpaid compassionate care leave within a 52-week period to care for a family member who is terminally ill.

Step 1: The employee must request the leave from their employer. They do not have to make the request in writing or to give the employer advance notice. However, the employee should speak with their employer about the need to take the leave when they first become aware of it.

Step 2: The employee must get a medical certificate that states the family member has a serious medical condition and is at risk of dying within 26 weeks. They must give the employer the certificate as soon as it is reasonably possible to do so. They are not required to do this before taking the leave. The 52-week period starts on the Sunday of the week that the certificate is given, or from the Sunday of the week that the employee first takes leave.

Step 3: The employee takes the leave. If the employee takes a leave before getting the medical certificate, the time taken will be included in the 52-week period covered by the certificate.

Step 4: The leave can end in three ways, whichever comes first:

- On the last day of the week in which the family member dies;
- After the employee has had 27 weeks off within the period of 52 weeks – the employer doesn't have to give more leave during that 52-week period;
- 52 weeks after the period begins – even if the employee has not taken 27 weeks of leave, the employer is not required to give any more leave until the employee shows another medical certificate.

If the family member does not die within the 52-week period, an employee may take more leave after they get a new medical certificate stating that the family member has a serious medical condition with significant risk of death within 26 weeks.

Example: an employee's partner is diagnosed with terminal cancer. The doctor says they have two months left to live.

The doctor gives the employee a certificate to use for time off work to care for their partner. The employee is entitled for 27 weeks of unpaid leave, starting immediately. The employee's partner dies 11 weeks later. The employee's leave ends on the Saturday of that week.

BEREAVEMENT LEAVE

An employee can take up to three days of unpaid leave if an immediate family member dies. This leave:

- Does not have to be consecutive days;
- Does not need to be for attending a funeral;
- Does not have to start on the date of death.

The employer may ask for reasonable evidence of the death.

LEAVE RESPECTING THE DISAPPEARANCE OF CHILD

An employee can take up to 52 weeks of unpaid leave if their child disappears as the result of a crime (e.g. a kidnapping). The employee may take leave in different units of time with the employer's consent.

The leave ends:

- 14 days after the child is found alive;
- On the date the child is found dead – the employee then can take leave respecting the death of a child;
- At the end of the 52 weeks off – or, if the employee has taken time off in different units, the last day of the last unit of time;
- The leave also ends if it is probable that the child's disappearance was not the result of a crime or if the employee is charged with a crime in relation to the child's disappearance.

LEAVE RESPECTING THE DEATH OF A CHILD

An employee is entitled to 104 weeks of unpaid leave if their child dies. The leave starts on the date of the child's death. In the case of a child who has disappeared, leave begins on the date the child is found dead. The employee may take leave in different units of time with the employer's consent.

The leave ends after 104 weeks off, or if the employee has taken time off in different units, the last day of the last unit of

EMPLOYEE LEAVES

time. The leave also ends if the employee is charged with a crime in relation to the child's death.

LEAVE RESPECTING DOMESTIC OR SEXUAL VIOLENCE

An employee is entitled to 10 days of unpaid leave per calendar year for situations related to domestic or sexual violence, plus additional time if necessary.

RESERVISTS' LEAVE

Employees who are also a reservist for the Canadian Forces are entitled to 20 days of unpaid leave in a calendar year for the following reasons:

- Being deployed to a Canadian Forces operation outside of Canada
- Participating in pre- or post-deployment training activities
- Being deployed to assist with an emergency or its aftermath in Canada

Employees must give their employer four weeks' written notice that includes the start and end date for their leave. This requirement must be waived if the employee is being called to respond to an emergency.

- If training activities are extended, the employee must give the employer notice four weeks before the date the leave was to have ended.
- If deployment is extended, the employee must give the employer notice four weeks' before the date the leave was to have ended, or as soon as possible.
- If the employee wants to return to work sooner than they originally said, they must give the employer at least one week of notice.

JURY DUTY

An employee must be permitted to take unpaid jury duty leave to attend court for jury selection or as a juror. The leave must be granted for as long as the selection process continues and as long as the jury is in process.

HUMAN RIGHTS REQUIRED LEAVES

In addition to these listed leaves, the BC Human Rights Code requires an employer provide reasonable accommodation to employees who are or who become disabled. This means allowing time off for treatment and recovery, keeping the employee's job available for them, at the same rate of pay and shifts. Most employees will be entitled to EI sick leave if they are absent due to a disabling condition.

For example, an employee is diagnosed with cancer and must have chemotherapy. The employer must give the employee whatever time off they need for this treatment, allow them to work from home if possible, and return them to their job when they are recovered.

If the disabling condition prevents to employee from performing the job they were hired to perform, the employer must make every reasonable effort to modify the workplace to allow the employee to perform the job or to find another job for the employee:

For example, if an employee suffers a serious back injury, the employer must make every reasonable effort to remove heavy lifting from the job description.

The Human Rights Code also expects that employees' religious and culturally significant events are acknowledged. Should an employee request time off for such an event, the law expects employers to give serious consideration to the request for time off and grant the requested leave whenever possible.

Employers confronted with these issues should seek advice. Remember, the BCRFA is here to help you with challenges like these. Contact Gillian at 605 505 2374 or at gmacgregor@bcrcfa.com

Some definitions:

- Child includes natural and adopted child
- Family members includes children, parents, siblings, grandparents, spouses and in-laws and any person who lives with the employee as a member of their household

PREDICTIVE SCHEDULING

Predictive scheduling regulations are being introduced in jurisdictions across the North American. This is a direct response to our industry becoming known for long hours, unexpected overtime, last minute shift changes, back to back closing and opening shifts and last minute call ins. This kind of unstable scheduling interferes with staff's ability to provide for their families financially and emotionally. When last minute scheduling limits the ability to schedule day-to-day routines or to count on a consistent pay cheque, we've seen a drop in loyalty and increased turnover.

These new laws have been designed to formalize the benefit of fixed schedules with advance warning and to enhance opportunity for staff and employers to organize their time effectively. British Columbia does not currently mandate predictive scheduling. However, employees will prefer to work for a restaurant that lets them know in advance when they are going to work and who give them a consistent number of hours weekly.

Predictive scheduling in our context has become even more important in the time of COVID-19. Employees are being discouraged from working at more than one job to reduce the chance of transmission of the disease. It is essential that you know how many hours each employee needs to work to meet their obligations and that you work to schedule them accordingly so that they restrict their working to just your business.

The good news is that employees who have predictable schedules are reported to be happier, healthier and more productive.

OVERTIME

Employees are entitled to time and a half for all hours over 8 they work in a day and any hours they work over 40 in a week (Sunday to Saturday). There are some exceptions to this law, which are noted below in the section called “Averaging Agreements”.

Daily Overtime of time-and-a-half is paid when an employee has worked more than 8 hours but less than 12 hours in a day, even if the employee does not work more than 40 hours in a week. Pay increases to double time for any time worked over 12 hours during a day.

Weekly Overtime of time-and-a-half is paid for any time over 40 hours worked in a week – even if an employee doesn’t work more than eight hours in a day. Only the first eight hours worked in a day count towards weekly overtime.

