

September 2014

## The Next Chapter



Change, it is said, is the only constant. And, with the end of summer and the beginning of a new year at our Chapter, the baton has passed on. It is an

honour to be leading this Chapter as its President in the coming year. It is only appropriate that we give a shout out to Elysia Estee for a great year past. Our Chapter hosted the National Conference, which was a roaring success.

This Chapter is singularly fortunate to have on its Board of Directors members who bring a lot of passion, vision, energy and enthusiasm in their participation at meetings. This has resulted in vibrant committees that work together seamlessly in the primary areas of programming and membership development. Net result – members get full value for their membership at the Chapter.

The strength of our organization is premised on the level of involvement of our members. I invite you all to participate actively in the Chapter activities and also share any ideas, thoughts or feedback you may have to further enhance the vibrant nature of this Chapter. Join a committee and make your impact.

I also seek every member's participation in another area – that of increasing the visibility of our Chapter's brand. While the board has a greater focus on marketing and communicating our Chapter to our target market, every member can play the role of "**our brand ambassador**" within the circles of their influence. Recent studies have shown that the days of "push marketing" is coming to an end. In this day and age of social

marketing, *we are going from a monologue to a dialogue*. We want to **engage** our customers (member base) – existing and prospective – in a constructive conversation that will help grow our Chapter bench strength.

As our brand ambassador, you can play a vital role. Talk about our Chapter and its activities at your workplace. Exhort your professional friends and colleagues to come out to our dinner meetings to see for themselves the power of learning and networking - power that will convince them to become members of our Chapter.

I also urge you to actively interact with your fellow members outside of our events too. Share ideas, exchange notes, pass on insights and new learnings in the virtual world. We have a LinkedIn page (<http://linkd.in/Z609pU>) where you can become a member. If you have a twitter account, follow our handle at <https://twitter.com/FEICanadaSGH>. Use these modern day platforms to enrich yourself with knowledge and connections. Let us forge ahead together on the path to growth and, consequently, member enjoyment.

As noted motivational speaker Deepak Chopra stated, "Every time you are tempted to react in the same old way, ask if you want to be a prisoner of the past or a pioneer of the future."

I look forward to interacting with each of you in the coming months. I am sure you will continue to participate in our activities to take advantage of the fun, fellowship, learning and networking our Chapter has to offer.

~Chapter President, Ananth Koovappady

## Chapter Leadership Award Goes to Florian Meyer

*...consistently shows passion and dedication for the Chapter...*



We are thrilled to announce this year's Chapter Leadership Award winner, **Florian Meyer**. Florian is a 20-year member of FEI Canada and will be celebrating his anniversary with us on September 28<sup>th</sup>.

Each year, the Leadership Award is presented to a valued member who consistently shows passion and dedication for the Chapter, while balancing professional, family and community obligations. As Chair of our Program Committee, Florian's contributions to the Chapter are immeasurable. We know that the cornerstone of a vibrant chapter is delivering outstanding programs. Florian has been consistently doing so through such diverse topics as thought leadership forums,

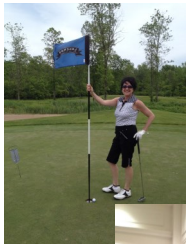
economic updates, stories from Mount Everest and lessons from a certified Beer Sommelier.

As you know, we regularly gather feedback from our members on the quality of the programming. Florian consistently gets top marks for the speakers and topics he organizes for us. Always on top of his game, the Executive has the comfort of knowing that Florian and his team have the schedule confirmed many months in advance. This of course takes a lot of time and unwavering dedication to the Chapter, all of which enriches the experience for all of us.

On behalf of the Executive, sponsors and members, Congratulations on this award so very much deserved.

~ Elysia Estee

## Niagara Falls - An Outstanding Success for the Chapter



The premier networking and professional development opportunity for FEI Canada members is the annual conference. It is a gathering of the leaders among us.

For the past two years, your Chapter has been focused on creating an event that would illustrate the impact of FEI Leadership Beyond Finance. Based on the reviews of members attending, internal analysis of the committee and staff and observations from sponsors and speakers, we excelled. The tremendous effort that was put forward by our Chapter Leadership team and the National organizing committee created an environment that built on the strengths of FEI Canada and created debate, learning, personal growth and more informed leaders, better able to deal with the challenges facing their companies and

management teams. The Chapter had the highest percent attendance, a major goal, and exceeded its financial and membership goals for the event. We illustrated why we have been labeled the "Fun Chapter", while still growing our membership and program content during the past two years more than any other Chapter.