SAMPLE SCENARIO 1: DAILY OVERTIME PAY

	SUN	MON	TUE	WED	THU	FRI	SAT	TOTAL
Hours worked		8	10	6	13			37
Scheduled hours		8	8	6	8			
Time-and-a-half rate			2		4			6
Double time rate					1			1

SAMPLE SCENARIO 2: WEEKLY OVERTIME WORKED

	SUN	MON	TUE	WED	THU	FRI	SAT	TOTAL
Hours worked		8	7	8	8	7	7	45
Scheduled hours		8	7	8	8	7	2	
Time-and-a-half rate							5	5
Double time rate								

OVERTIME

Overtime is often a requirement of shift work, especially in hospitality jobs. However, compelling employees to work overtime should only be done in emergencies. If you know it is going to be busy on Saturday night, schedule for it. Don't spring it on employees at the last minute. There is a saying that "your lack of planning is not my emergency". Don't be the employer who doesn't plan and creates emergencies. Regular emergencies become bad planning and your employees may call you out or refuse to take on last minute overtime.

Analyze the patterns of your busier and slower times and schedule your employees to meet those needs. The more regular your employees' schedules are, the happier they will be.

Paying people straight time when they are entitled to time-and-a-half or double time is a bad idea. You can enter into a formal Averaging Agreement (details below) to lengthen shifts and provide more time off in exchange, but employers and employees cannot agree to break the law.

Don't allow employees to switch shifts without permission. If the switch results in overtime, the business must pay. Owners and Managers should create shift schedules, not the employees.

SAMPLE SCENARIO:

Sue is a good employee who has financial problems. She is always asking for extra hours. Sue approaches the owner and offers to work double shifts for straight time. The owner agrees and Sue is scheduled for 14 hours a day, 6 days a week for the busy summer months. However, sometime around the end of August, Sue has an argument with her manager and quits.

A few weeks later the restaurant owner gets a letter telling him that Sue has filed a complaint with Employment Standards claiming overtime for all the extra hours she worked. Unfortunately, Sue requesting the extra hours and having a "handshake agreement" to work for straight time is not a defense. The restaurant will have to pay the overtime. This could end up costing thousands of dollars.



MINIMUM DAILY PAY

If employees are scheduled to work but arrive at work to find you don't really need them, you can send them home. However, it costs them money to get to work so you must compensate them no less than 2 hours pay at their regular rate for reporting, even if they do no work at all. This is called Minimum Daily Pay.

If they don't work at all, they must be paid a minimum of two hours pay.

If they work more than 2 hours before you send them home, you must pay them for the hours they work.

If the employee was scheduled to work more than 8 hours (such as a 10 hour shift on an Averaging Agreement), they must be paid no less than 4 hours pay at their regular rate.

The rules about minimum daily pay don't apply if there is an unforeseen circumstance beyond the employer's control. This means such things as fire, a water main break or a serious traffic accident blocking access to the restaurant. Bad weather can be an excuse if there was no reasonable way of predicting it – think freak snowstorm, don't think rain. Employers should make every effort to contact employees who are scheduled when disaster strikes to tell them not to come to work.

If an employer doesn't want to pay daily minimum pay, it is perfectly reasonable to keep employees at work, and give them something to do during the minimum pay hours. The something shouldn't be unpleasant or punishing, like cleaning toilets. Unexpected slow times are a great time for chores like stocktaking, deep cleaning the kitchen, shooting images for social media and opportunities for cross training.

An employer doesn't have to pay daily minimum pay if an employee reports for work in an unfit state and must be sent home. This includes how they present themselves (not in proper uniform or without proper footwear) or being sick or seeming intoxicated or high. An employee who seems intoxicated or high should be sent home because their presence could cause an injury to themselves or another worker.

SAMPLE SCENARIO:

Bella Vista Restaurant has a patio with a lovely view. It's popular on sunny days. Fred, the owner, asks employees to come in at 11:00 a.m. and hang around in case they are needed. Unless the patio fills up by 12:00, he sends most of them home. He doesn't pay them. His excuse is the employees don't have to come in, they can choose not to if it's not a nice day. This is not only illegal, it's poor HR management.

Fred can read the weather forecasts like anyone else, and make a reasonable judgment about how busy the patio will be and will be subject to paying staff daily minimums.

AVERAGING AGREEMENTS

Employers and employees can enter into agreements to average their hours of work. This means that the employees who are party to the agreement can have a predictable schedule and the employer will have employees scheduled for longer hours when they are most needed.

An averaging agreement must be signed by the employer and employee before the start date. **It must include:**

- A start and end date.
- The number of weeks (one to four) over which hours will be averaged.
- The work schedule for each day covered by the agreement.
- The number of times the agreement may be repeated.

The employee(s) must receive a copy before the agreement takes effect. Averaging agreements do not have to be filed with the Employment Standards Branch. However, as the employer, you must keep copies of all the signed agreements. It's a good idea to keep them for 2 years.

The reason it is called an Averaging Agreement is because over the life of the agreement, the employee must *average* no more than 40 hours a week. An Averaging Agreement could be put into place to work a 4 day week with 3 days off (4 x 10 hour days) OR a 3 day week with 4 days off (3 x 12 hour days).

In office or counter service settings, Averaging Agreements are often made to allow staff an extra day off every other week. In this case, staff could work Tuesday to Friday 9 hour days, every other Saturday would be an 8 hour day and the alternate Saturday would be off. Each worker would be working 40 hours weekly over the 2 week period. This is a great schedule for when you have a less busy season or when vacations days are in high demand.

SAMPLE SCENARIO:

A local restaurant is packed on weekends from 5 p.m. to midnight. It takes the kitchen at least 3 hours to prep for the rush. The owner and kitchen staff enter into an Averaging Agreement that schedules employees on Friday, Saturday and Sunday for 10 hours each day. Each of these employees works one more 8 hour days a week, for a total of 38 hours stretched over 4 days. The staff benefit by a regular pay cheque and 3 days off a week. This can save the business in overtime however, in exchange, the staff receive the benefit of additional days off.



MANAGERS

Managers are people who spend at least 51% of their time supervising and directing staff or managing your money. It's important to make sure you are classifying your employees correctly.

A manager must be told, in advance of starting a job, the number of hours each week they are required to work and the salary they will be paid for those hours. If a manager works hours in excess of those that they've agreed to work in their contract, they must receive additional pay. There is an alarming tendency in the hospitality industry to expect managers to work many overtime hours with only their agreed salary as compensation. This is a practice that can lead to burn out and lawsuits. In British Columbia, managers are excluded from Parts 4 and 5 of the Employment Standards Act, which covers hours, overtime and statutory holiday pay.

- When you hire or promote a manager, the number of hours you expect them to work must be part of the agreement and the hourly rate must be calculated based on the weekly salary divided by the number of weekly hours.
- Managers do not have to be paid overtime rates of time and a half or double time. Any additional hours are paid at straight time.
- Although managers are not entitled to statutory holiday pay, wise employers will assure their managers get at least some statutory holidays off.

In order for an employee to be a manager, they must complete manager tasks. Calling a person a manager when their core duties do not include supervising staff in order to save overtime costs is not only a bad idea, it's illegal. Remember the formula: a manager spends 51% of their time managing your staff or your money. A floor supervisor is usually not a manager. A sous chef is usually not a manager. Calling someone the manager doesn't make them a manager - the test must be the amount of their time they spend managing people or other resources.

SAMPLE SCENARIOS

1. Stella is Front of the House manager. She has agreed in a written contract of 40 hours a week for a salary of \$4400.00 a month. She normally works 4 days a week, 10 hours a day. Her hourly rate is calculated by dividing \$4400.00 by 160 hours - \$27.50 an hour. When it is busy, Stella must work longer hours. She must be paid an additional \$27.50 for each hour over her scheduled 10 hours. Owners do have the right to expect their managers to be able to justify any extra hours.

2. Jeff is the Assistant Manager of a steakhouse. He and the manager confer on hiring, firing and scheduling. However, the manager makes the final decisions. Jeff's major managerial function is to close the restaurant, count the money, collect debit and credit card receipts, pay out the tips and take any cash to the bank for the night deposit. The rest of the time, he works as a server. Jeff regularly ends up working 60 hours a week to complete all his tasks. His employer pays him a salary of \$3600 a month.

Jeff burned out on the long hours. He complained to Employment Standards that he was not receiving overtime and he wasn't really a manager. The hearing agreed and awarded him overtime for the extra 4 hours a day he had worked in the last 6 months (the maximum collectible under BC law). The business owner had to pay Jeff nearly \$5000 in extra pay. This expense can cause serious problems for a small business budget.

As you onboard new staff members, please be sure that all your managers perform manager roles. Detailed job descriptions that are agreed to at the beginning of employment will help make sure you are clear about what tasks are being assigned and will ensure that the employee can meet or exceed goals and expectations.

VACATION AND TIME OFF STATUTORY HOLIDAYS

IN BC, THERE ARE 10 STATUTORY HOLIDAYS

New Years Day – January 1

Family Day – 3rd Monday in February

Good Friday

Victoria Day – 2nd to last Monday in May

Canada Day – July 1

BC Day – 1st Monday in August

Labour Day – 1st Monday in September

Thanksgiving – 2nd Monday in October

Remembrance Day – November 11

Christmas Day – December 25

*Note: Easter Sunday, Easter Monday and Boxing Day are not statutory holidays in BC. They are bank/government holidays.

With exceptions of New Year, Christmas, Canada Day and Remembrance Day, the holidays can fall on different days every year. The Canadian Labour Standards Code requires that whenever New Year's Day, Canada Day, Remembrance Day or Christmas Day fall on a Saturday or Sunday, the employer must grant his or her employee a holiday with pay on the next working day immediately preceding or following the holiday.

If the statutory holiday falls on a regularly scheduled workday and is worked, then for the first 11 hours worked the employee must be granted time and a half of their regular rate of pay. For any hours in excess of 11 hours the employee must receive double time plus a day off with pay.

Working Statutory Holidays

In the foodservice industry, many of us are working while everyone else has the day off. Holidays can be big money makers for restaurants, but the rules around Statutory Holiday pay must be followed.

Statutory holiday pay must be paid to employees who:

- have been employed for 30 days prior to the holiday AND
- worked 15 of the last 30 days.

Those who meet this criteria are entitled to the day off with pay. If they work the holiday, they earn time and a half for the first 11 hours worked or double-time for the hours worked over 12 hours PLUS the pay for an "average day" that they earned off.

Employees must be paid statutory holiday pay (an average day's pay) for a regular or scheduled day off that falls on a statutory holiday. If an employee doesn't qualify for statutory holiday pay, they get regular pay for working on a statutory holiday.

While people working in the restaurant industry are accepting of working when most people are off, working weekends, evenings and statutory holidays, we encourage operators to give every employee at least one statutory holiday off a year.

HOW TO CALCULATE STATUTORY HOLIDAY PAY

Base your calculation on days worked during the 30 calendar days before the statutory holiday – include vacation days. You must include all wages – this includes salary, commission, statutory holiday pay and paid vacation. Overtime is not included in this calculation.

Total wages ÷ number of days worked = statutory holiday pay (an average day's pay).

Here's an example of a worker whose average day's pay is \$150. On the statutory holiday, if they:

Do not work, they are paid \$150

Works 7 hours, they are paid time-and-a-half plus \$150

Works 14 hours, they are paid time-and-a-half for 12 hours, plus double-time for two hours, plus \$150

STATUTORY HOLIDAY PAY FOR EMPLOYEES WORKING ON AN AVERAGING AGREEMENTS:

Employees who were working on Averaging Agreements at any time in the 30 days prior to the Statutory Holiday are entitled to receive Statutory Holiday, no matter how many days they worked.

In this case, a worker who normally works 3 days a week, 12 hours each day under an averaging agreement would be entitled to receive statutory holiday pay of their average day's pay.

Example: Fred works as a weekend prep cook. He works on an averaging agreement, 3 days a week, 12 hours each day. He has worked this schedule since June 1. On July 1, he will have only worked 12 of the previous 30 days. However, as Fred is working under an averaging agreement, he is entitled to receive statutory holiday pay.

VACATION AND TIME OFF STATUTORY HOLIDAYS

BC Employment Standards laws require that every employee receive a minimum of two weeks off with pay after they have completed a year of employment. This level of vacation pay amounts to 4% of gross wages. After completing 5 years of employment, vacation entitlement increases to 3 weeks (6% of gross wages). According to BC Employment Standards, employees must take this time. It can't be accumulated or taken in another year or paid out as a lump sum (unless the employment terminates before vacation is taken).

Some employees may want to take their vacation in shorter blocks of time - a day off here and there for personal reasons. This is legal. However, this doesn't give the employee a true vacation from work. It is healthier for the employee to take at least one full week of vacation. As the manager, it is your right to insist on the employee taking their full vacation entitlement.

Some employees may just keep working and not put in vacation requests. If the end of the year in which the employee is entitled to vacation is coming up, and the employer hasn't received a vacation request, the employer is permitted to schedule the vacation for the employee. This is seldom

a popular thing to do, so employees should be reminded regularly to put in their vacation requests and encouraged to plan ahead. They should be made aware that they may have time booked for them if they don't make a vacation request.

PAYING VACATION ON EVERY CHEQUE

Vacation can be paid out on every pay cheque with the signing of an agreement in writing. This means that should the employee wish to take time off, they will not be entitled to receive paid vacation days - they have already received their vacation pay. In our industry, turnover is high and many employees don't stay long enough to earn the full two weeks' vacation. Therefore, it can make sense to pay vacation out each pay period. However, longer serving employees should be encouraged to accumulate their vacation pay and to put in requests for vacation time.

VACATION AS AN INCENTIVE

Employers are entitled to offer more vacation than the law requires in order to attract employees. This is a great recruiting technique, especially with potential employees with children or an expressed passion for travel. Be aware that once this extra vacation is given, it cannot be taken away. It becomes part of the employee's legal vacation entitlement.



TIPPING AND SERVICE CHARGES

Like it or not, tipping is ingrained in restaurant culture. The way tips are received, shared and distributed, however, is shifting. The growing trend towards cashless restaurants makes distributing tips to servers at the end of the shift difficult as no cash has been taken in. In the COVID-19 world, cash is likely to become even less popular.

TIP POOLS

Servers customarily have collected and received the bulk of tips. However, with growing difficulty attracting and keeping kitchen staff, some restaurants are requiring a broader distribution of tips. It isn't uncommon for server to go home with \$500 in tips plus wages. On the other hand, a cook may go home with \$20 of the kitchen's share of tips plus their wages.

Going out to dine, for most, isn't just fueling up. The memorable experience customers are looking for requires the back of the house and the front of the house to work together like a well choreographed play. If the food isn't well prepared and delicious, the meal will be a failure, no matter how good the service.