Be sure to visit the FEI web site to view the great sessions put forward by our Women's Financial Executive Network team. Follow Chapter happenings on Twitter at @FEICanadaSGH.

Thank you to everyone that was part of this wonderful networking experience. Hope to see you in Winnipeg in 2015.

~ Bob Rollwagen  
Chair, 2014 Conference Committee

## The Kids Are Alright - Family Status Clarified by the Federal Court of Appeal



Family status has become a hot topic in workplace human rights. The issue is made more interesting given decision-makers across the country have come to different conclusions on the scope and content of family status accommodation, leading to significant uncertainty. Two recent decisions released by the Federal Court of Appeal (the "Court"), *Canada (Attorney General) v. Johnstone* and *Seeley v. Canadian National Railway*, seek to clarify the current state of the law. Both cases involve a complaint by an employee requesting a change in a workplace policy to better meet childcare obligations.

### What is family status?

The first issue the Court resolved is the definition of *family status*. Whereas protected grounds such as race and religion are easy to understand, parties engaged in a conflict over family status discrimination often disagree on its definition. Does it protect an individual from discrimination based on their status as a parent, or does it include all obligations flowing from parenthood, however arguably trivial? Significantly, the Court rejected the broader interpretation of the ground and held the protection only extends to obligations giving rise to legal liability for the parent and not to personal preferences. In other words, while childcare is part of family status, the protection is limited to substantial parental obligations:

The childcare obligations that are contemplated under family status should be those that have immutable or constructively immutable characteristics, such as **those that form an integral component of the legal relationship between a parent and a child**. As a result, the childcare obligations at issue are those which a parent cannot neglect without engaging his or her legal liability. Thus a parent cannot leave a young child without supervision

at home in order to pursue his or her work, since this would constitute a form of neglect...

Voluntary family activities, such as family trips, participation in extracurricular sports events, etc. do not have this immutable characteristic since they result from **parental choices rather than parental obligations**. These activities would not normally trigger a claim to discrimination resulting in some obligation to accommodate by an employer.

### How does an employee prove family status discrimination?

The Court also clarified how the concept of discrimination is to be applied in family status cases, acknowledging it is a contextual analysis, and laying out four elements an employee must prove for a case of family status discrimination:

- a child is under his or her care and supervision
- the childcare obligation engages the employee's legal responsibility for that child, as opposed to a personal choice
- he or she has made reasonable efforts to meet those childcare obligations, and no alternative solution is reasonably accessible, and
- the impugned workplace rule interferes in a manner that is more than trivial or insubstantial with the fulfillment of the childcare obligation.

Of particular importance for employers is the Court's ruling that an employee must try to reconcile work and family obligations before a case of discrimination is made out:

Normally, parents have various options available to meet their parental obligations.

*Continued on page 4*

***...an employee must try to reconcile work and family obligations before a case of discrimination is made out...***

## The Kids Are Alright - Family Status Clarified by the Federal Court of Appeal



...continued

Therefore, it cannot be said that a childcare obligation has resulted in an employee being unable to meet his or her work obligations unless no reasonable childcare alternative is reasonably available to the employee. **It is only if the employee has sought out reasonable alternative childcare arrangements unsuccessfully, and remains unable to fulfill his or her parental obligations, that a *prima facie* case of discrimination will be made out.**

The Court was also clear to point out that this requirement does not create a hierarchy of rights or a greater burden on complainants in family status cases, but rather recognizes the context where such cases take place.

### Lessons for Employers

It is important to take all human rights concerns seriously. When an employee raises a family status issue treat it with the same attention as a request for medical accommodation. However, in deter-

mining whether there is an obligation to accommodate, remember an employer does not have a freestanding duty to accommodate all family-related requests. Before a discussion of accommodation begins, an employer is entitled to ensure the claim deals with a substantial parental obligation (not a preference), and the employee has provided evidence of his or her individual efforts to reconcile work and family obligations outside of the workplace.

*Looking for help with your own family status issues? Contact a member of Sherrard Kuzz LLP. by visiting [www.sherrardkuzz.com](http://www.sherrardkuzz.com).*

*The information contained in this article is provided for general information purposes only and does not constitute legal or other professional advice. Reading this article does not create a lawyer-client relationship. Readers are advised to seek specific legal advice from Sherrard Kuzz LLP (or other legal counsel) in relation to any decision or course of action*

## Agent of Change

**FEI Canada CFO Line Trudeau is helping pave the way for more female senior executives in the financial industry through networking and educational events.**

By Christopher James Palafox, Advantage Magazine

In 1981, Line Trudeau, the current CFO of Financial Executives International (FEI) Canada, entered the business world as an auditor at KPMG after earning her CPA designation. Today, her 23-year-old daughter Roxanne works at PricewaterhouseCoopers, seeking to earn her own CPA designation. Trudeau is understandably proud that her daughter followed in her footsteps, but she wants to do more to ensure Roxanne continues to find good footholds in the workplace. Working for FEI Canada has brought Trudeau the opportunity to advance the role of women in corporate Canada...



***"It is important to have a mentor that believes in you," Trudeau says.***

\*Read the entire article at <http://advantagemagazine.ca/2014/fei-canada/>

## Innovation Lead or Follow



We all know the adage, “If you are standing still you are falling behind.” McKinsey reports that more than 70% of corporate leaders identify innovation as the top 3 business priority, but only 22% set innovation performance metrics.

Test yourself: how many new, unique services or products has your organization brought forward in the last 18 months? The right answer should be “2 or 3”. How much of your company’s profit has come from new offers? Don’t include new profit from your supplier’s new products because by the time you adopt them so do all of your competitors. You are keeping up but not moving ahead.

### What type of Innovation are we talking about?

The word “*innovation*” has become so popular that everyone is using it indiscriminately by applying it to a wide range of actions and strategies. According to Prof. Maxwell at the Canadian Centre for Innovation it can apply to new product or services (a traditional view), or parts of the business (sales, finance, customer service, employee management, etc.). In their book, ***The Innovator’s Solution***, the authors Christianson and Rainer identify 2 types of innovation – **Sustaining** and **Disruptive**. Sustaining can be viewed as an evolution of a product or process often referred to as a continuous improvement. They characterize Disruptive Innovation as a breakthrough solution. In some cases it takes existing solutions and applies them to new markets. In others you unseat the market incumbents by offering a new way of producing or delivering your product (or service). Google is changing who pays for software – the advertiser instead of the end user (Gmail).

To further clarify, invention is not innovation. The transistor was an amazing in-

vention that went on to innovate the consumer electronics world and give birth to the PC.

What are the successful innovators doing that others need to mimic? The key ingredients are the Organization (setting up an Innovation Department), the People (appointing an innovation manager) the Processes (set up a Stage and Gate process) and setting Goals (measurable at each step of Stage and Gate).

### The Conclusion

A serious effort leads to serious results. There is a large list of companies that rest on their laurels when they are enjoying current success. This is exactly the right time to lean forward not back. Leaders move forward, they don’t stand still.

Implementing a serious Innovation strategy will give you great satisfaction, motivate your people and take your company to new heights if you choose the right path.

What type of leader are you? Find out more by emailing [john.breakey@fivel.ca](mailto:john.breakey@fivel.ca). View the complete article at <http://fivel.ca/read-about/>.

*John Breakey is a serial entrepreneur and private investor in technology related businesses. He is a well-known speaker on a variety of topics including innovation, the 5-Minute World and many more. To request John to speak at your Corporate event, please email [lori.mccrae@fivel.ca](mailto:lori.mccrae@fivel.ca) or [john.breakey@fivel.ca](mailto:john.breakey@fivel.ca).*

**What are the successful innovators doing that others need to mimic?**

## Meaningful Business: Understanding Social Entrepreneurs



RBC Wealth Management  
Dominion Securities

The Dool Team of RBC Dominion Securities  
www.doolteam.ca

Royal Bank of Canada (RBC®) commissioned a study of Canadian entrepreneurs in 2013 to understand the extent to which businesses are going beyond financial returns to pursue social goals. The study also examined their ability to successfully balance the pursuit of social and business goals. The following five key themes emerged from the research.

### Extending the Bottom Line

Social businesses have double or triple bottom line philosophies, with leadership decisions guided as much by social goals as by the pursuit of profit. These businesses are a rare breed — only 9% of entrepreneurs surveyed could be characterized as social entrepreneurs, using formal social or environmental goals to gauge their performance. Despite their relative scarcity, social businesses are emerging across sectors and regions.

### Social Goals and Success Work in Tandem

Social businesses can achieve financial success while pursuing important social goals. They are just as likely to experience high revenue growth as other businesses. They also tend to measure success in several ways, resulting in a meaningful impact on social and environmental conditions.