A growing number of restaurants are making a shift to recognize this. As a result, some restaurants expect a larger percentage, up to 50%, of tips go to the back of the house. This is legal. The BC Employment Standards Act allows an employer to require tips be shared. It's a huge change from when servers shared 5 to 10% of their tips with the kitchen.

Approaching servers with the plan to increase the percentage they must share with the kitchen may meet with some resistance. As many restaurants are compelled to shut down shifts and service due to the cook shortage, wise servers will understand a more proportionate share needs to go to their co-workers or they will lose hours.

Tipping out to managers or owners who perform the same jobs as servers is now legal due to a recent change to BC law. This means an owner who regularly serves or cooks is permitted to participate in the tip pool. **Note:** just because the law permits this, it is not the best idea. It can cause morale problems and lead to resignations if the employees believe their employer is taking a large share of what they believe should be theirs.

CONTROLLED TIPS

If the tips are held in the restaurant's business account and paid out at a later time, Canada Revenue Agency calls these "controlled tips" and expects CPP, EI and income tax be deducted and the employer pay their share of CPP and EI. To avoid this, an e-transfer from a dedicated tips account - separate from the employer's business account - directly to the employee's account is an alternative.

SERVICE CHARGES

A growing number of restaurants are adding a 15% service charge to all service. This was uncommon in the past, and used to be only applied to tables of 6 or more. Not all the visitors to our province come from communities that practice tipping. Adding a service charge, especially in restaurants that see a lot of tourists, assures staff receive the tips they are accustomed to. Under Canada Revenue Agency rules, these tips are considered controlled as the employer sets, and collects the tips. 100% of the tips collected must be paid out to the staff and the amount paid must have CPP, EI and tax deducted and the employer must pay their share of the CPP and EI.

NEW WAYS OF MANAGING SERVICE: COUNTER SERVICE

As we are shifting how restaurants work because of labour shortage and now COVID-19, some restaurants are eliminating server positions. Restaurants are considering counter service to reduce touch point. Others are having the cooks serve.

Diners seem to love the idea of the cook proudly presenting the dish they worked hard to prepare. In this scenario, the kitchen gets 100% of the tips.

The front of the house and back of the house are seen as different worlds. The more we unify these teams, however, the better it will be for servers, cooks and customers. To unify teams and understand why tips must be more equalized, some employers are scheduling servers to do kitchen shifts and kitchen workers to do front of the house shifts. This not only cross trains your employees, it creates a stronger and more empathetic team.

COVID-19

In March of 2020, the unthinkable happened. In a matter of days, the restaurant industry went from a thriving industry, with a serious shortage of qualified workers, to being required by law to close their doors to in-restaurant dining and to lay off most of their employees. Even worse, COVID-19 travelled across the globe a breakneck speed and the forced closure came as a shock to operators.

The return to pre-pandemic business levels will be a long process. Recent polling shows that British Columbians will be cautious about going out. Tourism at a standstill: borders will have to open and tourism will have to build again. Given that this is a global health crisis, much of the pacing of reopening is under the control of the Provincial Health Officer and the Ministry of Health. The BCRFA will be doing all it can to get people back into their favourite restaurants and to build consumer confidence in the enhanced protocols for dining out, but it will take time.

The employees laid off due to COVID-19 related work shortage must be given their jobs back. The Pandemic cannot be used as a smokescreen to terminate employees who are less than satisfactory. If employees are still unsatisfactory when they return, please read the section in this manual related to Termination.

Employers are not required to recall employees in order of seniority. To make the transition back to business as usual, employers need to take a realistic view of their team members, and call back, first, those employees best able to multi-task. It may be a while before a full team is back in place. You want your strongest workers back first - the employees who will cheerfully prep, cook, clean and wash dishes; the server who will answer the phone, bus the tables, attend several tables at once, pitch in and help the kitchen, vacuum the carpet and help close up. This is the time when you will be grateful you took time to cross-train and be aware of who were the strongest members of the team. As business builds, you can call back more employees. It would be unwise to call everyone back at once only to have to lay them off again.

During the time employees are away, while businesses are closed or offering limited service, wise employers are contacting their laid off employees regularly, by text or phone, just to check on their well being, and keep them up to date about how the business is doing.

At the time this manual was prepared, recall for employees laid off because of COVID-19 is set at 24 weeks (end of August for employees laid off when in restaurant dining was closed). This applies only to employees who are laid off as a result of COVID. Employees laid off for other reasons must either be paid compensation or provided written notice. Employees laid off as the result of a regular and expected seasonal slow down must still be recalled within 13 weeks.

THE IMPACT OF COVID-19 ON CROSS TRAINING

When we are looking at our staff teams after COVID-19 adaptability and attitude are going to be the strongest assets of any team member. Someone with a history with your company and the ability to take on many roles and learn new ones will be essential to figuring out how we do business in a changed world. There are likely to be many business changes that we have to adapt to – cross training and transparency in team work will help us weather the changing business climate.

One of the surprising side effects of the recent labour shortage has been that many chefs and managers have been taking on human resources, coaching and administration roles that they don't have the training or time to take on. As we move into a new phase for restaurants, cross-training and training up on basic management and human resources skills will help our industry recover more quickly.

We encourage operators to focus on cross-training for soft skills at this time: those include developing good interpersonal skills, critical thinking, problem solving abilities as well as cultivating the ability to motivate team members and strongly conveying business ethics. Having your senior or executive chef have the skills to communicate, engage, support, develop and motivate their teams can have a major impact on their personal engagement and their commitment to the business in such challenging times.

BULLYING AND HARASSMENT

Bullying, harassment, are provincial occupational health and safety issues that pose a potential risk to the physical and mental health and safety of workers. With an increase in complaints reported, the Province of BC has taken a strong stance against these types of unacceptable behaviours in the workplace and has instigated zero tolerance.

With the prevailing influence of social media, the impact of bullying can be profound and devastating. WorkSafeBC requires all employers to have strict anti-harassment and anti-bullying policies and requires that employers enforce them consistently in order to ensure that all workers have a safe space in which to work.

Bullying and harassment in the workplace can take many forms, including verbal aggression, personal attacks, and other intimidating or humiliating behaviours. If workplace bullying and harassment is not addressed, it can lead to lost productivity, anxiety, and depression, employees quitting and the employer getting a bad reputation in the community.

All employers are required to take reasonable steps to address the hazard of workplace bullying and harassment, regardless of the size of the employer. All employers must have a policy statement that:

- Indicates that workplace bullying and harassment is not acceptable;
- Defines procedures for workers to report incidents and for the employer to address complaints;
- Includes procedures for how complaints will be investigated; and
- Determines how employees will be trained to recognize and respond to incidents of workplace bullying and harassment.

WorkSafe BC has a guide for Small Business to help meet their occupational health and safety duties related to bullying and harassment. The online tool guide is:

www.worksafebc.com/en/resources/health-safety/books-guides/small-business-guide-to-bullying-and-harassment

WHAT IS BULLYING AND HARASSMENT?

A worker is bullied and harassed when someone takes an action that he or she knew or reasonably ought to have known would cause that worker to be humiliated or intimidated. However, when an employer or supervisor takes reasonable action to manage and direct workers, it is not bullying and harassment.

Examples of behaviour or comments that might constitute bullying and harassment include:

- Verbal aggression or insults,
- Calling someone derogatory names,
- Harmful hazing or initiation practices,
- Vandalizing personal belongings, and/or
- Spreading malicious rumours.

It is a manager or supervisor's responsibility to take this type of behaviour seriously and deal with it. The person who is bullying must be told to cease the behaviour immediately or face possible termination.

It is very important to know that the employer's responsibility to protect employees from bullying and harassment extends beyond the workplace. An employee who drives by another employee's home to cause them stress, or who trolls them on social media, is harassing them and these must be dealt with as workplace issues.

BULLYING AND HARASSMENT

SAMPLE HARASSMENT POLICY:

Our company has no tolerance for harassment or bullying at work or outside of the workplace: in person, or by mail, or by social media. Harassment can take many forms. It may be, but is not limited to, the following: words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment does not have to be sexual in nature. In our business, it is not the intent of the behavior by the offender that determines if harassment has occurred but whether the behavior is welcome by the receiver.

All staff are responsible for helping keep our work environment free of harassment, including the environment for our customers with whom staff have contact.

Any staff member who believes that they have suffered harassment or bullying in violation of the Harassment Policy should take the following action:

- a. If you are able to do so without conflict or danger, tell the harasser as clearly as possible that the behavior is unwelcome;
- b. If the behaviour continues, advise a supervisor or the owner of your complaint. Clearly identify the behaviour surrounding the complaint.

If any staff member becomes aware of an incident of harassment or bullying at work or online, whether by witnessing the incident or being told of it, they must report it to a manager or the owner, whomever they feel more comfortable with. When our company becomes aware of harassment, we are obligated by law to take prompt and appropriate action, regardless of whether the victim wants the company to do so. Depending on the severity of the bullying or harassing their co-worker will be disciplined and/or terminated for cause

The Company, including all persons to whom a violation of this policy has been reported and persons who have become aware of a complaint, must maintain confidentiality, to the extent possible given the need to investigate. All complaints shall be considered confidential to the maximum extent possible.

The Company, or any director, officer, or employee may not retaliate against any victim, or witness, who reports a violation of this Harassment Policy. Any person who believes that he or she has been retaliated against should report to the owner or to WorkSafe BC.

SAMPLE SCENARIOS:

1. Marco and Hasan don't get along very well. Their manager has told them he doesn't care why they don't like each other. They are, however, expected to be civil at work or risk discipline and termination. Hasan approaches his manager one day with a set of print outs from his social media accounts in which Marco has called him vulgar names, referred to him as stupid and incompetent. Hasan says this is distressing and he wants it to stop. The manager says there's nothing he can do as this is outside of work.

Is this harassment?

Yes, this is harassment. In this case, the manager is wrong. This is work related harassment and the employer must deal with it.

2. A group is seated at a table, ordering drinks and food. Some of the people are making sexually suggestive comments to the server. The server doesn't want to go back to the table. He asks his manager to either send another server or to deal with the table directly.

Is this harassment?

Yes, this is harassment. It is the manager's responsibility to protect employees from situations they find distressing. Under no circumstances is it acceptable for the manager to order the server to continue to serve the table.

BULLYING AND HARASSMENT

SEXUAL HARASSMENT

The common definition of sexual harassment is behaviour characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or work-related social situation.

It is the employer's responsibility to prevent and deal with allegations of sexual harassment, to discipline the harasser and assist the victim. It's essential to have a harassment policy in place.

There are many types of sexual harassment:

- Unwanted touching;
- Making offensive jokes or remarks about a person's gender or sexuality;
- Making sexual requests or suggestions;
- Staring at or making unwelcome comments about someone's body;
- Showing sexual pictures or images; and
- Being verbally abusive to someone because of gender.

PRO-TIP: Employers must not require employees to wear sexually suggestive clothing or footwear. Requiring employees to wear clothing that sexualizes them is a violation of their human rights and can cause legal difficulties for the employer. High-heeled shoes have been deemed dangerous and can cause employees to slip and fall, creating an injury and WorkSafe BC involvement.

SAMPLE SEXUAL HARASSMENT POLICY:

Sexual harassment is a form of discrimination based on sex or gender. In our workplace, sexual harassment exists on a continuum from overt sexual behaviour, such as unsolicited and unwanted physical contact and persistent propositions, to more subtle conduct, such as gender-based insults and taunting, which may reasonably be perceived to create a negative psychological and emotional work environment.

Our business welcomes gender diversity and is LGBTQ+ friendly. We do not tolerate sexual harassment of any kind in the workplace. **We specifically do not tolerate:**

- Unwanted touching, sexual advances and sexually explicit remarks or suggestions;
- Verbal or physical contact of a sexual nature when such

conduct creates an intimidating environment or prevents an individual from effectively performing the duties of his or her position, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly.

- Requests for sexual favours;
- Jokes or remarks about a team members gender or sexuality;
- Posting of comments about or pictures of other team members on social media that refer in any way to their sexuality or gender; and
- Sharing sexually explicit images online, on phones or over social media.

Harassment may be sex discrimination even if it is not sexual in nature. This can happen when someone harasses a coworker simply because of their gender or orientation. Behaviour of this nature is not tolerated in this workplace.

Employees who believe they have been harassed are encouraged to report the behaviour as soon as possible to a member of the management team or to the owner. The complaint will be investigated quickly.

If the alleged harassment is involving another employee, the person being harassed is encouraged to take notes of the incidents, record the incidents and solicit witnesses.

Your policy must make it clear that if the bullying or harassment is being conducted through social media it is the same as if it were being done in the restaurant, because it impacts the wellbeing of your employees.

There is no requirement employees ask their employer to resolve situations. As the employer, it is in your best interest to assure your employees know they will be treated with respect and consideration if they believe they have grounds for a complaint, particularly if they believe they are experiencing bullying or harassing behaviours in the workplace.

Setting a tone where open dialogue is encouraged and staff feel that management is responsive to issues is all part of fostering an open and supportive workplace. If an employer is ever unsure what the law requires of them in employer/employee relations, the BCRFA is here to help you. Call Gillian at 604 505 2374 or e mail at gmacgregor@bcrrfa.com.

CIGARETTES, VAPING AND CANNABIS

In British Columbia, WorkSafe BC regulates conditions for workers. Smoking is completely prohibited in workplaces in our province. According to the Canadian Centre for Occupational Health and Safety, studies have shown that smoke-free environments make for increased productivity, better morale, and lower cleaning costs. In our customer facing environment and with our preparation and service of food, having clear policies with regards to smoking of any kind during work is essential.

ENFORCE FIRM NO SMOKING POLICIES

Let's face it, cigarettes, vapes and cannabis have distinctive and, to many, an unpleasant odour. The reality is most people would prefer not to have food served by someone who smells like they have been smoking nicotine or cannabis.

Restricting smoking in the workplace is part of a complete health and safety and/or a health promotion program in the workplace. Regulations state that employers must ensure that indoor air quality meets regulated levels. To meet these obligations, any smoking must be in a designated outdoor smoking area that is three metres or more from a door, window, or fresh air intake.

As an employer trying to create a welcoming environment for your staff and customers, you have the right to require that your employees refrain from smoking before and during their shifts. This is a choice that you must make for your business and you must include your cigarette smoking and vaping policy in your Employee Handbook or your new employee onboarding kit.

PRO TIP: It may come as a surprise, but no employer is compelled to give employees smoke breaks. It is the employer's individual choice if they allow cigarette smoking or vaping breaks and whether they are concerned about the lingering odour that may not be liked by customers.