### Their Passion Fuels Success

The motivation of social entrepreneurs extends beyond profit. The ultimate goal is to help the company achieve leadership's deep-rooted personal goals. Pursuing these goals in tandem with financial objectives does not impede their chance of success. Rather, it helps to support their position in the market and fuel their passion to succeed.

### Creativity Abounds

Social entrepreneurs are applying creative solutions to address business challenges. They are innovating to overcome financial hurdles, and applying creative marketing to target niche customers with premium social products and services.

### Banks as Valued Advisors

Successful social entrepreneurs tend to view external advisors as important to their businesses. Banks are seen as value-added advisors to successful social entrepreneurs, going beyond financial products and services to provide needed business support and guidance. Beyond traditional requisites, alignment with social goals is important to the banking relationship.

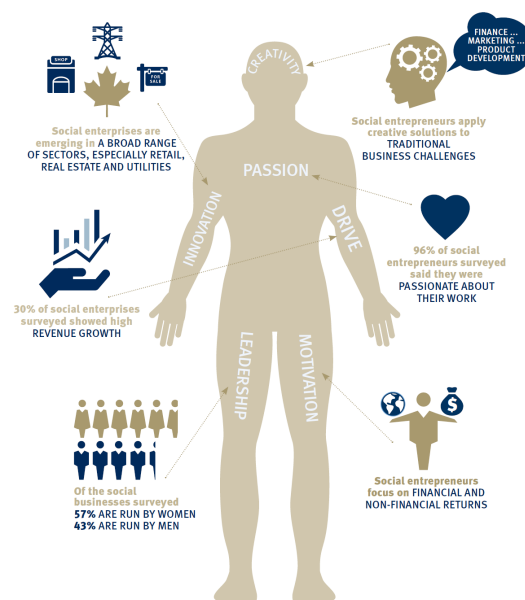
### About the RBC Social Finance Initiative

The RBC Social Finance initiative is a multi-million dollar commitment to help ignite social and environmental change through investment activity. This commitment includes the \$10 million RBC Generator, a pool of RBC capital designed to finance social enterprises; a \$10 million investment of RBC Foundation assets into socially responsible investment funds; and strategic partnerships to catalyze the growth of social finance in Canada. RBC is also supporting start-up incubators and accelerators across Canada that help social enterprises achieve their full business potential.

*Talk to us today to see how your business might benefit from investment in socially responsible activities. Call (905) 332-2581 or email: [doolteam@rbc.com](mailto:doolteam@rbc.com).*

*This article is supplied by Jennifer Aubertin, Wealth Advisor & Associate Portfolio Manager with The Dool Team of RBC Dominion Securities Inc., member-Canadian Investor Protection Fund.*

### THE ANATOMY OF A SOCIAL ENTREPRENEUR



To find out how social entrepreneurs compare to traditional business owners, read Meaningful Business — an RBC Paper on Social Entrepreneurs, available at [www.rbc.com/socialfinance](http://www.rbc.com/socialfinance).

## Can a comment on a blog post be defamatory?

# LERNERS

## LAWYERS

Defamation law continues to be in the news, with actions recently being threatened or commenced against municipal and provincial politicians in Ontario. The rise of the internet as a medium through which anyone can (and many do) easily convey their views to the world means that defamation law will likely continue to be in the news. The internet is constantly offering new ways for people to communicate their views to the world and, as it evolves, Canadian courts will continually be addressing novel issues.

One interesting question is whether a comment left on a blog post can be defamatory. In *Baglow v Smith*,<sup>[1]</sup> the defendant wrote a comment on the plaintiff's blog post suggesting that he was "one of the Taliban's more vocal supporters". On a motion for summary judgment brought by the defendants, the motion judge found that a comment on a blog post can be a "publication" for the purpose of a defamation claim. However, the motion judge found that such a comment could not be defamatory because a comment on a blog post would not lower the plaintiff's reputation. The judge granted summary judgment dismissing the claim.

On appeal, the Court of Appeal for Ontario held that, although comments sections are known for lively debate where a "broad range of tolerance for hyperbolic language"<sup>[2]</sup> exists, the possibility that the words would tend to lower the plaintiff's reputation could not be precluded. The Court of Appeal held that whether the words were defamatory should be decided on the basis of witness and expert evidence,<sup>[3]</sup> and ordered the matter to proceed to trial. The trial has not yet been heard.

The decision in *Baglow v Smith* therefore seems to stand for the proposition –

though not yet confirmed by a Canadian court following a trial – that a comment on a blog post can be defamatory in certain circumstances.

Bloggers and commenters should therefore be cautious when posting material on the internet, even in the often hyperbolic comments sections of blogs. Conversely, if you or your business has been defamed in the comments section of a blog, you may have a claim against its author.

Written by [Brian N. Radnoff](#), Partner,  
[Jameel Madhany](#), Associate

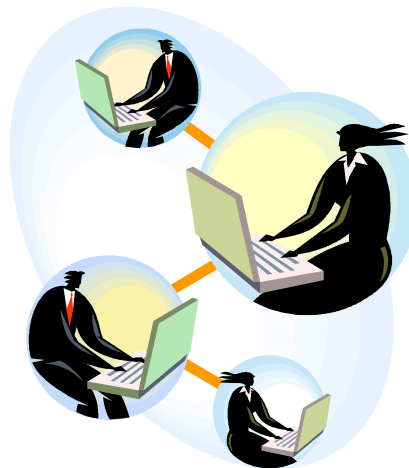
<sup>[1]</sup> 2012 ONCA 4027 (CanLII) [*Baglow*].

<sup>[2]</sup> *Baglow*, para 27.

<sup>[3]</sup> *Baglow*, para 36.

For more information and blog posts by Lerner Lawyers, visit: <http://lernercommerciallitigation.ca/blog>.

**...a comment on  
a blog post can  
be a  
"publication"  
for the purpose  
of a defamation  
claim.**



## Upcoming Chapter Events

**SGH Chapter Dinner - October 16, 2014**  
**Charting the Path to the Career You Love**  
**Speaker: Jane Southren, Lerner's LLP**  
 Location: Oakville Conference Centre

**SGH Chapter Dinner - November 12, 2014**  
**The 21<sup>st</sup> Century Disruptive Leader:  
 Profiting in the Exponential Age**  
**Speaker: John Sutherland, Founder,  
 Ennova Inc.**  
 Location: Holiday Inn Oakville Centre @ Trafalgar

**SGH Chapter Dinner – December 4, 2014**  
**Global Economic Outlook**  
**Speaker: Eric Lascelles, Chief Economist,  
 RBC Global Asset Management**

**SGH Chapter Dinner - January 22, 2015**  
**Organize or Agonize**  
**Speaker: Andrew Sherwood, President,  
 Priority Management**

**SGH Chapter Dinner - February 19, 2015**  
**Turning a Crisis into an Opportunity**  
**Speaker: Andrew Miller, President, ACM  
 Consulting Inc.**

**SGH Chapter Dinner – March 11, 2015**  
**Creating Value in a Low Growth Environ-  
 ment**  
**Speaker: Howard E Johnson, Managing  
 Director, Veracap M&A International Inc. and  
 President of M&A International**

And stay tuned for more information on these events:

**SGH SME Day – April 16, 2015**

**SGH April Dinner – April 23, 2015**

**SGH Annual Social – May, 2015**

*\*To receive notification of these events via email, contact  
 Rosemary Petrossi at [fei.sgh@gmail.com](mailto:fei.sgh@gmail.com)*

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## Our Valued Sponsors

The SGH Chapter appreciates the support of a variety of sponsors. All members benefit from the contributions of our sponsors, awareness of their products, services, and subject matter expertise, and additional networking opportunities. We encourage our members to take advantage of our relationship with these great companies. Please visit the [Member Resource](#) section of our website for sponsor-driven articles and videos there for your learning and benefit.





## About our Organization

Welcome to the Southern Golden Horseshoe Chapter of Financial Executives International Canada.

Our chapter provides a great forum for peer networking by CFOs and other senior financial executives who want to meet quality people and share with others solutions to the crucial issues that confront them daily.

Our FEI dinner meetings, professional development seminars and informal outings focus on the highest quality speakers and entertainment to facilitate the flow of new ideas, perspectives as well as sound career and business decisions.



southern golden  
horseshoe chapter

**Financial Executives International**—Canada's pre-eminent association connecting financial executives through networking, knowledge exchange, advocacy and ethical leadership.

## Your Chapter Directors

**President – Ananth Koovappady**  
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**Director & Vice-President, Chair of Programming – Florian Meyer**  
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**Director & Past President, Chair, Marketing & Communications & Chair, Chapter Nominating & Governance Committee – Elysia Estee**  
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