CANNABIS IN THE WORKPLACE

Cannabis is a different issue. Like alcohol, it can affect performance, judgment and safety. The employer has an obligation to assure no employee is impaired while on the job. If an employee comes to work obviously high or intoxicated, their employer must send them home as they could be a hazard to themselves and others.

An employee may claim they need to use cannabis for a variety of medical conditions. It is the employers right to require a detailed medical report from the employee's doctor, explaining the:

- Specific medical condition that requires the cannabis use;
- Potential impairment from the cannabis use;
- Frequency of usage required to deal with the medical condition; and
- Whether or not there are certain jobs the employee may need to avoid due to the cannabis use.

On a case-by-case basis, you may be required to make reasonable accommodation of certain disabilities treated by cannabis. If this situation arises, don't hesitate to seek advice from the BCRFA.



DISCIPLINE, TERMINATION AND LAYOFF

Effective and thoughtful discipline is an important aspect of managing staff teams. The goal of successful discipline is to correct behaviour or improve skills that are troublesome, often through training or retraining, and does not have to lead to termination.

The regulations around discipline and termination are defined by determinations and judgments of courts and tribunals over several decades. As a result, termination is an area where it is a good idea to contact the BCRFA and consult a labour or contract lawyer to get advice, especially in complex situations. Making a mistake can end up being costly.

This section contains some tips for dealing with common situations.

CONFLICT MANAGEMENT

Your employees can't be compelled to like each other. They can, however, be compelled to get along at work. Sooner or later, there will be a conflict. This may occur between co-workers, a manager and an employee or even the owner and an employee. How you handle this conflict is important.

In most cases, some intervention is likely going to be necessary. It's unrealistic to think that employees who don't get along will just abandon the conflict. Creating a dialogue with the people having a conflict and working with them to resolve their conflict or to assist them in changing problematic behaviours, at least while at work, is essential to building a strong team.

Creating and nurturing a culture of respect and cooperation is essential. Employees who are consistently negative, bad tempered or display rude or bullying behaviours will upset your whole carefully created atmosphere. Failure to deal with these workers will lead to everyone believing that the behaviour okay and good employees will leave. If a conflict persists, you must be clear with them that the behaviour is not acceptable and unless improvement is shown, termination may be the end result.

Employees should clearly know that conflicts between them should not be allowed to escalate or disrupt the workplace.

DISCIPLINE AND TERMINATION FOR CAUSE

In all but the most serious cases of misconduct, the employee is entitled to receive warnings and opportunities to improve before being terminated. It is important to understand and follow the process for terminating an employee for just cause. Failure to establish just cause can lead to being ordered to pay the employee compensation under the BC Employment Standards Act or by a court of law.

There is an urban legend that says someone has to do a bad thing three times before you can terminate them for cause. While this isn't true, there are three elements in the discipline process.

- 1) The employee must be made aware the behaviour is not acceptable.
- 2) The employee must be told repeating the behaviour will lead to termination and they must not do it again.
- 3) If the employee then repeats the behaviour, the employer must follow through with the termination process.

Just cause is typically alleged by the employer where the misconduct relates to:

- Incompetence;
- Tardiness;
- Excessive absence (unrelated to a specified disability or medical condition);
- Inability to perform their job in accordance with the employer's reasonable requirements; or
- Failure to report for shifts.

Several instances of the misconduct, together with warnings by the employer, are required, in most cases, before the employer can terminate the employment for just cause. This is where most employers get into difficulty.

The behaviour that is the subject of discipline must be the same one that is cited as the cause of termination. Three unrelated incidents (for example, separately arriving late, losing cash and not reporting in uniform) do not combine to make just cause. While three events like this point to an employee who is not performing well, each issue must be looked at separately. Never allow a behaviour problem to go unchecked. The employee will think it's OK and other employees will start doing it too.

DISCIPLINE, TERMINATION AND LAYOFF

Employees should know from the outset of their employment that bullying, harassment or any form of disruptive conduct is unacceptable in your business. That said, immediate termination is seldom the best response to a first-time offence.

Let's look at some examples of just cause:

1. Greg is a few minutes late for every shift. His supervisor glares at him and tells him to hurry to his station. However, Greg has never received a formal warning telling him to be punctual. One day, Greg is nearly half an hour late. His supervisor has had enough and tells Greg he's fired for chronic lateness.

Is this just cause?

No - Greg has never received any warnings or been told his lateness will lead to termination. By tolerating the behaviour, Greg has been sent a message his lateness isn't a problem. Greg must be told his behaviour is unacceptable and be given an opportunity to improve.

2. Yasmeen was recently given the responsibility of final cash out and closing the restaurant. The surveillance video shows Yasmeen putting wine and liquor bottles and meat from the kitchen into her bag before leaving. The employer terminated her the following day.

Is this just cause?

Yasmeen argued she had been treated unfairly because she was being videotaped without her knowledge. There isn't any requirement employers tell employees they are being watched by surveillance. Employers have a reasonable expectation their employees won't steal from them. Yasmeen has been dismissed for just cause and has no entitlement to severance pay or notice. Employers may report the theft to the police and let the courts deal with Yasmeen.

3. Rick, the sous chef is a hot-tempered person with a lot of confidence in his skills and value. Although he comes across as arrogant, he is a talented chef and brings a lot to the kitchen. One night, Rick becomes agitated with the performance of a couple of new employees and lashes out. One of the kitchen helpers goes to the manager, Jane, in tears. Jane speaks to Rick and he turns and swears at her and tells

her to butt out. Jane is furious and fires Rick on the spot, telling him to pack his things and leave.

Is this just cause?

No. Management should have handled this differently. Rick would be entitled to notice or compensation despite the fact that his behavior wasn't acceptable. He wasn't right in acting the way he did, but he needed to be given a chance to change his behaviour.

A better way of handling this would have been to give the distressed employee some comfort and hear their concerns. When that employee had calmed down, tell Rick his behaviour was unacceptable and must be addressed. As this is the first time Rick has taken his temper out on a co-worker, he should be told the behaviour will not be tolerated and he's on notice that he must not do it again.

4. Xi is responsible for closing up and locking the restaurant at the end of his shift. One morning the owner arrives and finds the door unlocked. While nothing is missing, it's seriously negligent. When Xi reported that afternoon he was very apologetic; he begged for his job. He said a phone call had distracted him just as he was leaving. The owner fired him.

Is this just cause?

No - even if Xi hadn't been remorseful, one honest mistake, no matter how serious, is rarely just cause for dismissal.

5. A cook assaults a server by slapping the server across the face and calls the server particularly vile names. Other employees heard this and were shocked. The server had done nothing to provoke such a vicious attack. The incident was reported to the owner. The owner was in a quandary because the restaurant was very popular with families and it would be too difficult to keep customers happy without the cook. The owner decided to wait and fire the cook after Spring Break was over.

When the cook was fired, two weeks later, he claimed there was no just cause and he was entitled to compensation. The owner argued the behaviour was serious enough that there was just cause.

DISCIPLINE, TERMINATION AND LAYOFF

Is this just cause?

The hearing ruled that if there was just cause (which there would have been) the termination had to follow immediately on the heels of the incident. Because the employer allowed the employee to work for two more weeks, the signal was sent that the employer didn't consider the incident serious and the cook had no reason to believe, two weeks later, he would be fired.

TERMINATION WITHOUT CAUSE

It is legal to terminate an employee without proper cause as long as the employee is given written notice or compensation.

Notice and compensation under the Employment Standards Act are as follows:

- After 3 months employment, 1 week's wages;
- After 12 consecutive months of employment, 2 weeks' wages;
- After 3 consecutive years of employment, 3 weeks' wages plus one additional week for each additional year of employment, to a maximum of 8 weeks' wages.

OR

- 1 week written notice after 3 consecutive months of employment;
- 2 weeks written notice after 12 consecutive months of employment;
- 3 weeks written notice after 3 consecutive years of employment, plus one additional week for each additional year of employment, to a maximum of 8 weeks' notice.

OR

A combination of the two.

SAMPLE SCENARIO

Great Eats needs to terminate Mel. Mel has worked for 2 years. The restaurant may give Mel two weeks written notice, 2 weeks' pay or can choose to give part written notice and part pay.

It is important to know that even when employees are given the proper notice or compensation, they are entitled to hire a lawyer and sue for wrongful dismissal.

CAUSE FOR IMMEDIATE DISMISSAL

You don't have to go through the process of corrective discipline when an employee has done something so serious they cannot be allowed to remain at the workplace.

These are things an employee should know are unacceptable in any circumstances and that doing them will result in immediate firing. These are actions so serious that they undermine the fundamental trust between employer and employee and make it impossible for the employment relationship to continue.

EXAMPLES OF ACTIONS RESULTING IN IMMEDIATE FIRING INCLUDE

- Proven Theft from the employer, a guest or a co-worker. There is no need to instruct workers that theft of any kind is grounds for dismissal. The theft must be proven, however, it cannot be mere suspicion.
- Harassing or bullying co-workers - depending on the severity of the bullying or harassment immediate termination is possible.
- Physical violence against any co-worker, manager or customer. Any kind of physical altercation will normally be grounds to immediately terminate the person who started the confrontation.
- Insubordination or willful refusal to follow a lawful instruction or direction. This does not include instructing an employee to do something unsafe or illegal. For example, a server cannot be fired for refusing to serve liquor to an intoxicated customer, that would not be a lawful instruction.
- Serious conflict of interest. A conflict of interest arises in the workplace when an employee has competing interests or loyalties that either is, or potentially can be, at odds with each other. Conflicts of interest are generally forbidden in company codes of conduct and/or the employee handbooks. A conflict of interest could arise when you learn a cook is working for a competitor and giving them your secret recipes.

PRO-TIP A word about notice - it is not always advisable to give a badly-behaved employee working notice. A disgruntled or angry employee can do a lot of damage to your business over their notice period.

DISCIPLINE, TERMINATION AND LAYOFF

In the foodservice industry, many employees have multiple jobs. This doesn't mean they are all in conflict with your business. The concept must be dealt with on an individual basis. It is legal to have a policy expecting employees to reveal who else they work for and in what capacity. It is your right, as an employer to weigh if there is any possible negative impact on your business from your employees' other jobs. In the time of COVID-19, you may wish to ensure that your staff are currently only working in one business and provide them additional hours to ensure reduced contacts.

LAYOFF

In BC, layoff is considered termination. Employees who are laid off are entitled to written notice or monetary compensation corresponding to their years of service. There are two exceptions to this requirement:

1. The employee was told, at the start of their employment to expect lay off at specific times and accepted this as a condition of their employment.
2. The reason for the layoff is something that could not have reasonably been foreseen. This does not include business failure or bankruptcy. These are events that can be foreseen.

COVID-19 LAYOFF

The COVID 19 pandemic is something that could not have reasonably been foreseen. In this case, employers did not have to give notice or pay compensation to employees who were laid off. However, the layoff is treated as a furlough or temporary layoff. Employers have to recall the staff members within 24 weeks, the current maximum length of COVID-19 temporary layoff. Special provincial legislation was adopted to require that employees be returned to their jobs when the pandemic ends.

COVID-19 recall does not have to be in order of seniority. Employers are wise to recall their most versatile employees first. Employees who are laid off and recalled retain their length of service and their vacation entitlements. They are not new hires.

Employees who were in the process of their three-month probationary period will pick up where they left off. If they still

had a month to go on their three-month probationary period, they will be on probation for one more month.

When possible, employees must be recalled to the same job at the same rate of pay and the same shifts they had prior to layoff. Employees may refuse to come back to different jobs with lower pay and different shifts. This doesn't mean the employer can't offer to recall employees to different positions. However, it's the employee's right to accept or decline the recall based on the job offered. Having an ongoing conversation with laid off employees will help throughout this process. Employers who have kept their employees informed throughout this mandated shut down are reporting successes in having their staff return to whatever work is offered. They want to help get the restaurant back on its feet and are willing to do whatever it takes.

Should a business not be able to recall their staff within the required 24 weeks, employment must be formally terminated and the employee must be paid compensation for length of service in accordance with the requirements of the Employment Standards Act.



SOCIAL MEDIA

Social media platforms can be excellent marketing tools. They are one of the strongest ways that you can present your brand, your staff, your meals and your culture to prospective guests. The visual nature of this media allows you to tell your story in a unique way and to have it accurately reflect your business.

On the other hand, your guests have easy access to social media. Just as you can promote your successes, your customers can use social media to profile your fails. Your customer service, commitment to enhanced cleanliness, presentation, business values and caliber of your dishes are your trademarks but they are open to public scrutiny.

Social media is becoming nuanced – so it is very important to ensure that your strategy for online marketing and connection is dialed in and that your team understands your plan and engages accordingly. Your prospective customers are looking on social media for their inspiration for their next meal, whether it is a recipe to cook at home or a place to dine out. Be strategic about your online presence to showcase your dishes and your brand of hospitality – but be authentic. How you portray your business, your food and your employee experience on social media should be real. You don't want to disappoint customers or job applicants.

Tips for successful social media:

- Use geo-tagging to tag your posts and how to target the reach of promoted posts.
- Focus on strong, representative images from your business, your dishes and your team.
- Talk about what you are proud of – your people, your food, your suppliers. Be authentic about what matters to you.
- Tag local foodies, industry groups and news groups in your social posts. We have @BCRFA, @BCTastesBetter and @EatDrinkBuyBC – tag us!
- Invest in ad campaigns on Facebook and Instagram first as they have nominal costs and can help you amplify your reach. Start small and see if these work for you. Target people by region, age, gender and hobbies and interests.

- Experiment with paid advertising on Yelp or Google – but make sure you have analytics turned on to see if these are working for you.
- Business-to-business connections are essential right now. Activate business accounts on Facebook and LinkedIn. Speak about your work on your personal LinkedIn account.
- Tag your suppliers and partners in posts. If you support local, local will support you. If you buy from a local winery or brewery, make sure you engage with them on social and let them know you when are featuring their products.
- Post about any business changes in your social media “about us” profiles or add a linkin.bio to your Instagram profile to direct traffic to a core page of your website.

EXPAND YOUR REACH WITH HASHTAGS:

Use top foodie and regional hashtags to increase the visibility of your posts. **Some popular hashtags include:**

#EatDrinkLocal	#BCRestaurants
#BCTastesBetter	#BCHospitality
#BuyBC	#BCSmallBusiness
#SupportLocal	#HealthSafetyHospitality
#SupportSmallBusiness	#MakingMemories
#EatLocal	#CustomerConfidence
#EatLocalFood	#HospitalityExperience
#exploreBC	#HospitalityIndustry
#bccraftbeer	#SaveHospitality
#bcwine	#IAmACook
#Healthy	#takeout

Regional food tags exist in most areas of our province.

Some worth a look include:

#vancitydrinks #yvreats #insidevancouver #kelownafoodie
#kelownaeats #richmondfood #richmondfoodie #victoriaeats
#yqqeats #princegeorgebc #princegeorgeeats #burnabyeats
#surreyeats #kamloopseats #okanaganeats

SOCIAL MEDIA

SOCIAL MEDIA FOR BUILDING YOUR BRAND AND RECRUITING

Social media isn't just about connecting with customers. It is about connecting with like-minded suppliers and potential employees. Do you talk about your team and about your workplace culture in your social channels? You can engage with people attracted by your food into becoming an employee if you build up this additional exposure for your restaurant. You can profile staff members who have achieved a milestone, celebrate their achievements, or shout out about team accomplishments. Authentically speaking highly of others speaks volumes about your workplace.

If you are recruiting, make sure you connect your food and your culture and the advantages of working for you, including the benefits, flexible schedules and the working atmosphere. Consider including quotes from your happy employees. Invite prospective applicants to private message you if they are interested in joining the team.

SOCIAL MEDIA AND YOUR STAFF

Social media's reach can quickly escalate into shaming individuals or brands. Sometimes this kind of calling out can become bullying. It is your responsibility as an employer to monitor your social media and to engage in proactive management of escalating conflicts online. This can be challenging so contact a professional if you feel you aren't going to send the right message. You want to ensure that you are proactive with protecting your employees and ensuring that you handle even negative comments with grace.

Every restaurant should have zero tolerance policies for harassment and bullying with clauses dedicated to social media. In an age where everything is virtual, it is essential to have written policies and staff training that speaks to your prohibition of harassment or bullying in your workplace, either in person or on any social media platform.

Here are some circumstances where the misuse of social media will be grounds for termination.

SAMPLE SCENARIOS:

1. Sally is a recent hire. Some years ago, she dated Sam, a long-term employee. The relationship didn't end well, but it was years ago, and Sally thought they'd both moved on and could be friends. Sam thought differently and while he was outwardly civil in person, he started posting nasty comments on social media about Sally's character, honesty and sexual activities. He is friends with several employees of the restaurant, so coworkers see these comments. One of the employees shows Sally what Sam is saying. She is very upset and decides to quit.

This is a time to make a strong stand. Behaviour like this can have a destructive and divisive affect on the team you have spent time building. Sam is seriously out of line with his behaviour.

The best way to handle this is to have a meeting with Sam and require that he apologize to Sally, take down the postings and never do it again. Be clear that if he doesn't do all of these things, he'll be fired.

2. Joe's Spaghetti House has been in business for 3 generations, over 70 years in the same location. It's a very popular place due to the high quality and reasonable prices. Joe, grandson of the original Joe, is too busy to pay attention to social media but he does notice a significant, unexplained drop in numbers of guests and his revenue. Finally, one of his employees tells him that a cook who was fired for stealing is posting very negative comments about Joe including saying he runs a dirty kitchen, servers spit in the food and there are rodent and insect infestations. While none of this is true, the comments are turning people away.

This horrible situation is very difficult to deal with. Joe may need to hire a lawyer to stop the ex-employee from posting the lies and help him restore his good name. After doing all the damage control possible, this owner needs to learn more about how social media can both promote and hurt his business. He needs to either monitor, or get a trusted employee to help him monitor, his social media accounts. Joe also needs a policy about employees and ex-employees making negative statements in any way.

3. A restaurant in Vancouver required kitchen staff to work overtime hours without paying overtime pay. The employees complained about their employer on social media and

SOCIAL MEDIA

eventually filed a case to the Employment Standards Branch. They were owed thousands of dollars in overtime pay.

In this case, the correct protocol was to go through the Employment Standards Branch. The social media reporting was clearly designed to hurt the employer – but the employee was not being treated according to the law and they cannot be disciplined or sued by claiming their unpaid wages.

4. An employee is subject to constant sexual harassment in the workplace. Unwanted name calling and grabbing of body parts on a regular basis. The employee has spoken to teammates about this but nothing changes. They have enough of this crummy behavior and captures the manager on cell phone making unwanted advances. They then highlight this incident in an Instagram story calling out the manager with #MeToo. The employee has a lot of followers and the incident causes a huge amount of backlash to the employer. The employee quits but the impact of the negative press is long lasting.

This kind of social media shaming is becoming more prevalent in the modern workplace. The employee cannot be disciplined, terminated or sued for blowing the whistle on illegal and unethical practices.

The only defense is a great offense. Make sure you have harassment policies in place and that if any employee has this kind of experience that they know your company handles situations immediately and with serious repercussions for people who break the rules.

You also want to assure your employees will speak well of you, their employer, on social media. Again, you need a policy and staff training to back it up. Your policy must make it very clear that any criticisms or complaints in any public way may be grounds for termination. This policy can be a clause in your employment contract.

Here's an example:

As an employee of our restaurant, you are a public face of our company and our commitment to our team members, our community and our customers. You are our brand ambassadors and we expect that you will embody our shared values in your in-person and online presence.

Should you have any issues in our workplace, we encourage all our staff to bring issues to managers or raise them with the ownership directly. It is not an appropriate solution to a problem to post about the issue on social media before you address it with management. Maligning the company on any form of social media will not be tolerated and may be grounds for termination for cause.

Note: Although social media is not the appropriate channel for tackling workplace issues, employees cannot be prevented from being whistle blowers. This means if the employer is doing something illegal or unethical, employees are entitled to report them to the appropriate authorities. Employees who aren't being paid correctly can report to Employment Standards. Unsafe working conditions and incidents of harassment and bullying can be reported to Worksafe BC.

If all this talk of social media is a foreign language to you, appoint a manager who is social media savvy to take on your online presence. They will likely be delighted to help you. If you can afford it, it may be worthwhile hiring a professional to oversee your social media profile.

Social media is a huge force in the work world of today. As a business, being on top of this medium and using it for its marketing powers is your best approach. It is essential to be authentic on social and to ensure that your messages match your behavior.

It's important not only to use social media to your advantage in promoting your business as a good place to patronize and a great place to work, but to realize that as an owner, manager or supervisor in a restaurant, you must also be diligent monitoring any undeserved negative comments on Facebook, Trip Advisor, Yelp or any other reviewing platform.

Do not ignore the impact that negative social media can have on your business. Be proactive and responsive and timely across all your channels.

CLOSING

A FEW FINAL WORDS - HELP AND ADVICE

Human Resource Management is a complicated job. It involves humans who are, by their very nature, unpredictable. No one has all the answers. You, your managers and your supervisors aren't expected to have them.

If confronted with a situation for which you don't have an answer, don't be pressured into making snap decisions. This is especially important when dealing with an intoxicated or misbehaving employee. Never hesitate to send an employee home and discuss the issue the following day. Take a deep breath, count to ten or even twenty. Use resources available to you (BCRFA, WorkSafe BC, Lawyers or a local Chamber of Commerce) to find best practices and seek legal help.

At the BCRFA, we have experts on staff that are there to talk you through potentially difficult situations. We will give you the benefit of our experience and knowledge to help you make an informed decision. You can call direct your questions to:

Gillian Macgregor

BCRFA Human Resources Advisor

604 505 2374

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She is often available outside of office hours and on weekends, or will call you back as soon as she can.

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